

**MORGAN HILL UNIFIED SCHOOL DISTRICT
DESIGNATING PUBLIC WORKS PROJECTS AS AN
ESSENTIAL GOVERNMENTAL FUNCTION
AND DELEGATING AUTHORITY TO DESIGNATE FURTHER PUBLIC WORKS
PROJECTS AS AN ESSENTIAL GOVERNMENT FUNCTION**

WHEREAS, the Morgan Hill Unified School District (“**District**”) has awarded or intends to award public works contracts to contractors and consultants (“**Contractor(s)**”) on the public works projects as further described in **Exhibit A** attached hereto (“**Project(s)**”); and

WHEREAS, as a result of the COVID-19 pandemic (“**Pandemic**”), the District closed its educational facilities and directed District students to engage in distance learning until District students are safe to participate in educational activities at District facilities; and

WHEREAS, the District’s core mission is the education of District students, which is imperative to the community, the state, and the country as a whole; and

WHEREAS, the District must provide safe, secure, and updated educational facilities, and it is therefore essential that the District continue to perform work on the Projects during the Pandemic to ensure that District facilities are safe, sanitary and sufficient to promote positive learning outcomes to students when the Pandemic is contained and students return to District facilities; and

WHEREAS, during March 2020, Santa Clara County, the State of California, and the government of the United States issued multiple orders, directives and/or similar actions mandating or recommending that all individuals stay home or shelter in place to “flatten the curve” of the Pandemic (“**Orders**”), but exempted individuals performing work on “Essential Infrastructure,” including public works projects; and

WHEREAS, the Orders all included exemptions or exceptions for public works or construction projects, essential infrastructure, essential businesses, essential activities, essential government functions, or similar category(ies) of activity that included the construction, modernization, repair, maintenance or remodeling of educational and administrative facilities; and

WHEREAS, some of the Orders instituted social distancing requirements and protocols, the text of an exemplar is attached hereto as **Exhibit B** (“**Protocol**”).

NOW, THEREFORE, the Governing Board of the Morgan Hill Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. The above recitals are true and correct.

Section 2. The Projects as identified in **Exhibit A** attached hereto are each declared essential to the District, are essential to ensure the District’s function and for the District to provide safe, secure, and updated educational and administrative facilities.

Section 3. All Contractors, their subcontractors of every tier, and suppliers to the Contractors and subcontractors, are specifically designated as the entities responsible to perform work on the respective Project(s).

Section 4. The Superintendent or his designee may designate applicable District staff or consultants as responsible for overseeing contractors’ work on the Project(s).

Section 5. The Superintendent or his designee may take any and all actions reasonably necessary to adopt, implement and to ensure the Contractors adopt and implement the Protocol attached hereto as **Exhibit B**, and to the extent applicable to the essential Project or services in support of the essential Project, and may make any reasonable changes thereto as may be required for the Project. The District shall post the Protocol at or near the entrance of all District facilities and shall be reasonably viewable by the public and employees. Further, the District shall ensure that the Contractors provide the Protocol to each employee performing work at the Project sites. District staff shall also request from each Contractor an updated safety plan consistent with the Protocol and any applicable public health directives.

Section 6. The Superintendent or his designee may take any and all actions reasonably necessary to continue the construction of each Project as essential to the District.

Section 7. The Board delegates authority to the Superintendent or his designee to determine that other activities for the construction, modernization, repair, maintenance or remodeling of educational and administrative facilities are essential to the District.

Section 8. Nothing herein shall or is intended to relieve Contractors or others performing essential services from their contractual obligations to provide a safe worksite for their employees and to adhere to all governmental Orders.

This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at a regular meeting held on April 2, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

DATED: April 2, 2020

SIGNED: _____

Carol Ann Gittens, President
Board of Education

I, Steve Betando, Secretary of the Board of Education, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Board of Education of the MORGAN HILL UNIFIED SCHOOL DISTRICT at the regular meeting on April 2, 2020 which resolution is on file in the office of said Board.

DATED: April 2, 2020

SIGNED: _____

Steve Betando, Secretary
Board of Education

Exhibit A

Project List

School Sites	Project Name
Britton Middle School	Folia Doc Camera Installations
Britton Middle School	Increment #1 Site Work
Britton Middle School	New Science Classroom Buildings
Britton Middle School	Science Classroom Technology and Audio Visual
Britton Middle School	Science Wiring Management
District	Mobile Audio Visual Center Delivery and Assignment
El Toro Heath Science Academy	Grant “Green and Adjoining” Rooms
Jackson Academy of Math and Music	Classrooms and Multi-use Modernization
Jackson Academy of Math and Music	Multi-use Room Audio Visual Project
Jackson Academy of Math and Music	New Classroom Buildings
Live Oak High School	Conference Rooms Audio Visual
Live Oak High School	Lecture Hall Audio Visual
Nordstrom Elementary School	New Classroom Buildings
Nordstrom Elementary School	Technology and Audio Visual
Nordstrom Elementary School	Wiring Management
Paradise Valley Engineering Academy	Multi-use Room Audio Visual Project
SG Borello Elementary School	Site Construction
Sobrato High School	Lecture Hall Scaler Installation

All construction, modernization, repair, maintenance or remodeling of educational and administrative facilities, on-going and undertaken in the future, whether performed by District employees or those under direct contract with District to ensure that District facilities are safe, sanitary and sufficient to promote positive learning outcomes to District students when the Pandemic is over and students return to District facilities. “Projects” shall also include those activities necessary to support these Projects which include, but are not limited to, security, support services and other activities.

Exhibit B

Social Distancing Protocol

Business name: _____

Facility Address: _____

Approximate gross square footage of space open to the public: _____

BUSINESSES MUST IMPLEMENT ALL APPLICABLE MEASURES LISTED BELOW, AND BE PREPARED TO EXPLAIN WHY ANY MEASURE THAT IS NOT IMPLEMENTED IS INAPPLICABLE TO THE BUSINESS.

Signage:

- Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.
- Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

- Everyone who can carry out their work duties from home has been directed to do so.
- All employees have been told not to come to work if sick.
- Symptom checks are being conducted before employees may enter the work space.
- All desks or individual work stations are separated by at least six feet.
- Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:
 - Break rooms:
 - Bathrooms:
 - Other:
- Disinfectant and related supplies are available to all employees at the following location(s):
- Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):
- Soap and water are available to all employees at the following location(s):
- Copies of this Protocol have been distributed to all employees.
- Optional—Describe other measures:

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

- Limit the number of customers in the store at any one time to _____, which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.
- Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain:

Optional—Describe other measures:

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures:

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
- Lids for cups and food-bar type items are provided by staff; not to customers to grab.
- Bulk-item food bins are not available for customer self-service use.
- Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe:

- Optional—Describe other measures (e.g. providing senior-only hours):

Measures To Increase Sanitization (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- Employee(s) assigned to disinfect carts and baskets regularly.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- Disinfecting all payment portals, pens, and styluses after each use.
- Disinfecting all high-contact surfaces frequently.
- Optional—Describe other measures:

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: _____

Phone number: _____