



## Legislation Text

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**File #:** 24-1185, **Version:** 1

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Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **135-2024**, delegating to the Director of Transportation the authority to sign Hold Harmless Agreements related to encroachments in the County right of way to Indemnify the County of El Dorado, subject to approval by County Counsel as to form.

**FUNDING:** Fees paid by applicants.

### **DISCUSSION / BACKGROUND**

A Hold Harmless Agreement is a legal document in which one party agrees to release another party from liability for any damages or losses that may arise from specific activities or situations. In the context of encroachment permits issued by the Department of Transportation, this agreement is typically used when a property owner needs to encroach onto County right of way to perform maintenance or place minor obstructions. The agreement ensures that the County is not held responsible for any incidents, damages, or legal claims that might result from the property owner's encroachments.

Encroachment permits allow property owners to use public land for purposes that would otherwise be prohibited. These permits are commonly required for activities such as extending driveways, installing utility connections, or placing structures that encroach into public right of way. The Hold Harmless Agreement is a crucial component of the encroachment permit process, as it protects the County from legal and financial risks. By signing a Hold Harmless Agreement, the encroaching party acknowledges their responsibility for any potential issues related to their encroachment and agrees to indemnify the County against claims, thereby facilitating the approval and issuance of the encroachment permit.

In order to process such agreements more efficiently and to minimize delays in issuing encroachment permits, Transportation is requesting that the Board delegate signature authority for Hold Harmless Agreements as described above to the Director of Transportation per resolution **xxx-2024**.

### **ALTERNATIVES**

The Board could decide not to delegate signature authority for Hold Harmless Agreements to Indemnify the County of El Dorado, in which case the Board would maintain the exclusive authority to approve and execute these agreements.

### **PRIOR BOARD ACTION**

N/A

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

**FINANCIAL IMPACT**

There is no fiscal impact or Net County Cost associated with this item.

**CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on the resolution.
- 2) The Clerk of the Board will forward a fully executed copy of the resolution to Headington Transportation, attn.: Matt Gourley.

**STRATEGIC PLAN COMPONENT**

N/A

**CONTACT**

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Department of Transportation