

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

Resolution No.

Continuing the Proclamation)
of a Local Emergency issued)
by the Chief County)
Administrative)
Officer on January 17, 2025.)

LOCAL EMERGENCY

WHEREAS, shortly after 3:00 p.m. on January 16, 2025, a fire began at the Vistra Energy (“Vistra”) 300-MW Phase I battery energy storage facility located at the Moss Landing Power Plant; and,

WHEREAS, the Vistra operation is one of the largest lithium battery storage facilities in the world and the fire caused the lithium batteries to burn; and,

WHEREAS, local fire officials could not extinguish the fire due to the extreme heat from the multiple lithium batteries burning; and,

WHEREAS, in response to the fire, on January 16, the Monterey County Sheriff evacuated approximately 1,200 individuals in the area; and,

WHEREAS, also on January 16, both northbound and southbound lanes of California State Route 1 (“Highway 1”) were closed at Salinas Road and other local area roads were closed and these road closures have impacted local residents, businesses, and the traveling public; and,

WHEREAS, also on January 16, due to potential hazardous fumes from the fire, Monterey County health officials advised residents to stay indoors, keep windows and doors closed, limit outdoor exposure, and turn off ventilation systems; and,

WHEREAS, the County of Santa Cruz Public Health officials also asked residents to stay indoors, close windows and doors, limit outdoor exposure, and turn off ventilation systems overnight on January 16, but, on January 17, Santa Cruz County residents were told there is no imminent threat and they can resume normal activities; and,

WHEREAS, on January 17, North Monterey County Unified School District closed all of its schools and district offices, and Hartnell College closed its Castroville Education Center; and,

WHEREAS, the cause of the fire has not yet been determined, but an investigation has begun; and,

WHEREAS, on February 18, 2025, a previously burned section of the Vistra Battery Facility in Moss Landing re-ignited resulting in conflagration and smoke; Unified Command indicated the fire was under control on February 19, 2025; and,

WHEREAS, on February 22, 2025, Vistra Energy, under the direction of local, state, and federal regulatory agencies has initiated a lengthy and arduous hazardous material and structural

debris removal process; and,

INITIAL RESPONSE; PROCLAMATION AND RATIFICATION

WHEREAS, the California Emergency Services Act (Government Code section 8630, *et seq.*) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and,

WHEREAS, the governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and,

WHEREAS, conditions of a local emergency can be better controlled if the local government has specific powers granted through the proclamation of a local emergency; and,

WHEREAS, pursuant to Government Code section 8685, *et seq.*, in order to obtain monies from both state and federal agencies, the local government must declare a local emergency; and,

WHEREAS, Section 2.68.025 of the Monterey County Code and Section 8630 of the Government Code empower the County Administrative Officer, or designee, to proclaim the existence of a local emergency when the County of Monterey (“County”) is affected by or likely to be affected by a public calamity, if the Board of Supervisors is not in session; and,

WHEREAS, conditions of extreme peril warranted and necessitated a Proclamation of the Existence of a Local Emergency issued by the County Administrative Officer on January 17, 2025; and

WHEREAS, pursuant to Government Code section 8630(b), once a local emergency is declared, it will remain in effect for a period of no more than seven (7) days, unless ratified by the Board of Supervisors; and,

WHEREAS, the Board of Supervisors ratified the proclamation on January 21, 2025; and

CONTINUING RESOLUTIONS

WHEREAS, pursuant to Government Code section 8630(c), the Board of Supervisors shall review the need for continuing the local emergency at least once every sixty (60) days until the Board of Supervisors terminates the local emergency; and,

WHEREAS, the Board of Supervisors continued the proclamation on the following dates:

- March 18, 2025,
- May 13, 2025,
- July 8, 2025,
- September 26, 2025,
- October 21, 2025,
- December 9, 2025,
- February 3, 2026,
- March 24, 2026,
- April 28, 2026, and

- June 16, 2026

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the continuation of the Proclamation of the Existence of a Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, and immediate action is necessary to mitigate public calamity, and to protect life and property as affected by such emergency.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors in and for the County of Monterey as follows:

1. Pursuant to Government Code section 8630, subdivision (c), the continuance of the Proclamation of a Local Emergency issued by the County Administrative Officer on January 17, 2025, and ratified by the Board of Supervisors on January 21, 2025, shall continue for another sixty (60) days.
2. During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer and the emergency organization of the County of Monterey shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County in order to mitigate the effects of said local emergency.
3. During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer, or designee, the Public Works, Facilities, and Parks Department (PWF&P), the Department of Housing and Community Development, and the Department of Emergency Management shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County in order to mitigate the effects of the local emergency.
4. Pursuant to Public Contract Code sections 20134, 22050, and 20395, the PWF&P Director, or designee, is hereby authorized to engage independent contractors to complete all necessary work to mitigate the effects of said local emergency. Contracts for this work may be executed without prior Board of Supervisors of the County of Monterey approval of the plans, specifications, and working details, without giving notice for bids to let contracts.
5. The County Administrative Officer, or designee, is hereby designated as the authorized representative for public and individual assistance of the County of Monterey for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

PASSED AND ADOPTED on this 11th day of August 2026, 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 _____.

Dated:

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

By _____, Deputy