

AUTHORIZATION NEEDED TO TAKE ANY AND ALL NECESSARY ACTIONS TO PREPARE AND RESPOND EFFECTIVELY TO THE NOVEL CORONAVIRUS (COVID-19) RESOLUTION BY THE ELK GROVE UNIFIED SCHOOL DISTRICT (EGUSD) BOARD OF EDUCATION DECLARING EMERGENCY CONDITIONS EXIST AT ELK GROVE UNIFIED SCHOOLS AND OFFICES (DISTRICT)

**Resolution No. 70, 2019-2020**

WHEREAS, 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, 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, as of March 9, 2020, Sacramento County Public health officials announced the first student in the County to test positive for COVID-19, and officials expect the number of COVID-19 cases to increase; 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 potential spread of COVID-19; and

WHEREAS, it is imperative to have the tools to ensure the health and safety of students, staff, and families on our campuses; and

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

WHEREAS, it is imperative that 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 Coronavirus or illnesses with similar symptoms (e.g., cough, fever, shortness of breath) without suffering pay loss; 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 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, 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 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."

WHEREAS, under California Public Contract Code Section 20113, in an emergency when any repairs, alterations, work, or improvement is necessary to any facility of public schools to permit the continuance of existing school 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 furnishing of materials or supplies for the purpose without advertising for or inviting bid; and, notwithstanding section 20114; and

NOW, THEREFORE BE IT RESOLVED, that the Board of Education of the Elk Grove Unified School District:

- (1) Determines that the circumstances described in the Resolution herein constitute an emergency condition;
- (2) By unanimous vote pursuant to section 20113 of the Public Contract Code and subject to approval by the Sacramento County Superintendent of Schools, authorizes the execution of contracts without advertising or inviting bids; and, notwithstanding section 20114, authorizes the flexibility of M & O, notwithstanding section 20114, to respond to the emergency conditions at District Sites; and
- (3) Authorize the Superintendent 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 Sites, including, but not limited to: the relocation of students and staff, continued daily student transportation, provision of alternative educational program options, provision of leave of absence to employees with pay due to quarantine or recently returning from level 3 countries or sick from COVID-19 or illnesses with similar symptoms (cough, fever, shortness of breath) or co- habitants of any individuals without any impact to their benefit time pursuant to Education Code sections 44964 and 45199, directing staff to serve as disaster service workers pursuant to Government Code 3100, and/or make alterations, repairs or improvements to school property.

PASSED AND ADOPTED by the Governing Board of the Elk Grove Unified School District at 9510 Elk Grove Florin Road, Elk Grove, California, on the 13th Day of March, 2020, by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_

\_\_\_\_\_  
Beth Albiani, Board President

I, Crystal Martinez-Alire, Clerk of the Governing Board of the Elk Grove Unified School District of Elk Grove California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at the regularly scheduled and conducted meeting held at the time and place stated, which resolution is on file and of record in the office of said board.

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Dr. Crystal Martinez-Alire, Board Clerk