



Agenda Date: 5/3/2005
Agenda Placement: 8E
Set Time: 10:30 AM
Estimated Report Time: 10 Minutes
Continued From: April 19, 2005

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: First Reading of Ordinance Adding Chapter 1.30 to Provide for Indemnification of County for Land Use Approvals

RECOMMENDATION

First reading and intention to adopt an ordinance adding a new Chapter 1.30 to Title 1 of the Napa County Code Providing for the Indemnification of the County for Land Use Approvals.

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.

(CONTINUED FROM APRIL 19, 2005)

EXECUTIVE SUMMARY

The proposed ordinance codifies existing administrative practice requiring applicants for discretionary land use approvals (such as a conditional use permit and associated environmental document) to execute an indemnification agreement as part of the application package. It does not apply to permits that may be issued administratively, such as building permits. The indemnity requires the applicant to defend and indemnify the County in the event legal challenges are brought to challenge the County's issuance of the permit and related CEQA determination, and pay any attorneys fees that may be awarded in the action. This type of indemnity requirement is common in many jurisdictions and authorized by state law. The proposed Indemnification Agreement is attached for information only.

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

On April 19, 2005, the Board opened the public hearing, listened to public testimony and continued the public hearing to May 3, 2005 for first reading and introduction of the ordinance.

SUPPORTING DOCUMENTS

- A . Tracked Ordinance
- B . Clean Ordinance
- C . Indemnification Agreement

CEO Recommendation: Approve

Reviewed By: Lorenzo Ziálcita