

**RESOLUTION 770
DECLARING LOCAL EMERGENCY AND
DELEGATION OF AUTHORITY
PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM COUNTY**

RECITALS

WHEREAS, novel Coronavirus COVID-19, a respiratory disease that can result in serious illness or death, is caused by a new strain of coronavirus that had not been previously identified in humans and has proven it can easily spread from person to person; and,

WHEREAS, the U.S. Center for Disease Control and Prevention (CDC) has identified a potential public health threat posed by COVID-19 both globally and within the United States, including within Washington State; and,

WHEREAS, there are documented cases of COVID-19, including deaths caused thereby, within Washington State; and,

WHEREAS, the Washington State Department of Health has confirmed the person-to-person spread of COVID-19 and is finding an increasing risk of exposure and infection to the general public due to its potential to spread quickly; and,

WHEREAS, the U.S. Department of Health and Human Services declared a public health emergency for COVID-19 on January 31, 2020; and,

WHEREAS, Washington State Governor Jay Inslee proclaimed a public health emergency for COVID-19 on February 29, 2020; and,

WHEREAS, Whatcom County Executive Satpal Sidhu declared a public health emergency regarding COVID-19 on March 10, 2020; and,

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and,

WHEREAS, the PUD Commission President called a Special Meeting of the Commission for March 16, 2020 at 8:00 to be conducted by conference call and said meeting was noticed as required by RCW 42.30, and specifically RCW 42.30.080; and

WHEREAS, there is an emergency present which necessitates this Resolution.

NOW, THEREFORE, BE IT DECLARED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF WHATCOM COUNTY:

1. **Proclamation.** The Commission of Public Utility District No. 1 of Whatcom County (“District”) hereby and expressly finds and declares, based upon the Recitals above, which are expressly adopted herein, that COVID-19 is a civil public health emergency that:

A. Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences; and

B. Could if unattended seriously affect the safety, health, or welfare of a substantial number of citizens of this city, or preclude the operation or use of essential public services and facilities with such magnitude or severity as to necessitate seeking state or county supplementation of local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced.

2. **Authority.** This Resolution Declaring a Local Emergency and Delegating Authority (“Resolution”) authorizes the General Manager to exercise such emergency powers as may be lawful under applicable laws, regulations, ordinances, or the District’s policies, and necessary, including by way of example and not limitation: RCW 54.16.100 (PUD General Manager Powers), RCW 54.16.190 (General Resolutions), RCW 39.04.280(3) for emergency procurement, and Chapter 39. 28 RCW (Emergency Public Works). Effective upon signature hereto and as further detailed in Section 3 below, the General Manager is authorized to exercise such lawful authority through the use and direction of District personnel, services, equipment and such additional acts as the General Manager may find necessary in his sole discretion to properly and safely manage this emergency.

3. **Powers.** In order to properly delegate and authorize the General Manager to prepare for, address, manage, prevent, respond to, and remediate this emergency situation, the General Manager shall have all necessary powers to do the following, which is provided for example and not limitation: Make necessary rules and regulations reasonably related to the emergency, to obtain supplies, equipment, personal property, professional, procured or technical services, etc. (including selecting and awarding such contracts as necessary), such public works as defined by RCW 39.04.010, to authorize overtime and/or extended leave for personnel, to requisition personnel and material, obtain emergency funding and permitting through federal, state and local agencies, and take such other lawful acts as may be necessary and reasonably related to the emergency situation declared hereunder.

3.1 The foregoing powers and authorities are to be read consistent with the District's existing Delegation of Authority- Resolution No. 767; however, if there is a conflict between the Delegation of Authority- Resolution No. 767 and this Resolution, this Resolution shall control.

3.2 If the General Manager exercises any powers or authorities delegated under this Resolution, the General Manager shall report such exercise to the Commission at the next regular Commission meeting with explanation as to why it was necessary to take such action under this Resolution to meet the emergency situation articulated herein. If required by law, the Commission shall take such action in an open session to ratify the General Manager's action(s) hereunder.

4. **Termination.** This Resolution shall continue in full force and effect until terminated by law or by further Resolution and shall be reviewed as a regular agenda item on the Commission's agenda until such time as this Resolution is terminated.

ADOPTED by the Commission of Public Utility District No. 1 of Whatcom County at a Special Meeting held this 16th day of March 2020.

Jeffrey L. McClure, President

Michael J. Murphy, Vice-President

ATTEST: _____
Atul Deshmane, Secretary