

BIRCH BAY WATER AND SEWER DISTRICT

RESOLUTION NO. 772

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY, WASHINGTON, EXTENDING THE LEAVE PROVISIONS OF THE FAMILIES FIRST CONRONAVIRUS RESPONSE ACT FROM OCTOBER 1, 2021 UNTIL CANCELLED.

WHEREAS, the Federal Government adopted the Families First Coronavirus Response Act on March 18, 2020; and

WHEREAS, one of the provisions of the Families First Coronavirus Response Act (“FFCRA”) required employers to provide up to two weeks, or eighty hours, of Emergency Sick Leave and/or twelve weeks, or four hundred and eighty hours, of Emergency Family Medical Leave to employees directly impacted by the Coronavirus until December 31, 2020; and

WHEREAS, the Federal Government adopted the Consolidated Appropriations Act of 2021 on December 21, 2020, and the President signed the bill on December 27, 2020; and

WHEREAS, one of the provisions of the Consolidated Appropriations Act of 2021 allows employers to elect to continue to provide the emergency leave of up to two weeks, or eighty hours, of Emergency Sick Leave and/or twelve weeks, or four hundred and eighty hours, of Emergency Family Medical Leave to March 31, 2021; and

WHEREAS, January 14, 2021 was the first public meeting of the Board of Commissioners since the Consolidated Appropriations Act of 2021 became Federal law; and

WHEREAS, Resolution 760 authorized the General Manager or designee to exercise all emergency powers available under law, including without limitation RCW 38.52.070, to preserve the public health, safety, and welfare. Resolution 760 remains in full force and effect until terminated by issuance of a subsequent written order of the Board; and

WHEREAS, the General Manager exercised that power to continue Emergency Sick Leave and Emergency Family Medical Leave through January 14, 2021, under the original provisions provided by the Families First Coronavirus Response Act; and

WHEREAS, the Board of Commissioners subsequently ratified the aforementioned action of the General Manager to continue Emergency Sick Leave and Emergency Family Medical Leave until March 31, 2021, under the original provisions provided by the FFCRA; and

WHEREAS, on March 11, 2021 the President signed into law the American Rescue Plan Act of 2021 (“ARPA”) extending and expanding certain provisions of the FFCRA; and

WHEREAS, as authorized by ARPA, District Resolution 769 continued Emergency Sick Leave and Emergency Family Medical Leave through September 30, 2021; and

WHEREAS, the rates of Covid-19 infections have significantly increased with the Covid Delta variant, with the Center of Disease Control and Prevention indicating Whatcom County is a high transmission area; and

WHEREAS, the General Manager ranks employee safety as the top annual District goal; and

WHEREAS, further extension of Emergency Sick Leave and Emergency Family Medical Leave promotes a safe work environment by better enabling management to actively keep employees with cold and flu-like symptoms out of the workplace, as those are also Covid-19 symptoms; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

Section 1: Employees shall be allowed to continue to use Emergency Sick Leave and Emergency Family Medical Leave as per the provisions of the ARPA on October 1, 2021 and indefinitely thereafter, until cancelled by the Board of Commissioners.

Section 2: This resolution shall be effective on the date of adoption as set forth below.

ADOPTED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 23rd day of September, 2021.

Fred Reid
COMMISSIONER

Don Montfort
COMMISSIONER

Jeff Benner
COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 772 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on September 23, 2021.

Fred Reid
SECRETARY

I, Sandi McMillan, as authorized by District resolution and in my capacity as Finance Director of the Birch Bay Water & Sewer District, do hereby attest that the foregoing resolution was approved by the Board of Commissioners by virtual electronic meeting on this 23rd date of September, 2021.



Sandi McMillan, Finance Director