PUBLIC SAFETY COMMITTEE MEETING MINUTES
Monday, June 15, 2026, at 5:00 PM

This meeting was conducted in person at Snoqualmie City Hall and remotely using Zoom.

CALL TO ORDER & ROLL CALL.
Councilmember Wotton called the meeting to order at 5:00pm.

Committee Members: Councilmembers Catherine Cotton, Rob Wotton, and Andre Testman.
Executive: Mayor James Mayhew.
City Staff: Legal Assistant Robert Thrall, Fire Chief Mike Bailey and Interim Police Chief Gary Horejsi.

AGENDA APPROVAL.
Councilmember Wotton stated that he would like to add an Item 4 – BESS Risk Mitigation Discussion. There were no objections, and the agenda was unanimously approved as amended.

PUBLIC COMMENTS.
No public comments were made.

MINUTES.
1. Approval of the minutes dated June 01, 2026.

Motion: Councilmember Cotton made a motion to approve the minutes as presented. Seconded by Councilmember Testman.

Motion passed: 3-0.

AGENDA BILLS.
2. AB26-026: Amendment to ILA for fire and EMS service to Echo Glen Children's Center.
Chief Mike Bailey briefed on an extension of an interlocal agreement to provide fire and EMS services to the Echo Glen Children's Center from July 1, 2026 – July 1, 2027. Committee discussion followed.

Action: Move forward to the June 22nd, 2026 City Council meeting as a consent agenda item.

DISCUSSION.
3. Coalition of Small Police Agencies ILA Addendum.
Interim Police Chief Gary Horejsi briefed on the Small Police Agencies agreement and stated that another agency, the University of Washington Police Department, would like to join the coalition on a one-year trial basis. Committee discussion followed.

4. BESS Risk Mitigation Discussion.
Councilmember Wotton led a discussion on risk mitigation for potential land use in unincorporated King County. Committee discussion followed.

ITEMS FOR FUTURE DISCUSSION.
None.

ADJOURNMENT.

The meeting was adjourned at 5:55pm.

Minutes prepared by Kim Agfalvi, City Clerk.
Recorded meeting audio is available on the city website after the meeting.
Minutes approved at the July 6, 2026 Public Safety Committee Meeting.

BESS Risk-Mitigation Assessment

Prepared by Rob Wotton, Public Safety Chair

For purposes of discussion and further considerations (June 15, 2026)

High-level gap map

Area	What others are doing	Where King County 19824 is silent/weak
Risk-based sizing	Insurance, setbacks, studies scale with MW/MWh	Flat $1M, no scaling by size or chemistry
Wildfire & WUI	Explicit wildfire/BESS standards, WUI overlays	No wildfire-specific liability or siting rules
Environmental liability	Dedicated pollution/EIL, groundwater, runoff	Minimal pollution coverage; no EIL tower
Financial assurance	Decommissioning bonds, closure funds	Plan required, but no bond/LOC requirement
Emergency response	Funded training, equipment, pre-plans	Fire review, but no funding or cost recovery
Incident transparency	Mandatory reporting, public access	No detailed incident reporting regime
Community protections	Health buffers, cumulative impact review	Basic zoning; no cumulative risk lens

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1. Risk-based, size-based regulation

What others are doing

- **Size tiers** (e.g., <5 MWh, 5–200 MWh, >200 MWh) with escalating requirements for:
  - Insurance limits
  - Setbacks and separation distances
  - Third-party fire and hazard studies
- Model ordinances (e.g., American Clean Power Association's utility-scale BESS framework) explicitly tie requirements to **nameplate capacity** and facility scale. [The American Clean Power Association](#) [modelclimatelaws.org](#)

King County gap

- **Flat $1M liability minimum**, regardless of:

    - MW/MWh
    - Battery chemistry
    - Proximity to homes, schools, or critical areas
- No tiered requirements for large, multi-acre, utility-scale BESS.

How you can fill it

- Create **capacity tiers** and scale:
    - Insurance (e.g., \$10M → \$50M → \$100M+)
    - Setbacks
    - Required technical studies and peer review

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2. Wildfire and WUI-specific standards

What others are doing

- Explicit **wildfire/BESS provisions** in WUI codes:
    - Enhanced clear zones and vegetation management
    - Ember-resistant design and enclosure standards
    - Wildfire-specific emergency plans and power-shutoff protocols
- Some western jurisdictions treat BESS in WUI similar to **hazardous industrial uses**, with stricter siting and mitigation. MRSC

King County gap

- No **wildfire-specific**:
    - Siting criteria in WUI
    - Wildfire liability coverage requirement
    - Trigger for higher insurance or bonding in WUI areas

How you can fill it

- Add a **WUI overlay** section:
    - Prohibit or heavily condition BESS in high-risk WUI
    - Require **wildfire liability coverage** and enhanced defensible space

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3. Environmental impairment and pollution liability

What others are doing

- Separate, higher-limit **Environmental Impairment Liability (EIL)** or pollution legal liability for:
  - Fire-water runoff
  - Soil and groundwater contamination
  - Long-term monitoring and remediation
- Model ordinances and planning guidance emphasize **environmental compliance and decommissioning** as distinct from general liability. Utility Dive American Planning Association

King County gap

- Only a **minimal pollution liability** requirement; no:
  - EIL tower sized to worst-case cleanup
  - Explicit coverage for fire-water, plume, or long-term monitoring
  - Requirement that policies **not contain key pollution exclusions**

How you can fill it

- Require:
  - **Dedicated EIL coverage** with limits tied to project size and site sensitivity
  - Policy language that **cannot exclude** fire-water, smoke, or gradual pollution

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4. Financial assurance and decommissioning bonds

What others are doing

- **Decommissioning bonds/LOCs** for utility-scale BESS, similar to:
  - Wind/solar projects
  - Landfills and mines
- Some jurisdictions require:
  - Periodic **cost updates**
  - Independent engineer estimates
  - Financial assurance that survives bankruptcy. MRSC modelclimatelaws.org

King County gap

- Requires a **decommissioning plan**, but:
  - No bond, letter of credit, or trust fund
  - No requirement that funds be **secured and dedicated**
  - No periodic recalculation of decommissioning cost

How you can fill it

- Mandate:
  - **Decommissioning bond or LOC** equal to 100–125% of engineer-estimated cost
  - Five-year cost updates and automatic bond adjustment

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5. Emergency response funding and capacity

What others are doing

- Ordinances and host agreements that require:
  - **Annual payments** or impact fees to fire districts
  - Funding for **specialized training, gas monitors, thermal cameras**
  - Developer-funded **pre-incident plans** and drills
- Model frameworks emphasize **formal coordination** with first responders and adoption of NFPA 855-based emergency plans. Utility Dive The American Clean Power Association

King County gap

- Fire review is required, but:
  - No **dedicated funding** for training/equipment
  - No ongoing **cost-recovery mechanism** for multi-day incidents
  - No requirement for periodic joint drills or plan updates

How you can fill it

- Require:
  - **Emergency response fee** or negotiated agreement
  - Developer-funded equipment and training package
  - Mandatory **tabletop and field exercises** at set intervals

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6. Incident reporting, transparency, and learning

What others are doing

- Mandatory reporting of:
  - Any **thermal runaway**, fire, explosion, or gas release
  - Near-miss events and system failures
- Publicly accessible **incident summaries** and lessons-learned requirements.

King County gap

- No detailed **incident reporting** framework:
  - No timelines, content requirements, or public access
  - No requirement to update safety plans after an incident

How you can fill it

- Require:
  - **24-hour notification** to local agencies for specified events
  - A **post-incident report** and corrective-action plan
  - Public-facing summaries (with appropriate redactions)

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7. Community health, equity, and cumulative impact

What others are doing

- Some jurisdictions integrate:
  - **Health impact assessments**
  - Environmental justice mapping (overburdened communities)
  - Cumulative impact analysis for multiple energy facilities in one area

King County gap

- Ordinance 19824 is largely **site-by-site**, without:
  - Cumulative risk thresholds
  - EJ/overburdened-community screens
  - Health-impact-based siting criteria

How you can fill it

- Add:
  - A **cumulative impact review** trigger above certain MW/MWh
  - Extra findings and protections for **overburdened neighborhoods**

Section X. Insurance Requirements for Battery Energy Storage Systems

A. Purpose

The purpose of this section is to ensure that operators of Battery Energy Storage Systems maintain **adequate financial protection** to cover potential losses arising from fire, explosion, thermal runaway, environmental contamination, emergency response, and other hazards inherent to BESS technology. These requirements ensure that **operators—not the public—bear the financial risk** associated with BESS facilities.

B. Applicability

This section applies to all BESS facilities, including containerized and non-containerized systems, regardless of ownership, unless expressly exempted. Insurance requirements are **tiered by system capacity** to reflect differing levels of risk.

C. Risk-Based Capacity Tiers

Tier	Nameplate Capacity	Classification
Tier 1	< 5 MWh	Accessory / small commercial
Tier 2	5–50 MWh	Medium-scale / community or substation-adjacent
Tier 3	> 50 MWh	Utility-scale / high-consequence

These tiers determine minimum insurance limits.

D. Required Insurance Coverages

1. Commercial General Liability (CGL)

Each operator shall maintain CGL insurance written on an occurrence basis with limits **not less than**:

- **Tier 1:** $5,000,000 per occurrence / $10,000,000 aggregate
- **Tier 2:** $25,000,000 per occurrence / $50,000,000 aggregate
- **Tier 3:** $50,000,000 per occurrence / $100,000,000 aggregate

Coverage shall include:

- Premises and operations
- Products and completed operations
- Contractual liability

- Explosion, collapse, and underground hazards (XCU)

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2. Environmental Impairment Liability (EIL) / Pollution Legal Liability

Operators shall maintain EIL coverage with limits **not less than**:

- **Tier 1:** $5,000,000
- **Tier 2:** $25,000,000
- **Tier 3:** $50,000,000

Policies must **not exclude**:

- Fire-water runoff
- Smoke, vapor, or airborne contaminants
- Thermal runaway events
- Gradual pollution
- Battery electrolyte release

Coverage must include:

- On-site and off-site cleanup
- Natural resource damages
- Emergency response costs

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3. Excess / Umbrella Liability

Operators shall maintain excess or umbrella liability coverage providing combined limits of:

- **Tier 1:** $10,000,000
- **Tier 2:** $50,000,000
- **Tier 3:** $100,000,000

This coverage shall apply **in excess of** CGL, EIL, and automobile liability.

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4. Wildfire Liability Coverage

For facilities located within or adjacent to a **Wildland-Urban Interface (WUI)** zone, operators shall maintain wildfire liability coverage of:

- **$25,000,000 minimum**, or
- Higher limits as determined by a third-party wildfire risk assessment.

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5. Business Interruption and Property Insurance

Operators shall maintain:

- Replacement-cost property insurance for all BESS equipment
- Business interruption coverage sufficient to cover **12 months** of lost revenue or operational costs

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6. Workers' Compensation and Employer Liability

As required by Washington State law.

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7. Automobile Liability

$1,000,000 combined single limit for all owned, hired, and non-owned vehicles used in construction or operation.

E. Policy Requirements

All required insurance policies shall:

1. Name the City/County as **Additional Insured**
2. Be **primary and non-contributory**
3. Include a **waiver of subrogation**
4. Provide **30 days' prior written notice** of cancellation or material change
5. Be issued by insurers rated **A- or better** by A.M. Best
6. Remain in effect **through construction, operation, and decommissioning**

F. Proof of Insurance

1. Operators shall submit certificates of insurance **annually**.
2. The jurisdiction may require **full policy copies** for verification.
3. Failure to maintain insurance constitutes a violation subject to permit suspension or revocation.

G. Post-Incident Insurance Review

Following any thermal runaway, fire, explosion, or hazardous-materials release, the operator shall:

1. Submit a **post-incident insurance adequacy report**
2. Increase coverage if required by the jurisdiction
3. Update emergency and safety plans accordingly

H. Relationship to Financial Assurance

Insurance requirements in this section are **in addition to** any decommissioning bond, letter of credit, or other financial assurance required under Section Y.
(If you want, I can draft the **model bonding section** next.)

I. Severability

If any portion of this section is held invalid, the remainder shall continue in full force and effect.