

RESOLUTION No. 2023-0\_-0\_

**RESOLUTION OF THE RECLAMATION DISTRICT NO. 2064  
BOARD OF TRUSTEES DECLARING A STATE OF EMERGENCY  
DUE TO FLOOD AND WEATHER CONDITIONS**

WHEREAS, on January 4, 2023, and made effective retroactive to December 27, 2022, Governor of the State of California, in accordance with the authority vested by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, previously proclaimed a State of Emergency (Attachment AB) to exist throughout California caused by a series of atmospheric river systems (storms) continuously impacting counties throughout the State further finding that as the counties have not had time to mitigate the cascading impacts of these storms and to assist local governments state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms such that applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms; and

WHEREAS, on March 12, 2023, and made effective retroactive for the February and March, 2023 storms, Governor of the State of California, in accordance with the authority vested by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, proclaimed a State of Emergency (Attachment C) to exist throughout California caused by a **second** series of atmospheric river systems (storms) continuously impacting counties throughout the State further finding that as the counties have not had time to mitigate the cascading impacts of these storms and to assist local governments state agencies shall enter into contracts to arrange for the procurement of materials, goods, and services necessary to quickly assist with the response to and recovery from the impacts of these storms such that applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, are suspended to the extent necessary to address the effects of these storms; and

WHEREAS, the San Joaquin river and tributaries are experiencing rising stage and flow resulting from heavy rainfalls and runoff, high winds and rainfall are directly impacting interior flooding, power availability and, creating an imminent risk of flooding and levee damage within the boundaries of the District; and

WHEREAS, these conditions create an immediate risk to public facilities, and are a crippling activity that severely impairs public health and safety, consistent with the emergency declaration requirements of the Government Code and the Public Contracting Code; and

WHEREAS, after consultation with the District staff and engineers the District finds and declares on March 23, 2023 that an emergency situation exists, and immediate action is required to respond to these conditions.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Trustees of the Reclamation District No. 2029 (District), as follows:

1. As of December 27, 2022 an emergency situation existed within the District, due to on-going rainfall, winds, power outages, and inability to dewater, and a forecast of further precipitation and high river stage which will compound the existing flood conditions, potentially leading to inundation and failure of the flood control system. The public interest and necessity demand the immediate expenditure of District funds to safeguard life, health, and property to respond to this emergency.

2. During the months of February and March of 2023 an emergency situation existed within the District, due to on-going rainfall, winds, power outages, and inability to dewater, and a forecast of further precipitation and high river stage which will compound the existing flood conditions, potentially leading to inundation and failure of the flood control system. The public interest and necessity demand the immediate expenditure of District funds to safeguard life, health, and property to respond to this emergency.

3. The District's general manager, secretary and engineer are authorized to take immediate action to protect, repair or replace District facilities, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The District engineer shall take these actions after consultation with the District general manager, a member of the District Board of Trustees and/or District Secretary.

4. Pursuant to Public Contracting Code 20926, the District shall expend any sum reasonably required to respond to this emergency. District personnel will, if practicable, informally solicit bids or requests for proposals to seek to obtain the best terms possible, including the lowest price term, given the urgent circumstances of the emergency, and, promptly after the emergency ends, shall document the circumstances of the emergency and the bid or proposal accepted.

5. This emergency declaration will be revisited by the Board of Trustees at the next regularly scheduled meeting.

6. Ratify and approve prior actions of District Manager and Secretary regarding flood fight actions, procurement of materials and employment of resources to during the emergency flood fight of beginning on or about December 27, 2022 for the first atmospheric event and subsequent atmospheric events beginning in February or 2023 and continuing thereafter in 2023.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District No. 2064 Trustees this 23rd<sup>h</sup> day of March \_\_\_\_, 2023, by the following vote:

AYES: John Van Till and J. B. Wilson (this resolution later concurred to by Mary Dutra)

ABSENT: Mary Dutra (unavailable because of emergency.)

NOES: None

ABSTAIN: None

### CERTIFICATION

I, Diane Dias, Secretary for Reclamation District No. 2064 (District) do hereby certify that the above is a true and correct copy of the resolution, which the Board of Trustees of the District unanimously adopted, with one absent Trustee [later concurring by telephone] on **March \_\_\_\_, 2023.**

Executed on March \_\_\_\_, 2023 in Stockton, California.

---

District Secretary