



TO: Board of Directors

FROM: Rick Callender, Chief Executive Officer

SUBJECT: REVISED* Declaration of Flood Emergency

DATE: March 10, 2023

The purpose of this memorandum is to formally declare a flood emergency pursuant to California Public Contract Code Section 22050, District Resolution 05-67 and Board Governance Executive Limitations 5.1.8, and 5.3.4 to allow Valley Water staff to undertake any and all actions necessary to protect against property damage and threat to life and public safety associated with flooding and high winds throughout Valley Water's jurisdiction. This emergency declaration, retroactively effective at TIME on March 9, 2023, will give Valley Water the authority to take immediate action necessary to protect against or mitigate flooding, including but not limited to procuring necessary equipment, services, and supplies without giving notice for bids to let contracts and undergoing its normal competitive bidding procedures.

BACKGROUND:

Valley Water activated its Emergency Operations Center (EOC) on March 9, 2023 due to a series of storms forecasted to continue through mid-March, including an atmospheric river event later this week.

Governor Gavin Newsom proclaimed yesterday a state of emergency to support storm response and relief efforts in Santa Clara County in addition to the counties of Butte, El Dorado, Fresno, Humboldt, Imperial, Inyo, Lake, Mendocino, Merced, Monterey, Napa, Placer, Plumas, Sacramento, San Francisco, San Mateo, Santa Cruz, Stanislaus, Tuolumne and Yuba.

Due to current and forecasted conditions, which includes up to 10 inches of precipitation in parts of Santa Clara County over the next three days, with potential of flooding in Uvas Creek, W. Little Llagas Creek and other creeks throughout the county, a flood emergency condition exists and is expected to persist throughout Valley Water's jurisdiction. Watershed conditions remain saturated from recent rainfall and several reservoirs are at risk of spilling. Bank erosion on several creeks and the predicted high winds pose additional risk of debris and trees falling into the creeks. Valley Water needs the legal authority under the Public Contract Code and Public Resources Code to take quick, emergency action necessary to promptly mitigate damage from potential or actual flooding.

Per Public Contract Code Section 1102, an emergency is "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring Immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." Valley Water's emergency response may include a need to immediately remove or otherwise remediate sedimentation and debris accumulation, procure and deliver sandbags, repair areas along creeks and canals, procure soils or other materials to create temporary barriers, repair water delivery infrastructure, and otherwise acquire services, supplies, or contractors required to address this emergency. The Declaration of Emergency will enable Valley Water to take immediate action without giving notice for bids to let contracts under



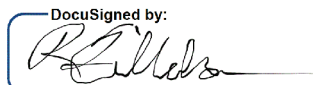
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the Public Contract Code. Also, certain otherwise required actions or procedures under the Public Resources Code are exempted during an emergency.

During the existence of said local emergency, the powers, functions, and duties of the emergency organization of Valley Water shall be those prescribed by state law, by ordinance, and the District Act.

DocuSigned by:

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Rick L. Callender
Chief Executive Officer

by

*Declaration was revised to add a retroactively effective date.