

Attachment A

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**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Adopt Resolution of the Monterey County Board of Supervisors to:

- a. Approve Agreement No. 4CA05187 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 \$374,655, retroactive to February 1, 2021 through June 30, 2021 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. 4CA05187 and associated contract administration costs, in a maximum amount not to exceed \$378,402, for a term from February 1, 2021 to June 30, 2021; and
- c. Authorize the County Housing and Community Development Director, or designee, to approve Cal Fire Agreement Number 4CA05187 and execute the Funding Agreement with Cal Flats and future amendments or extensions to the agreements where the amendments or extensions do not significantly alter the scope of work, change the approved agreement amounts, or affect the County's obligation.

WHEREAS, On February 10, 2015, the Board of Supervisors of the County of Monterey certified a Final Environmental Impact Report (hereinafter, "EIR") and approved California Flats Solar, LLC's (hereinafter, "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 (PLN120294) (hereinafter, "the Project"), located near Parkfield in South Monterey County, California.

WHEREAS, On June 16, 2020, the Board of Supervisors considered an addendum together with the previously certified Environmental Impact Report for the California Flats Solar Project (SCH#2013041031), pursuant to CEQA Guidelines section 15164 and adopted an amendment the California Flats Solar Project's use permit (approved on February 10, 2015, Resolution No. 15-027) to construct an up to 85-unit Tesla Megapack battery energy storage system and associated infrastructure improvements, including approximately 7,243 cubic yards of cut and 1,489 cubic yards of fill, with remaining soil to be balanced or stockpiled onsite. The modified project is entirely within the California Flats Project's existing footprint, encompassing approximately 3 acres specifically on Assessor's Parcel Numbers 424-181-014 and 424-181-015 and within the "solar development area" footprint. The Board also adopted a Condition Compliance and Mitigation Monitoring Reporting Program to reflect new/amended conditions.

WHEREAS, According to Mitigation Measure PS-1(c), included as Condition 89 in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan, Cal Flats is required to enter into an Agreement with the California Department of Forestry and Fire Protection (hereinafter, "Cal Fire") to provide sufficient fire protection services during the non-peak fire season period for the Parkfield Forest Fire Station for the duration of project construction. In the Development Agreement, Cal Flats also agreed to work with Cal Fire to

provide adequate fire protection and emergency services for the construction and operation of the Project. (Section 2.5.4 of the Development Agreement.)

WHEREAS, Cal Fire currently operates a fire station, designated as “Station 42”, and provides emergency services at a Basic Life Savings (BLS) level, in Parkfield and in the vicinity of the Project during the peak fire seasons with emergency services requested through the emergency 9-1-1 telephone system.

WHEREAS, the most effective means to implement Condition 89 in the Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan is for County to enter into an Agreement with Cal Fire to provide non-peak fire season fire protection services and for Cal Flats to provide funding to County for such services.

WHEREAS, County and Cal Fire entered into Agreement 4CA02970 for these non-peak fire season fire protection and emergency services for a term of January 28, 2016 to June 30, 2017. All provisions were complied with by Cal Fire and all required funding was provided to County by Cal Flats. Agreement 4CA02970 expired June 30, 2017.

WHEREAS, County and Cal Fire entered into a subsequent Agreement 4CA03694 to provide fire protection and emergency services during the non-peak fire seasons of 2017 – 2018 and 2018 – 2019. All provisions were complied with by Cal Fire and all required funding was provided to County by Cal Flats. Agreement 4CA03694 expired June 30, 2019.

WHEREAS, as the project has since been amended and the contracts have expired, a new Funding Agreement between County and Cal Flats is necessary to provide funding to the County for the services to be provided by Cal Fire under Agreement No. 4CA05187 and for County’s associated contract administration costs.

WHEREAS, per State requirements, the term of Agreement No. 4CA05187 is retroactive to February 1, 2021, the agreement by its terms does not take effect until executed by both the County and the State of California, 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, or as extended pursuant to mutual agreement.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of the County of Monterey hereby:

1. Approves Agreement No. 4CA05187 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 \$374,655, retroactive to February 1, 2021 through June 30, 2021 and to take effect only upon execution of the agreement by the parties;
2. Approves 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. 4CA05187 and associated contract administration costs, in a maximum amount not to exceed \$378,402, for a term from February 1, 2021 to June 30, 2021; and
3. Authorizes the County Housing and Community Development Director, or designee, to approve Cal Fire Agreement Number 4CA05187 and execute the Funding Agreement with Cal Flats and future amendments or extensions to the agreements where the amendments or extensions do not significantly alter the scope of work, change the approved agreement amounts, or affect the County’s obligation.

PASSED AND ADOPTED on this 16th day of March, 2021, upon motion of Supervisor _____, seconded by Supervisor _____, by the following vote, to-wit:

AYES:
NOES:
ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book ____, for the meeting on March 16, 2021.

Dated: _____
File Number: _____

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

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