

**EAST SIDE UNION HIGH SCHOOL DISTRICT**  
**Minutes of the Regular Meeting of the Board of Trustees**  
**Meeting Held at Education Center**  
**April 14, 2005**

- 1) The Regular Meeting of the Board of Trustees was called to order at 4:10 p.m. by President Herrera.  
Clerk Martinez-Roach, Member Mann and Member Nguyen were present.  
Vice President Shirakawa arrived at 4:25 p.m.
- 2) **PLEDGE OF ALLEGIANCE**
- 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.
- 4) **BOARD SPECIAL RECOGNITION(S)**  
  
4.1 Martin Luther King, Jr. Contest Winners – *Item pulled*
- 5) **CONSIDERATION OF PROPOSED AMENDMENTS TO THE AGENDA**  
  
**APPROVAL OF PROPOSED AMENDMENTS TO THE AGENDA**  
  
*Add to agenda:*  
*Item 8.9 Adopt Resolution #2004/2005-45 Regarding Quimby Property*  
  
*Motion to approve by Member Mann, second by Vice President Shirakawa.*  
*Vote: 5/0*
- 6) **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**
  - Alicia Lara
  - Angela Hong
  - Debra Watkins
  - Don McKell
  - Larry Arias
  - Dave Johnson
  - JaNayla Osby
  - Allan Roberts
  - Sheryl Turner
  - Patricia Bolster
  - David Jenkins - Layoffs

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**WELCOME AND EXPLANATION**

**BOARD SPECIAL RECOGNITIONS**

**CONSIDERATION OF AMENDMENTS**

**APPROVAL OF AMENDMENTS**

**ORAL COMMUNICATIONS**

**APPROVED**  
Board of Trustees

5/19/05 *[Signature]*

- Laurie Ortega - Proposed 5 period classes.
- Sharon Jackson – Layoffs
- Matt Hall – Layoffs
- Jocelyn Guizar – Layoffs
- Alexandria Martinez – Layoffs
- Annette Gonzales – Layoffs / Student Programs
- Britany Welch-Chenier – Layoffs
- Eric Welch-Dacatur – Layoffs
- Benno Berg – Layoffs
- Matt Sandora – Layoffs
- Ian Tippetts – Layoffs
- Juliana Rico – Layoffs
- Rachel Perkins – Layoffs
- Mimi Nguyen – Layoffs
- Nick Leon – Layoffs
- Cathy Ngo – Layoffs
- Jacqueline Phan – Layoffs
- Dorothy Hines – Layoffs
- Rubi Vanessa Welch – Layoffs
- Chalesea Schuler – Layoffs
- Matt Scoppetone – Layoffs
- Vicki Winsted - Layoffs
- Julie Pardo – Summer School
- Douglas Green - Award of Bid #B-19-04-05
- Catherine Noriega – Reduction of Classified Employees

7) **STUDENT ACHIEVEMENT/BOARD DISCUSSION AND/OR ACTION**

Representative from Overfelt High School present.

*STUDENT ACHIEVEMENT*

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

8.1 Receive Audit Report – Year Ending June 30, 2004

*Item pulled*

*OPERATIONAL ITEMS/  
BOARD DISCUSSION  
AND/OR ACTION*

8.2 Proposal for CCOC Partnership

*Motion to approve by Member Mann, second by Member Nguyen to approve Part I (increase number of students at CCOC) as recommended by the Superintendent with the understanding that this is a cost neutral endeavor (revenue neutral impact). The Superintendent will meet with Brenda Childress, the District's Chief Financial Officer, Tom Hallett and Paul Hay to cost out what the impact would be over a three-year period.*

*Vote: 5/0*

- 8.3 Construction Academy/Project Labor Agreement (*Presentation*)
- 8.4 Hold Public Hearing 6:15 p.m.  
Public Comments on Initial Proposal for Successor Contract from the East Side Teachers Association/CTA/NEA to the East Side Union High School District regarding Collective Bargaining Agreement Negotiations
- Public given the opportunity to make comments.  
No comments made by the public.*
- 8.5 Hold Public Hearing 6:15 p.m.  
Initial Proposal for Successor Contract form the East Side Union High School District to the East Side Teachers Association/CTA/NEA;  
Adoption of Initial Proposal
- Public given the opportunity to make comments.  
No comments made by the public.  
Motion to approve by Clerk Martinez-Roach, second by Member Mann. Vote: 5/0*
- 8.6 Consolidation of Site Campuses – Patricia Martinez-Roach
- Item pulled*
- 8.7 Adopt Resolution #2004/2005-43 to Borrow Funds from Special Reserve Fund  
(Fund 17, Quimby) (Ed. Code Section 42603)
- Motion to approve by Member Mann, second by Vice President Shirakawa. Vote: 5/0*
- 8.8 Adopt Resolution #2004/2005-44 to Reduce Classified Workforce
- Motion to approve by Member Mann, second by Vice President Shirakawa. Vote: 3/1 Member Nguyen voting No.  
1 Abstention from Clerk Martinez-Roach.*
- 8.9 Adopt Resolution #2004/2005-45 Regarding Quimby Property
- The District's Legal Counsel indicated that this item was placed on agenda due to immediate action needed. The District, by court order, is obligated to respond to a pending lawsuit involving the Quimby proceeds no later than noon on April 19, 2005. The need to take this action came to the attention of District subsequent to the posting of the agenda. Per the Brown Act, the Board cannot consider this agenda item unless it approves the consideration of the*

*agenda item by at least a 2/3 vote. President Herrera was asked to poll the members.*

*Motion to place on the agenda was moved by Clerk Martinez-Roach, second by Member Mann. Vote: 5/0*

*Motion to approve by Member Mann, second by Vice President Shirakawa. Vote: 5/0*

9) ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA

ATTACHMENT A

*Items: (9.8), (9.9), (9.13), (9.17), (9.18), (9.27) and (9.28) were pulled for discussion/approval.*

*Motion to approve by Member Mann, second by Vice President Shirakawa to approve the remainder of the Consent Items as amended. Vote: 5/0*

(Agenda items in parentheses)

- Purchase Orders Dated April 14, 2005 (9.1)
- Budget Transfers Dated April 14, 2005 (9.2)
- Classified Personnel Actions Dated April 14, 2005 (9.3)
- Certificated Personnel Actions Dated April 14, 2005 (9.4)
- Student Aide Personnel Actions Dates April 14, 2005 (9.5)
- Minutes of January 13, 2005, Regular Board Meeting (9.6)
- Minutes of February 10, 2005, Regular Board Meeting (9.6.1)
- Minutes of February 22, 2005, Special Board Meeting (9.6.2)
- Minutes of March 10, 2005, Regular Board Meeting (9.6.3)
- Minutes of March 22, 2005, Special Board Meeting (9.6.4)
- Acceptance of Gifts/Donations (9.7)
- Approve Memorandums of Understanding (9.10)
- Approve School Field Trips (9.11)
- Adopt Resolution #2004/2005-35 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 (9.12)
- Adopt Resolution #2004/2005-37 Authorizing the Issuance of General Bond Obligation Bonds, 2002 Election, Series D, in the Form of Current Interest Bonds in the Aggregate Principal Amount not to Exceed \$75,000,000 and Requesting the Board of Supervisors of Santa Clara County to Sell said Bonds on behalf of the District (9.14)
- Adopt Resolution #2004/2005-38 Authorizing the Issuance of General Obligation Bonds, 2002 Election, Series E, in the Form of Capital Appreciation Bonds in the Aggregate Principal Amount not to Exceed \$30,000,000 and Requesting the Board of Supervisors of Santa Clara County to Sell Said Bonds on behalf of the District (9.15)

- Adopt Resolution #2004/2005-40 to Amend Board Policy #1312.1 Uniform Complaint Procedure per New EC 35186 Requirements (Williams Settlement Legislation SB550 and AB2727) (9.16)
- Approve Permanent Status on Two New Textbooks (9.19)
- Approve Permanent Status on Three New Courses of Study (9.20)
- Approve Change Order #1 for 200 Building at Yerba Buena High School – Contractor Gonsalves & Stronck (9.21)
- Approve Change Order #2 for 200 Building at Yerba Buena High School – Contractor American Steel and Stairways (9.22)
- Adopt Resolution #2004/2005-42 to Approve Change Order #3 for 200 Building at Yerba Buena High School – Contractor Alcal Roofing and Waterproofing (9.23)
- Approve Change Order #1 for Independence High School Interim Housing (10) Relocatable Building Project, Contract: William G. Blomquist, Inc. (9.24)
- Approve Change Order #2 for Piedmont Hills High School Modernization Project, Wings C,D and E for Electrical Contract Morrow-meadows Corp., Formerly ARC (9.25)
- Approve Change Order #3 for Piedmont Hills High School Modernization Project, Wings C, D and E for Mechanical Contractor Kinetics (9.26)
- Approve Requests for Reduced Workload Program for 2005-2006 School Year (9.29)
- Adopt Resolution #2004/2005-41 to Issue Tax and Revenue Anticipation Notes (TRANS) (9.30)

√*Motion to approve item (9.8) as amended by Member Mann, second by Vice President Shirakawa to replace the name of P. Kelley (page 1 / Item #1: American Lung Association) with Ric Abeyta. Vote: 5/0*

√*Motion to approve item (9.9) by Member Mann, second by Vice President Shirakawa.*

*Vote: 4/0 1 Abstention by Clerk Martinez-Roach*

√*Motion to approve item (9.13) by Clerk Martinez-Roach, second by Member Mann. Vote: 5/0*

√*Motion to approve item (9.17) by Member Mann, second by Vice President Shirakawa. Vote: 3/0*

*2 Abstentions: Clerk Martinez-Roach and Member Nguyen*

√*Motion to approve item (9.18) by Member Mann, second by Vice President Shirakawa. Vote: 5/0*

√*Motion to approve item (9.27) by Member Mann, second by Vice President Shirakawa.*

*Vote: 4/1 Clerk Martinez-Roach voting No*

√*Motion to approve item (9.28) by Member Mann, second by Vice President Shirakawa.*

*Vote: 4/1 Clerk Martinez-Roach voting No*

10) WRITTEN REPORTS

10.1 Accept Williams Settlement Quarterly Report

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

11.1 Board of Trustees

President Herrera

President Herrera announced that Chief Financial Officer Jack Mahrt will be leaving the District. Chief Financial Officer Mahrt was thanked for his contributions to the District. Jerry Kurr was introduced and it was announced that he would be working with Board in all matters of finance of the District.

The Budget Task Force is at the end point. They are meeting on April 19 at 6:00 p.m. in the District Office Board Room. An effort will be made to bring to closure the sum total of the deliberations, the ideas that were generated and everything that they know as of this weekend. A small group met on April 13 to prepare for the meeting of April 19 to begin to devise a process/method for how they might register to voice of the community in the process around budget issues.

Clerk Martinez-Roach

STUDENT-BOARD RELATIONS COMMITTEE

The meeting was held at Mt. Pleasant High School. The Supervisor of Child Nutrition Services and some of his staff attending the meeting. Food samples were provided to the students. Clerk Martinez-Roach was very pleased to find out the District is making its own pizzas again, which were quite good. Concerns brought up by the students were the bathrooms and the pink slips.

Clerk Martinez-Roach apologized regarding the teacher layoff notices and stated that she never meant to cause so much grief. She regrets the issuance of so many notices.

Member Mann

Member Mann indicated that the District needs to be prepared/ready for CCOC/MetroEd. There are areas that need to be cleaned up.

Member Nguyen

Member Nguyen voiced his concern regarding the teacher layoffs. He asked that, in the future, the Board be provided a letter or e-mail as to how or why the actions are being carried out. His concern is as to how it was done; how it was carried out.

*WRITTEN REPORTS*

*BOARD/  
SUPERINTENDENT'S  
COMMUNICATIONS/  
COMMENTS*

Vice President Shirakawa

Vice President Shirakawa announced that he may need to remove himself from District Land Use Committee because of a potential conflict with some of the finalists or the current list of developers that have given a response to an RFP. He represents 1/2 or most on the list. At a later date, if they are selected, he may need to remove himself. If they are not selected, he may not need to remove himself since there will be no conflict.

11.2 Superintendent

The Mt. Pleasant Quill won the national award for the best publication and will be recognized at the May Board meeting. This is an outstanding award since they have won it consecutively.

12) CLOSED SESSION

12.1 Expulsions – A-B

Student A: Expulsion for the period of April 2005 through January 2006.

*Vote: 4/0 Vice President Shirakawa absent*

Student B: Expulsion for one academic year.

*Vote: 4/0 Vice President Shirakawa absent*

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

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

Agency Designated Representatives:

Superintendent Esperanza Zendejas, Ed.D.

Chief Human Resources Officer Bob Nuñez

Employee Organizations:

East Side Teachers Association (ESTA)

California School Employees Association (CSEA)

American Federation of Teachers (AFT)

12.4 CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION

(Subdivision (a) of Government Code §Section 54956.9)

ESTA v. ESUHSD, Case No. 105CV037270

CONFERENCE WITH LEGAL COUNSEL –  
ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §Section 54956(b) (Four potential cases)

*CLOSED SESSION*

*On a motion by Clerk Mann, second by Vice President Shirakawa to reject the claim for damages of KDF Villa Property, LP.  
Vote: 5/0*

*The Board voted by a vote of 5/0 directing its Legal Counsel to initiate litigation by filing a cross petition or claims in existing litigation. The action of the Defendants and other particulars shall, once the litigation by the District is formally commenced, be disclosed to any person upon inquiry.*

CONFERENCE WITH LEGAL COUNSEL --  
ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §Section 54956(b) Statement threatening litigation.

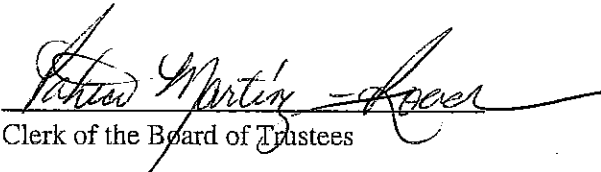
- 12.5 Public Employee Performance Evaluation (Government Code §Section 54957)
- 12.6 Public Employment/Transfer (Government Code §Section 54957)

**ADJOURNMENT**

On a motion that was seconded by the Board, the meeting was adjourned by Board President Herrera at 10:15 p.m.

**ADJOURNMENT**

Respectfully submitted,

  
Clerk of the Board of Trustees