

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
August 23, 2007

APPROVED
Board of Trustees
9.20/07 w

1) The Regular Meeting of the Board of Trustees was called to order at 5:36 p.m. by President Shirakawa. Vice President Nguyen, Clerk Herrera, and Member Biehl were present. Member Garcia arrived at 5:47 p.m.

CALL TO ORDER

2) **PLEDGE OF ALLEGIANCE**

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3) **WELCOME AND EXPLANATION TO AUDIENCE**

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

WELCOME AND EXPLANATION

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

No amendments to the agenda.

CONSIDERATION OF AMENDMENTS

5) **BOARD SPECIAL RECOGNITION (S)**

None

BOARD SPECIAL RECOGNITIONS

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

No public speakers.

ORAL COMMUNICATIONS

7) **STUDENT BOARD LIAISONS**

No Presentations

STUDENT BOARD LIAISONS

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

8.1 Citizens Bond Oversight Committee (CBOC) Update – Alan Garofalo, Associate Superintendent of Student Services and Facilities and John Moore, Measure G, Chairperson Citizens Bond Oversight Committee

OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

John Moore Chairperson of Citizens Bond Oversight Committee

Mr. Moore made a presentation.

We are coming to the end of Measure G. In a year all or most of the money will be committed and we will be out of the facilities business and out of the Bond. In November I will present to you a comprehensive committee report. The report will include the initial intentions of Measure G, accomplishments of Measure G, and those areas that were not accomplish. The report will include a list of procedural changes we might want to recommend to you for future activities or facilities Bond. In February I will brief the Board on that same report.

√ *No action necessary.*

- 8.2 Adopt Resolution #2007/2008-01 To Authorize participation in the Self-Insured Schools of California (SISC) Governmental Accounting Standards Board (GASB) 45 Trust – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ *Motion to adopt Resolution #2007/2008-01 To Authorize participation in the Self-Insured Schools of California (SISC) Governmental Accounting Standards Board (GASB) 45 Trust was made by Vice President Nguyen, seconded by Clerk Herrera.*
Vote: 5/0
- 8.3 Adopt Resolution #2007/2008-02 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ *Motion to adopt Resolution #2007/2008-02 An Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 was made by Clerk Herrera, seconded by Member Biehl.*
Vote: 5/0
- 8.4 Adopt Resolution #2007/2008-03 Approving Authorized Signatures – Jerry Kurr, Associate Superintendent of Administration and Business Services
- √ *Motion to adopt Resolution #2007/2008-03 Approving Authorized Signatures was made by Clerk Herrera, seconded by Member Biehl.*
Vote: 5/0
- 8.6 Adopt Resolution # 2007-2008-05 California State Department of Child Development Grant for 2007-2008 Contract #CCAP-7424 – Infant Toddler – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ *Motion to adopt Resolution # 2007-2008-05 California State Department of Child Development Grant for 2007-2008 Contract #CCAP-7424 – Infant Toddler was made by Member Garcia, seconded by Vice President Nguyen.*
Vote: 5/0
- 8.7 Adopt Resolution # 2007-2008-06 California State Department of Child Development Grant for 2007-2008 Contract #CCTR-7413 for General Child Care and Development Program – Dan Moser, Associate Superintendent of Instruction and Human Relations

- √ *Motion to adopt Resolution # 2007-2008-06 California State Department of Child Development Grant for 2007-2008 Contract #CCTR-7413 for General Child Care and Development Program was made by Clerk Herrera, seconded by Member Garcia.
Vote: 5/0*
- 8.8 Adopt Resolution # 2007-2008-07 California State Department of Child Development Grant for 2006 thru 2009 Contract #CRPM-6135 for Facilities Renovation and Repair – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ *Motion to adopt Resolution # 2007-2008-07 California State Department of Child Development Grant for 2006 thru 2009 Contract #CRPM-6135 for Facilities Renovation and Repair was made by Vice President Nguyen, seconded by Clerk Herrera.
Vote: 5/0*
- 8.9 Adopt Resolution # 2007-2008-08 California State Department of Child Development Grant for 2006 thru 2009 Contract #CSCC-7282 for Child Care and Development Resource Program – Dan Moser, Associate Superintendent of Instruction and Human Relations
- √ *Motion to adopt Resolution # 2007-2008-08 California State Department of Child Development Grant for 2006 thru 2009 Contract #CSCC-7282 for Child Care and Development Resource Program was made by Clerk Herrera, seconded by Vice President Nguyen.
Vote: 5/0*
- 8.10 Adopt Resolution #2007-2008-09 Nomination California School Boards Association 2007 Outstanding Legislator of the Year – Bob Nuñez, Superintendent
- √ *Motion to adopt Resolution #2007-2008-9 to nominate Assemblymember Joe Coto, representing the 23rd District and Senator Elaine Alquist, representing the 13th Senate District for California School Boards Association 2007 Outstanding Legislator of the Year was made by Member Biehl, seconded by Member Garcia.
Vote: 5/0*
- 8.11 Appoint Board Subcommittee for Land and Facilities – George Shirakawa, President of the Board of Trustees, Bob Nuñez, Superintendent

President Shirakawa

I am going to recommend today that I appoint myself and Mr. Garcia. Let me explain to you why. My experience on the City Council and that is what I do know as a consultant qualifies me and puts me in a good position to lead that committee. Secondly, Mr. Garcia is experience. When he worked in the City Council office, with Supervisor Alvarado, his assignment was in land use. I want to let the Board know we will be doing the hard work, but no decisions will occur without them being presented to the Board. I would like to have a motion on this?

Vice President Nguyen

I agree with you President Shirakawa You are in a perfect position and you would be beneficial. Eddie I know your experience with Supervisor Alvarado. So I will make a motion at this point.

Member Garcia

I have a question to Counsel. If it is appropriate and permissible, I would second that motion even though I'm one of the appointees. I just want to say Mr. President that I am really honored by your confidence in me being able to work with you, the rest of the Board, and the community on what looks to me like a very important project for this district moving forward. I can assure my colleagues and the community that I will take this responsibility with the up most of importance and integrity. You are right; I was a City Council staffer. I spent a considerable amount of time on a vas majority of city issues and land issues. I was the key staffer for Vice Mayor Alvarado on land use development and planning issue. If permissible, I'll second the motion and then again appreciate the opportunity.

Member Biehl

Under the Brown Act, are these noticed meetings?

Rogelio Ruiz, Legal Counsel

Since they are two member committees, they are not under the Brown Act. So they will not have to be azenized.

Vice President Nguyen

What is the timeline?

Superintendent Nuñez

As the committee starts working through you will start see recommendations. There will be information back to the Board, I believe starting in September. Some issues will be easier, and other issues will be much more intense. I believe between now and December we will come back to the Board as a whole with recommendation on all these issues.

√ *Motion to appoint President Shirakawa and Member Garcia to the Board Subcommittee for Land and Facilities was made by Vice President Nguyen, seconded by Member Biehl.*
Vote: 5/0

8.12 Approve Variable Term Waiver Request for a Certificated Employee– Dan Moser, Associate Superintendent of Instruction and Human Relations – **Attachment D**

√ *Motion to approve Variable Term Waiver Request for a Certificated Employee, Attachment D, was made by Clerk Herrera, seconded by Vice President Nguyen.*
Vote: 5/0

8.13 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations – **Attachment E**

√ *Motion to approve Provisional Internship Permit Requests for Certificated Employees, Attachment E, was made by Clerk Herrera by, seconded by Vice President Nguyen.*
Vote: 5/0

8.14 Contracts for Professional Services – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment B**

√ *Motion to approve as amended, Contract for Professional Services, Attachment B, was made by Member Garcia seconded by Member Biehl.*
Vote: 5/0

8.15 Memoranda of Understandings – Jerry Kurr, Associate Superintendent of Administration and Business Services – **Attachment C**

√ *Motion to approve Memoranda of Understandings, Attachment C was made by Clerk Herrera, seconded by Member Biehl.*
Vote: 5/0

9) **ATTACHMENT A/CONSENT CALENDAR APPROVAL OF AGENDA**

Member Garcia

I have a question. Are we on track for hiring teachers and ready to go for next week?

Superintendent Nuñez

That was going to be on my closing report, but my answer is “yes.”

√ *Motion to approve the entire Consent Calendar was made by Member Biehl, seconded by Member Herrera.*

ATTACHMENT A

Vote: 5/0

(Agenda items in parentheses)

- Ratify and Approve Classified Personnel Actions Presented August 23, 2007 (9.1)
- Ratify and Approve Certificated Personnel Actions Presented August 23, 2007 (9.2)
- Ratify and Approve Student Aide Personnel Actions Presented August 23, 2007 (9.3)
- Purchase Orders Presented August 23, 2007 (9.4)
- Budget Transfers Presented August 23, 2007 (9.5)
- Award of Bids (9.6)
- Approve School Field Trips (9.7)
- Approve Change Order #1 for Multiple Campus Safety Cameras Installation, Phase I (Elcor Electric, Inc.) (9.8)
- Approve Change Order #1 for Multiple Campus Safety Cameras Installation Phase II (Elcor Electric, Inc.) (9.9)
- Approve Change Order #1 for W.C. Overfelt High School Transitional Housing Project (Joseph J. Albanese, Inc.) (9.10)
- Approve Notice of Completion for the W.C. Overfelt High School Additions & Modernization Phase III, S & T Buildings (Jensen Corporation Landscape Contractors) (9.11)
- Approve Notice of Completion for the W.C. Overfelt High School Additions & Modernization Phase III, S & T Buildings (George E. Masker, Inc.) (9.12)
- Approve Notice of Completion for the W.C. Overfelt High School Additions & Modernization Phase III, S & T Buildings (El Camino Paving) (9.13)
- Approve Notice of Completion for the Independence High School Transitional Housing Project (Joseph J. Albanese, Inc.) (9.14)
- Approve Minutes of Special Board Meeting Dated June 21, 2007 (9.15)
- Approve Minutes of Board Meeting Dated June 28, 2007 (9.16)

10) **WRITTEN REPORTS**

- 10.1 Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of June 30, 2007 – Jerry Kurr, Associate Superintendent of Administration and Business Services

Report received.

- 10.2 Receive Williams Settlement Uniform Complaints Report for Period covering April 1, 2007 through June 30, 2007 as required by EC 35186 (Williams Settlement Legislation SB550 and AB2727) – Dan Moser, Associate Superintendent of Instruction and Human Relations

Report received.

WRITTEN REPORTS

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

BOARD/
SUPERINTENDENT'S
COMMUNICATIONS/
COMMENTS

11.1 Board of Trustees

Clerk Herrera

I want to thank the Board of Trustees, the Superintendent, administration and staff for the support that was extended on behalf of Latino Youth of Colombia. We had a successful fundraiser on Sunday, August 12, 2007. We did net about \$20,000. Thank you to the Superintendent and his cabinet and a very special mention to Alan Garofalo.

Vice President Nguyen

It is true, it was a great event. It was inspirational to listen to the teacher.

Member Biehl

I had the opportunity to attend the Summer Graduation. 180 students graduated. There was incredibility super happy group of parents. This event was at Independence High School. It was a great experience.

Member Garcia

I am still very motivated and inspired by the graduations at the end of the school year. Just to see them excited has me excited and ready for the new year.

I had an opportunity to briefly attend the CSEA Conference. I had an opportunity to spend sometime with our CSEA members I am very impressed with our employees.

President Shirakawa

I am excited about the new school year. One thing that gives me comfort is our employees. We have the best employees.

11.2 Superintendent Nuñez

We will review Board Policies starting in September.

I am really excited about the opening of school. On Monday, all the sites will come together at Independence High School. Every school looks great. Every classroom will have a teacher. Every classified employee position will be filled. Yesterday the Senate pass the budget. The associations look forward to your COLA that will be coming soon. I believe that next year we are going to have an exceptional year and it is because of all those persons in our classrooms. Robert Ibarra put an exceptional Academic Academy Program together. I believe the Board is an exceptional extension of the community.

Clerk Herrera

I just want to say thank you to Marylou Guillen, and Olivia Camarillo for their support at the fundraiser. Also, a special thank you to the staff at Evergreen Valley High School and the Latino Ambassadors.

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

Jerry Kurr, Associate Superintendent of Administration and Business Services

Dan Moser, Associate Superintendent of Instruction and Human Relations

Cathy Giammona, Director of Human Resources, Vida Branner-Siders

Director of Compensation and Classified Employee Relations

Employee Organizations:

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: claim for damages of J. Bernal, against ESUHSD and Claim for damages of S. Ly against ESUHSD.

√ ***Reject the tort claim of J. Bernal.***

Vote: 5/0

√ ***Accept and approve the tort claim of S. Ly.***

Vote: 5/0

CONFERENCE WITH LEGAL COUNSEL-- EXISTING
LITIGATION

Sub Division (a) of Section 54956.9 of the Government Code:
California Office of Administration Hearings Case Number
N2007070130

√ ***Approve the settlement agreement in connection with OAH Case
Number N2007070130.***

Vote: 5/0

12.5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code §Section 54957)

•*Superintendent*

No Action

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

13) Report Closed Session Actions (s)

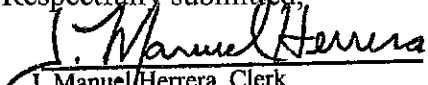
REPORT CLOSED SESSION

14) Adjournment

ADJOURNMENT

√ Motion to adjourn by Vice President Nguyen, seconded by Clerk
Herrera meeting was adjourned by President Shirakawa at 7:55 p.m.

Respectfully submitted,



J. Manuel Herrera, Clerk
East Side Union High School District
Clerk of the Board of Trustees