

**BIRCH BAY WATER AND SEWER DISTRICT
RESOLUTION NO. 760**

A Resolution of the Board of Commissioners
Declaring a Local Emergency related to the COVID-19 Coronavirus Pandemic

WHEREAS, the Whatcom County Health Department, the lead local agency, and the Whatcom County Sheriff's Office Division of Emergency Management reported to the Whatcom County Executive, beginning January 21, 2020, that operations and planning for the expanding outbreak of COVID-19 have been occurring in Whatcom County; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that a State of Emergency exists in all counties in the State of Washington due to the outbreak of COVID-19; and

WHEREAS, on March 10, 2020, the Whatcom County Executive, in coordination with the Whatcom County Health Board, declared a Whatcom County public health emergency to reduce the spread of COVID-19 in our community; and

WHEREAS, on March 13, 2020, the President of the United States of America proclaimed that National Emergency exists due to the outbreak of COVID-19; and

WHEREAS, on March 23, 2020, the Governor of the State of Washington issued a stay-at-home order applicable to the general public except employees deemed essential; and

WHEREAS, in response to the rapidly evolving situation in Whatcom County, the Whatcom County Health Officer issued recommendations to slow the spread of COVID-19; and

WHEREAS, the Birch Bay Water and Sewer District ("District") has implemented measures within District operations, services, and facilities to follow the recommendations of the Whatcom County Health Department; and

WHEREAS, this incident is a threat to life and public health, constitutes an emergency, and necessitates the utilization of emergency powers granted under RCW 38.52.070, District Code, and other applicable law; and

WHEREAS, public health, safety, and welfare are at risk such that further effort is needed to continue and expand operations to reduce the threat; and

WHEREAS, while all available resources are committed to this event, the severity thereof may exceed the capacity of local and District resources, and require supplemental assistance; and

WHEREAS, the existing conditions warrant the declaration of the existence of a local emergency; and

WHEREAS, the foregoing recitals are a material part of this declaration;

NOW, THEREFORE, the Board of Commissioners of the Birch Bay Water and Sewer District ("Board"), do hereby declare:

Section 1. Civil Emergency. A local civil emergency exists within the District due to the COVID-19 pandemic.

Section 2. Authority of General Manager. The District General Manager or designee is authorized to exercise all emergency powers available under law, including without limitation RCW 38.52.070, to preserve the public health, safety, and welfare. The District General Manager is further authorized to direct and allow some employees to work full-time or part-time from home and not others, change employee work schedules and job descriptions, and designate certain employees and tasks as essential, all consistent with the 2019-2021 Employees Organization Contract.

Section 3. Scope. Emergency operations are ongoing and in effect, and the General Manager or designee is authorized to exercise the powers vested under this declaration in light of exigencies of an emergency situation, without regard to time requirements and formalities prescribed by District policy or law (except mandatory constitutional requirements). This authority shall include the right to waive competitive bidding requirements pursuant to RCW 39.04.280.

Section 4. Electronic Board Signatures and Telephonic Approval. The Board may submit electronic signatures whenever possible, for this Resolution and subsequent resolutions of the Board, unless prohibited by law. Electronic signatures shall have the same force and effect as physical pen-and-ink signatures. In the alternative, the Board may approve this Resolution and subsequent resolutions telephonically, which shall be evidenced by printing the name of each approving commissioner on their signature line and noting said approval was telephonically made below the signature line of each commissioner. In addition, the General Manager or Finance Director shall attest to such telephonic approval on the date approved.

Section 5. Ratification. It is further ordered that all acts taken prior to the effective date and time of this declaration that are consistent with the intent and purpose hereof are hereby ratified and confirmed retroactive to the time of the onset of the outbreak.

Section 6. Timing and Effect. This declaration shall remain in full force and effect until terminated by issuance of a subsequent written order of the Board.

ADOPTED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting thereof, on the 26th day of March, 2020.

Don Montfort

Don Montfort, Commissioner
(Approved Telephonically)

Jeff Benner

Jeff Benner, Commissioner
(Approved Telephonically)

Fred Reid

Fred Reid, Commissioner
(Approved Telephonically)

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 760 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on March 26, 2020.

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 telephonically on this 26th date of March, 2020.

Sandi McMillan

Sandi McMillan, Finance Director