

**BIRCH BAY WATER AND SEWER DISTRICT
RESOLUTION NO. 779**

A Resolution of the Board of Commissioners Rescinding Resolution No.760
Declaring a Local Emergency related to the COVID-19 Coronavirus Pandemic and Authorizing
General Manager or Designee to Exercise Emergency Powers

WHEREAS, the recitals set forth in Resolution 760 are incorporated herein; and

WHEREAS, the Board adopted Resolution 760 to authorize the District General Manager or designee to exercise all emergency powers available under law in response to the exigencies presented by the COVID-19 coronavirus pandemic; and

WHEREAS, the Board also adopted Resolution 760 to authorize the use of electronic Board signatures and telephonic approval; and

WHEREAS, on September 8, 2022, the Governor of the State of Washington announced that all remaining COVID-19 emergency proclamations will be lifted by October 31, 2022; and

WHEREAS, on October 3, 2022, the Whatcom County Executive rescinded the County's Proclamation of Emergency related to COVID-19, effective October 31, 2022; and

WHEREAS, the Board has determined that existing conditions no longer warrant the declaration of a local emergency; and

WHEREAS, the Board has determined that there is no longer a need for the District General Manager to use emergency powers to preserve the public health, safety, and welfare; and

WHEREAS, the Board will review and consider adopting a more permanent policy on electronic board signatures and telephonic approval of resolutions separately at a later date; and

WHEREAS, the Board has decided to rescind Resolution 760 in its entirety; and

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

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

Section 1: Rescission of Resolution. Resolution No. 760 is hereby rescinded in its entirety.

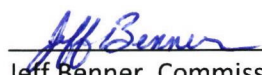
Section 2: Timing and Effect of Amendment. This resolution shall be effective immediately upon adoption.

Section 3: Conflicts. Any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4: Severability. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional.

ADOPTED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington, at a regular meeting thereof, on the 27th day of October, 2022.


Don Montfort, Commissioner


Jeff Benner, Commissioner


Fred Reid, Commissioner

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 779 of Birch Bay Water and Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on October 27, 2022.

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 27th day of October, 2022.


Sandi McMillan, Finance Director