



## MEMORANDUM

FC 14 (08-21-19)

**TO:** Board of Directors

**FROM:** Rick Callender, CEO

**SUBJECT:** Declaration of Countywide Flood  
Emergency

**DATE:** January 4, 2023

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The purpose of this memorandum is to formally declare a Countywide 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 in the County of Santa Clara, California. This emergency declaration 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:

Whereas Valley Water activated its Emergency Operations Center (EOC) on December 31, 2022, due to heavy rainfall and flooding and provided relief operations throughout the County. Localized flooding occurred along San Francisquito Creek, Upper Penitencia Creek, West Little Llagas Creek and Uvas Creek, and Uvas Reservoir spilled and is still spilling. Spilling has also occurred in Almaden Reservoir.

Due to the December 31 atmospheric river, coupled with current rainfall and forecasts of heavy, persistent rainfall today into tomorrow along with extremely high winds (estimated gusts of 60-70 miles per hour), flooding and rapid accumulation of sedimentation and debris are expected along creeks throughout Santa Clara County by tonight and tomorrow.

Continued atmospheric rivers are expected to move through the County during the next two weeks, which is likely to result in additional flooding.

Due to current and forecasted conditions, a Countywide flood emergency condition exists, and Valley water needs the legal authority under the Public Contract Code, Public Resources Code and other laws to take quick, emergency action necessary to preserve life and property in the County.

Valley Water further supports the potential proclamation of local emergency by the County of Santa Clara.

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." District staff needs to remediate sedimentation and debris accumulation, procure and deliver sandbags, repair areas along various creeks and canals, and, if necessary, procure soils or materials to create temporary barriers to prevent water from overflowing in certain areas, as well as to acquire services and other materials and equipment required to address this emergency.

The Declaration of Emergency will enable Valley Water to take immediate action to protect against further property damage or threat to human life, health and safety resulting from flooding without giving notice for bids to let contracts. 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.

A handwritten signature in black ink, appearing to read "R. Callender", with a long horizontal line extending to the right.

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Rick L. Callender  
Chief Executive Officer

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