

**Resolution of the Board of Trustees
San Diego Community College District**

The Board of Trustees of the San Diego Community College District Declares Emergency Conditions and Takes Additional Action in Response to the Threat of COVID-19

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

WHEREAS, on February 14, 2020, the San Diego County Board of Supervisors (Board of Supervisors) declared a local health emergency in response to COVID-19; and on March 10, 2020, the Board of Supervisors voted unanimously to continue the local health emergency; and

WHEREAS, on March 9, 2020, San Diego County public health officials announced the first presumptive positive case of COVID-19 in San Diego County, and officials expect the number of cases to increase; 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 within San Diego County and elsewhere in California, 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 the San Diego 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 Chancellor have the tools necessary to ensure the health and safety of students and staff 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 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, 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(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 Board of Trustees hereby determines 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

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Chancellor and/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 staff at the District Sites, 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, provision of leave of absence to employees due to quarantine or recently returning from level 3 countries or sick from COVID-19 or illnesses with similar symptoms (e.g. cough, fever, shortness of breath) or co-habitants 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; and

BE IT FURTHER RESOLVED, that such authorization shall not abrogate the terms and conditions of any collectively bargained agreement, nor shall such actions violate state collective bargaining statutes. The District is committed to working closely with all collective bargaining agents as it deals with the complicated and varied employment questions that will arise in the coming weeks and how a transition to a distance education/work-from-home environment will impact its students, faculty and staff.



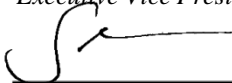
Maria Nieto Senour, Ph.D.

President



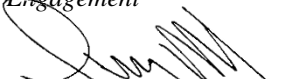
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Executive Vice President



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Vice President for Social Justice and Community Engagement



Craig Milgrim

Vice President for Diversity and Equity



Bernie Rhinerson

Vice President for Legislative Advocacy

Passed and adopted by the Board of Trustees of the San Diego Community College District in San Diego, California, this 12th day of March, 2020.



Constance M. Carroll, Ph.D.

Chancellor

