



COUNTY OF HUMBOLDT

For the meeting of: 1/31/2023

File #: 23-41

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Authorizing Director of Planning and Building to sign an Indemnification Agreement between Joel Geck-Moeller and Humboldt County.

RECOMMENDATION(S):

That the Board of Supervisors:

1. Authorize and direct the Planning and Building Department Director to execute in the name of the County of Humboldt the Indemnification Agreement between Joel Geck-Moeller and the Humboldt County Planning and Building Department. **(Majority vote required)**

SOURCE OF FUNDING:

Applicant fees to Current Planning budget unit 1100277

DISCUSSION:

This action would allow the Director of Planning and Building to sign an Indemnification Agreement for Joel Geck-Moeller regarding Planning Application PLN-2022-17700. Humboldt County Code does not require an Indemnification Agreement for applications not related to cannabis, but for potentially controversial applications, an Indemnification Agreement is appropriate to protect the County in the event of future litigation.

Joel Geck-Moeller is pursuing a Coastal Development Permit (CDP) for the construction of a new 2,024 SF two-story residence, 984 SF uncovered deck, as well as an entry deck, gravel driveway, and a detached two-car garage on an existing 25x25-foot concrete slab. The CDP will also authorize approximately 1.75 to 2 acres of brush clearing for the planting of fruit trees, berries, and a residential garden area. The parcel is currently developed with a well and on-site wastewater treatment system.

The Planning and Building Department has received correspondence from a neighboring property owner, who is an attorney, threatening litigation if the pending Geck-Moeller Coastal Development Permit is approved.

The Indemnification Agreement would make Joel Geck-Moeller contractually obligated to defend,

indemnify, save and hold harmless the County of Humboldt and its respective representatives and employees from any and all third-party claims, actions, proceedings or liabilities of any nature whatsoever arising out of or in connection with the County's review or approval of the Project, or in connections with any acts or omissions that the Applicant and its representative associated parties engage in. The Indemnification Agreement, as written, would be signed by the Director of the Planning and Building Department.

The Indemnification Agreement between Geck-Moeller and the County was signed by the applicant on November 11, 2022. An error occurred in the preparation of this consent item as it was originally targeting the December 6, 2022 Board of Supervisors hearing. Once this error was discovered, this item was re-scheduled for January 31, 2023.

FINANCIAL IMPACT:

The cost for this item is funded from applicant fees in the Current Planning budget unit 1100277. There is no impact to the General Fund related to this action.

As state above, the indemnification agreement would make Joel Geck-Moeller contractually obligated to defend, indemnify, save and hold harmless the County of Humboldt and its respective representatives and employees from any and all third-party claims, actions, proceedings or liabilities of any nature whatsoever arising out of or in connection with the county's review or approval of the project, or in connection with any acts or omissions that the applicant and its representative associated parties engage in.

In addition, pursuant to the agreement, the Office of County Counsel retains the absolute right to approve all counsel employed by applicant to defend the county. To the extent the county uses any of its resources to respond to claims as detailed in the agreement, or to assist the defense, applicant will reimburse the county upon written demand for costs incurred in connection therewith. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-county agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim. The county and applicant shall coordinate defense efforts and shall minimize costs of defense to the extent possible.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by streamlining county permit processes and to support business, workforce development and creation of private-sector jobs and housing.

OTHER AGENCY INVOLVEMENT:

County Counsel

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose to not approve the signature and execution of an Indemnification Agreement between the County of Humboldt's Planning and Building Department and Joel Geck-Moeller.

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ATTACHMENTS:

NOTE: The attachments supporting this report have been provided to the Board of Supervisors; copies are available for review in the Clerk of the Board's Office.

Attachment 1: Indemnification Agreement Geck-Moeller 17700

PREVIOUS ACTION/REFERRAL:

Planning Commission Decision: continued to a date uncertain

Meeting of: 11/17/2022

File No.: 22-1409 Planning Commission