



Agenda Date: 5/2/2006  
Agenda Placement: 9A

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors  
**FROM:** Susan Ingalls for Robert Westmeyer - County Counsel  
County Counsel  
**REPORT BY:** Susan Ingalls, Paralegal, 259-8152  
**SUBJECT:** County Counsel Requests Adoption of a Resolution Assigning Certain Additional Duties to the County's Hearing Officer Pursuant to Napa County Code Section 2.22.040

---

### **RECOMMENDATION**

County Counsel requests adoption of a resolution assigning certain additional duties to the County's Hearing Officer pursuant to Napa County Code Section 2.22.040.

### **EXECUTIVE SUMMARY**

One of the items on the Board's agenda today is the adoption of an ordinance regarding hot air balloon launchings. That ordinance requires, among other things, that prior to obtaining a use permit to launch hot air balloons from the same site involving more than thirty-six days of launches or attempted launches, the permittee must post security in the amount of Two Thousand Five Hundred Dollars (\$2,500) to compensate property owners for damage that may occur from unauthorized landings.

The proposed resolution assigns responsibility for hearing unresolved claims from property owners or residents for property damage from balloon landings to the County's Hearing Officer. The County Hearing Officer's fees shall be paid by the losing party within thirty days of the Hearing Officer's decision on the claim.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

Chapter 2.22 of the County Code establishes the Office of County Hearing Officer. Pursuant to County Code Section 2.22.040, by resolution the Board of Supervisors may assign additional duties and responsibilities to the County Hearing Officer. Today, the Board will consider adopting an ordinance which, among other things, requires that prior to obtaining a use permit to launch hot air balloons from the same site involving more than thirty-six days of launches or attempted launches, the permittee must post security in the amount of Two Thousand Five Hundred Dollars (\$2,500) to compensate property owners for property damage that may occur from unauthorized landings.

County Counsel recommends that the Board assign the responsibility of hearing and deciding unresolved claims made by property owners or residents for property damage resulting from hot air balloon landings occurring on the property owner's or resident's property without permission to the County's Hearing Officer. The County Hearing Officer's fees shall be paid by the losing party within thirty days of the Hearing Officer's decision on the claim. A resolution assigning this responsibility to the County's Hearing Officer is attached for the Board's consideration.

**SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Maiko Klieman