



*Governing Board Resolution #20-008
Declaring Emergency Conditions and
Delegating Authority to the Chancellor to Take Action
in Response to the Threat of COVID-19 Coronavirus*

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

WHEREAS, as of March 17, 2020, there are 472 confirmed cases of COVID-19 in California and 55 confirmed cases of COVID-19 in San Diego County, and health officials expect the number of cases to exponentially increase; and

WHEREAS, federal, state, and local public health authorities have determined thresholds for college closures based on evidence of exposure, potential spread, and confirmed cases of COVID-19; and

WHEREAS, federal, state, and local public health authorities have provided recommendations to institutions of higher education to prevent and mitigate the effects of COVID-19 including the temporary closure of educational institutions and/or transition of courses, instruction, and other operations to online/virtual learning and/or telecommuting; 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 Grossmont-Cuyamaca Community College (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 authority to ensure the health and safety of students and staff and to ensure that student learning continues; and

WHEREAS, the Governing Board is authorized under Education Code section 70902(d) to delegate any of its statutory powers or duties to the Chancellor so long as such power is not expressly made nondelegable by statute; and

WHEREAS, the Governing Board has adopted Board Policy No. 2430 in accordance with Education Code section 70902(d) which authorizes the Governing Board to delegate any of its statutory powers or duties to the chief executive of the District, which is the Chancellor.

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees of Grossmont-Cuyamaca Community College District hereby determines that the circumstances surrounding the outbreak and potential further spread of COVID-19 threatens the health, safety, and welfare of District students and employees, and accordingly, the Board hereby declares a State of Emergency; and

BE IT FURTHER RESOLVED THAT:

A. This delegation of authority 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.

B. In the event that federal, state and/or local authorities order the immediate closure of a college, site and/or office of the District, the Chancellor is authorized to close such college, site and/or office(s) until the Governing Board can review such decision at a public meeting.

C. Should federal, state and/or local authorities recommend preventative or responsive closures of public schools and/or colleges, the Chancellor may take any and all actions deemed necessary to ensure the continuation of public education, and the health and safety of the students and staff, including, but not limited to:

1. The relocation of students and staff;
2. The provision of alternative educational programs and operations including, without limitation, temporarily transitioning courses, instruction and other operations to an online and/or telecommuting mode of operation;
3. The provision of leaves of absence to employees for preventative purposes, due to quarantine, recently returning from level 3 countries, being sick from COVID-19 or illnesses with similar symptoms (e.g. cough, fever, shortness of breath); and/or being co-habitants of any individuals pursuant to Education Code sections 87765 and 88199;
4. The immediate closure of a college, site and/or office of the District until the Governing Board can review such decision at a public meeting;
5. Directing faculty and staff to serve as disaster service workers pursuant to Government Code 3100, and/or making alterations, repairs or improvements to school property, services and programs; and

D. The Chancellor, within her discretion, is hereby authorized to enter into written agreements with outside vendors and/or consultants for materials, products and/or services, including alterations, repairs or improvements to District property, necessary due to COVID-19 without prior or subsequent approval by the Governing Board under the limitations of this Resolution.

1. Each and every written agreement or contract entered into pursuant to this Resolution:
 - a) Shall have an absolute total or maximum liability and/or cost to the District of two hundred and fifty thousand dollars (\$250,000) for the entire term of the written agreement or contract; and
 - b) Shall not have an automatic renewal provision; and

- c) Shall be consistent with the current adopted Budget in the District and shall not cause any additional deficit spending; and
2. Within forty-eight (48) hours after approval of any written agreement by the Chancellor, the Chancellor shall notify all members of the Governing Board regarding her action, and if applicable, shall make a copy of the written agreement immediately available to any member of the Governing Board upon request.
 3. No written agreements shall be entered into under this Resolution during any time when the District does not have an approved Budget, during any time when the District's financial condition is under review and/or monitoring by the State Chancellor's Office pursuant to Title 5 §58312, or during any time when the District must borrow funds to meet current cash needs.

BE IT FURTHER RESOLVED THAT:

This delegation of authority by the Governing Board to the Chancellor of the District shall be effective for one year from the date of this Resolution unless rescinded by the Governing Board.

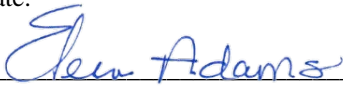
PASSED AND ADOPTED this 18th day of March 2020 by the following votes:

AYES: Bill Garrett, Debbie Justeson, Elena Adams, Brad Monroe

NOES: Linda Cartwright

ABSENT: None

I, Elena Adams, Clerk of the Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly passed and adopted by said Board at the regularly called and conducted meeting held on said date.



Clerk of the Governing Board