



Monterey County

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Board Report

Legistar File Number: RES 17-177

November 14, 2017

Introduced: 11/2/2017

Version: 1

Current Status: Agenda Ready

Matter Type: BoS Resolution

Adopt a resolution to:

- a. Approve Agreement No. 4CA03694 between the County and California Department of Forestry and Fire Protection (Cal Fire) to provide fire protection and emergency services in South County in the non-peak fire season in connection with the California Flats Solar Project, in a maximum amount not to exceed \$755,323, retroactive to July 1, 2017 through June 30, 2019 and to take effect only upon execution of the agreement by the parties;
- b. Approve a Funding Agreement with California Flats Solar, LLC (Cal Flats) to provide funding to County, for the services provided by Cal Fire under Agreement No. 4CA03694 and associated contract administration costs, in a maximum amount not to exceed \$758,493, for a term from November 14, 2017 to June 30, 2019; and
- c. Authorize the Director of the County Resource Management Agency to approve Cal Fire Agreement Number 4CA03694 and execute the Funding Agreement with Cal Flats and future amendments to the agreements where the amendments do not significantly alter the scope of work or change the approved agreement amounts.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors adopt a resolution to:

- a. Approve Agreement No. 4CA03694 between the County and California Department of Forestry and Fire Protection (Cal Fire) to provide fire protection and emergency services in South County in the non-peak fire season in connection with the California Flats Solar Project, in a maximum amount not to exceed \$755,323, retroactive to July 1, 2017 through June 30, 2019 and to take effect only upon execution of the agreement by the parties;
- b. Approve a Funding Agreement with California Flats Solar, LLC (Cal Flats) to provide funding to County, for the services provided by Cal Fire under Agreement No. 4CA03694 and associated contract administration costs, in a maximum amount not to exceed \$758,493, for a term from November 14, 2017 to June 30, 2019; and
- c. Authorize the Director of the County Resource Management Agency to approve Cal Fire Agreement Number 4CA03694 and execute the Funding Agreement with Cal Flats and future amendments to the agreements where the amendments do not significantly alter the scope of work or change the approved agreement amounts.

PROJECT INFORMATION:

Planning File Number: PLN120294

Provider of Services: California Department of Forestry and Fire Protection

Project Applicant: California Flats Solar, LLC

Project Location/Description: Parkfield, South County of Monterey

Planner: Delinda Robinson, Senior Planner

Plan Area: South County

SUMMARY/DISCUSSION:

On February 10, 2015, the Board of Supervisors (BOS) certified a Final Environmental Impact Report (EIR), adopted an ordinance approving a Development Agreement, and approved the California Flats Solar, LLC's (Cal Flats) application for a Use Permit to construct and operate a 280-megawatt alternating current photovoltaic solar energy project, known as the California Flats Solar Project (Project), located near Parkfield in South Monterey County. Condition 89 (Mitigation Measure PS-1c) in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan requires Cal Flats to enter into an agreement with the California Department of Forestry and Fire Protection (Cal Fire) to provide sufficient fire protection services during the non-peak fire season for the duration of project construction. Cal Fire can only enter into agreements like this with public agencies, so they cannot contract directly with Cal Flats. As such, Monterey County agreed to enter into an agreement where Cal Flats provides the agreement amount up front as a deposit.

In discussions between Cal Fire and the County of Monterey (County), the parties determined that the manner to accomplish condition compliance for the Project would be for the County and Cal Fire to enter into an agreement to allow Cal Fire to provide non-peak fire season fire protection and emergency services and for the County and Cal Flats to enter into an agreement to provide funding for these services. The Cal Fire Agreement Number 4CA02970 was signed by the County on January 28, 2016 and executed by the State on March 15, 2016. Cal Fire provided fire protection services during the non-peak fire season for 2015 - 2016 and 2016 - 2017. The non-peak fire season for 2016 - 2017 ended on May 8, 2017 and Agreement No. 4CA02970 expired on June 30, 2017, although Cal Fire is able to continue to provide the services under a hold over provision in the prior agreement until Agreement Number 4CA03694 is executed.

The upcoming Cal Fire non-peak fire season is anticipated to begin in mid-November 2017. Cal Fire Agreement No. 4CA03694 will provide non-peak fire season fire protection and emergency services, in an amount not to exceed \$755,323. Per State requirements, the term of Agreement No. 4CA03694 is retroactive to July 1, 2017, the beginning of a fiscal year; however, per the terms of the Agreement, the Agreement does not take effect until signed by both parties, and services to be rendered by Cal Fire under the Agreement will not begin until the peak fire season is over, as determined by fire officials. The Agreement runs through June 30, 2019.

The new Funding Agreement (FA) with Cal Flats, in association with Cal Fire Agreement No. 4CA03694, will allow funding for the services provided by Cal Fire during the non-peak fire seasons of 2017 - 2018 and 2018 - 2019 in an amount not to exceed \$758,493 (\$755,323 for Cal Fire services and \$3,170 for County contract administration fee) for a term of November 14, 2017 to June 30, 2019. Costs incurred for the first two years (2015-17) totaled about \$190,000. Therefore, staff finds that this deposit should be adequate to cover costs for this agreement period, which will extend through the end of construction. A separate, long-term agreement will be required once the construction is completed.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel, Auditor-Controller's Office have reviewed and approved Cal Fire Agreement No. 4CA03694 as to form and legality, and fiscal, respectively.

FINANCING:

Cal Flats will submit the \$758,493 as a deposit for County to pay invoices received from Cal Fire, which will be placed within the Fund 019 trust account. All invoices associated with non-peak fire services applicable to Cal Flats will be processed from the trust account. As such, there will be no impact to the County General Fund for providing non-peak fire season fire protection services to the area served by the Parkfield Fire Station. All costs of Cal Fire Agreement No. 4CA03694 between Cal Fire and the County will be funded through the FA between Cal Flats and the County. Any funds remaining at the conclusion of this agreement will be reimbursed to Cal Flats.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Cal Fire Agreement No. 4CA03694 between Cal Fire and the County and the FA between Cal Flats and the County will allow for fire protection and emergency services during the non-peak fire seasons of 2017 - 2018 and 2018 - 2019 in South County which could potentially impact the quality of life within the County. All services will be fully funded by Cal Flats.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health and Human Services
- Infrastructure
- Public Safety

Prepared by: Delinda Robinson, Senior Planner, (831) 755-5198

Approved by: Jacqueline R. Onciano, RMA Chief of Planning

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Board Resolution Adopting Cal Fire Agreement No. 4CA03694

Attachment B - Cal Fire Agreement No. 4CA03694

Attachment C - FA with Cal Flats