

DEPARTMENT: County Counsel

BY: Thomas P. Guarino

PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

3/1/05 () Waive first Reading and Introduce Ordinance
3/15/05 () Waive Second Reading and Adopt Ordinance amending Section 16.36.030 of Chapter 16.36 entitled "Indemnification Agreements" to the Mariposa County Code.

Amending Section 16.36.030 will require indemnification for any land use application or approval. The current language in Section 16.36.030 "may" require indemnification for land use decisions. In addition, Board action will omit the automatic review requirements.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board of Supervisors created Chapter 16.36 of the Mariposa County Code entitled "Indemnification Agreements" in June of 2002.

At its meeting of February 8, 2005 the Board of Supervisors instructed County Counsel to bring this matter back to the Board for amendment.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		First Reading of Ordinance _____
Source:		Second Reading of Ordinance _____
Internal Transfer _____		_____
Unanticipated Revenue _____ 4/5's vote		_____
Transfer Between Funds _____ 4/5's vote		_____
Contingency _____ 4/5's vote		_____
() General () Other _____		_____

CLERK'S USE ONLY: 3/15 Res. No.: _____ Ord. No. 1017
Vote - Ayes: 3 Noes: *Guarino, Pichard*
Absent: _____
hmw Approved
() Minute Order Attached () No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:
 Requested Action Recommended
 No Opinion
Comments: _____

CAO: *Pat*

The foregoing instrument is a correct copy of the original on file in this office.
Date: _____
Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California
By: _____
Deputy

MARIPOSA COUNTY ORDINANCE NO. 1017

**AN ORDINANCE AMENDING SECTION 16.36.030 OF
CHAPTER 16.36 ENTITLED "INDEMNIFICATION AGREEMENTS"
OF THE MARIPOSA COUNTY CODE**

WHEREAS, the Board of Supervisors of the County of Mariposa desire to amend Section 16.36.030 of Chapter 16.36 entitled "Indemnification Agreements" to the Mariposa County Code; and

WHEREAS, the amendment Section 16.36.030 will allow the Board of Supervisors the ability to require indemnity agreements from land use applicants in order to prevent the taxpayers of the county from paying legal fees in the event a land use decision of the county is challenged;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I:


16.36.030 Authority.

As a condition for a land use entitlement, including but not limited to a tentative, parcel, or final map application or approval, an applicant shall provide an indemnity agreement that defends, indemnifies, and holds harmless Mariposa County and its agents, officers, and employees from any claim, action, or proceeding against Mariposa County or its agents, officers, or employees to attack, set aside, void, or annul an approval, or any proceedings, acts or determinations taken, done or made prior to the approval by Mariposa County, any advisory agency, appeal board, legislative body or Planning Director. Any requirement for an indemnity agreement may be appealed to the Board of Supervisors.

SECTION II: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

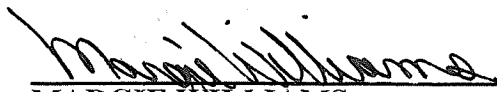
PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 15th day of March 2005 by the following vote:

AYES:	STETSON, BIBBY, FRITZ
NOES:	TURPIN, PICKARD
ABSENT:	NONE
ABSTAINED:	NONE



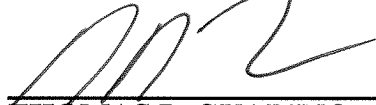
BOB PICKARD, Chairman
Mariposa County Board of Supervisors

ATTEST:



MARGIE WILLIAMS
Clerk of the Board

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



THOMAS P. GUARINO
County Counsel