

**Resolution No. 2020-21-05**  
**of the Local Agency Formation Commission of Mendocino County**

**Approving the**  
**Amended Indemnification Policies**

WHEREAS, Local Agency Formation Commissions (LAFCo) have been created under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et. seq. of the Government Code, as independent agencies, with the power to adopt policies and procedures to carry out their functions, (§56300); and

WHEREAS, the Mendocino Local Agency Formation Commission (Commission) directed the Policies & Procedures Committee to revise the indemnity policies (Policies 11.4.3 and 11.4.8) to address the recent court case ruling (*San Luis Obispo LAFCo v. City of Pismo Beach*) that found that LAFCos have no statutory authority to require indemnification to process applications.

WHEREAS, the Policies & Procedures Committee (Committee) held a public meeting on April 13, 2021 to discuss best approaches to address LAFCo's inability to require indemnity agreements for applications, and at that meeting, the Committee considered the report of the Executive Officer and all oral and written comments and recommended to the Commission replacing the indemnity requirements with a voluntary indemnification agreement.

WHEREAS, this Commission held a public meeting on the proposed amendments to the indemnification policies 11.4.3 and 11.4.8, as well as a Draft Voluntary Indemnification Agreement, and at that meeting, this Commission received the recommendation of the Policies & Procedures Committee, the report of the Executive Officer, and all oral and written comments with respect to the proposed policy changes and Draft Voluntary Indemnification Agreement.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Mendocino DOES HEREBY RESOLVE, DETERMINE and ORDER the adoption of the Indemnity Policies 11.4.3 and 11.4.8 and Voluntary Indemnification Agreement as set forth in Exhibit A:

BE IT FURTHER RESOLVED that the Mendocino LAFCo Policies & Procedures Manual be updated accordingly.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 3rd day of May 2021 by the following vote:

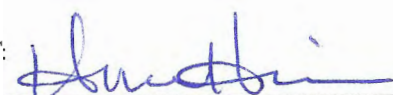
AYES: Ward, Mulheren, Gonzalez, Froneberger, Ignacio, McGourty, Orth

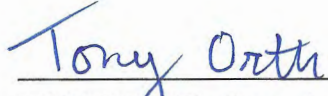
NOES:

ABSTAIN:

ABSENT:

ATTEST:

  
\_\_\_\_\_  
UMA HINMAN, Executive Officer

  
\_\_\_\_\_  
TONY ORTH, Commission Chair