

RESOLUTION NO. 1096  
OLYMPIC VIEW WASTER AND SEWER DISTRICT

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE OLYMPIC VIEW WATER DISTRICT, WASHINGTON, AUTHORIZING THE USE OF EMERGENCY PROCUREMENT PROCEDURES CONSISTENT WITH STATE LAW AND TO ADOPT PROCEDURES FOR HOLDING PUBLIC MEETINGS THAT ARE CONSISTENT WITH STATE LAW WHILE REDUCING THE RISK OF EXPOSURE AND SPREAD OF CONTAGIOUS VIRUSES THROUGH SOCIAL INTERACTIONS.**

**WHEREAS**, the Revised Code of Washington (RCW) Chapter 38.52 authorizes the Board of Commissioners to exercise emergency powers; and

**WHEREAS**, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

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

**WHEREAS**, on February 29, 2020, Governor Jay Inslee declared a state of emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 2, 2020, the Snohomish County Department of Emergency Management, Snohomish County Emergency Coordination Center, began coordinating information and resources across county government to support the Snohomish Health District in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Snohomish Health District; and

**WHEREAS**, on March 4, 2020, by Health Officer's Order No. 20-056, the Snohomish County Health Officer proclaimed a countywide public health emergency for COVID-19; and

**WHEREAS**, on March 4, 2020, Snohomish County Executive Dave Somers signed a proclamation of emergency due to the number of confirmed cases of COVID-19 in the County, thus enabling the County government to take extraordinary measures; and

**WHEREAS**, on March 11, 2020 Governor Jay Inslee issued an additional Emergency Proclamation ordering that all events that takes place in King, Snohomish, and Pierce counties with more than 250 people are prohibited by the state. The order applies to gatherings for social, spiritual and recreational activities. These include but are not limited to: community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers and similar activities; and 50 individuals or more, and

**WHEREAS**, on March 15, 2020 Governor Jay Inslee issued an additional proclamation which closed all restaurants, bars and the like and prohibited gatherings of

**WHEREAS**, the health, safety and welfare of City residents, businesses, visitors and staff is of utmost importance to the City and additional future measures may be needed to protect the community; and

**WHEREAS**, the City may require additional assistance in the future, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion; and

**WHEREAS**, RCW 36.40.180, RCW 38.52.070(2), and RCW 39.04.280(3), authorize the waiver of the requirements of competitive bidding and public notice with reference to any contract relating to the Olympic View Water and Sewer District's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts in emergency situations;

**WHEREAS**, there is an emergency present which necessitates the utilization of emergency powers granted pursuant to chapter 38.52 RCW and other relevant provisions of state and federal law; and

**WHEREAS**, the Open Public Meetings Act, chapter 42.30 RCW, requires the District to take action in an open public meeting where members of the public are able to attend such meetings without any conditions placed on attendance; and

**WHEREAS**, due to the multiple declarations of emergency adopted as set forth herein, the public's ability to attend public meetings must be balanced with the need to limit continued exposure, or risk of exposure, through social interaction to the COVID-19 virus;

**WHEREAS**, the Attorney General has issued guidance to public agencies attempting to comply with the OPMA and reducing and limiting the risk of social exposure indicating that using a remote speakerphone available at an agency meeting location (agency office or other designated physical location) where the public can attend to listen to the discussion, using a phone call- in numbers the public can use, or real time streaming of the meeting online, or GoToMeeting, or similar remote means for the public to listen to the discussion would be appropriate under existing Emergency Proclamation(s);

**NOW, THEREFORE**, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE OLYMPIC VIEW WATER AND SEWER DISTRICT:

#### **SECTION 1**

It is hereby declared under RCW 38.52.020(1)(b) that a State of Emergency exists in the Olympic View Water and Sewer District as a result of the aforementioned conditions, which significantly impacts the life and health of our residents, and is a disaster that affects life, health, property, or the public peace.

#### **SECTION 2**

In order to prepare for, prevent and respond to this emergency, pursuant to, RCW 36.40.180, RCW 38.52.070(2), and RCW 39.04.280(3), the requirements of competitive bidding and public notice are hereby waived with reference to any contract relating to the district's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts. Staff are hereby, under the direction of the General Manager are hereby authorized to exercise the powers vested in this proclamation in light of the demands of a dangerous and escalating emergency situation without regard to time consuming procedures and formalities otherwise normally prescribed by law (excepting mandatory constitutional requirements).

**SECTION 3**

A copy of this declaration, the extent practicable, shall be posted at the District's regular locations for official notices and shall be made available to members of the local news media and the general public.

Section 4. District Staff are hereby directed to incorporate procedures for conducting public meetings that are consistent with the Open Public Meetings Act as set forth in chapter 42.30 RCW while balancing the requirement of public viewing and participation with need to limit the social interactions that could increase the risk of exposure to the COVID-19 virus. Such procedures may include using a remote speakerphone available at an agency meeting location (agency office or other designated physical location) where the public can attend to listen to the discussion, using a phone call-in numbers the public can use, or real time streaming of the meeting online, or GoToMeeting, or similar remote means for the public to listen to the discussion.

Section 5. Should the Commission Rules not allow for board members to participate remotely, this Resolution formally suspends the rules and temporarily allows for such participation until the emergency situation subsides and/or an amendment to the Commission Rules is formally adopted allowing for such participation.

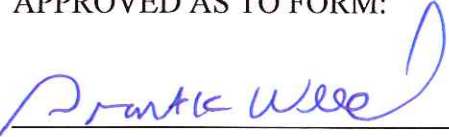
APPROVED AND ADOPTED this 16 day of March, 2020.

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Lora L. Petso, President

  
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Fanny Yee, Commissioner

  
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John E. Elsasser, Secretary

APPROVED AS TO FORM:

  
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Attorney Grant K. Weed