

MT. DIABLO UNIFIED SCHOOL DISTRICT

**RESOLUTION NO. 19/20-46
OF THE GOVERNING BOARD OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT
DESIGNATING PUBLIC WORKS PROJECTS AS AN
ESSENTIAL GOVERNMENTAL FUNCTION**

WHEREAS, the Mount Diablo School District (“**District**”) has awarded or intends to award public works contracts with contractors and consultants (“**Contractor(s)**”) that are currently performing work on the public works projects or will be performing public works 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 District students when the Pandemic is over and students return to District facilities; and

WHEREAS, on March 17, 2020, the County of Contra Costa (“**County**”) issued an order (“**Initial Order**”) mandating that all individuals shelter in place but exempted individuals performing work on “Essential Infrastructure,” including public works projects; and

WHEREAS, on March 31, 2020, the County issued another order (“**Current Order**”) that supersedes the Initial Order, now allowing individuals to only leave their residence and travel to “Essential Businesses,” which includes “Construction...[on] [p]ublic works projects if specifically designated as an Essential Governmental Function”; and

WHEREAS, the Current Order provides the following with respect to “Essential Governmental Functions”;

Nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity and its contractors must

employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.

WHEREAS, the Current Order requires that each “Essential Business” develop a “Social Distancing Protocol,” the text of which was attached to the Current Order and is attached hereto as **Exhibit B (“Protocol”)** and

WHEREAS, the Current Order defines “Essential Businesses” to include construction or repair work necessary to ensure public facilities are safe, sanitary or habitable to the extent that such construction or repair cannot be reasonably delayed; and

WHEREAS, the Current Order defines “Essential Businesses” to include plumbers, electricians, exterminators, maintenance personnel and other service providers who provide services that are necessary to maintain the sanitation and operation of Essential Businesses; and

WHEREAS, the Current Order defines “Essential Businesses” to include educational institutions, including public and private K-12 schools, colleges and universities, for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible; and

WHEREAS, the Current Order defines “Essential Businesses” to include businesses that supply Essential Businesses with the support or supplies necessary to operate, to the extent that they support or supply these Essential Businesses;

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

Section 1. The above recitals are true and correct.

Section 2. All activities related to facilitating distance learning or performing essential District functions such as the provision of meals and other services to the community are declared Essential Governmental Functions of the District. The Superintendent or his designee may take any and all actions necessary to ensure the Essential Governmental Functions are performed in a manner that complies with the Current Order’s Social Distancing Requirements to the greatest extent possible;

Section 3. Additionally, the Projects as identified in **Exhibit A** attached hereto are each declared an Essential Governmental Function of the District.

Section 4. 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 5. The Superintendent or his designee may designate applicable District staff as employees responsible for overseeing contractors work on the Project(s), and may designate additional projects as constituting an Essential Government Function for the District.

Section 6. 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** as required by the Current Order, and may make any reasonable changes thereto in consultation with counsel as may be required for the Project. The District shall ensure that the Contractors 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 7. The Superintendent or his designee may take any and all actions reasonably necessary to continue the construction of each Project as an Essential Governmental Function.

This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this ____ day of April, 2020, by the Governing Board of the Mount Diablo Unified School District of Contra Costa County, California, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CERTIFICATION

I, Robert A. Martinez, Secretary of the Governing Board of Mt. Diablo Unified School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on April 2, 2020, and that it was so adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary, Governing Board of Mt. Diablo Unified
School District

List of Exhibits

Exhibit A Project List

Exhibit B Social Distancing Protocol (Appendix A to the Current Order)

Exhibit A

Project List

Name of Project

- 1. Food & Nutrition Services New Warehouse Facility, Central Services Complex**
- 2. District Wide Energy Management System Project(s), Phase I & Phase II**
- 3. Bleacher Replacement & Associated ADA scope at Mt. Diablo High School**
- 4. Roofing Replacement & Repair Projects at Cambridge Elementary School, Mountain View Elementary School, Silverwood Elementary School, Strandwood Elementary School, Pleasant Hill Elementary School, Valhalla Elementary School, Ygnacio Valley Elementary School, Foothill Middle School and portions of Mt. Diablo High School**
- 5. Mechanical Heating Ventilating Air Conditioning Replacement at Woodside Elementary**
- 6. New Adult Education Building and associated work at Cambridge Elementary School**
- 7. Hardscape Improvements at Bancroft Elementary School, Cambridge Elementary School, Gregory Gardens Elementary School, Hidden Valley Elementary School, Meadow Homes Elementary School, Pleasant Hill Elementary School, Shore Acres Elementary School, Sunrise, Shadelands, Oak Grove Middle School, Pine Hollow Middle School, Pleasant Hill Middle School, Loma Vista Adult Centers, Willow Creek Center**
- 8. Exterior Painting at Bancroft Elementary School, Fair Oak Elementary School, Gregory Gardens Elementary School, Monte Gardens Elementary School, Mount Diablo Elementary School, Sun Terrace Elementary School, Pine Hollow Middle School, Valley View Middle School, Shadelands Preschool, Sunrise Center**
- 9. Site Fencing at Bancroft Elementary School, Bel Air Elementary School, Cambridge Elementary School, Meadow Homes Elementary School, Pleasant Hill Elementary School and Rio Vista Elementary School**
- 10. Portable Move to Bancroft Elementary School**
- 11. Tennis Court Replacement/Refurbishment at Mt. Diablo High School and Ygnacio Valley High School**
- 12. Site Landscaping at Sun Terrace Elementary, Oak Grove Middle School and Mt. Diablo High School**
- 13. Elementary Playground Rubber Replacement at Various Elementary Schools for Health & Safety**
- 14. Flooring Removal & Replacement at Various Sites for Health & Safety**
- 15. Gym Floor Refinishing at Various Site**
- 16. Egress Safety Lighting at College Park High School**
- 17. Baseball Facility Safety Netting AT College Park High School**
- 18. Pool Plaster Replacement at College Park High School and Pleasant Hill Middle School**
- 19. Door Replacement at Various Sites for Safety**
- 20. Overall maintenance, cleaning and operation of all District facilities and infrastructure to ensure safe use and operation by District staff, personnel and general public.**

Appendix A: Social Distancing Protocol

Business name: Click or tap here to enter text.

Facility Address: Click or tap here to enter text.

Approximate gross square footage of space open to the public: Click or tap here to enter text.

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 (Click or tap here to enter text.): Click or tap here to enter text.

☐ Disinfectant and related supplies are available to all employees at the following location(s): Click or tap here to enter text.

☐ Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): Click or tap here to enter text.

☐ Soap and water are available to all employees at the following location(s): Click or tap here to enter text.

☐ Copies of this Protocol have been distributed to all employees.

☐ Optional—Describe other measures: Click or tap here to enter text.

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 Click or tap here to enter text.[insert maximum number here], 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: Click or tap here to enter text.

Appendix A: Social Distancing Protocol

Business name: Click or tap here to enter text.

Facility Address: Click or tap here to enter text.

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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.

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☐ Break rooms:

☐ Bathrooms:

☐ Other (Click or tap here to enter text.): Click or tap here to enter text.

☐ Disinfectant and related supplies are available to all employees at the following location(s): Click or tap here to enter text.

☐ Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): Click or tap here to enter text.

☐ Soap and water are available to all employees at the following location(s): Click or tap here to enter text.

☐ Copies of this Protocol have been distributed to all employees.

☐ Optional—Describe other measures: Click or tap here to enter text.

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 Click or tap here to enter text.[insert maximum number here], 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: Click or tap here to enter text.

Appendix A: Social Distancing Protocol

☐ Optional—Describe other measures: Click or tap here to enter text.

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: Click or tap here to enter text.

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: Click or tap here to enter text.
- ☐ Optional—Describe other measures (e.g. providing senior-only hours): Click or tap here to enter text.

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: Click or tap here to enter text.

* 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: Click or tap here to enter text.

Phone number: Click or tap here to enter text.