

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. Approves 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. 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. 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. Authorizes 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 .

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, 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. The non-peak fire season for 2016-2017 ended on May 8, 2017, and Agreement 4CA02970 expired, effective 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.

WHEREAS, construction of the Project is still continuing, and a new Agreement No. 4CA03694 between County and Cal Fire is necessary to allow for Cal Fire to provide fire protection and emergency services during the non-peak fire seasons of 2017 – 2018 and 2018 – 2019, which season typically begins in late fall (approximately November 1) and runs through spring, depending on fuel and weather conditions.

WHEREAS, 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. 4CA03694 and for County's associated contract administration costs.

WHEREAS, per State requirements, the term of Agreement No. 4CA03694 is retroactive to July 1, 2017, the beginning of a fiscal year, 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.

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

1. Approves 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;
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. 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
3. Authorizes 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.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this 14th day of November, 2017 by the following vote, to wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, 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 order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book _____, for the meeting on _____.

Dated:

File Number:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By: _____
Deputy

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