

RECLAMATION DISTRICT NO. 1000  
RESOLUTION NO. 2004-10

**RESOLUTION APPROVING FINANCING FOR THE PURPOSE OF FUNDING COSTS ASSOCIATED WITH THE IMMEDIATE EMERGENCY BANK AND PUMP HOUSE REPAIR ON THE SACRAMENTO RIVER EAST RIVER BANK**

WHEREAS, Reclamation District No. 1000 (RD 1000) proposes to conduct immediate emergency repairs of a severely eroded section of the Sacramento River East River Bank ("River Bank") and damaged pump house support structure;

WHEREAS, to prevent the risk of levee failure and consequent flooding it is necessary to complete the River Bank and pump house support structure repair prior to any substantial increase of water elevations in the Sacramento River due to the commencement of winter rains or flood storage releases from reservoirs; and

WHEREAS, the District Engineer estimates that expenditures greater than \$25,000 are reasonably necessary to complete the emergency repair; and

WHEREAS, California Public Contracts Code § 20921 ordinarily would require contracts involving expenditures greater than \$25,000 to be submitted to competitive bidding, with the contract going to the lowest responsive, responsible bidder; and

WHEREAS, following the above bidding procedures would require that the Board of Trustees (Board) prepare detailed bid specifications, then advertise for bids by placing at least two insertions not less than five days apart in a newspaper of general circulation. The delay caused by following these procedures would enhance the risk of levee failure; and

WHEREAS, California Public Contracts Code § 22050(a)(2) authorizes RD 1000 to take action without competitive solicitation of bids if the Board finds that the emergency will not permit a delay resulting from competitive solicitation of bids, and that the action is necessary to respond to the emergency; and

WHEREAS, California Public Contracts Code § 20926 authorizes, in the event of any emergency, the Board to negotiate and award a contract for construction of work to prevent damage or repair damaged works without advertising for bids, expending any sum reasonably required in the emergency; and

WHEREAS, California Public Contracts Code § 20926(b) requires the Board to, if practicable, informally solicit bids or requests for proposals to seek to obtain the best terms possible, including the lowest price term, giving the urgent circumstances of the emergency, and, promptly after the emergency ends, to document the circumstances of the emergency and the bid or proposal accepted; and

WHEREAS, California Public Contracts Code § 22050(c)(3) requires that the Board terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice to let contracts; and

WHEREAS, in conducting emergency repairs to the pump house and River Bank, Reclamation District 1000 is required to comply with the Federal Water Pollution Control Act ("Clean Water Act")(33 U.S.C.A. §§ 1251-1387), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), the Endangered Species Act (16 U.S.C.A. §§ 1531-1544), California Fish and Game Code § 1602, and the California Environmental Quality Act (Public Resources Code § 21000 et seq.) ("CEQA"), (together the "Environmental Laws"); and

WHEREAS, California Public Resources Code § 21080(b)(4) exempts from CEQA's requirements specific actions necessary to prevent an emergency; and

WHEREAS, California Public Resources Code § 21060.3 defines an "emergency" as "a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services;" and

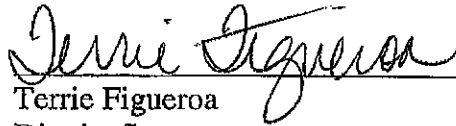
WHEREAS, the repair work is also exempted from CEQA under 14 C.C.R. §§ 15301 and 15302, which sections exempt repairs to existing facilities and replacement or reconstruction of existing facilities;

NOW, THEREFORE, BE IT RESOLVED BY A FOUR-FIFTHS VOTE OF THE BOARD OF TRUSTEES THAT:

1. An immediate emergency exists, which constitutes a clear and imminent danger that demands immediate action to prevent loss of, or damage to, life, health, property, and essential public services. This emergency necessitates emergency repair work on the River Bank and on the pump house structure.
2. The board finds that the recitals set forth above are true and correct and that the conditions therein described and those set forth in the attached October 6, 2004 e-mail from Senior Geotechnical Engineer, Ray Costa of Kleinfelder, Inc. constitute an immediate emergency involving an imminent threat to persons and property which will not permit a delay resulting from competitive solicitation of bids, and that the action is necessary to respond to the emergency.
3. The District Engineer is authorized to informally solicit bids from prospective contractors for emergency repair of the eroded bank and pump house support structure.
4. The District Engineer will make all notifications and/or obtain all permits or take such other actions as may be required under all applicable laws, including the applicable Environmental Laws.

**CERTIFICATION**

I, Terrie Figueroa, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of Reclamation District No. 1000 at a special meeting held October 25, 2004, and made a part of the minutes thereof.



Terrie Figueroa  
District Secretary