

Agenda Item

11.14 Approve Minutes of November 25, 2008, Special Board Meeting

Meeting: 12/11/2008 ESUHSD SPECIAL BOARD MEETING - 4:00 P.M.
Category: 11. Consent Calendar Items - ATTACHMENT A
Agenda Type: Action (Consent)
Public Access: Yes

Agenda Item Content



EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees
FROM: Bob Nuñez, Superintendent
SUBJECT: Approve Minutes of November 25, 2008, Special Board Meeting

Attached are the minutes of the November 25, 2008, Special Board meeting for review and approval by the Board of Trustees.

FISCAL IMPACT: None
FUNDING SOURCE: None
RECOMMENDATION: It is recommended that the Board of Trustees approve the November 25, 2008, Board meeting minutes as presented.

Additional Executive Content

Our adopted rules of Parliamentary Procedure, Robert's Rules, provide for a consent agenda listing several items for approval of the Board by a single motion. Most of the items listed under the consent agenda have gone through Board subcommittee review and recommendation. Documentation concerning these items has been provided to all Board members and the public in advance to assure an extensive and thorough review. Items may be removed from the consent agenda at the request of any board member.

Created on Today at 09:28 AM by Betty Banderas. Last update on 12/08/2008 by Mary Guillen.

East Side Union High School District

APPROVED

Board of Trustees

12-11-08 MGuillen

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Special Meeting of the Board of Trustees
Meeting Held at Education Center
November 25, 2008**

1. CALL TO ORDER/ROLL CALL

The Special Meeting of the Board of Trustees was called to order at 5:05 p.m. by President Nguyen. Vice President Garcia, Clerk Shirakawa, Member Biehl and Member Herrera were present.

CALL TO ORDER

2. CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code §Section 54957)

- Superintendent

CLOSED SESSION

3. PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

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

**WELCOME AND
EXPLANATION**

5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

AMENDMENTS

6. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES

ORAL COMMUNICATIONS

- Bonnie Mace
- Barbara Boone
- Tim Tom
- Patricia Martinez-Roach
- Neil Struthers

7. OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

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

7.01 Pending Board Vacancy: Process for Appointment and Provisional Appointment to the Governing Board – Bob Nuñez, Superintendent

Vice President Garcia

This may be a statement for Counsel, but last Thursday we discussed this item. I thought it was in appropriate as a potential applicant or candidate to speak out on this issue because I did not want to be self-serving or do something that is going to give me a benefit. I don't know where we are with the process. I don't know if we made a policy decision already and all we are doing now is doing nuts and bolts stuff. Again, my belief as a potential candidate or applicant is probably not appropriate for me to speak out on this issue. I just want to get a legal opinion first.

Legal Counsel Ruiz

My concern was that the last time the motion on the floor would have essentially limited the pool of candidates to two or three persons ultimately, including yourself and you had expressed an interest. Maybe it's a little premature to figure that one out only because my understanding of the purpose of the meeting today is to set the timeline, the rules for the selection of the provisional appointee pursuant to the Board Policy that has already been adopted. I don't see a conflict at this point that would preclude you from voting on the process, that's ultimately adopted, that's ultimately consistent with the Board ByLaw. I hope that's helpful.

Vice President Garcia

That's helpful. I will stay up here because I do want to talk about the urgency of the item. Clearly, I won't suggest a vote on any policy adjustment, but I think it is appropriate for me to weigh in on that.

Legal Counsel Ruiz

The analogy that I draw is the Board voted to authorize the election for this past November and that was a vote taken by all of the Board Members unanimously if I recall even though two sitting Board Members were running for election.

Superintendent Nuñez

The timeline is really based on discussions at the last meeting to make it shorter. That is why it is more compressed and those are recommended dates. With regard to the application process and what persons would be providing us, that is the same as two years ago. More importantly, the committee make up is exactly the same as two years ago where the categories were teacher representative, classified employees representative, ACSA which is administrators, one confidential employee, two school site council representatives, one ASB president and three at-large community representatives. We allowed those organizations to select their own representatives to the committee. Same with confidential employees. School site council and ASB president we asked for persons to submit names and the at-large community representatives two years ago, one representative, one was the President of the NAACP, one was the President of the Latino parent group and another was the Vietnamese parent group. They were groups that had actually worked with the District and had been involved in a number of programs. What this reflects is who was here last time and helped with that process. What I indicated to the Board is that I would bring back at least a draft of that process from two years ago for your consideration and now asking to see if there is a need to either add subtract or do something different with this group.

Vice President Garcia

Mr. President, if I may, I was not planning on speaking out tonight, but I just got to. For those of you who have seen me up here working in the last two years, you've got to know that everything that I want to talk about here is thoughtful, cogent, and goes right to the point of the issue. So, I had not planned to speak tonight, but I am up here scribbling notes very quickly because I do feel that I do need to speak, mainly, in defense of myself. I find it a little unfortunate, maybe even a little sad that I need to do that because while those of you are proposing a fair and open transparent process, I agree with you 100%. I never even in personal discussions with folks when I said I am interested in applying for reappointment because that is how I see it, the first question is are you willing to go through the process and always in my mind the process was the Board approved process any my answer has always been, "Yes." With that said that is why I need to defend myself. I am first going to defend myself, then I am going to give my opinion because I thought up until this point it was inappropriate to give my opinion. If everybody else can give their opinion, I think a good standing member of this Board has every right to give their opinion. Here goes my defense: I in no way shape or form have advocated, approved or suggested or will even accept anything that is not open and transparent and I think the very implication that everyone says the opposite which is unfortunate. Another thing I won't do is I will not apologize, not once, never apologize for the trust and support that I've earned in this community. For 15 years as a community leader and two years as a member of this Board, I will not apologize. I will say that again just to make sure that these guys got it for the record. When I ran for this office, I earned the support of two Members of Congress, five State Assemblymembers, one State Senator, six City Councilmembers, Mayor Chuck Reed, 46,000 voters and I did it in an open and transparent process. No one twisted the arms of all these community leaders. What happened was 15 years of being a community leader, two years of serving honorably on this Board, I earned their trust and their support. So, was I proud last week when they came up and spoke at the podium publicly to issue their support for me, I was absolutely proud. No doubt about it. I don't think it was backroom dealing. I don't think it was non-transparent. I think it was as transparent as it can be. People walked up to that podium and said we think Eddie Garcia is doing a fine job and I am proud of that and I am proud of them for standing up and telling the community what they really feel and what they really believe. The last thing, the last implication in here is the defense of myself is, you know, I've seen it in letters to the editor. I've heard it from people at that podium that the reason we need a transparent process

is to get the most qualified candidate. Now I ask you a rhetorical question, "Are you insinuating that the one candidate that everyone is standing up and supporting is not qualified?" If that is what you mean, then I would like to hear it because that is what it sounds like. Here is what I am going to say as a Board Member: We don't have time. I don't care what the process is. I really don't because I want to go through the process. I made a commitment to these voters that I am going to follow-through on some of the things I started, the Foundation, the Achievement Gap, and that's why I am coming back asking for reappointment and I am going to ask for it the right way, the transparent way and the open way. If this is going to turn into a political circus, there is only one group of people that is going to get hurt here and that is those 26,000 students that we all profess to serve. That is who is going to get hurt. In short order and I think it is two or three weeks from now, this school district, whether I am sitting up here or not, is going to face a budget shortfall in the 10's of millions of dollars. Do I think the Board ought to move quickly on this process? Absolutely. Should they move quickly and not allow everybody to participate? No, but if we are going to say we need to do this, that and the other to satisfy the perceptions of community. We are going to be making some very difficult decisions that are going to hurt a lot of people. My only suggestion to this Board is despite these other innuendos, that I've made various suggestions to this Board. My only suggestion to the Board is to move with absolute speed because there is going to be a full room in here in three or four weeks, we are going to have to make some very difficult life changing decisions and whether I am sitting here or not, I think we need to move quickly. With that Mr. Chairman, Mr. President, I apologize, I usually don't get emotional here, but this is now the second time in four of five days where this implication is that there is something wrong with this process. There's nothing wrong with this process because the process outlined by this Board on Thursday and the process came back to us today is the exact process we followed two years ago and is the exact process that is laid out in Board Policy. With that said, I won't say anymore. If we are going to vote in anything differently, than what I voted on over a year ago, I am not going to vote, I am going to recuse myself. I don't think I am going to get anymore involved in this discussion other than to say that I believe we all need to move very quickly. Thank you Mr. President.

Member Biehl

I think we can move quickly. I don't think it is going to take us very much time this evening. I appreciate the fact that Member Garcia has indicated that he's very much in favor of an open process which is the process that we used last time. I think there is a little tweaking to what we did that we can talk about tonight in open

session with each other. I think we can get it out of the way very quickly here. I do think it is important that the community always understands that this Board is always committed to an open process. I think that is very important in government. I appreciate the fact that Member Garcia appreciates that as well. I think perhaps he was put into an awkward position last week because of his friends in the community who were so enthusiastic about supporting him and I think we will just have to forgive his friends for their zealous support that was perhaps not so much the fact that they came up and said they wished to support him, but rather that they wished to change the process that only two candidates would be considered. We had a discussion about that last week. We made up our mind and my opinion on this Board is once we make up our mind, then we move forward and don't go backwards on things. I just have a few comments. Why don't we start with the committee that will be doing the review? We had one suggestion tonight from a member in the audience who suggested the addition to the committee. I think we might want to add a few different people to the committee. I don't think this is going to extend the timeline on the process. I observed the process last time and the one concern that I had is at the end of the day, over half of the committee represented employees of the District. This was sort of inadvertent, but I think it is important to make sure that no particular group represents a majority of the committee and to that end, let me just go through the list and tell you who I would recommend that we would do to change. First of all, I would keep everything that is listed, there with the following changes:

- I would add the American Federation of Teachers for a representative.
- I would increase the number of School Site Council representatives to four parents that are from School Site Council. I would think that you would find at least four parents that are Presidents of School Site Councils and they should serve.
- We continue with one ASB President.
- For the At-Large Community Representatives, I would also ask that the At-Large Community Representatives not be District employees. That one represent a Latino group; one represent an Asian group; one represent an African American group. Incidentally, that is what was done last time even though it is not listed here; those three subgroups were represented. I would also like to add from that a representative from the Californians for Justice because that will be a student that comes from a different perspective than someone who has been elected to an ASB Office. I think it is a wonderful suggestion for Neil Struthers to add someone from the Building and Trades Council as

a representative because we do have a key partnership with them.

I will remind everyone this is an Advisory Committee. The Board is not bound by our policy to select from the people that come through this committee, but we are bound to select someone who has applied. From past experience, that advice is weighed very seriously by the Board. So I think it is significant. Those would be my suggestions. I would suggest that this Advisory Board select its own chair. I would think it would be better if the Chair was not an employee of the District. I think that would be better than if they were, but I think we could leave that up to the committee to make that decision. As for their charge, I would suggest it should be the same as last time: Is that they should be asked to submit an unranked list of three, not more than five persons that they believe would be sound candidates for the Board to consider. I would like to put that into the form of a motion for the composition of the Advisory Committee.

Member Herrera

I will second it for discussion. I want to make sure we are all on the same page here on the Board and in listening to community comments.

President Nguyen

A motion by Member Biehl with additional suggestions and second by Member Herrera. For additional clarification, the additional two School Site Council members to the four?

Member Herrera

That would be parents. Preferably School Site Council.

President Nguyen

We have eleven school sites. How do we determine that?

Member Biehl

What I would suggest would be that you take the names of all the School Site Council Presidents, I don't know who they are that are parents and, by lottery, you draw them out of a hat, you rank them and you contact them. If they can participate in that order that is the easiest way. The other thing I would suggest, according to our policy, we are to appoint a subcommittee of less than the majority of the Board. That would be two members to basically certify the candidates that have been selected and I think they could also work to make sure the committee is put together in a fair way and, to that end, I would suggest that President Nguyen and Member Herrera would make up that committee. I think that would be a fair two person committee to monitor the process.

President Nguyen

Thank you for suggesting me and Member Herrera. With all the meetings that I go to, whenever there is a Board Member presence, it seems to either put extra pressure or change the dynamics of the meeting.

Member Biehl

Oh no, that's not to participate in the Advisory thing. It is something separate. Why don't we talk about that later; it's separate. But, you asked the question, "How would the people be selected." I am suggesting you go to School Site Council Presidents that are parents, put them in a hat, we draw their names out. The same with ASB Presidents, put all the ASB Presidents in a hat and draw them out.

Member Herrera

I just want to be sure that I understood it correctly. I am hearing that, according to the motion, East Side Teachers Association would have one representative; California School Employees Association would have one representative; Association of California School Administrators (ACSA) would have one representative; confidential employees would have one; and the motion is to increase School Site Council Representatives from two to four and that they specifically be parents, preferably Presidents of Site Council.

Member Biehl

And not employees.

Member Herrera

And not employees of the District; that it include, well, let me keep going down the list, ASB President, one representative; and then to add the American Federation of Teachers, one of our bargaining units in the District, with one representative; and the At-Large Community representatives would increase, to reflect again not District staff, one representative from the Latino organization, one from an Asian, let's just say community, one from the African American Community; also a representative from the Californians for Justice; and a representative from the Building and Trades Council. That is all I am understanding the motion right now.

President Nguyen

*That's correct. So, we have a motion, we have a second. Those who favor say, "Aye."
(Board states "Aye")
So, that's unanimous.*

First Motion

Motion made by Member Biehl, second for discussion by Member Herrera to make the following changes/additions to the 2006 Community Advisory Committee list for a 2008 Community Advisory Committee list to consist of the following representatives:

Keep representatives on list and include as follows:

- Add American Federation of Teachers Representative (AFT) (1)
- School Site Council President Representatives: Increase number of representatives from two (2) to four (4) and they are SSC President/parent representatives
- Continue with one ASB President representative (1)
- At-Large Community Representatives:
 - The representatives not be District employees.
 - Change from three to five, to consist of:
 - Latino Community (1)
 - Asian Community (1)
 - African American Community (1)
 - Californians for Justice (1)
 - Building & Trades Council (1)

The motion will also include the following:

- Presidents of School Site Councils who are parents will be by lottery and drawn out of a hat and they will be ranked as they are pulled out of the hat and they be contacted to serve on the committee.
- ASB Presidents will be by lottery and drawn out of a hat and will be ranked as they are pulled out of the hat and be contacted to serve on the committee.
- Two members of the Board, specifically President Nguyen and Board Member Herrera, be appointed as a subcommittee to monitor the process.
- An unranked list of three and not more than five will be submitted to the Board for consideration.

Vote: 5/0

Member Biehl

Could I ask, will the charge remain the same as last time, which is to submit an unranked list of three and not more than five?

President Nguyen

Yeah, that's put in the motion.

Member Biehl

That's included, okay. My next question would go onto the timeframe here. I think my suggestions are minor, but let me mention them. Last time we had a full two weeks, so I am suggesting that the deadline be set, that the Superintendent be authorized, he's been authorized to advertise beginning tomorrow. I would ask rather than Monday, December 8, that it be Wednesday, December 10 at 5:00 p.m. as the deadline rather than a noon deadline. That's just two additional days and people are being asked to answer four different questions. I hope they are thoughtful in their answers that were asked the last time. That would give them time to do it. There is a holiday in between which will take some time up. I am asking for 5:00 p.m. rather than 12:00 p.m. because inevitably there will be someone that shows up at 4:59 p.m. and wonders why they cannot turn in their thing because they did not realize it was a noon deadline. I think a 5:00 p.m. deadline would be fine. On the overall timeline, I would ask that we ask the Advisory Committee to meet during the week of December 15 and that our Board meet on the 29th or the 30th of December to make our final decision.

Member Herrera

Where it reads currently on the draft that was just handed out, where it currently reads December 11, 2008, interviews on December 11, this would be interviews by the Advisory Committee and that would be during the week of December 15 – 19.

Member Biehl

That would be a date to be determined based on the availability of the committee; the best date to meet for that week.

President Nguyen

Based on this, we would extend the whole thing for another week.

Member Biehl

I don't believe it was their intent initially to do everything on the 11th. We are going to have a lot of business on the 11th.

Member Herrera

That wasn't clarified, but those interviews of the 11th were not Board interviews?

Superintendent Nuñez

No they are not.

Member Herrera

They are Advisory Committee interviews.

Member Biehl

So, I am saying do that the week of December 15 because we are going to have a Board meeting on the 11th and many of those people will want to attend our Board meeting. Just do it the week of the 15th; it will be the 15th, 16th, 17th, 18th or 19th whatever is convenient and then we come back right after Christmas on the 29th or the 30th and we make the final decision and then we swear the person in as soon as there is a vacancy, which we expect will be January 5th at noon when Mr. Shirakawa is going to the Board of Supervisors.

Vice President Garcia

Mr. President I have a comment. I know I wasn't going to say anything, but I am going to say something. The Board Policy if I remember last year, was really mirrored after the 2006 process, which if I remember the discussion from this Board, everybody thought that the process was a successful process. I don't remember distinctly, but I remember vaguely that this whole process was completed during the first week of December the first time. With that said, I've got to reiterate again the critical nature this District is going to face to get a full Board on and number 2, the second concern is that we have spent the last two meetings talking about openness and transparency and we are talking about final decisions being made right in the middle of vacation. We may be asking people who make the cut to not take vacation and again, it lends itself to are we really being open and transparent and completely accessible to everybody.

Member Biehl

May I make a quick comment on that? I think the difference between the two things we had available, the vacancy that occurred last year was on December 12. This year we have a vacancy that does not occur until January 5. That is the difference between the two and yet, in fact, we have truncated this based on that. Quite frankly, I don't think there is a problem in meeting and having our Special Board Meeting on the 5th of January or the 6th of January; Monday or Tuesday right after vacation so that we don't inconvenience the District employees who may be away. I think we can handle it them. I think it deserves the attention of a Special Board Meeting. It should be early; I would say no later than the week of January 5th. It could be the 5th, 6th, 7th, the 8th. I think that would be fine with me. That might be a better choice than right in the middle of vacation.

President Nguyen

The interview would be on the 11th and then the Community Advisory Committee...

Superintendent Nuñez

The 15th through the 19th.

President Nguyen

We are extending the time way out too long and we don't need to. I understand to try and give more people time to prepare, but this is way, way too much time that I don't think is necessary. With all due respect to Member Biehl, I hope to complete everything before Christmas. To make the Board appointment, everything, before Christmas. Dragging it out to late December first week in January is a lot of time in between that is really unnecessary and I don't see a point to it.

Member Herrera

What dates are you recommending?

President Nguyen

I recommend that everything be completed by December 22, by that Monday.

Member Herrera

We need a date to close the process of the application. We need a date of the Board to come back. Those are three different things.

President Nguyen

Exactly.

Member Herrera

We can talk about a shorter process.

President Nguyen

It is not a shorter process. It is the same process but following the dates that are recommended here. That the Committee start interviewing on December 11 and recommend to the Board. The Board could have a special meeting on the 18th for that interview and probably even make a Board appointment during that time.

Member Biehl

Would it be appropriate Counsel if we asked the availability of the Board Member who will be sworn in December about her availability to make a meeting maybe the 22nd? Would that work for her?

Legal Counsel Ruiz

You could ask.

Member Biehl

Could you come to the podium, Ms. Martinez-Roach? The suggestion from our Board President is he was asking if he could possibly hold this here. This final Board meeting to make a selection on the 22nd of December; will you be available to attend that meeting?

Ms. Martinez-Roach

I will not be in the Country on the 22nd.

Member Biehl

What does your schedule look like in December?

Ms. Martinez-Roach

December, I will be back on the 23rd.

Member Biehl

On the 23rd, okay.

Ms. Martinez-Roach

You don't suggest we meet on Christmas Eve, do you?

Member Biehl

I would never do that.

Member Herrera

So, it can't be earlier than the 22nd because you are going to be out of the Country.

Ms. Martinez-Roach

Correct.

Member Biehl

Would you be able to make a meeting on the 29th or the 30th?

Ms. Martinez-Roach

I will be in the Country on the 29th and can fly back over here; it is just an hour away.

President Nguyen

When can you meet?

Ms. Martinez-Roach

I will be back on the 3rd of January. That's my flight schedule right now.

Member Herrera

But you will be in the Country the last week of December?

Ms. Martinez-Roach

I will be back in the Country on the 23rd, flying back on the 23rd. I would not be available until the 24th. Although, I am available on the 24th. I was just joking.

Clerk Shirakawa

Please do not have a process from Christmas to New Year's. If you can't get it done on the 18th and Patricia cannot be here, then you do it the first week of January. Please use common sense and move forward.

Member Biehl

I agree with what Mr. Shirakawa said there. I think we could do it. We just need to poll the Board and figure out which day the week of the 5th works and the sooner the better. The week of the 5th, the Monday, Tuesday, Wednesday or Thursday... Why don't we do it Thursday the 8th? We typically meet on Thursdays. That is the first Thursday of the month. That only leaves a vacancy for three days. I'll propose the timeframe. I'll put everything we have talked about so far into the form of a motion. Do you want me to go back over that again?

Member Herrera

I would like some feedback from other Board Member before you make a motion.

President Nguyen

So you (Ms. Martinez-Roach) are back on the 23rd. Let's meet on that day.

Ms. Martinez-Roach

I am really back on the 23rd. I could fly back on the 22nd.

Member Biehl

Why would we do this to all of our employees and everyone else. Their attention is not going to be there. Literally, we do not conduct business during the holidays for two weeks. I know it's important. I think we can get a person on board the 5th of January or the 6th of January. I think that will take care of the problem. I think that is a sensible thing to do. I don't think that is going to alter the outcome in any way whatsoever and we want to make sure everyone has the opportunity to participate.

President Nguyen

I hate it Member Biehl when you say things like insinuating there is something going on.

Member Biehl

I did not insinuate anything Lan. I didn't insinuate anything at all. I just suggested that holiday time – our teachers get two weeks off, they've been working very, very hard. Half of this Committee they are going to want to be here at that meeting. They are going to want to support the candidates they believe need to be done. Why don't we just plan on January...I am going to put it in the form of a motion and we just take a vote.

Member Herrera

Before we take a vote, Lan, I am not persuaded on what you are not clear about. Mr. Shirakawa said that if you cannot do it on the 18th...

President Nguyen

George is George and Lan is Lan.

Member Herrera

I know, but I am asking Lan because I was persuaded by it. I was persuaded by the 18th. I was persuaded by the 29th. I am just trying to work with the Board.

President Nguyen

Because I want to get it over before the holidays that either candidates or whoever are supporters of candidates and so on to get it over and done with before the holidays so that they can have total rest rather than have this thing dangling around somewhere, someplace and have to wait until after the new year when we can just get it done way before the holidays.

Member Herrera

My preference is also December, but I think it is getting a little difficult to work out all the logistics and I think that staff does deserve some consideration during the holidays. I am inclined to go with the first week of January at this point.

Member Biehl

I would like to put that into the form of a motion.

Superintendent Nuñez

I was going to ask real quick (Ms. Martinez-Roach) when are you leaving the United States?

President Nguyen

When are you leaving the Country?

Ms. Martinez-Roach

I am not sure yet.

Superintendent Nuñez

I know you weren't going to be here on the 18th. Thank you.

Second motion made, but with further discussion.

Vice President Garcia

Mr. Counsel, I would like to know if I can vote or is it a conflict of interest?

Legal Counsel Ruiz

It is not a conflict of interest. You can vote.

Vice President Garcia

I am the swing vote. This feels like it is moving slowly. I would like to hear the arguments one last time, then I will vote.

Clerk Shirakawa

I think there is argument on both sides. I understand what Frank is saying. With Patricia, maybe Patricia could be a little more flexible on her schedule by trying to make it during that week. Frank, there is nothing wrong with your cut off on the 8th and really having a shorter timeline, because there is an argument to be made. Why do you need that time? You probably could condense it a little bit better; it would just be a little tighter. Then set that date for the 16th or something and get it done. The start of the 16th Patricia be here and then back it up. I think that gives you both things. That gives you a good open transparent process, maybe a little tight for you, and I will make sure that I leave by the right time for the District so you will have the flexibility to appointment someone and then you get your tight timeline and you are open about it, but you get it done before the holidays because you are truly, and Eddie is right, you are truly going to be facing some devastating things come mid December. It may be all at the same time, but you will be able to accomplish it before you go on the break. That is why I said opposed and that is why I hope you guys will compromise a little bit and just tighten it up.

Member Herrera

I just want for clarification Member Shirakawa and anyone else what I thought I heard you say is that we leave the deadline for applications as December 8? Is that what you were saying?

Clerk Shirakawa

Whatever the Board thinks, Manuel. Do it from the date of appointment and back it up there.

Member Herrera

Date of appointment, December 16.

Clerk Shirakawa

Whatever Patricia can do.

Member Herrera

Well, she thought she might be leaving on the 16th. Is what I thought I heard.

President Nguyen

I am proposing that the Board rap up on the 16th. If you are not here, you are not here. I am sorry.

Member Herrera

I don't think that's wise. If we have a new member coming on Board, we ought to be working with that new Board Member's calendar for special meetings. On a tighter timeline, with the deadline on a Tuesday, that only leaves the 15th which is a Monday. That leaves Friday the 12th, Thursday the 11th. We are meeting on

the 11th. I don't get from that schedule where the Advisory Committee could do its work. That is literally a Friday to a Monday to try to have the Advisory Committee do its work.

Member Biehl

I would like to make a comment.

President Nguyen

Go ahead.

Member Biehl

I would like to ask Vice President Garcia to support the motion. I think it would clearly demonstrate to the community what he said earlier in the meeting tonight that he wants an open process, that everyone has the opportunity to participate in this completely and totally be above board and I am not suggesting that a shortened date does not do that, but I think that because of logistics, I think we need to have our newly elected Board Member present and available to attend these Board Meetings and I just think it would be a very good gesture that would demonstrate to me that his high level of leadership demonstrates that he has demonstrated in the past.

Vice President Garcia

Mr. President, I am going to cast a vote here. With all due respect, Mr. Biehl, I don't believe I need to demonstrate that I support an open process, that the long discourse I had earlier during this meeting was during this same issue. Once again, I am asked to demonstrate my character, my integrity, by voting based on me doing something. I think that is wrong. I think it is completely and absolutely wrong. You can ask anybody in this community who has professed their support for me. Do I have integrity? Do I have character? Not one of those people are coming to me to demonstrate it over and over and over again to prove something. I will not vote to demonstrate that; however, to move this along, I will vote for the motion, Mr. President, but with this one for the record: I think it is irresponsible for the Board to continue dragging this process out for the sake of having to demonstrate to someone and I am still not quite sure who that someone is that this is an open and transparent Board. There is not reason why we can't do work in successive days. There's no reason why we can't ask a Community Advisory group to interview on date "X" and provide a recommendation for interviewing on day "Y." I frankly don't understand why we can't push that timeline for the sake of the students in this school district. However, if what we are doing here is to satisfy someone's concern about the Board's transparency and openness, then I will go along with it on January 5th. If we are trying to get moving and roll up our sleeves and get to work for the students of this District,

you know, I think there is other options, but with that I am going to put this conversation to an end Mr. President and I am going to vote "yes" on the motion.

Second motion

Motion made by Member Biehl, second by Member Herrera as follows:

- o Deadline for applications set for Wednesday, December 10 at 5:00 p.m.*
- o Advisory Committee review the applications and conduct interviews the week of December 15.*
- o The Board of Trustees meet the week of January 5, 2009, in a Special meeting to make the final decision.*

Vote: 3/2; President Nguyen and Clerk Shirakawa Voting No

Member Herrera

Just so that the record is clear, I was willing to figure this out for a shorter approach. I was asking questions to have some clarity and no one answered the question. How is the Advisory Committee to do its work between Friday the 12th and Monday the 15th if we were going to try to wrap it by the 16th or the 15th? I remained open. That's all for the record. For me, it was not an issue of trying to prove anything. Member Garcia, I do trust you and I do trust your values and I've seen them in action. So, that is not an issue for me.

Member Biehl

I will apologize to Mr. Garcia. There is no reason for him to have to demonstrate his integrity. He has demonstrated his integrity with his two years of service on this Board and I have never had any situation where I have questioned under any circumstances whatsoever at any time and I go on the record saying that.

There's one last piece of business which is that our Board Policy says that a committee consisting less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. I would like to put in the form of a motion the nomination of Lan Nguyen and Manuel Herrera to serve as that committee. Simply all you have to do is review. The staff will look at all the applications to make sure they are eligible, which means they are registered voters in the District and you people just need to certify that. That's all that needs to be done.

President Nguyen

We need a motion for that?

Member Biehl

I am moving that. The last thing that I would ask if there is any questions that relate to the exact composition of the people appointed to the Advisory Committee that they simply be reviewed by that two member committee. Does that seem fine? You determine if it is going to be by lot.

President Nguyen

I will consult with General Counsel. General Counsel would it be okay?

Legal Counsel Ruiz

I am not sure I understand the question or the issue rather.

Member Herrera

What I am understanding is that the Board, per Mr. Biehl, would delegate to the two Board Member committee to handle, resolve or guide questions that may arise in the composition of the Advisory Committee and any other logistical matters that may arise or need to be resolved. It would be a delegation to two Board members on behalf of the Board.

Member Biehl

I would ask that they bring back the exact names of who is going to be on the Advisory Committee at the December 11th meeting and that they monitor if they are going to do lottery between all the School Site Council Presidents and all that, but just the two Board Members monitor that and they bring back the exact names of whose on the committee for the December 11th meeting.

President Nguyen

Bring back to the Board for the December 11 meeting?

Member Biehl

You just have to certify; you bring it back to the Board. The Board will ratify the final names of the committee but you will have everything worked out for us beforehand. Do you need that in the form of a motion?

Legal Counsel Ruiz

Yes. That's not in the Board ByLaw. If you could just state it in the form of a motion.

Member Biehl

I am moving that this two member committee...Did we already do the motion on the two member committee?

Legal Counsel Ruiz

Yes

Third motion

Motion by Member Biehl, second by Clerk Shirakawa
as follows:

- o Nominate Lan Nguyen and Manuel Herrera, per Board ByLaw, to serve as a committee less than a quorum of the Board to certify that the applicants are qualified to hold Board Member position, they monitor the lottery, handle, resolve and guide questions that may arise in the composition of the Advisory Committee and in any other logistical matters that may arise or need to be resolved , and bring back to December 11 Board meeting for approval/ratification the exact names of the Advisory Committee.

Vote: 5/0

8. REPORT CLOSED SESSION ACTION(S)

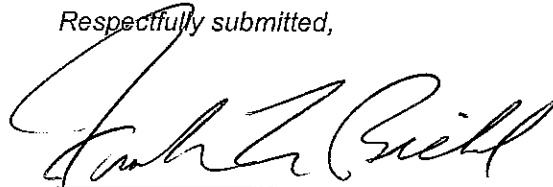
REPORT CLOSED SESSION

9. ADJOURNMENT

ADJOURNMENT

Meeting adjourned at 7:08 p.m. by President Nguyen.

Respectfully submitted,



Board Clerk