

SANTA CRUZ LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2015-6

On the motion of Commissioner Leopold
duly seconded by Commissioner Coffman-Gomez
the following resolution is adopted:

RESOLUTION OF THE SANTA CRUZ LOCAL AGENCY FORMATION COMMISSION
AMENDING POLICY AND PROCEDURE FOR OBTAINING
INDEMNIFICATION AND DEFENSE FROM APPLICANTS

WHEREAS, on September 6, 1995, the Santa Cruz Local Agency Formation Commission adopted Resolution 141-QQQ adopting a policy and procedure for obtaining indemnification from applicants; and

WHEREAS, the Santa Cruz Local Agency Formation Commission now desires to amend its existing policy and procedure in order to minimize its future expenses relating to responding to lawsuits that challenge the Commission's actions on applications filed with the Commission pursuant to State law,

NOW, THEREFORE, the Santa Cruz Local Agency Formation Commission does hereby resolve, determine and order as follows:

1. It is the policy of this Commission that the applicants for LAFCO actions shall bear the costs of defending any litigation that challenges the Commission's action on an application.
2. Prior to the Executive Officer deeming an application complete, the applicant shall deliver an executed Indemnification and Defense Agreement in a form that is acceptable to the Commission and suitable for recordation.
3. The Executive Officer is authorized to sign Indemnification and Defense Agreements that are prepared on the attached standard form (attached as Exhibit A) or are equally or more protective of the Commission's interests based upon advice of the LAFCO Counsel.
4. Application forms shall be revised to inform applicants that indemnification is required as a condition of the application.

PASSED AND ADOPTED by the Local Agency Formation Commission of the County of Santa Cruz this 1st day of April, 2015 by the following vote:

AYES: Commissioners J. Anderson, Smith, Lind, Coffman-Gomez, Coonerty, R.

Anderson

NOES: None

ABSENT: Commissioners Friend, Bottorff