



**CHAFFEY COMMUNITY COLLEGE DISTRICT  
SPECIAL MEETING OF THE GOVERNING BOARD**

Monday, March 16, 2020, 10:00 a.m.

Board Room, Marie Kane

Center for Student Services/Administration

**I. REGULAR SESSION**

- A. CALL TO ORDER (10:00 a.m.)
- B. PUBLIC COMMENTS

**II. CLOSED SESSION**

- A. PUBLIC COMMENTS ON CLOSED SESSION AGENDA
- B. RECESS TO CLOSED SESSION
  - 1. Threat to Public Services of Public Facilities (Gov. Code section 54957). Coronavirus Emergency. Consultation with: Superintendent/President, General Counsel, and District Officials.

Gov. Code section 54957(a): This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

**III. REGULAR SESSION**

- A. RECONVENE IN REGULAR SESSION
  - 1. Pledge of Allegiance
- B. ACTION AGENDA
  - 1. Governance Process
    - a. Resolution Declaring Emergency Conditions Exist Throughout the Chaffey Community College District as a result of the threat of the COVID-19 (Coronavirus) and granting the Superintendent/President Emergency Authority
  - 2. Business/Fiscal Affairs
    - a. Proposal to Approve the Addition of \$1,000,000 to the 2019-2020 Unrestricted General Fund Budget to Help Address Increased District Costs Associated with the Coronavirus

**IV. ADJOURNMENT**

*The next regular meeting of the Governing Board will be Thursday, March 19, 2020 at the Chaffey College Chino Community Center.*

Pursuant to the Governor's March 12, 2020, Executive Order N-25-20, Board Members may attend meetings remotely (i.e. by telephone or teleconference) without adhering to the usual requirements that require posting of notices at the remote location and public access to the remote location.

**AGENDA ITEM**  
**Chaffey Community College District**  
**GOVERNING BOARD**

March 16, 2020

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Board Meeting Date

TOPIC     **RESOLUTION DECLARING EMERGENCY CONDITIONS AND GRANTING SUPERINTENDENT/  
PRESIDENT EMERGENCY AUTHORITY**

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Communication No.     III.B.1.a

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SUPPORTS BOARD POLICY

**Board Policy 2430** – The Governing Board delegates to the Superintendent/President the executive responsibility for administering the policies adopted by the Governing Board and executing all decisions of the Governing Board requiring administrative action.

**Board Policy 3505** – The District shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors occurring at facilities owned or operated by the District.

PROPOSAL

Consideration and adoption of a resolution declaring emergency conditions exist throughout the Chaffey Community College District as a result of the threat of the coronavirus (COVID-19) and granting the Superintendent/President emergency authority.

BACKGROUND

In December 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was identified and has now impacted more than 75 countries, including the United States. On March 4, 2020, Governor Gavin Newsom declared a State of Emergency to enable state and local agencies to more effectively respond to the threat of COVID-19. Additionally, on March 10, 2020, the San Bernardino County Public Health Officer and the Board of Supervisors declared a local health emergency in response to COVID-19. On March 13, 2020, the President of the United States declared a national emergency in response to COVID-19.

As of March 12, 2020, there were 198 confirmed cases in California. As of March 13, 2020, there were 1,629 confirmed cases of COVID-19 in the United States. Officials expect the number of cases in California, the United States, and worldwide to increase.

In light of this emergency, the Board is asked to take action to:

1. Adopt a Resolution, attached hereto, declaring emergency conditions exist throughout the District campuses and facilities as a result of the threat of COVID-19 virus.
2. Authorize the Superintendent/President and/or his designee(s) to take any and all actions necessary to ensure the continuation of education, and the health and safety of the students and staff at the District campuses and facilities, including, but not limited to: the relocation of students and staff, temporary transfer and/or temporary assignment of work, provision of alternative educational program options such as online delivery of educational services, provision of leave of absence 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 staff to serve as disaster service workers, and/or make alterations, repairs or improvements to District property.

RESOLUTION DECLARING EMERGENCY CONDITIONS AND GRANTING SUPERINTENDENT/  
PRESIDENT EMERGENCY AUTHORITY

March 16, 2020

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3. Authorize, by unanimous vote, under the provisions of section 20654 of the California Public Contract Code, the Superintendent/President and/or his designee(s):
  - a. To enter into any and all contracts necessary, 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 bio-hazard prevention services; and
  - b. The flexibility with use of District faculty and staff, notwithstanding section 20655 of the California Public Contract Code, to enable and support the District campuses and facilities; and
  - c. The Superintendent/President and/or his designee(s) to obtain permission for any of the above from the county superintendent of schools to the extent required by section 20654 of the California Public Contract Code.

BUDGET IMPLICATIONS

*Funding Source* – None

*Status of Funds* – None

*Future Implications* – None

RECOMMENDATION

It is recommended the Governing Board adopt a resolution declaring emergency conditions exist throughout the Chaffey Community College District as a result of the threat of the coronavirus (COVID-19) and granting the Superintendent/President emergency authority.

Prepared by:	<u>Lisa Bailey, Associate Superintendent, Business Services and Economic Development</u>
Submitted by:	<u>Lisa Bailey, Associate Superintendent, Business Services and Economic Development</u>
Recommended by:	<u>Henry D. Shannon, Superintendent/President</u>

**Resolution of the Governing Board  
Chaffey Community College District**

**The Chaffey Community College District Governing Board Declares Emergency Conditions and Takes Additional Action in Response to the Threat of COVID-19**

**WHEREAS**, on January 23, 2020, the Centers for Disease Control activated its Emergency Response System to provide ongoing support for the response to a novel coronavirus (COVID-19) across the country; and

**WHEREAS**, on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center, and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

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

**WHEREAS**, on March 10, 2020, the San Bernardino County Public Health Officer and the Board of Supervisors declared a local health emergency in response to COVID-19; and

**WHEREAS**, on March 12, 2020, the Governor of California issued Executive Order No. 25-20, waiving certain statutory requirements of state and local agencies including waiving certain requirements of the Brown Act; 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 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 Chaffey 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 has 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 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); 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 Governing Board hereby determines that the circumstances described in this Resolution constitute an emergency for purposes of, including, but not limited to the Education Code, Government Code, Public Contract Code, and the Chaffey Community College District's collective bargaining agreements; and

**BE IT FURTHER RESOLVED**, that the Governing Board hereby authorizes the Superintendent/ President 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, temporary transfer and/or temporary assignment of work, 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, pursuant to Education Code sections 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 make alterations, repairs or improvements to school property, services and programs; and

**BE IT FURTHER RESOLVED**, that the Governing Board hereby 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.

**BE IT FURTHER RESOLVED**, that this Resolution shall remain in effect until rescinded by majority vote of the Governing Board.

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***Gloria Negrete McLeod***  
*President*

*Passed and adopted by the Chaffey Community  
College District Governing Board in  
Rancho Cucamonga, California, this 16th day of March,  
2020.*

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***Gary C. Ovitt***  
*Vice President*

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***Henry D. Shannon, Ph.D.***  
*Superintendent/President*

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***Lee C. McDougal***  
*Clerk*

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***Katherine Roberts***  
*Member*

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***Kathleen Brugger***  
*Immediate Past President*

**AGENDA ITEM**  
**Chaffey Community College District**  
**GOVERNING BOARD**

March 16, 2020  
Board Meeting Date

TOPIC **BUDGET INCREASE – UNRESTRICTED GENERAL FUND**

Communication No. III.B.2.a

SUPPORTS BOARD POLICY

**Board Policy 6300 Fiscal Management** – The Superintendent/President shall establish procedures to assure that the fiscal condition and activity of the District promotes fiscal health and stability, supports Governing Board priorities and financial planning and budgeting, and is consistent with generally accepted principles of accounting and business practices.

PROPOSAL

To approve a budget increase of \$1,000,000 to the 2019-2020 unrestricted general fund budget.

BACKGROUND

In fiscal year 2018-2019, the Chancellor's Office informed colleges of a statewide revenue shortfall largely due to an unanticipated reduction in property tax revenue. At the February 2020 recalculation of 2018-2019 apportionments, the District received most of the prior-year deficit as one-time funds in 2019-2020. One-million dollars (\$1,000,000) will be added to the 2019-2020 unrestricted general fund budget as a contingency to address increased district costs related to the coronavirus pandemic and other urgent needs. The funds may be used to, among other things, facilitate on-line classes, assist with facilities and technology support, secure bio-hazard services, conduct trainings, and other coronavirus-related items or other urgent needs.

BUDGET IMPLICATIONS

*Funding Source* – California Community Colleges' Chancellor's Office, prior-year apportionment

*Status of Funds* – The 2019-2020 unrestricted general fund budget will be increased by \$1,000,000 as indicated below:

48xxx	Income	\$1,000,000
57xxx	Contingency	\$1,000,000

*Future Implications* – None

RECOMMENDATION

It is recommended the Governing Board approve a budget increase of \$1,000,000 to the 2019-2020 unrestricted general fund.

Prepared by:	Anita D. Undercoffer, Executive Director, Budgeting and Fiscal Services
Submitted by:	Lisa Bailey, Associate Superintendent, Business Services and Economic Development
Recommended by:	Henry D. Shannon, Superintendent/President