

MINUTES OF THE MEETING OF THE EMERGENCY
SPECIAL MEETING OF THE BOARD OF TRUSTEES
OF DELTA FARMS RECLAMATION DISTRICT NO. 2028
HELD ON FRIDAY, JANUARY 6, 2023

Upon notice to and consent by the Trustees of Delta Farms Reclamation District No. 2028, of the County of San Joaquin, State of California, an emergency special meeting of the Board of Trustees was held on Friday, January 6, 2023, at 4:00 P.M.

There were present and absent the following named Trustees, to-wit:

PRESENT

DAVID A. FORKEL
RANDALL NEUDECK
RUSSELL E. RYAN

ABSENT

NONE

There were also present Pamela A. Forbus, the District's Attorney; Nathan Hershey, of the firm of MBK Engineers, Engineers for the Reclamation District; and Andrew Petrini, the District's Superintendent.

The Chairman advised the Trustees that an emergency situation exists with respect to the District that warrants immediate action by the District.

As a result of the heavy rainfall and high winds, there is an unusually high volume of water flowing through the rivers into the Delta. The heavy rains and high winds constitute an emergency situation and an imminent threat to the integrity of the District's levee system and must be addressed immediately.

The District Trustees, Superintendent and Engineer have made an inspection of the condition of the District's levees, and, because of the heavy rains and high winds and the impending high tide, concluded that it is imperative that the District take immediate steps to prevent the District from flooding, and that such work needed to be completed as soon as possible. Following a discussion of this matter, the Trustees considered the necessity of finding that an emergency situation exists. Upon motion duly made and seconded, it was:

**RESOLUTION DECLARING A STATE OF EMERGENCY
DUE TO FLOOD AND WEATHER CONDITIONS**

WHEREAS, the Sacramento San Joaquin Delta is experiencing high water levels resulting from heavy rainfalls and runoff, and high winds, creating an imminent risk of uncontrolled flooding and levee damage within Reclamation District No. 2028's boundaries; 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 **December 31, 2022** 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 Delta Farms Reclamation District No. 2028, as follows:

1. As of **December 31, 2022** an emergency situation exists within the District, due to uncontrolled flooding and flood damage, and a forecast of further precipitation and high winds which will compound the existing flood conditions. The public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property to respond to this emergency.
2. The District Trustees, Officers and Engineer, or any of them, are authorized to take immediate action to repair or replace public 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 in consultation with District Trustees.
3. 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.
4. This emergency shall be deemed to have commenced on December 31, 2022 and shall continue until further action of this Board.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan
Noes: None
Absent: None

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Trustees were advised that as a result of these emergency conditions, it was in the best interests of the district to acquire the needed materials and equipment for protecting the District's levees without further delays. Following a discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION FINDING NEED TO
TAKE IMMEDIATE ACTION AND
AUTHORIZING CHAIRMAN TO
ACT ON BEHALF OF DISTRICT

RESOLVED AND ORDERED by the Board of Trustees of Delta Farms
Reclamation District No. 2028, as follows:

1. That the Board of Trustees has heretofore found that an emergency condition exists as a result of a potential levee failure and potential floodwaters resulting from heavy rainfalls and runoff, and high winds.
2. That as a result of the emergency condition it is not in the best interests of the District to delay the securing of materials and equipment needed to meet the emergency conditions and for levee repair while the District seeks competitive solicitation of bids.
3. That the Chairman, Trustees, and/or District Engineer, be and any of them hereby are authorized and directed to acquire such materials and equipment and for repairing the levee collapse and to otherwise enter into contracts necessary and appropriate to meet the emergency needs of the District, without observing the need to seek formal competitive solicitation of bids, for as long as the emergency conditions exist.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan
Noes: None
Absent: None

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

There being no further business to come before the Trustees, upon motion duly made, seconded and carried, the meeting was adjourned.

Pamela A. Forbus, Secretary
Delta Farms Reclamation District No. 2028

Minutes of the Meeting
held on January 4, 2023,
are hereby approved.

Trustees of Delta Farms
Reclamation District No. 2028