

**HARTSTENE POINTE WATER-SEWER DISTRICT
REGULAR MEETING
District Office
772 E Chesapeake Drive, Shelton, WA 98584
February 1, 2018 1:00 P.M.**

AGENDA

1. Call to Order
2. Roll Call
3. Subscriber Remarks
4. Correspondence
5. Present Agenda
6. Minutes *(pgs. 2-3)*

REPORTS:

7. Commissioner Reports
8. Emergency Preparedness Report
9. Financial/Administrative Report:
 - Bills to Be Authorized: Voucher 2018-03
 - Drinking Water State Revolving Fund Loan Status Update
10. Manager's Report

BUSINESS:

11. WASWD Commissioner Workshop Recap
12. CB Radio Purchase for Service Truck
13. Emergency Plan *(pgs. 4-6, plus previous handouts)*

**HARTSTENE POINTE WATER-SEWER DISTRICT
REGULAR MEETING of the BOARD OF COMMISSIONERS
January 18, 2018
District Office, 772 E Chesapeake Drive, Shelton, WA 98584**

MINUTES

PRESENT: Commissioner D. McNabb, Secretary R. Scarola, President A. Hospador, General Manager (GM) M. Jeffreys, Accounting and Administrative Services Manager (AAS) M. Carnahan.

CALL TO ORDER: The meeting was called to order at 1:00 pm.

SUBSCRIBER REMARKS: No subscribers present.

CORRESPONDENCE: No correspondence.

PRESENT AGENDA: The agenda for the January 18, 2018 regular meeting was presented. *Commissioner Scarola moved to adopt the agenda as presented. Commissioner McNabb seconded. Hearing 3 aye votes and 0 nay votes, the agenda was adopted as presented.*

MINUTES: The minutes of the January 4, 2018 regular meeting were presented. Commissioner Scarola requested the following correction: Under Minutes, change "Commissioner Hospador seconded" to Commissioner Scarola seconded. *Commissioner McNabb moved to approve the minutes as corrected. Commissioner Scarola seconded. Hearing 3 aye votes and 0 nay votes, the minutes were approved as corrected.*

REPORTS:

Commissioner Reports:

- Commissioner Scarola:
 - Noted the MRSC Blog Post, "OPMA and PRA Training Requirements for Government Officials." He asked whether the training requirements would be covered at the WASWD Commissioner Workshop on January 27th. The AAS indicated she could not be certain without knowing what information would be covered.
 - Shared information on a pump he purchased to use with the water storage barrels being provided by the District to customers.
- Commissioner McNabb: Shared an article from the American Water Works Association Pacific Northwest Subsection publication, *Water Matters*, "Continue to Look Below the Surface."
- Commissioner Hospador: Due to personal reasons, Commissioner Hospador tendered his resignation as Board President. *Commissioner Scarola moved to accept the resignation as President. Commissioner McNabb seconded. Hearing 2 aye votes and 0 nay votes, the motion passed.*

Commissioner Hospador nominated Commissioner Scarola to serve as Board President. Commissioner McNabb seconded. Hearing 2 aye votes and 0 nay votes, Commissioner Scarola was elected Board President.

President Scarola nominated Commissioner Hospador to serve as Board Secretary. Commissioner McNabb seconded. Hearing 2 aye votes and 0 nay votes, Commissioner Hospador was elected Board Secretary.

President Scarola appointed Commissioner McNabb to continue as Audit Commissioner.

Emergency Preparedness Report: Commissioner Scarola reported the HPMA Emergency Preparedness Committee met on January 9th. The committee has purchased a complete medical kit. One member of the committee is interested in establishing a de-salinization plant for the Pointe. Commissioner Scarola has reported to the committee on what the District is doing to prepare for emergencies, including developing the emergency response plan.

Financial/Administrative Report:

- Bills to Be Authorized: Voucher 2018-02, in the amount of \$14,732.83, was presented. *President Scarola moved to approve the voucher. Commissioner McNabb seconded. Hearing 3 aye votes and 0 nay votes, the voucher was approved.*
- Monthly Financial Report – December 2017: Presented and discussed. *Commissioner Hospador moved to approve the December 2017 financial report. Commissioner McNabb seconded. Hearing 3 aye votes and 0 nay votes, the motion passed.*
- Quarterly/Year-End Financial Report – Q4 2017: Presented and discussed.

Manager's Report: A written report was presented (attached).

- GM reported he and the WWTPPO are seeing inconsistencies in some of the lab sampling results. He plans to take three identical samples for drinking water and have the WWTPPO take three samples for the wastewater effluent and take them to three separate labs to investigate.
- The wastewater effluent composite sampler has failed and is non-repairable. Through preliminary investigation, the GM has received one quote of \$7,100, not including tax, for a new composite sampler. *Commissioner Hospador moved to approve purchase of a new composite sampler not to exceed \$7,200. Commissioner McNabb seconded. Hearing 3 aye votes and 0 nay votes, the motion passed.*

Meeting recessed at 2:15 pm. Meeting reconvened at 2:25 pm.

BUSINESS:

Emergency Plan: The Draft Emergency Plan, presented at the December 28, 2017 regular meeting, was discussed. Commissioner Scarola provided written comments and questions. GM distributed an appendix for the Emergency Plan, "Water Supply after a Severe Earthquake," detailing step-by-step instructions for how to access water directly from the reservoir and well. Discussion was tabled until the next meeting. Discussion was tabled until the next meeting.

Commissioner Hospador moved to adjourn the meeting. Commissioner McNabb seconded. Hearing 3 aye votes and 0 nay votes, the meeting was adjourned at 3:00 pm.

Respectfully Submitted By:

Signature

Name and Title

Approved at the Regular Meeting of the Board on: _____

Waiving Competitive Bidding Requirements in the Event of an Emergency

August 7, 2014 by Pat Mason
Category: Purchasing and Contracting

In view of the recent Oso landslide and numerous and destructive wildfires in our state, I thought it would be timely to provide a brief review of the rules in state law relating to waiving competitive bidding requirements in emergency situations, when a local government needs to act quickly. These rules are not new and are not complicated.

Basically, there is a general exemption from competitive bidding requirements for all Washington local governments when awarding contracts for public works projects or for purchases of supplies, materials, and equipment in the event of an emergency. See RCW 39.04.280(1)(c) and (e). An "emergency," for purposes of this bidding exemption, is defined in subsection (3) of that statute to mean:

unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Washington local governments have cited a diverse array of circumstances as "emergencies" for the purposes of this competitive bidding exemption. Typically those circumstances involve natural disasters such as wildfires, floods, windstorms, and the like.

However, the exemption is not limited to emergencies that result from natural disasters. Circumstances such as, for example, broken water mains or sewer pipes that call for immediate action to prevent or limit damage to property can also fit this definition of emergency. If in doubt whether a situation constitutes an emergency for purposes of waiving the bidding requirements, MRSC recommends contacting the Office of the State Auditor for guidance.

Once it is determined that an emergency exists, then the person or persons designated by the governing body to act in the event of an emergency may declare that an emergency situation exists, waive competitive bidding requirements, and award all contracts necessary to address the emergency. However, the governing body (e.g., city council, board of county commissioners) or the designee must within two weeks of the award of any such contracts adopt "a written finding of the existence of an emergency."

Note also that RCW 38.52.070(2), which addresses emergency plans and procedures provides that in the event of an "extreme emergency situation," local governments are authorized to exercise emergency powers without regard to procedures such as competitive bidding requirements.

Under the Open Public Meetings Act, the governing body may in the event of an emergency meet without the notice otherwise required by the Act. RCW [42.30.070](#). For a special meeting to be held without notice in the event of an emergency, the emergency must involve injury or damage to persons or property or the likelihood of such injury or damage, if the notice would be impractical and increase the likelihood of such injury or damage. RCW [42.30.080\(4\)](#).

MRSC, in its *City Bidding Book*, has compiled a short Q&A section to help distinguish a “disaster” or “emergency” from a “non-emergency”:

Q: Our city water tank has been badly damaged and water pressure is threatened.

A: Although this is not a natural disaster, it is a serious problem that probably constitutes an emergency that will allow the city to waive the bid laws.

Q: Our pump station needs repairs. Raw sewage is flowing into the lake.

A: As in the previous case, this probably can be treated as an emergency, particularly with the emphasis these days on programs to improve water quality.

Q: The city council wants to get new streetlights in place for the holiday season, and there is not enough time to go out for bids.

A: This is not an emergency. The money has been in the budget for months. The council should have made the street department aware that this was a priority item on its work program.



About Pat Mason

Pat is recognized throughout Washington State as a highly trusted resource on municipal law. He regularly counsels local governments on public records, open public meetings, and just about any other municipal issue that comes up.

[VIEW ALL POSTS BY PAT MASON](#) ▶

Comments

1 comment on Waiving Competitive Bidding Requirements in the Event of an Emergency

"Thanks Pat---that was very helpful. Over here in Okanogan County we definitely are having an emergency--with 300+ homes burned by wildfire. Mick Howe"

Mick Howe on Aug 11, 2014 1:48 PM

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Appendix D – Emergency Templates

Declaration of Emergency Resolution Template

**HARTSTENE POINTE WATER-SEWER DISTRICT
MASON COUNTY, WASHINGTON**

RESOLUTION 20__-__

**A RESOLUTION OF THE
HARTSTENE POINTE WATER-SEWER DISTRICT COMMISSIONERS
DECLARING AN EMERGENCY, WAIVING COMPETITIVE BIDDING REQUIREMENTS, AND
ORDERING CERTAIN WORK.**

WHEREAS, the Hartstene Pointe Water-Sewer District, a special purpose district, is authorized by RCW 57.08.050 to perform public works after waiving competitive bidding requirements in certain limited circumstances; and

WHEREAS, (state emergency); now

THEREFORE, The Board of Commissioners of the Hartstene Pointe Water-Sewer District hereby resolves:

1. That an emergency exists.
2. That this unforeseen circumstance presents a real, immediate threat to the proper performance of essential functions.
3. That competitive bidding requirements are waived for (name emergency/work to be done) under authority granted by RCW 57.08.050.
4. That the District's General Manager is directed to negotiate an agreement with a responsible contractor to (state emergency work to be performed).

ADOPTED by the District Board of Commissioners at its scheduled meeting on _____, 20__.

Hartstene Pointe Water-Sewer District
Mason County, Washington

, President

, Commissioner

, Commissioner