



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 5c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: October 3, 2022

SUBJECT: Approval of Amendment to Policy on Indemnification

RECOMMENDATION

It is recommended the Commission adopt the Resolution of the Local Agency Formation Commission of Napa County Amending the *Policy on Indemnification*, included as Attachment One.

SUMMARY

The Policy Committee met and agreed to recommend an amendment to the Commission's *Policy on Indemnification*. The proposed amendment is non-substantive in nature and limited to formatting changes.

A clean version of the proposed amendment to the *Policy on Indemnification* is an exhibit to the draft resolution, included as Attachment One. A tracked change version of the amendment is included as Attachment Two.

ATTACHMENTS

- 1) Draft Resolution Amending the *Policy on Indemnification*
- 2) Proposed Amendments to *Policy on Indemnification* (Tracked Changes)

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Brad Wagenknecht, Vice Chair
County of Napa Supervisor, 1st District

Diane Dillon, Commissioner
County of Napa Supervisor, 3rd District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Kenneth Leary, Commissioner
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

RESOLUTION NO. _____

RESOLUTION OF
THE LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
AMENDING ITS POLICY ON INDEMNIFICATION

WHEREAS, on May 5, 2008, the Local Agency Formation Commission of Napa County (the "Commission") adopted a *Policy on Indemnification*; and

WHEREAS, the Commission most recently amended the *Policy on Indemnification* on October 6, 2014; and

WHEREAS, the Commission considered a proposed amendment to the *Policy on Indemnification* at its regular meeting on October 3, 2022; and

NOW, THEREFORE, BE IT RESOLVED that the Commission hereby amends the *Policy on Indemnification* as attached hereto as "Exhibit A".

This Resolution shall take effect immediately.

The foregoing resolution was duly and regularly adopted by the Commission at a public meeting held on October 3, 2022, after a motion by Commissioner _____, seconded by Commissioner _____, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSENT: Commissioners _____

ABSTAIN: Commissioners _____

Margie Mohler
Commission Chair

ATTEST: _____
Brendon Freeman
Executive Officer

Recorded by: Dawn Mittleman Longoria
Interim Commission Clerk



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

Policy on Indemnification

(Adopted: May 5, 2008; Last Amended: October 3, 2022)

I. PURPOSE

The purpose of this policy is to guide the Local Agency Formation Commission (LAFCO) of Napa County in the indemnification process when processing applications.

II. PROCEDURES

As part of any application, the applicant and the real party in interest shall agree to indemnify the Local Agency Formation Commission of Napa County (LAFCO) in the following circumstances:

- A change of organization or reorganization which shall include all actions listed under [California Government Code \(G.C.\) §56021](#)
- A request for a sphere of influence amendment under [G.C. §56425](#)
- A request for an outside service agreement under [G.C. §56133](#), [§56133.5](#), or [§56133.6](#)
- Other applications as deemed necessary by the Executive Officer or Commission Counsel

A real party in interest includes the landowner of the property subject to the application and/or registered voter.

LAFCO may additionally require an applicant and/or real party in interest to execute an additional indemnity agreement as a condition of approval for any application.

Commission Counsel shall prescribe the terms and conditions of the indemnification agreement that shall be part of the application or subsequent conditions of approval.



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- A request for an outside service agreement under G.C. §56133, §56133.5, or §56133.6
- Other applications as deemed necessary by the Executive Officer or ~~Legal Commission~~ Counsel

A real party in interest includes the landowner of the property subject to the application and/or registered voter.

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~~LAFCO's Legal Commission~~ Counsel shall prescribe the terms and conditions of the indemnification agreement that shall be part of the application or subsequent conditions of approval.