

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

RESOLUTION NO. 03-2021

AUTHORIZATION NEEDED TO TAKE ANY AND ALL NECESSARY ACTIONS TO
PREPARE AND RESPOND EFFECTIVELY TO THE NOVEL CORONAVIRUS (COVID-19)
DECLARING EMERGENCY CONDITIONS EXIST AT LOCATIONS WITHIN THE
CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

WHEREAS, on March 4, 2020 the Governor of California issued a Proclamation of a State of Emergency, on March 10, 2020 Alameda County Board of Supervisors approved a resolution declaring a Local Health Emergency, and on March 13, 2020 the President of the United States declared a National Emergency due to the outbreak and spread of a novel coronavirus (COVID-19); 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 and regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, it is imperative to prepare for and implement measures to respond to the spread of COVID-19; and

WHEREAS, it is imperative to have the tools to ensure the health and safety of students, employees, and families in our campus communities; and

WHEREAS, it is imperative to have the tools to protect student learning continues if student educational needs are to be conducted from alternate locations or virtual learning environments; and

WHEREAS, the protection of the health, 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 State 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 3100; and

WHEREAS, Chabot-Las Positas Community College District Emergency Operations Plan empowers the Chancellor authority to proclaim an emergency declaration; and

WHEREAS, California Government Code Section 8630 requires the governing body to review the declaration at least once every 60 days until the governing board terminates the local emergency; 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 21060.3 of the Public Resources Code and California Environmental Quality Act Guidelines 14 CCR 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. ‘Emergency’ includes such occurrences as fire, flood, earthquake, or other soil or geological movements, as well as such occurrences as riot, accident, or sabotage”; 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 Chabot-Las Positas Community College District:

1. Determines that the circumstances described in the Resolution herein constitute an emergency condition; and
2. Authorizes the Chancellor and/or their designee to take any and all actions necessary to ensure the continuation of public education, 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, 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 section 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 staff to serve as disaster service workers pursuant to Government Code 3100, and/or to make alterations, repairs or improvements to school property; and
3. 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 staff; 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; and
4. This Resolution shall remain in effect until rescinded by majority vote of the Governing Board

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January 26, 2021

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PASSED AND ADOPTED this 26th day of January 2021 by the following votes:

AYES:

NOES:

ABESENT:

ABSTENTIONS:

Secretary of the Board of Trustees of the
Chabot-Las Positas Community College District,
State of California