

**Before the Board of Trustees
of the
Hartnell Community College District**

Resolution No. 20:5
Declaring Emergency Conditions and Taking Additional Action in
Response to the Threat of COVID-19

WHEREAS, on January 23, 2020, the Centers for Disease Control activated its Emergency Response System to provide ongoing support for the response to a novel coronavirus (COVID-19) across the country; and

WHEREAS, on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center, and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of COVID-19; and

WHEREAS, on March 6, 2020, the County of Monterey Board of Supervisors declared a local health emergency in response to COVID-19; and

WHEREAS, on March 12, 2020, the Governor of California issued Executive Order No. 25-20, waiving certain statutory requirements of state and local agencies including waiving certain requirements of the Brown Act; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency to open access to financial aid for states, territories, and localities, and directed the opening of emergency response centers in every state, asked every hospital in the country to initiate their emergency preparedness plans, and provided the Secretary of the U.S. Department of Health and Human Services the authority to waive certain rules and requirements; and

WHEREAS, on March 17, 2020, the County of Monterey Health Department issued a Shelter in Place Order in response to COVID-19, effective March 18, 2020 through April 7, 2020; and

WHEREAS, guidance provided to institutions of higher education throughout California and the United States considers the temporary transition of courses, instruction, and other operations to an online or telecommuting environment to be an effective measure against the threat of COVID-19; and, in accordance with such guidance, various institutions of higher education, including community college districts within California, have or are planning to temporarily transition courses, instruction, and other operations to an online or telecommuting environment; and

WHEREAS, strict compliance with various statutes, regulations and contractual agreements could prevent, hinder or delay appropriate actions on the part of the District to prevent and mitigate the effects of COVID-19; and

WHEREAS, it is imperative for the Hartnell Community College District (District) to prepare for and implement measures to respond to the threat and potential spread of COVID-19; and

WHEREAS, it is imperative that the Superintendent/President has the tools necessary to ensure the health and safety of students and employees on campuses and other District facilities, to ensure that student learning continues if student education needs to be conducted from alternate locations or virtual learning environments; and

WHEREAS, it is imperative that District employees be allowed to take a leave of absence due to being quarantined or staying home after recently returning from State Department Level 3 countries or those who are sick from COVID-19 or illnesses with similar symptoms (e.g., cough, fever, shortness of breath); and

WHEREAS, the protection of the health and safety and preservation of the lives and property of the people of the State from the effects of natural emergencies such as COVID-19, which may result in conditions of disaster, dire interruption of the District program, or in extreme peril to life, property, and resources is of paramount importance requiring the responsible efforts of public and private agencies and individual citizens, and all public employees required to serve as disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law under Government Code section 3100; and

WHEREAS, Section 1102 of the Public Contract Code defines “emergency” to mean a “sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services,” and section 21060.3 of the Public Resources Code and California Environmental Quality Act Guidelines, 14 California Code of Regulations section 15269 subdivision (c) defines “emergency” to mean “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services;” and

WHEREAS, under California Public Contract Code section 20654, in an emergency when any repairs, alterations, work, or improvement is necessary to any facility of a community college to permit the continuance of existing community college classes, or to avoid danger to life or property, the Board may, by unanimous vote, with the approval of the county superintendent of schools, do the following: make a contract in writing or otherwise on behalf the District for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids; and, notwithstanding California Public Contract Code section 20655.

NOW, THEREFORE BE IT RESOLVED, that the Governing Board hereby determines that the circumstances described in this Resolution constitute an emergency for purposes of, including, but not limited to the Education Code, Government Code, Public Contract Code, and the Hartnell Community College District’s collective bargaining agreements; and

BE IT FURTHER RESOLVED, that the Governing Board hereby authorizes the Superintendent/President or her designee to take any and all actions necessary to ensure the continuation of public education, and the health and safety of the students and employees at the District

Sites, including, but not limited to: the relocation of students and employees, temporary transfer or temporary assignment of work, provision of alternative educational program and rational options including, without limitation, temporarily transitioning courses, instruction and other operations to an online or telecommuting environment and mode of operation, provision of leave of absence, pursuant to Education Code sections 87765 and 88199, to employees due to quarantine or recently returning from State Department Level 3 countries or those who are sick from COVID-19 or illnesses with similar symptoms (e.g. cough, fever, shortness of breath), directing faculty and employees to serve as disaster service workers pursuant to Government Code 3100, or make alterations, repairs or improvements to school property, services and programs; and

BE IT FURTHER RESOLVED that the Governing Board hereby determines that the District may enter into any and all contracts necessary, subject to the requirements set forth in California Public Contract Code section 20654, without advertising or inviting bids, and for any dollar amount necessary to respond to the emergency conditions at the District Sites, including, but not limited to: the relocation of students and employees; continued instruction of students; maintenance of supplies, instructional materials, operational support supplies, equipment in support of virtual learning, and provision of additional personnel; and to secure bio-hazard prevention services and supplies.

BE IT FURTHER RESOLVED that this Resolution shall remain in effect until rescinded by majority vote of the Governing Board.

PASSED AND ADOPTED at a special meeting of the Board of Trustees of the Hartnell Community College District on this 18 day of March 2020, by the following vote:

YES: DePauw, Donohue, Lopez, Montemayor, Osorio, Padilla-Chavez, Salazar, Jr.

NO: None

ABSENT: None

ABSTAIN: None


Secretary
Board of Trustees
Hartnell Community College District