

MEMORANDUM IN SUPPORT OF DECLARATION OF EMERGENCY

WHEREAS, on March 1, 2020, the Surgeon General of the State of Florida declared a Public Health Emergency to exist in the State of Florida due to the outbreak and spread of COVID-19, and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 52, in which he declared a state of emergency to exist in the State of Florida due to the outbreak and spread of COVID-19, and

WHEREAS, the state of emergency declared in Executive Order 52 was extended by Executive Order 114 on May 8, 2020, and

WHEREAS, the CDC has made recommendations concerning methods for curtailing the spread of COVID19, including but not limited to routinely cleaning frequently touched surfaces, and

WHEREAS, the Governor's Task Force to Re-Open Florida has made recommendations regarding the phased re-opening of businesses, schools, public spaces, accommodations, leisure and sports activities and public and private meetings, and

WHEREAS, in Executive Order 20-139, the Governor has moved the state into full Phase 2 of the Re-Opening Plan, which move encourages the re-opening of meeting spaces and encourages the move toward normalization of activities involving congregation of social, business, religious, and academic groups within the guidelines of, and using the safety protocols prescribed by, the CDC and OSHA, and

WHEREAS, as of June 16, 2020, the number of new COVID-19 infections in the State of Florida is rising daily with the current number of active cases in Clay County reaching 429, and deaths in Clay County resulting from the disease numbering 32, and

WHEREAS, the Superintendent of Schools for Clay County, Florida, in compliance with recommendations of the Governor, intends to re-open the school facilities on or about July 1, 2020, for rental/use by groups in the community, including but not limited to, religious, athletic, social, civic, child care, academic, and other gatherings at which citizens will congregate, and

WHEREAS, such assemblies will de-sanitize the school facilities and spaces utilized for such gatherings, creating an extreme health hazard for exposure to and spread of COVID-19 to the public, to students and school district employees, and which de-sanitization makes it necessary for the School District to do everything possible to deep clean and sanitize school facilities after each use thereby requiring the district to expend additional money to clean and sanitize the facilities on an almost daily basis, and

WHEREAS, current School Board Policies are insufficient to meet the obligation of the District to either fund or to pass along the cost to remedy the public health dangers that utilization of school grounds and facilities will create, or to pass along the liability of the threat of infection of individuals to those who use the facilities and grounds,

NOW, THEREFORE, in consideration of the foregoing, the undersigned states:

1. Conditions set forth above create an immediate danger to the public health, safety and welfare and require immediate emergency action by the School Board and the district to confront and control the danger.

2. School Board policy, in the form of a Use of Facilities & Grounds Manual, must be amended and adopted in order to provide for post use sanitization of facilities needed to protect the public, students, and employees of the district and to pass the costs and liabilities on to those who wish to utilize school board facilities and grounds during the State of Emergency.

3. Emergency adoption of an amended Use of Facilities & Grounds Manual is needed as there is insufficient time to amend and adopt policy through normal process.

4. The School Board is asked only to take the action necessary to protect the public from spread of COVID-19, i.e., adopt an amended Use of Facilities & Grounds Manual which addresses the threat of COVID-19, requires users to pay the cost of sanitizing facilities after their use and requires a Waiver of Liability be executed by those who choose to use the School District facilities and grounds during this pandemic/state of emergency.

5. Procedural safeguards are provided by timely publication of intent to take emergency action, right of the public to be heard concerning this matter, limitation of the Board's action to only those matters necessary to stem the immediate danger and limitation of the length of time that this emergency action will be effective to no more than ninety (90) days.


Respectfully Submitted,



DAVID S. BROSKIE
Superintendent of Schools

6/18/20
Date

Reviewed for Legal Sufficiency



J. BRUCE BICKNER
Attorney for the School Board of Clay County

6/18/20
Date