

SCHOOL BOARD POLICY 1005.1-E

EMERGENCY DELEGATION OF AUTHORITY DURING COVID-19 PANDEMIC

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA FINDS THAT AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE EXISTS AS A RESULT OF THE COVID-19 PANDEMIC. GOVERNOR RON DESANTIS ISSUED EXECUTIVE ORDER NUMBER 20-51 ESTABLISHING THE COVID-19 RESPONSE PROTOCOL AND DIRECTS PUBLIC HEALTH EMERGENCY AND THE UNITED STATES OF AMERICA DECLARED A NATIONAL HEALTH EMERGENCY DUE TO COVID-19 ON MARCH 13, 2020. IN LIGHT OF THE DIRECTIVES AND RECOMMENDATIONS ISSUED BY APPROPRIATE GOVERNMENTAL AND PUBLIC HEALTH OFFICIALS REGARDING THE PANDEMIC, INCLUDING, WITHOUT LIMITATION, THE CONSTRAINTS SUCH DIRECTIVES AND RECOMMENDATIONS IMPOSE UPON THE ABILITY OF THE SCHOOL BOARD TO SAFELY AND TIMELY CONDUCT PUBLIC BUSINESS NECESSARY TO OPERATE THE SCHOOL DISTRICT AND TO SERVE ITS COMMUNITY, THE SCHOOL BOARD ADOPTS THIS EMERGENCY RULE TO TAKE ONLY SUCH ACTION AS IS NECESSARY TO PROTECT THE PUBLIC'S INTEREST AND TO ADDRESS THE SCHOOL DISTRICT'S NEEDS DURING THE PENDENCY OF THE COVID-19 PANDEMIC. THE SCHOOL BOARD FINDS THAT THE PROCEDURE USED FOR ADOPTION OF THIS EMERGENCY RULE IS FAIR UNDER THE CIRCUMSTANCES AT HAND.

RULES

1. **Purchase of Commodities, Contractual Services or Construction Services During Period of Emergency:** During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent or his predetermined designee(s) to execute agreements on its behalf for the purchase of commodities, contractual services or construction services including, without limitation, any such agreements that impose indemnity and insurance obligations upon The School Board, using the procedures specified in Rules C, P and S of Part II of School Board Policy 3320 provided that such agreements have been approved as to form and legal content by the Office of the General Counsel. There is no limitation upon the cost of commodities, contractual services or construction services, except that the cost for all SMART Bond projects must be contained within the available SMART Bond funds and/or reserves that may be incurred using this delegated authority. The Superintendent shall notify each predetermined designee(s) of the financial limit of that person's authority to execute any single agreement. The Superintendent shall notify each predetermined designee receiving authority to execute agreements in excess of \$20,000 of that person's obligations as a reporting individual under the Code of Ethics for Public Officers and Employees [Chapter 112, Florida Statutes]. Subsequent to its execution by the Superintendent, any such emergency purchase agreement shall be submitted to The School Board for post approval.

2. **Amendments to Agreements During Period of Emergency:** During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent or his predetermined designee(s) to execute amendments to agreements on its behalf including, without limitation, any such agreements that impose indemnity and insurance obligations upon The School Board provided that such amendments to agreements have been approved as to form and legal content by the Office of the General Counsel. There is no limitation upon the cost that may be incurred using this delegated authority. The Superintendent shall notify each predetermined designee(s) of the financial limit of that person's authority to execute any single agreement. The Superintendent shall notify each

predetermined designee receiving authority to execute agreements in excess of \$20,000 of that person's obligations as a reporting individual under the Code of Ethics for Public Officers and Employees [Chapter 112, Florida Statutes]. Subsequent to its execution by the Superintendent, any such amendment to agreement shall be submitted to The School Board for post approval.

3. Termination of Agreements During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent to exercise the right to terminate any agreements on its behalf provided that the Superintendent has consulted with the Office of the General Counsel regarding the termination of such agreements. The Superintendent shall notify The School Board of the termination of any agreement subsequent to taking such action.

4. Educational Program or Grant Agreements During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent to execute educational program or grant agreements, both pre-submission and post submission, on its behalf. Subsequent to its execution by the Superintendent, any such educational program or grant agreement shall be submitted to The School Board for post approval.

5. Interlocal Agreements During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent to execute on its behalf interlocal agreements with other governmental agencies necessary to address the needs of the citizens of Broward County. Subsequent to its execution by the Superintendent, any such educational program or grant agreement shall be submitted to The School Board for post approval.

6. Use of Broward County School Facilities for Non-School Purposes During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent to approve Lease Applications for Use of Public School Facilities on its behalf. This emergency rule shall govern in the event of any conflict with School Board Policy 1341.

7. Long Term Rentals and Leases of Real Property or Facilities During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board authorizes the Superintendent to execute contracts and leases on its behalf for the long term (i.e., a term longer than three (3) days in duration) rental or lease of real property or facilities for school district use. This emergency rule shall govern in the event of any conflict with School Board Policy 2314.

8. Settlement of Claims During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board delegates to the Superintendent the authority to settle any claims brought against The School Board within the limits of sovereign immunity provided that the General Counsel and the Risk Management Department concurs with any such settlement.

9. Personnel Matters During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board delegates to the Superintendent the authority to take any personnel actions that would normally require School Board action including, but not limited to: ratification of Collective Bargaining Tentative Agreements; the hiring of new personnel; the reappointment of existing personnel; the approval of leaves; and the discipline of personnel; with the exception of termination however, the Superintendent may suspend an employee without pay until the

next scheduled School Board meeting. This delegation to the Superintendent does not include authority to make changes to the organizational chart, except to continue with the reorganization of the PPO Department.

10. Financial Matters During Period of Emergency: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board delegates to the Superintendent the authority to approve and take financial actions necessary to continue operations of the school district, to include: approval of monthly financial statements; submission of CAFR (combined annual financial reporting); execution of contracts for employee benefits, as needed; approval of budget amendments (not transfers); approval of a continuation budget for FY 19-20 until FY 20-21 budget is adopted to keep the District operational in July pending tentative approval; issuance of requests to FDOE for categorical flexibility; and issuance of short term financing via RANs or TANS.

11. Approval of Audited Regulatory Report: During the ninety (90) calendar day period subsequent to its approval of this emergency rule, The School Board delegates to the Superintendent the authority to review and approve the reports required by The Uniform Guidance (Single Audit) for the year ended June 30, 2019. The Audit was performed by S Davis and Associates and cover federal awards received directly from federal agencies, as well as federal awards passed through other government agencies. During its March 12, 2020 meeting, the Audit Committee reviewed and approved this report for transmittal to the School Board.

SPECIFIC AUTHORITY: Sections 120.54(4); 120.81(1); 1001.32(2); 1001.41(1), (2), (3) and (4); 1001.42(8) and (28); 1001.43; 1001.48; 1001.49; 1001.51, and 1013.15(1) and (2), Florida Statutes.

LAW IMPLEMENTED: Sections 120.54(4); 120.81(1); 1001.32(2); 1001.41(1), (2), (3) and (4); 1001.42(8) and (28); 1001.43; 1001.48; 1001.49; 1001.51, and 1013.15(1) and (2), Florida Statutes.

Emergency Policy Adopted: March 31, 2020

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