

LIVERMORE VALLEY JOINT UNIFIED BOARD OF EDUCATION
RESOLUTION NO. 049-19/20

Emergency and Emergency Response of
The Board of Trustees of the Livermore Valley Joint Unified School District

WHEREAS, the World Health Organization declared the COVID-19 virus a world-wide pandemic, on March 11, 2020;

WHEREAS, the President of the United States declared a State of Emergency due to the outbreak and spread of the COVID-19 virus, on March 13, 2020;

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

WHEREAS, Alameda County Public Health Department declared a State of Emergency due to the outbreak and spread of the COVID-19 virus, on March 1, 2020;

WHEREAS, as of March 12, 2020, there are 174 confirmed cases of COVID-19 in California, 7 confirmed cases in Alameda County, and public health officials expect the number of cases to continue to increase;

WHEREAS, the District's Governing Board and Superintendent are committed to ensuring the health and safety of its students, staff, and families;

WHEREAS, it is imperative to take proactive measures to prepare for, and to implement actions to respond to and minimize the potential spread of COVID-19 in the Livermore Valley Joint Unified School District (LVJUSD) schools, the Livermore community, and the State of California;

WHEREAS, the protection of the health and safety and preservation of the lives of students, staff and families, as well as the people of Livermore, the County, and the State from the effects of natural emergencies such as virulent infectious diseases like COVID-19, which may cause extreme peril of life, property, and resources is of paramount local and State importance requiring the responsible efforts of public and private agencies and individual citizens;

WHEREAS, all public employees, which includes all persons employed by a public district, are 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;

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 section 15269(c) of the California Environmental Quality Act Guidelines 14 CCR 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 “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, facts exist and are rapidly emerging that are preventing the District from maintaining its schools for at least 175 days in the year as required by law because of the COVID-19 epidemic, and because of the other extraordinary conditions associated with the spread and risk of COVID-19 in our community and State, including but not limited to the increasing inability to secure teachers to cover classes because more teachers and staff are taking preventive measures to stay home when exhibiting some symptoms associated with COVID-19 and the critical shortage of substitutes or other credentialed staff to cover classrooms, and the rapidly increasing number of teacher and staff illnesses;

WHEREAS, these rapidly developing facts make the dismissal of all District schools imminent and necessary upon very limited notice in order to protect students and other staff;

WHEREAS, a school dismissal is a preemptive, coordinated measure that can be implemented during an evolving pandemic that aims to accomplish public health objectives deemed important by the Centers for Disease Control and Prevention (CDC), including the slowing down of the spread of the pandemic virus in areas that are beginning to experience local outbreaks, thereby allowing time for the local health care system to prepare additional resources for responding to increased demand for health care services; and

WHEREAS, a school dismissal allows staff members to continue to provide opportunities for learning and for other essential operations to continue;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Livermore Valley Joint Unified School District:

- (1) Determines that the circumstances described in the Resolution herein constitute an emergency condition;
- (2) Delegates to the LVJUSD Superintendent or her designee, pursuant to Board Policy 2210 and further to its broad authority under Education Code section 35160, the authority to act on behalf of the Governing Board and the District in manners that are consistent with law and Board policies;
- (3) Authorizes the Superintendent and/or her designee to take any and all actions necessary to ensure the essential operations of the District;
- (4) Grants leaves of absence in accordance with Education Code sections 44964 and 45199 to be administered by the Superintendent and/or her designee to further her authority on personnel matters;

- (5) Determines by unanimous vote and subject to approval by the Superintendent of the Alameda County, that an emergency condition exists because of COVID-19 and related extraordinary conditions, which permits the Superintendent and/or her designee to exercise the provisions of California Public Contract Code section 20113;
- (6) Authorizes the Superintendent to take or direct such actions that are or may be necessary pursuant to Education Code section 41422 to protect the District's interests;
- (7) Authorizes the dismissal throughout all District schools and programs to protect students and staff health and safety, effective March 16, 2020 through April 3, 2020 and
- (8) Authorizes the Superintendent to determine, in consultation with the Board, to take such action to extend the period of school dismissal and to resume in-class instruction when the emergency conditions cease to exist.

PASSED AND ADOPTED by the Governing Board of the Livermore Valley Joint Unified School District on this 13th day of March, 2020, by the following vote:

AYES:	Bueno ✓	Rogge ✓	Prusso ✓	Wenzel ✓	White ✓
NOES:	Bueno	Rogge	Prusso	Wenzel	White
ABSTENTIONS:	Bueno	Rogge	Prusso	Wenzel	White
ABSENT:	Bueno	Rogge	Prusso	Wenzel	White



Clerk of the Board of Education of the

Livermore Valley Joint Unified School District of

Alameda County and Contra Costa County, State of California