

BIRCH BAY WATER AND SEWER DISTRICT

RESOLUTION NO. 771

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 THROUGH SEPTEMBER 30, 2021.

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 is the first public meeting of the Board of Commissioners since the Consolidated Appropriations Act of 2021 became Federal law; and

WHEREAS, the rates of Covid-19 infections have significantly increased in November and December 2020, with the Center of Disease Control and Prevention issuing a statement that these rates are expected to continue throughout early 2021; 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 (“ARPA”) extending and expanding certain provisions of the FFCRA; and

WHEREAS, as authorized by ARPA, the District intends to continue Emergency Sick Leave and Emergency Family Medical Leave through September 30, 2021;

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 from March 31, 2020 through September 30, 2021.

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 22nd day of April, 2021.

Don Montfort
Don Montfort, COMMISSIONER

Jeff Benner
Jeff Benner, COMMISSIONER

Fred Reid
Fred Reid, COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 771 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on April 22, 2021.

Fred Reid
SECRETARY

I, Dan Eisses, as authorized by District resolution and in my capacity as General Manager 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 22nd date of April, 2021.

Dan Eisses
Dan Eisses, General Manager