

VICTOR VALLEY COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
RESOLUTION NO. 20-05

WHEREAS, In December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was identified and has impacted more than 100 countries including the United States. As of March 13, 2020, The World Health Organization reported there are more than 130,000 confirmed cases of COVID-19 globally including over 1,600 cases in the United States and over 200 in the State of California. Officials expect the numbers in California to increase; and

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

WHEREAS, on March 12, 2020, the San Bernardino County Board of Supervisors declared a local health emergency in response to COVID-19; and

WHEREAS, on March 12 2020, the Governor of California issued an Executive Order to further enhance California's ability to respond to the COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency in response to COVID-19; and

WHEREAS, on March 13, 2020, the Governor of California signed an Executive Order ensuring California public school districts retain state funding even in the event of physical closure; and

WHEREAS, on March 14, 2020, the San Bernardino County Health Department has no known confirmed cases of COVID-19 in San Bernardino County but cases are confirmed in neighboring counties; 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 and/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 in California and elsewhere have or are planning to temporarily transition courses, instruction, and other operations to an online and/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 Victor Valley 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 have the tools necessary to ensure the health and safety of students and staff on campus, to ensure that student learning continues if student education needs to be conducted from alternative 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 Level 3 countries or 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 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 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(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 service;” 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 of the district for the performance of labor and furnishings 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, by adoption of this resolution, the Board of Trustees hereby:

1. Determine that the circumstances described in the Resolution herein constitute an emergency condition; for purposes of, but not limited to, section 20654 of the Public Contract Code; and
2. Authorize the Superintendent/President and/or his designee to take any and all actions necessary to ensure the continuation of public education, and the health and safety of the students and staff at the District, including, but not limited to: the relocation of students and staff, provision of alternative educational program and operational options including, without limitation, temporarily transitioning courses, instruction and other operations to an online and/or telecommuting environment and mode of operation, provide and/or direct the leave of absence to employees due to quarantine or recently returning from level 3 countries or sick from COVID19 or illness with similar symptoms (cough, fever, shortness of breath) or cohabitants of any individuals pursuant to Education Code sections 87765 and 88199, directing faculty and staff to serve as disaster service workers pursuant to Government Code 3100, and/or make alterations, repairs or improvements to school property, services and programs.

Adopted March 17, 2020