

# **MIRACOSTA COMMUNITY COLLEGE DISTRICT**

## **RESOLUTION NO. 21–19/20**

### **Emergency Conditions and Response to COVID-19**

#### **The Board of Trustees of the MiraCosta 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, as of March 16, a total of 55 positive cases of COVID-19 have been identified in San Diego County; 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 MiraCosta 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 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 of the MiraCosta Community College District:

- (1) Determines that the circumstances described in the Resolution herein constitute an emergency condition; and
- (2) Authorizes the Superintendent/President 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, including, but not limited to: the relocation of students and staff, provision of alternative educational program options, directing staff to serve as disaster service workers pursuant to Government Code 3100, and/or to make alterations, repairs or improvements to school property.


PASSED, APPROVED, AND ADOPTED this 19<sup>th</sup> day of March, 2020, by the Board of Trustees of the MiraCosta Community College District of San Diego County, California, by the following vote, which constitutes a majority of the Board of Trustees:

AYES:	7	Broad, Cassar, Fischer, McNeil, Merchat, Pedroza, Simon
NOES:	0	
ABSTAINING:	0	
ABSENT:	0	

STATE OF CALIFORNIA     )  
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SAN DIEGO                 )

  
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Rick Cassar  
Board President

I, Sunita V. Cooke, secretary to the Board of Trustees of the MiraCosta Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the resolution duly passed and adopted by said board at a regularly called and conducted meeting held on said date.

  
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Sunita V. Cooke, Ph.D.  
Superintendent/President