

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Minutes of the Regular Meeting of the Board of Trustees**  
**Meeting Held at Education Center**  
**August 24, 2006**

- 1) The Regular Meeting of the Board of Trustees was called to order at 5:04 p.m. by Vice President Nguyen. Clerk Mann, Member Martinez-Roach and Member Shirakawa were present. President Herrera arrived at 5:10 p.m.

**CALL TO ORDER**

2) **PLEDGE OF ALLEGIANCE**

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3) **WELCOME AND EXPLANATION TO AUDIENCE**

President Herrera extended a welcome to the audience, explained the format of the meeting, and noted that all Board Meetings are recorded.

**WELCOME AND EXPLANATION**

4) **BOARD SPECIAL RECOGNITION (S)**

Recognitions will begin on September 28, 2006.

**BOARD SPECIAL RECOGNITIONS**

5) **CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA**

Item 10.2 was pulled from the agenda.

**CONSIDERATION OF AMENDMENTS**

- √ *Motion to approve the remainder of the agenda was made by Clerk Mann and seconded by Vice President Nguyen.*  
*Vote: 5/0*

6) **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

**ORAL COMMUNICATIONS**

- Diane Kruger – Non-Publication of ESUHSD Valedictorians
- Frank Biehl – Evergreen Visioning Project, New High School
- Wendy Stegeman – City Team
- Theresa and John Engquist - Andy's Roofing (Item 9.10.D)
- Jennifer Lewis, AFT, Adult Education Interim Director

7) **STUDENT BOARD LIAISONS**

Student Board Liaisons will begin attending on September 28, 2006.

**STUDENT BOARD LIAISONS**

8) **OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION**

- 8.1 Citizens Bond Oversight Committee Presentation –  
Alan Garofalo, Assistant Superintendent of Operations and  
John Moore, Citizens Bond Oversight Committee Chairperson

**OPERATIONAL ITEMS/  
BOARD DISCUSSION  
AND/OR ACTION**

Mr. John Moore made a presentation regarding the Citizens Bond Oversight Committee. Report is located on the District's web site.

President Herrera

*Appreciated the report and service of the committee.*

Member Martinez-Roach

*Appreciated the committee. Who is on the committee?*

John Moore

*Dennis Umphress, Bud LoMonaco, Ruben Dominguez, Ric Reyes, Alan Garofalo, Bill Jakel, Will Johnson, Susie Rivera, Margaret Guerra, Sara Przemielewski, and John Sellarole.*

Member Martinez-Roach

*Have these members been active participants on this committee?*

John Moore

*Committee attendance is good. Committee meets quarterly and also meets in subgroups. Last meeting was August 3, 2006.*

Member Martinez-Roach

*Do we need to revisit new members?*

John Moore

*We are coming to the end of member's terms. In January new members will be voted in.*

Member Martinez-Roach

*I specifically wanted to see a draft of how much money was spent at each school. How much money has been spent at Foothill High School? I feel some campuses have received more money than others.*

Alan Garofalo

*I am making sure all the needs of the district have been met. Foothill will be receiving nine million dollars. Now, with the tragedy that has occurred, we will have to add another building to this campus. If the emergency resolution passes tonight, we will be able to save about two and one-half wait time and inflation on the rebuilding of the Foothill.*

A graph was presented, which details funding spent at each school.

Clerk Mann

*I would like to echo President Herrera's congratulatory statements to the Chair of the Citizens Bond Oversight Committee and excellent staff who have contributed to the prudent efficient usage of the people's money.*

Vice President Nguyen

*Will there be a time we will be able to look at the budget and look at the revised budget to see what was done?*

John Moore

*I would be happy to do a report with my committee.*

President Herrera

*Congratulations to Alan Garofalo, Assistant Superintendent of Operations.*

8.2 Acceptance and Approval of Unaudited Actual Budget 2005/2006

A report was disseminated by Jerry Kurr, Interim Assistant Superintendent of Business Services. Mr. Kurr is asking the Board to accept and approve the 2005/2006 Unaudited Actual budget now because of the September 15, 2006 deadline.

Karen Poon, Jerry Kurr, and the Business Office staff were recognized for their hard work.

√ *Motion to approve Acceptance and Approval of Unaudited Actual Budget 2005/2006 was made by Clerk Mann, seconded by Vice President Nguyen.*

*Vote: 5/0*

8.3 Adopt Resolution #2006/2007- 01 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546

√ *Motion to adopt Resolution #2006/2007-1 – An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 was made by Clerk Mann, seconded by Member Shirakawa.*

*Vote: 5/0*

8.4 Adopt Resolution #2006/2007-03 To Issue Tax and Revenue Anticipation Notes (TRANS)

Member Martinez-Roach

*How much will it cost the District to borrow money? Is this risk-free?*

Jerry Kurr, Interim Assistant Superintendent of Business Services

*This is a better way of using our cash flow; less risky.*

- √ *Motion to adopt Resolution #2006/2007-03 – To Issue Tax and Revenue Anticipation Notes (TRANS) was made by Clerk Mann, seconded by Member Shirakawa.  
Vote: 4/0 (President Herrera left the room.)*
- 8.5 Adopt Resolution #2006/2007-05 Approving Authority to Enter into Contracts to Accommodate Emergency Remediation Work on School Facilities for Health and Safety Reasons
- √ *Motion to adopt Resolution #2006/2007-05 – Approving Authority to Enter into Contract to Accommodate Emergency Remediation Work on School Facilities for Health and Safety Reasons was made by Member Martinez-Roach, seconded by Clerk Mann.  
Vote: 5/0*
- 8.6 Adopt Resolution #2006/2007-04 Approving Authorized Signatures
- √ *Motion to adopt Resolution #2006/2007-04 – Approving Authorized Signatures was made by Clerk Mann, seconded by Vice President Nguyen.  
Vote: 5/0*
- 8.7 Approve Provisional Internship Permit Requests for Certificated Employees
- √ *Motion to approve Provisional Internship Permit Requests for Certificated Employees was made by Clerk Mann seconded by Vice President Nguyen.  
Vote: 5/0*
- 8.8 Approve Variable Term Waiver Request for Certificated Employees
- √ *Motion to approve Variable Term Waiver Requests for Certificated Employees was made by Clerk Mann seconded by Member Shirakawa.  
Vote: 5/0*
- 8.9 Contracts for Professional Services – Jerry Kurr, Interim Assistant Superintendent of Business Services – **Attachment B**
- √ *Motion to approve Contracts for Professional Services was made by Clerk Mann seconded by Member Shirakawa.  
Vote: 5/0*
- 8.10 Memoranda of Understandings – Jerry Kurr, Interim Assistant Superintendent of Business Services – **Attachment C**

Member Martinez-Roach

*I had a question with item 3, San Jose Conservation Youth Corp. We have a charter with them. Are we talking about two separate programs? Or is this charter coming to Andrew Hill?*

Superintendent Nuñez

*No, this is completely different. I should let you know at a meeting on Monday of the Conservation Youth Corp., they indicated they were looking at not continuing their charter school because they do not have enough students.*

√ *Motion to approve Memoranda of Understanding was made by Clerk Mann, seconded by Vice President Nguyen.  
Vote: 5/0*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

√ *Request to pull item 9.10, 9.15, 9.16, and 9.17. Motion to approve the remainder of the Consent Calendar was made by Clerk Mann, seconded by Vice President Nguyen.  
Vote: 5/0*

ATTACHMENT A

(Agenda items in parentheses)

Ratify/Approve Classified Personnel Actions Presented August 24, 2006 (9.1)

•Ratify/Approve Certificated Personnel Actions Presented August 24, 2006 (9.2)

•Ratify/Approve Student Aide Personnel Actions Presented August 24, 2006 (9.3)

•Approve Job Description and Salary Range for Position of Attendance Accounting Manager (9.4)

•Approve Job Description and Salary Range for Position of Accounting Manager (9.5)

•Purchase Orders Presented August 24, 2006 (9.6)

•Budget Transfers Presented August 24, 2006 (NONE) (9.7)

•Approve Contribution from Targeted Instructional Improvement Block Grant –to Home School/Pupil Transportation (9.8)

•Acceptance of Donations/Grants/Awards (9.9)

•Approve School Field Trips (9.11)

•Approve Membership Application for National Academy Foundation (9.12)

•Approve CAHSEE Waiver for Special Education Students (9.13)

•Approve Notice of Completion for Independence High School Low Voltage Infrastructure (Dynalectric) (9.14)

President Herrera

*On the advice of Legal Counsel no action will be taken on this item.*

*9.10 Item "I" Carried.*

- √ *Motion to Approve the 9.10 with the exception on item "I"(Andy's Roofing) was made, by Clerk Mann, seconded by Vice President Nguyen.*

*Vote: 5/0*

Rogelio Ruiz, Legal Counsel

*The item as to Andy's Roofing has been carried to the next Board Meeting on September 28, 2006, and as a consequence the notice of annulment of award and the forfeiture of the bond stands. In other words nothing has changed as a result of this Board action.*

9.15 Approve Minutes of Special Board Meeting Dated June 22, 2006

Member Martinez-Roach

*For the record I want President Herrera to read a letter on my behalf because I was not able to attend the June 22, meeting and I just wanted to make sure this was amended to reflect that. That the letter was in the record and it was just an error.*

- √ *Motion to Approve the Minutes of Special Board Meeting Dated June 22, 2006, was made by Member Shirakawa, and seconded by Clerk Mann.*

*Vote: 4/0 Member Martinez-Roach abstained*

9.16 Approve Minutes of Special Board Meeting Dated June 29, 2006

- √ *Motion to Approve the Minutes of Special Board Dated June 29, 2006, was made by Clerk Mann, and seconded by Member Shirakawa.*

*Vote: 4/0 Member Martinez-Roach abstained*

9.17 Approve Minutes of Special Board meeting Dated August 10, 2006

- √ *Motion to approve the Minutes of Special Board Meeting Dated August 10, 2006, was made by Clerk Mann, and seconded by Vice President Nguyen.*

*Vote: 4/0 Member Martinez-Roach abstained*

10) WRITTEN REPORTS

- 10.1 Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of June 30, 2006

WRITTEN REPORTS

- 10.2 Report of Hanson Bridgett Law Firm Regarding Investigation of May 25, 2006, Special Board Meeting

*Announced at beginning of meeting as pulled.*

11) **BOARD OF TRUSTEES/SUPERINTENDENT'S COMMUNICATIONS/COMMENTS**

11.1 Board of Trustees  
President Herrera

*Clerk Mann has been elected to the Santa Clara County Board of Education. His term will begin in December 2006.*

*Frank Biehl and Ruben Dominguez will be running for East Side Union High School District Board of Trustees.*

*Looking forward to working with administration and community. We can start building in a positive direction.*

Member Martinez-Roach

*I would like to wish everyone a happy school year. I am very excited. Tomorrow I will be participating in our Student Leadership Conference. I want to thank Olivia Camarillo for her work.*

Clerk Mann

Metro Ed.

*Mr. Nuñez has set the standards in terms of Superintendent's participation at MetroEd. Board Meetings. He has been at every meeting. Mr. Kurr has also been attentive. Superintendent Nuñez has set the equalization issue, that everyone will pay their fair share. I am going to ask that the memorandum dated August 23, 2006, addressing items 13.4.2, be placed in the record of this meeting. It is my hope that before I leave, we will have a clear direction to which way East Side is going as a partner in a healthy partnership or no longer a partner.*

*(Memorandum dated, August 23, 2006, by Superintendent Nuñez addressed to "Dear MetroEd. Governing Board" and Superintendent Tim Hallett addressing item 13.4.2/Equalization Update. ATTACHED TO THE MINUTES BELOW)*

*Duly noted the Board has not taken action.*

*I want to thank you for the earlier recognition. It has been a learning experience, ups and downs, and I appreciated working with this Board, Mr. Cortese, Juanita Ramirez and Jeff Ota and various staff. I appreciate the time.*

**BOARD/ SUPERINTENDENT'S  
COMMUNICATIONS/  
COMMENTS**

Vice President Nguyen

*Last Sunday I was invited to a Vietnamese Scholarship Event. Many students from ESUHSD were recognized. Ana Lomas attended. At the last meeting we thanked the Superintendent and Cabinet for doing a good job. I would like to acknowledge the teachers who do a wonderful job at our schools and Olivia for keeping the Board intact.*

11.2 Superintendent Nuñez

*We are looking forward to a new school year. All staff is invited to Independence High School on Monday, August 28, 2006. There is a total of 143 brand new teachers and 60 new classified employees, thanks to Cathy Giammona and Larry Scharsch. East Side Teacher Association (ESTA) had a lunch for new teachers on Thursday, August 24, 2006.*

12) CLOSED SESSION

*CLOSED SESSION*

12.1 Expulsions – None

12.2 Public Employee Discipline/Dismissal/Release  
(Government Code §Section 54957)

12.3 Conference with Labor Negotiators (Government Code §Section 54957.6)

Agency Designated Representative: Bob Nuñez, Superintendent and Linda Gubman, Interim Superintendent of Instructional Services  
American Federation of Teachers (AFT)  
California School Employees Association (CSEA)  
Employee Organizations: East Side Teachers Association (ESTA)

12.4 CONFERENCE WITH LEGAL COUNSEL –  
ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of section 54956.9 of the Government Code: 4 potential cases

12.5 Public Employment/Public Employee Appointment (Government Code §Section 54957)

•*Interim Director of Adult Education*

√ *Motion to approve the appointment of Dave Riley as Interim Director of Adult Education was made by Clerk Mann, seconded by Member Shirakawa.*

*Vote: 4/1 (Member Patricia Martinez-Roach voting no.)*



• *Interim Director of Alternative Education*

√ *Motion to approve the appointment of Bruce Shimizu as Interim Director of Alternative Education was made by Clerk Mann, and seconded by Vice President Nguyen..*

*Vote: 5/0 Member Martinez-Roach voting no.*

13) **ADJOURNMENT**

Motion to adjourn Board Meeting by Member Mann, seconded by Member Shirakawa, meeting was adjourned by Board President Herrera at 7:35 p.m.

**ADJOURNMENT**

Respectfully submitted,

  
Clerk of the Board of Trustees