

County of Monterey

Government Center - Board Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901



Meeting Agenda - Final Special Meeting

Tuesday, January 21, 2025
10:00 AM

Join via Zoom at <https://montereycty.zoom.us/j/224397747> or in person at the
address listed above

Board of Supervisors

Chair Supervisor Chris Lopez - District 3
Vice Chair Supervisor Wendy Root Askew - District 4
Supervisor Kate Daniels- District 5
Supervisor Luis A. Alejo - District 1
Supervisor Glenn Church - District 2

Participation in meetings

While the Board chambers remain open, members of the public may participate in Board meetings in 2 ways:

1. You may attend the meeting in person; or,
2. You may observe the live stream of the Board of Supervisors meetings at <https://monterey.legistar.com/Calendar.aspx>, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV or <https://www.facebook.com/MontereyCoInfo/>

If you choose not to attend the Board of Supervisors meeting but desire to make general public comment, or comment on a specific item on the agenda, you may do so in 2 ways:

a. submit your comment via email by 5:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at cob@co.monterey.ca.us. In an effort to assist the Clerk in identifying the agenda item relating to your public comment please indicate in the Subject Line, the meeting body (i.e. Board of Supervisors Agenda) and item number (i.e. Item No. 10). Your comment will be placed into the record at the Board meeting.

b. you may participate through ZOOM. For ZOOM participation please join by computer audio at: <https://montereycty.zoom.us/j/224397747>

OR to participate by phone call any of these numbers below:

- +1 669 900 6833 US (San Jose)
- +1 346 248 7799 US (Houston)
- +1 312 626 6799 US (Chicago)
- +1 929 205 6099 US (New York)
- +1 253 215 8782 US
- +1 301 715 8592 US

Enter this Meeting ID number: 224397747 when prompted. Please note there is no Participant Code, you will just hit # again after the recording prompts you.

You will be placed in the meeting as an attendee; when you are ready to make a public comment if joined by computer audio please Raise your Hand; and by phone please push *9 on your keypad.

PLEASE NOTE: IF ALL BOARD MEMBERS ARE PRESENT IN PERSON, PUBLIC PARTICIPATION BY ZOOM IS FOR CONVENIENCE ONLY AND IS NOT REQUIRED BY LAW. IF THE ZOOM FEED IS LOST FOR ANY REASON, THE MEETING MAY BE PAUSED WHILE A FIX IS ATTEMPTED BUT THE MEETING MAY CONTINUE AT THE DISCRETION OF THE CHAIRPERSON.

Participación en reuniones

Mientras las cámaras de la Junta permanezcan abiertas, los miembros del público pueden participar en las reuniones de la Junta de 2 maneras:

1. Podrá asistir personalmente a la reunión; o,
2. Puede observar la transmisión en vivo de las reuniones de la Junta de Supervisores en <https://monterey.legistar.com/Calendar.aspx>, <http://www.mgtvonline.com/>, www.youtube.com/c/MontereyCountyTV o <https://www.facebook.com/MontereyCoInfo/>

Si elige no asistir a la reunión de la Junta de Supervisores pero desea hacer comentarios del público en general o comentar un tema específico de la agenda, puede hacerlo de 2 maneras:

a. envíe su comentario por correo electrónico antes de las 5:00 p.m. el lunes anterior a la reunión de la Junta. Envíe su comentario al Secretario de la Junta a cob@co.monterey.ca.us. En un esfuerzo por ayudar al secretario a identificar el tema de la agenda relacionado con su comentario público, indique en la línea de asunto el cuerpo de la reunión (es decir, la agenda de la Junta de Supervisores) y el número de artículo (es decir, el artículo n.º 10). Su comentario se colocará en el registro en la reunión de la Junta.

b. puedes participar a través de ZOOM. Para participar en ZOOM, únase por audio de computadora en: <https://montereycty.zoom.us/j/224397747>

O para participar por teléfono llame a cualquiera de estos números a continuación:

- +1 669 900 6833 EE. UU. (San José)
- +1 346 248 7799 EE. UU. (Houston)
- +1 312 626 6799 EE. UU. (Chicago)
- +1 929 205 6099 EE. UU. (Nueva York)
- +1 253 215 8782 EE. UU.
- +1 301 715 8592 EE. UU.

Ingrese este número de ID de reunión: 224397747 cuando se le solicite. Tenga en cuenta que no hay un código de participante, simplemente presione # nuevamente después de que la grabación lo solicite.

Se le colocará en la reunión como asistente; cuando esté listo para hacer un comentario público si se une al audio de la computadora, levante la mano; y por teléfono, presione *9 en su teclado.

TENGA EN CUENTA: SI TODOS LOS MIEMBROS DE LA JUNTA ESTÁN PRESENTES EN PERSONA, LA PARTICIPACIÓN DEL PÚBLICO POR ZOOM ES ÚNICAMENTE POR CONVENIENCIA Y NO ES REQUERIDA POR LA LEY. SI LA ALIMENTACIÓN DE ZOOM SE PIERDE POR CUALQUIER MOTIVO, LA REUNIÓN PUEDE PAUSARSE MIENTRAS SE

INTENTA UNA SOLUCIÓN, PERO LA REUNIÓN PUEDE CONTINUAR A DISCRECIÓN DEL PRESIDENTE.

The Board of Supervisors welcomes you to its meetings, which are regularly scheduled each Tuesday. Your interest is encouraged and appreciated. Meetings are held in the Board Chambers located on the first floor of the Monterey County Government Center, 168 W. Alisal St., Salinas, CA 93901.

As a courtesy to others, please turn off all cell phones and pagers prior to entering the Board Chambers.

ALTERNATE AGENDA FORMATS: If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals with a disability requiring a modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may make these requests to the Clerk of the Board Office.

CEREMONIAL/APPOINTMENTS/OTHER BOARD MATTERS: These items may include significant financial and administrative actions, and items of special interest, usually approved by majority vote for each program. The regular calendar also includes "Scheduled Items," which are noticed hearings and public hearings.

CONSENT CALENDAR: These matters include routine financial and administrative actions, appear in the supplemental section by program areas, and are usually approved by majority vote.

TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA: Walk to the podium and wait for recognition by the Chair. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair, with equal time allocated to opposing sides of an issue insofar as possible. Allocated time may not be reserved or granted to others, except as permitted by the Chair. On matters for which a public hearing is required, please note that a court challenge to the Board's action may be limited to only those issues raised at the public hearing or in correspondence delivered to the Board at or before the public hearing.

TO ADDRESS THE BOARD DURING PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item and may comment when the Chair calls for general public comment for items that are not on the day's agenda. The timing of public comment shall be at the discretion of the Chair.

DOCUMENT DISTRIBUTION: Documents related to agenda items that are distributed to the Board less than 72 hours prior to the meeting shall be available for public inspection at the Clerk of the Board Office, 168 W. Alisal Street, 1st Floor, Salinas, CA. Documents distributed to the Board at the meeting by County staff will be available at the meeting; documents distributed to the Board by members of the public shall be made available after the meeting.

INTERPRETATION SERVICE POLICY: The Monterey County Board of Supervisors invites and encourages the participation of Monterey County residents at its meetings. If you require the assistance of an interpreter, please contact the Clerk of the Board located in the Monterey County Government Center, 168 W. Alisal St., Salinas - or by phone at (831) 755-5066. The Clerk will make every effort to accommodate requests for interpreter assistance. Requests should be made as soon as possible, and at a minimum 24 hours in advance of any meeting of the Board of Supervisors.

La Cámara de Supervisores del Condado de Monterey invita y apoya la participación de los residentes del Condado de Monterey en sus reuniones. Si usted requiere la asistencia de un intérprete, por favor comuníquese con la oficina de la Asistente de la Cámara de Supervisores localizada en el Centro de Gobierno del Condado

de Monterey, (Monterey County Government Center), 168 W. Alisal, Salinas – o por teléfono al (831) 755-5066. La Asistente hará el esfuerzo para acomodar los pedidos de asistencia de un interprete. Los pedidos se deberán hacer lo mas pronto posible, y a lo mínimo 24 horas de anticipo de cualquier reunión de la Cámara de Supervisores.

All documents submitted by the public must have no less than ten (10) copies.

The Clerk of the Board of Supervisors must receive all materials for the agenda packet by noon on the Tuesday one week prior to the Tuesday Board meeting.

Any agenda related writings or documents distributed to members of the County of Monterey Board of Supervisors regarding any open session item on this agenda will be made available for public inspection in the Clerk of the Board's Office located at 168 W. Alisal St., 1st Floor, Salinas, California. during normal business hours and in the Board Chambers on the day of the Board Meeting, pursuant to Government Code §54957.5

HELPFUL INFORMATION/INFORMACION UTIL

Sign Up For Alerts on items you may be interested in to keep informed and up to date on the Monterey County Board of Supervisors

To create an Alert please Sign Up and follow the User Guide to create alerts for calendars, meeting details, agenda items and item details at the following link:

<https://monterey.legistar.com/Default.aspx>

If assistance is needed please contact our office at the following email: cob@co.monterey.ca.us

Regístrese para recibir alertas sobre artículos que le pueden interesar para mantenerse informado y actualizado sobre la Junta de Supervisores del Condado de Monterey

Para crear una alerta, regístrese y siga la Guía del usuario para crear alertas para calendarios, detalles de reuniones, elementos de agenda y detalles de elementos en el siguiente enlace:

<https://monterey.legistar.com/Default.aspx>

Si necesita ayuda, comuníquese con nuestra oficina al siguiente correo electrónico: cob@co.monterey.ca.us

NOTE: All agenda titles related to numbered agenda items are live web links. Click on the title to be directed to the corresponding Board Report.

PUBLIC COMMENT: Members of the public may address comments to the Board concerning each agenda item. The timing of public comment shall be at the discretion of the Chair.

10:00 A.M. - Call to Order

Roll Call

Additions and Corrections by Clerk

The Clerk of the Board will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Scheduled Matters

1. Briefing on the Vistra Energy fire at the Moss Landing Power Plant
2. Adopt a resolution to ratify the Proclamation of Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, related to the Vistra Energy fire at the Moss Landing Power Plant that started on January 16, 2025, causing a large fire including burning of lithium batteries, damage to private property, smoke and potential hazardous fumes, and resulting in evacuation and road closures in the Moss Landing area, thereby causing conditions of extreme peril to the safety of persons and property nearby (4/5ths vote required).

Attachments: [Board Report](#)
 [Attach A_Proclamation_Moss Landing Emergency_Fully Executed
01-17-2025.pdf](#)
 [Attach B_Resolution_Moss Landing Emergency
Proclamation_draft.pdf](#)

Additions and Corrections for Closed Session by County Counsel

County Counsel will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.

Closed Session

3. Closed Session under Government Code section 54950, relating to the following items:
 1. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.

Public Comments for Closed Session

The Board Recesses for Closed Session Agenda Items

Closed Session may be held at the conclusion of the Board's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Board. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

Read Out from Closed Session by County Counsel

Read out by County Counsel will only occur if there is reportable action(s).

Adjournment



County of Monterey

Item No.1

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 25-047

January 21, 2025

Introduced: 1/17/2025

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Briefing on the Vistra Energy fire at the Moss Landing Power Plant



County of Monterey

Item No.2

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 25-048

January 21, 2025

Introduced: 1/17/2025

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Adopt a resolution to ratify the Proclamation of Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, related to the Vistra Energy fire at the Moss Landing Power Plant that started on January 16, 2025, causing a large fire including burning of lithium batteries, damage to private property, smoke and potential hazardous fumes, and resulting in evacuation and road closures in the Moss Landing area, thereby causing conditions of extreme peril to the safety of persons and property nearby (4/5ths vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution to ratify the Proclamation of Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, related to the Vistra Energy fire at the Moss Landing Power Plant that started on January 16, 2025, causing a large fire including burning of lithium batteries, damage to private property, smoke and potential hazardous fumes, and resulting in evacuation and road closures in the Moss Landing area, thereby causing conditions of extreme peril to the safety of persons and property nearby (4/5ths vote required).

SUMMARY/DISCUSSION:

Pursuant to California Government Code section 8630(a) and Monterey County Code section 2.68.025 the County Administrative Officer or designee may proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity. The Government Code requires that an emergency proclamation be ratified by the Board of Supervisors within 7 days of its issuance, and be reviewed at least once every 60 days until the emergency is terminated.

On January 16, 2025, shortly after 3:00 p.m. a fire began at the Vistra Energy (“Vistra”) 300-MW Phase I battery energy storage facility located at the Moss Landing Power Plant. The Vistra operation is one of the largest lithium battery storage facilities in the world and the fire caused the lithium batteries to burn. Local fire officials could not extinguish the fire due to the extreme heat from the multiple lithium batteries burning, and as of January 17th the fire continued burning. On January 16th, the Monterey County Sheriff evacuated approximately 1,200 individuals in the area. Additionally, both northbound and southbound lanes of California State Route 1 (“Highway 1”) were closed at Salinas Road and other local area roads were closed. These road closures have impacted local residents, businesses, and the traveling public. Due to potential hazardous fumes from the fire, County health officials advised residents to stay indoors, keep windows and doors closed, limit outdoor exposure, and turn off ventilation systems. 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 17th the North Monterey County Unified School District closed all of its schools and district offices, and Hartnell College closed its Castroville Education Center. The cause of the fire has not yet been determined, but an investigation will begin once the fire is extinguished.

The aforesaid conditions of extreme peril necessitated the proclamation of a local emergency, which was signed into effect by the County Administrator's Office on January 17, 2025. Ratification and approval of this Proclamation of Local Emergency will provide Board confirmation of, and agreement with, the Proclamation made by the County Administrative Office. This emergency proclamation shall expire 60 days after issuance unless confirmed and extended by the governing body of the County of Monterey.

OTHER AGENCY INVOLVEMENT:

Numerous County departments and other state and federal agencies have participated in the response to the emergency including the Department of Emergency Management, Sheriff's Office, County Administrative Office, Public Works, Facilities, and Parks, and Housing and Community Development.

FINANCING:

Financial impact to the General Fund currently is unknown.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

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

Prepared/Approved by: Kelly Donlon, Chief Assistant County Counsel, x 5313

Attachments: A - Emergency Proclamation, dated January 17, 2025
B - Draft Resolution



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 25-048

January 21, 2025

Introduced: 1/17/2025

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Adopt a resolution to ratify the Proclamation of Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, related to the Vistra Energy fire at the Moss Landing Power Plant that started on January 16, 2025, causing a large fire including burning of lithium batteries, damage to private property, smoke and potential hazardous fumes, and resulting in evacuation and road closures in the Moss Landing area, thereby causing conditions of extreme peril to the safety of persons and property nearby (4/5ths vote required).

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt a resolution to ratify the Proclamation of Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, related to the Vistra Energy fire at the Moss Landing Power Plant that started on January 16, 2025, causing a large fire including burning of lithium batteries, damage to private property, smoke and potential hazardous fumes, and resulting in evacuation and road closures in the Moss Landing area, thereby causing conditions of extreme peril to the safety of persons and property nearby (4/5ths vote required).

SUMMARY/DISCUSSION:

Pursuant to California Government Code section 8630(a) and Monterey County Code section 2.68.025 the County Administrative Officer or designee may proclaim the existence of a local emergency when the County is affected by or likely to be affected by a public calamity. The Government Code requires that an emergency proclamation be ratified by the Board of Supervisors within 7 days of its issuance, and be reviewed at least once every 60 days until the emergency is terminated.

On January 16, 2025, shortly after 3:00 p.m. a fire began at the Vistra Energy (“Vistra”) 300-MW Phase I battery energy storage facility located at the Moss Landing Power Plant. The Vistra operation is one of the largest lithium battery storage facilities in the world and the fire caused the lithium batteries to burn. Local fire officials could not extinguish the fire due to the extreme heat from the multiple lithium batteries burning, and as of January 17th the fire continued burning. On January 16th, the Monterey County Sheriff evacuated approximately 1,200 individuals in the area. Additionally, both northbound and southbound lanes of California State Route 1 (“Highway 1”) were closed at Salinas Road and other local area roads were closed. These road closures have impacted local residents, businesses, and the traveling public. Due to potential hazardous fumes from the fire, County health officials advised residents to stay indoors, keep windows and doors closed, limit outdoor exposure, and turn off ventilation systems. 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 17th the North Monterey County Unified School District closed all of its schools and district offices, and Hartnell College closed its Castroville Education Center. The cause of the fire has not yet been determined, but an investigation will begin once the fire is extinguished.

The aforesaid conditions of extreme peril necessitated the proclamation of a local emergency, which was signed into effect by the County Administrator's Office on January 17, 2025. Ratification and approval of this Proclamation of Local Emergency will provide Board confirmation of, and agreement with, the Proclamation made by the County Administrative Office. This emergency proclamation shall expire 60 days after issuance unless confirmed and extended by the governing body of the County of Monterey.

OTHER AGENCY INVOLVEMENT:

Numerous County departments and other state and federal agencies have participated in the response to the emergency including the Department of Emergency Management, Sheriff's Office, County Administrative Office, Public Works, Facilities, and Parks, and Housing and Community Development.

FINANCING:

Financial impact to the General Fund currently is unknown.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

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

Prepared/Approved by: Kelly Donlon, Chief Assistant County Counsel, x 5313

Attachments: A - Emergency Proclamation, dated January 17, 2025
B - Draft Resolution

**PROCLAMATION OF A LOCAL EMERGENCY
BY COUNTY OF MONTEREY
COUNTY ADMINISTRATIVE OFFICER**

In the Matter of Proclaiming the Existence of a)
Local Emergency within the County of Monterey)

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, 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, 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 16th, the Monterey County Sheriff evacuated approximately 1,200 individuals in the area and that evacuation order remains in place; and,

WHEREAS, also on January 16th, 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

WHEREAS, Highway 1 and local area roads remain closed and due to these continuing road closures local residents, businesses, and the traveling public have been impacted; and,

WHEREAS, also on January 16th due to potential hazardous fumes from the fire, 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 16th. As of January 17th, Santa Cruz County residents are told there is no imminent threat and can resume normal activities; and,

WHEREAS, on January 17th, 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 fire burned throughout the night and as of January 17th the fire began to subside, but is still currently burning and official monitoring of the area and air continue; and,

WHEREAS, the cause of the fire has not yet been determined, but an investigation will begin once the fire is extinguished; and,

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency and immediate action is necessary to mitigate the effects of the local emergency and preserve the safety for the public; and,

WHEREAS, this local emergency does not permit a delay resulting from a competitive solicitation of bids for contracts, and immediate action is necessary to respond to the emergency, and,

WHEREAS, the Board of Supervisors of the County of Monterey is not in session as of the time of execution of this proclamation; and,

WHEREAS, every reasonable effort has been made to confer with one or more members of the Board of Supervisors of the County of Monterey.

NOW, THEREFORE, IT IS PROCLAIMED, as defined in Government Code section 8558(c) and Public Contract Code section 1102, that a local emergency now exists in Monterey County.


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.

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.

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.

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.

SIGNED AND SUBSCRIBED at Salinas, California this 17th day of January 2025.

Signed by:

D49097E09E41434

Nicholas Chiulos
Chief Assistant County
Administrative Officer
County of Monterey

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

Resolution No.

Ratifying the Proclamation)
of a Local Emergency issued)
by the County Administrative)
Officer or designee on)
January 17, 2025)

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, 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, 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, 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 governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant; 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, 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, 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 16th, the Monterey County Sheriff evacuated approximately 1,200 individuals in the area; and,

WHEREAS, also on January 16th, 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 16th due to potential hazardous fumes from the fire, 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 16th. As of January 17th, Santa Cruz County residents are told there is no imminent threat and can resume normal activities; and,

WHEREAS, on January 17th, 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 will begin once the fire is extinguished; and,

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the ratification 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. The Proclamation of a Local Emergency issued by the County Administrative Officer or designee on January 17, 2025, is hereby ratified.
2. Pursuant to Government Code section 8630(c) the Board of Supervisors shall review the continuing need for a local emergency at least once every sixty (60) days, until terminated by the Board of Supervisors.
3. 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.
4. 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.
5. 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.

6. 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 21st day of January 2025, 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



County of Monterey

Item No.3

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: CS 25-006

January 21, 2025

Introduced: 1/17/2025

Current Status: Agenda Ready

Version: 1

Matter Type: Closed Session

Closed Session under Government Code section 54950, relating to the following items:

1. Pursuant to Government Code section 54957(a), the Board will confer with County Counsel regarding matters posing a threat to the security of public buildings, essential public services, or the public's right of access to public services or facilities.

**PROCLAMATION OF A LOCAL EMERGENCY
BY COUNTY OF MONTEREY
COUNTY ADMINISTRATIVE OFFICER**

In the Matter of Proclaiming the Existence of a)
Local Emergency within the County of Monterey)

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, 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, 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 16th, the Monterey County Sheriff evacuated approximately 1,200 individuals in the area and that evacuation order remains in place; and,

WHEREAS, also on January 16th, 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

WHEREAS, Highway 1 and local area roads remain closed and due to these continuing road closures local residents, businesses, and the traveling public have been impacted; and,

WHEREAS, also on January 16th due to potential hazardous fumes from the fire, 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 16th. As of January 17th, Santa Cruz County residents are told there is no imminent threat and can resume normal activities; and,

WHEREAS, on January 17th, 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 fire burned throughout the night and as of January 17th the fire began to subside, but is still currently burning and official monitoring of the area and air continue; and,

WHEREAS, the cause of the fire has not yet been determined, but an investigation will begin once the fire is extinguished; and,

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency and immediate action is necessary to mitigate the effects of the local emergency and preserve the safety for the public; and,

WHEREAS, this local emergency does not permit a delay resulting from a competitive solicitation of bids for contracts, and immediate action is necessary to respond to the emergency, and,

WHEREAS, the Board of Supervisors of the County of Monterey is not in session as of the time of execution of this proclamation; and,

WHEREAS, every reasonable effort has been made to confer with one or more members of the Board of Supervisors of the County of Monterey.

NOW, THEREFORE, IT IS PROCLAIMED, as defined in Government Code section 8558(c) and Public Contract Code section 1102, that a local emergency now exists in Monterey County.

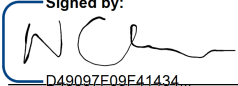
During the existence of said local emergency the powers, functions, and duties of the County Administrative Officer and the emergency organization of the County of Monterey shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the County in order to mitigate the effects of said local emergency.

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.

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.

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.

SIGNED AND SUBSCRIBED at Salinas, California this 17th day of January 2025.

Signed by:

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Nicholas Chiulos
Chief Assistant County
Administrative Officer
County of Monterey