BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Office of the District Secretary
Post Office Box 929, Walnut Grove, California 95690-0929

Larry Gardiner	President (S1)	Debbie Phulps	Secretary
Gay Giles	V-President (S3)	Suzanne Daggert	Treasurer
H. Denis Van de Maele	Director (S2)	Gustavo Castro	Superintendent
Joe Deak	Director (S4)	Erik Almaas	Engineer
Vincent Chavier	Director (S5)		

RESOLUTION NO. 2026-03

A RESOLUTION OF THE BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT [BALMD] BOARD OF DIRECTORS DECLARING AN EMERGENCY, WAIVING COMPETITIVE BIDDING PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050, MAKING CEQA FINDINGS, AND AUTHORIZING THE IMMEDIATE REPAIR AND RESTORATION OF FLOOD CONTROL FACILITIES

WHEREAS, on September 21, 2026, Governor Gavin Newsom issued a Proclamation of a State of Emergency due to the developing 2026-2027 El Niño event, finding that conditions of extreme peril to the safety of persons and property exist and that local authority is inadequate to cope with the magnitude of the extreme peril posed by the developing El Niño event; and

WHEREAS, Brannan-Andrus Levee Maintenance District [BALMD] has historically suffered impacts from severe storms, atmospheric river events, and flooding that have caused damage to homes, critical infrastructure, and essential services, and risks of these damages remain elevated in affected areas; and

WHEREAS, an emergency is defined by Public Contract Code Section 1102 as 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; and

WHEREAS, the developing El Niño event poses a clear and imminent danger of elevated coastal water levels, high-impact storms, severe precipitation, flooding, landslides, mud and debris flows, erosion, and damage to public and private infrastructure during the 2026-2027 wet season; and

WHEREAS, early, coordinated, and targeted preparedness and mitigation actions are necessary to protect BALMD residents, critical infrastructure, property, and the local economy from anticipated impacts of the El Niño event; and

WHEREAS, the standard competitive bidding process required under the Public Contract Code would delay the response to these conditions by several weeks or months, which would unacceptably prolong the threat to public safety and result in the loss of life, extensive property damage, prolonged loss of utility services, disruption to major traffic corridors and evacuation routes, etc.; and

WHEREAS, the action authorized herein is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(4) and California code of Regulations Title 14, Section 15269, because it consists of specific actions necessary to prevent or mitigate an emergency;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Brannan-Andrus Levee Maintenance District as follows:

1. Recitals and Findings. The Board hereby finds and determines that the foregoing recitals are true and correct, and based on substantial evidence in the administrative record, further finds that the current situation constitutes a bona fide emergency under Public Contract Code Section 22050 and Section 1102 that will not permit a delay resulting from a competitive solicitation for bids.

2. Emergency Declaration and Waiver. The Board declares that an emergency exists within BALMD and waivers the formal competitive bidding requirements of the Public Contract Code and the Agency's local purchasing policies for all contracts, procurement, and services directly related to addressing this emergency.

3. Delegation of Authority. The Governing Board hereby authorizes and directs the District President, or their designee, to take all immediate actions necessary to respond to the emergency. This authority includes, but is not limited to, negotiating and executing emergency contracts for construction, engineering, labor, equipment, and supplies, up to an initial amount not to exceed those funds available in the District's Emergency Fund, without prior Board approval.

4. CEQA Compliance. The Board finds that the proposed work is necessary to respond to, prevent, or mitigate an emergency and is exempt pursuant to CEQA Guidelines Section 15269. The District Engineer or their designee is directed to promptly file a Notice of Exemption (NOE) with the County Clerk and the Governor's Office of Planning and Research documenting this determination.

5. Mandatory Review Schedule. Pursuant to Public Contract Code Section 22050, staff shall place an item on the agenda of every regularly scheduled meeting of this Board subsequent to this date and at least once every 14 days if applicable, to review the emergency conditions. At each review, the Board must determine by a four-fifths (4/5ths) vote whether there is a continuing need to proceed with the emergency action without competitive bidding, until the emergency work is completed or terminated.

6. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Governing Board of BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT this twelfth day of November, 2026, by the following four-fifths (4/5ths) vote:

AYES: Five
NOES: Zero
ABSENT: Zero
ABSTAIN: Zero

APPROVED: _____
Larry L. Gardiner, President

END OF RESOLUTION

CERTIFICATION

I, Debbie Phulps, Secretary for the BALMD Board of Directors, hereby certify that the foregoing resolution is in keeping with the motion made by Director Giles, seconded by Director Van De Maele, and carried unanimously by the BALMD Board of Directors at its November 12, 2026 meeting, and made a part of the minutes thereof.

Dated: November 12, 2026

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Debbie Phulps

Debbie Phulps, Secretary of the Board