

Agenda Item

16.25 Approve Minutes of February 19, 2009, Regular Board Meeting

Meeting: 05/21/2009 ESUHS D REGULAR BOARD MEETING - 4:00 P.M.
Category: 16. 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 February 19, 2009, Regular Board Meeting

Attached are the minutes of the February 19, 2009, Regular 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 February 19, 2009, 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 05/13/2009 at 07:25 PM by Mary Gullen. Last update on 05/14/2009 by Mary Gullen.

APPROVED
Board of Trustees
Mgullen 5-21-09

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of the Regular Meeting of the Board of Trustees
Meeting Held at Education Center
February 19, 2009

1. CALL TO ORDER/ROLL CALL

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

CALL TO ORDER

2. CLOSED SESSION

2.01 EXPULSIONS – None

CLOSED SESSION

2.02 PUBLIC EMPLOYEE

DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)

Motion by Vice President Herrera, second by Clerk Biehl to adopt Resolution #2008/2009-22 authorizing and approving the release of five certificated temporary employees for the 2009-2010 school year and authorizing and directing the Superintendent to notify such employees with written notice or release no later than June 30, 2009.

Vote: 5/0

Motion by Member Garcia, second by Member Nguyen to adopt Resolution # 2008/2009-23 approving the non-reelection of six District Interns for the 2009-2010 school year and authorizing and directing the Superintendent to serve such employees with written notice of non-reelection no later than March 15, 2009.

Vote: 5/0

Motion by Member Garcia, second by Clerk Biehl to adopt Resolution #2008/2009-24 approving the non-reelection of 36 probationary certificated employees for 2009-2010 school year authorizing and directing the Superintendent to serve those employees with written notice of their non-reelection no later than March 15, 2009.

Vote: 5/0

2.03 CONFERENCE WITH LABOR NEGOTIATORS
(Government Code §Section 54957.6)

Agency Designated Representatives:

Bob Nuñez, Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Dan Moser, Associate Superintendent of Instructional Services 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)
East Side Teachers Association (ESTA)*

2.04 CONFERENCE WITH LEGAL COUNSEL

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 Marisa Mares/Jose Mares and (one) potential case

Motion made by Vice President Herrera, second by Clerk Biehl to reject the claim for damages of Marisa Mares and Jose Mares.

Vote: 5/0

2.05 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

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

2.07 PUBLIC EMPLOYMENT/PUBLIC EMPLOYEE APPOINTMENT (Government Code § Section 54957)

3. PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

President Martinez-Roach 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

CONSIDERATION OF AMENDMENTS

None

6. BOARD SPECIAL RECOGNITION(S)

SPECIAL RECOGNITION(S)

None

7. STUDENT BOARD LIAISONS

STUDENT BOARD LIAISONS

None

8. **PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD OF TRUSTEES**

- *Jerry Dyer – Eligibility for Graduation Ceremony*
- *John Ambrose – School Sports*
- *Wayne Richelle – School Sports*
- *Taylor Stankus – Discuss Potential of Sports Elimination*
- *Anthony M. Rachal – Sports*
- *Vickie Smith – Budget*
- *Paula Bassett – Sports (Budget)*
- *Mark Herman – Cutting Athletics*
- *Lou Kvitek – Sports*
- *Annjanette Prudencio – Sports*
- *Michelle Woldridge – Sports*
- *Jennifer Chavez – Continued Funding of JROTC Program*
- *Brian Keily – Sports*
- *Sharlisa Byrd – Save Our Sports*
- *Gary Kornahrens – Sports*
- *Carmen Vidrio – New Theater for Silver Creek High School*
- *Vidal Carrillo – Save Our Sports*
- *Camie Nicholson – Athletics Elimination*
- *Natalie Ingram/Allison Baker – Sports*
- *Nandi Ortiz – Sports*
- *Laurie Ortega – Sports*
- *Stacie Wardner – Sports*
- *Rene Lovato – Sports*
- *Mary Ortega – Sports*
- *Mrs. Chevez – JROTC*
- *Megan Gage – Athletics*
- *Josue Garcia – Items 12.07*
- *Ric Reyes – Measure E & G CBOC Report*
- *Josue Garcia – Approval of Measure E Prioritization List*
- *M. Habtegabriel – Approval of Measure E Prioritization List*
- *Julio Pardo – Classified Personnel Actions*
-

9. **INSTRUCTIONAL SERVICES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION**

- 9.01 **Summer School Presentation – Dan Moser, Associate Superintendent of Instruction and Human Relations, & Tim Nguyen, Coordinator of English Language Learners and Supplementary Education**

Summer School presentation by Coordinator Tim Nguyen.

- 9.02 **Approve Consolidation Program Application Part II for 2008-2009 – Dan Moser, Associate Superintendent of Instruction and Human Relations**

Motion to approve the Consolidation Program Application Part II for 2008-2009 made by Vice President Herrera, second by Clerk Biel.

Vote: 5/0

ORAL COMMUNICATIONS

INSTRUCTIONAL SERVICES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

9.03 Accept Valenzuela/CAHSEE Williams Fourth Quarter Report – Dan Moser Associate Superintendent of Instruction and Human Relations

Motion to accept the Valenzuela/CAHSEE Williams fourth quarter report made by Vice President Herrera, second by Member Garcia.

Vote: 5/0

10. STUDENT SERVICES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

STUDENT SERVICES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

10.01 Receive First Reading of New Board Policy #5353 Pertaining to Student Lockers – Alan Garofalo, Associate Superintendent of Students Services and Facilities

First reading of new Board Policy #53553 Pertaining to Student Lockers received. Clerk Biehl requested that backpack weight limit be included in the Board Policy.

11. HUMAN RESOURCES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

HUMAN RESOURCES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

11.01 Receive First Reading of 4000 Board Policy Series, Part 2 – Dan Moser, Associate Superintendent of Instruction and Human Relations

First reading of 4000 Board Policy Series, Part 2, received.

11.02 Approve Provisional Internship Permit Requests for Certificated Employees – Dan Moser, Associate Superintendent of Instruction and Human Relations

Motion to approve provisional internship permit requests for certificated employees made by Vice President Herrera, second by Clerk Biel.

Vote: 5/0

11.03 Approve Variable Term Waiver Requests for Certificated Employees (Attachment D) – Dan Moser, Associate Superintendent of Instruction and Human Relations

Motion to approve variable term waiver requests for certificated employees made by Member Garcia, second by Member Nguyen.

Vote: 5/0

11.04 Adopt Resolution #2008-2009-21 Declaring the Observance of Cesar Chavez Day on March 30, 2009 – Dan Moser, Associate Superintendent of Instruction and Human Relations

Motion to adopt resolution #2008/2009-21 declaring the observance of Cesar Chavez Day on March 30, 2009, made by Vice President Herrera, second by Member Nguyen.

Vote: 5/0

12. BUSINESS SERVICES – OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

BUSINESS SERVICES - OPERATIONAL ITEMS/ BOARD DISCUSSION AND/OR ACTION

12.01 Approve Purchase Orders Presented on February 19, 2009 – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve purchase orders presented on February 19, 2009, made by Member Garcia, second by Clerk Biehl.

Vote: 5/0

12.02 Approve Contracts for Professional Services (Attachment C) – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve contracts for professional services made by Vice President Herrera, second by Member Nguyen.

Vote: 5/0

12.03 Approve Memoranda of Understanding (Attachment C) – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion to approve memoranda of understanding made by Member Garcia, second by Member Nguyen.

Vote: 5/0

12.04 Adopt Resolution #2008-2009-17 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 #2008/2009-17 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal made by Clerk Biehl, second by Vice President Herrera.

Vote: 5/0

12.05 Discussion on Contracts and MOUs: Elimination of Services – Jerry Kurr, Associate Superintendent of Administration and Business Services

Discussion item only; no action taken.

**12.06 Report on Charter School Financing – Jerry Kurr,
Associate Superintendent of Administration and
Business Services**

*Report on charter school financing made by Jerry Kurr,
Associate Superintendent of Administration and Business
Services.*

**12.07 Presentation on Purchasing Process for Bidding and
Acquisition of Goods and Services – Jerry Kurr,
Associate Superintendent of Administration and
Business Services**

*Presentation on purchasing process for bidding and
acquisition of goods and services made by Julie
Kasberger, Director, Donna Bertrand, Contracts
Administrator, and June Rono, Director of Facilities.*

**12.08 Award the Request for Proposals (RFP), RFP 01-08-09,
for the Student Information System (SIS) and to Enter
into a Five-Year Contract with Infinite Campus – Jerry
Kurr, Associate Superintendent of Administration and
Business Services**

*Motion to award the request for proposals (RFP),
RFP 01-08-09, for the Student Information System (SIS)
and to enter into a five-year contract with Infinite Campus
made by Vice President Herrera, second by Clerk Biehl.
Vote: 5/0*

**12.09 Approve Refundable Deposits for Energy Credit
Applications not to Exceed the Amount of \$200,000 –
Jerry Kurr, Associate Superintendent of Administration
and Business Services**

*Motion to approve refundable deposits for energy credit
applications not to exceed the amount of \$200,000 made
by Vice President Herrera.
Motion withdrawn by Vice President Herrera.*

*President Martinez-Roach wanted to go on record saying
that she could not support the motion. It is not saying she
does not believe that solar power and energy efficiency
isn't important for the District, she does, the District just
does not have the money. She is just not going to gamble
on where they are going to have to get the money from
because something is going to have to be cut. We are
talking about \$75 million and that is a lot of money.*

*Motion to approve the expenditure of the refundable
deposits for energy credit application not to exceed the
amount of \$200,000 provided that none of the monies
comes out of the Measure E Bond for the solar project
made by Clerk Biehl, second by Member Garcia.
Vote: 4/1 President Martinez-Roach voting No*

**13. FACILITIES – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

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

- 13.01 Measure G and Measure E Citizens' Bond Oversight Committee Report – John Sellarole, Member of Measure E and Measure E Citizens' Bond Oversight Committee**

Measure G and Measure E Citizens' Bond Oversight Committee report given by John Sellarole.

- 13.02 Approve the Merging of Measure G and Measure E Citizens' Bond Oversight Committees to Form One Committee – Alan Garofalo, Associate Superintendent of Student Services and Facilities**

Motion to approve the merging of Measure G and Measure E Citizens' Bond Oversight Committees to Form One Committee made by Member Nguyen, second by Clerk Biehl.

Vote: 5/0

- 13.03 Approval of Measure E Prioritization List – Alan Garofalo, Associate Superintendent of Student Services and Facilities**

Motion to approve Measure E prioritization list as amended:

- *All school sites on prioritization list approved, except Independence, Mt. Pleasant and Adult Education, Calero and District Office*
- *With proviso to look specifically at Independence High School, Mt. Pleasant High School, Adult Education and to bring back in the next 90 days with further recommendations*

made by Clerk Biehl, second by Vice President Herrera.

Vote: 5/0

**14. ADULT EDUCATION – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION**

**ADULT EDUCATION -
OPERATIONAL ITEMS/
BOARD DISCUSSION
AND/OR ACTION**

- 14.01 Adopt Resolution #2008-2009-18 Declaring March 9-13, 2009, as California Adult Education Week – Alan Garofalo, Associate Superintendent of Student Services and Facilities**

Motion to adopt resolution #2008-2009-18 declaring March 9-13, 2009, as California Adult Education Week made by Vice President Garcia, second by Member Garcia.

Vote: 5/0

15. SUPERINTENDENT – OPERATIONAL ITEMS/
BOARD DISCUSSION AND/OR ACTION

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

15.01 Parcel Tax – Patricia Martinez-Roach, Board President

Item carried.

15.02 Adopt Board of Trustees Retreat Goals – Patricia
Martinez-Roach, Board President

Item carried.

15.03 Need for and Calendar Special Board Meeting –
Patricia Martinez-Roach, Board President

*The Board agreed to hold a Special Board meeting on
March 2, 2009, at 5:30 p.m. at Evergreen Valley High
School – Cougar Hall.*

15.04 MetroED – Frank Biehl, Board Member, and Bob Nuñez,
Superintendent

- Funding Model for 2009-2010
- Review of Joint Powers Partnership Agreement
(JPA)

Discussion item only.

15.05 Receive First Reading to Amend Board By Law 9270
Conflict of Interest – Patricia Martinez-Roach,
Board President

*First reading to amend Board By Law 9270 Conflict of
Interest received.*

15.06 2009 CSBA Delegate Assembly Election – Bob Nuñez,
Superintendent

*Motion to nominate George Sanchez and Esau Herrera
for the 2009 CSBA Delegate Assembly election made by
Clerk Biehl, second by Member Nguyen.*

Vote: 5/0

15.07 Adopt Resolution #2008-2009-19 Declaring March 1-7,
2009, as Week of the School Administrator - Bob Nuñez,
Superintendent

*Motion to adopt resolution #2008/2009-19 declaring March
1-7, 2009, as Week of the School Administrator made by
Member Garcia, second by Clerk Biehl.*

Vote: 5/0

15.08 Adopt Resolution #2008-2009-20 Recognition of February 2009 as National African American History Month - Bob Nuñez, Superintendent

Motion to adopt resolution #2008/2009-20 to recognize February 2009 as National African American History Month made by Vice President Herrera, second by Member Garcia.

Vote: 5/0

16. ATTACHMENT A – CONSENT CALENDAR ITEMS

items 16.01, 16.04, 16.07, 16.08, 16.09 and 16.12 were pulled. Motion to approve the remainder of the consent calendar made by Clerk Biehl, second by Member Garcia.

Vote: 5/0

ATTACHMENT A

(Agenda items in parenthesis)

- Ratify and Approve Certificated Personnel Actions Presented February 19, 2009 (16.02)
- Ratify and Approve Student Aide Personnel Actions Presented February 19, 2009 (10.03)
- Acceptance of Donations, Grants and Awards (16.05)
- Approve CAHSEE Local Waivers for Special Education Students (16.06)
- Approve Change Order #1 for Andrew Hill High School Phase III Additions and Modernizations (Mastria, Inc.) (16.10)
- Approve Change Order #1 for Andrew Hill High School Phase III Additions and Modernizations (Shooter & Butts, Inc.) (16.11)
- Approve Change Order #1 for Andrew Hill High School Phase III Additions and Modernizations (Thermal Mechanical) (16.13)
- Notice of Completion for Andrew Hill High School Phase III Additions and Modernization Project (Shooter & Butts, Inc.) (16.14)
- Notice of Completion for Independence High School HVAC Roofing Modernization Project (Kinetics Mechanical Service, Inc.) (16.15)
- Approve Minutes of January 8, 2009, Special Board Meeting (16.16)
- Approve Minutes of January 15, 2009, Regular Board Meeting (16.17)

- Motion to approve item 16.01, Ratify and Approve Classified Personnel Actions Presented February 19, 2009, made by Clerk Biehl, second by Member Nguyen.

Vote: 5/0

- Motion to approve item 16.04, Approve School Field Trips, as amended to remove Independence High School trip to Germany made by Vice President Herrera, second by Member Nguyen.

Vote: 5/0

- Motion to approve item 16.07, Approve Change Order #1 for Andrew Hill High School Phase III Additions and Modernizations (Beals Martin, Inc.), made by Clerk Biehl, second by Member Garcia.
Vote: 4/1 President Martínez-Roach voting No

- Motion to approve item 16.08, Approve Change Order #1 for Andrew Hill High School Phase III Additions and Modernizations (Andy's Roofing Company), made by Clerk Biehl, second by Member Garcia.
Vote: 4/1 President Martínez-Roach voting No

- Motion to approve item 16.09, Approve Change Order #1 for Andrew Hill High School Phase III Additions and Modernizations (Joseph J. Albanese, Inc.), made by Clerk Biehl, second by Member Garcia.
Vote: 4/1 President Martínez-Roach voting No

- Motion to approve item 16.12, Approve Change Order #1 for Yerba Buena High School Modernization (Valhalla Builders), made by Clerk Biehl, second by Member Garcia.
Vote: 4/1 President Martínez-Roach voting No

17. WRITTEN REPORTS/RECOMMENDATIONS

17.01 Receive Budget Adjustments Update

Report received.

17.02 Receive Quarterly Report on Santa Clara County Treasury Investment Portfolio Status as of December 31, 2008

Report received.

18. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

18.01 Board of Trustees

▪ **Frank Biehl, Member**

MetroED – The MetroED Board in terms of voting for Delegate Assembly voted for the two persons from the East Side, as well as two other representatives that had a relationship to MetroED, either as a feeder district to MetroED or a feeder district in MetroED.

Also, that when we adjourn, we adjourn in memory of Cec Bell.

• **Eddie Garcia, Member**

These are going to be interesting times coming up. The Board and the Superintendent are all going to want to protect the public interest.

WRITTEN REPORTS

BOARD/SUPERINTENDENT COMMENTS

- **Patricia Martinez- Roach, President**
Being Board President has been an exciting time. I really appreciate all the invitations that I have received to events and I am trying to attend as many as possible. I want to highlight one particular event and I really wished that Ed Wong was here because I wanted to thank him for giving me the information to contact Paul Engle who is the Leading Sales Manager from the Oakland Raiders. I invited the Superintendent, CSEA Representative, and ESTA Representative to join us. Unfortunately, the ESTA President was not able to join us. Member Garcia was able to attend and Julio Pardo, CSEA Vice President was also able to join us. It was really a good presentation and it was very exciting to go through it. We met yesterday with Mr. Engle and the good news was that, I hope the Board will not object to it, we are going to have formal action on fundraising. I am not real sure, Mr. Attorney, but I need to discuss this item and if you could tell us if we need to formally put this on the agenda or not in order to raise money. What this means is that if we enter into a relationship with the Oakland Raiders, we will receive \$21 per ticket. It is a great opportunity for us to raise money for our district. I am really excited about it. We are working really hard to raise some dollars. We will be able to raise \$1 million each year and have this as an ongoing project with the Oakland Raiders.

18.02 Superintendent

- **Bob Nuñez, Superintendent**
I just want to say we are not starting tough times; we are in the middle of tough times. I can see the pressure up at this table when I go to the school sites, when I go to a certain department, when I go out to talk to community members that everyone is feeling that same pressure to get something done. As tough as this job is here, the ones that I look at to make sure things are going okay are the Principals. Everyday they have to face students and parents and that is the toughest of jobs. I appreciate all that you do.

19. REPORT CLOSED SESSION ACTION(S)

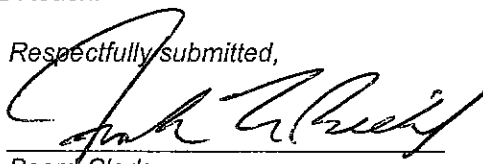
**REPORT CLOSED
SESSION ACTION(S)**

20. ADJOURNMENT

Meeting adjourned in memory of Cec Bell at 10:53 p.m. by President Martinez-Roach.

ADJOURNMENT

Respectfully submitted,



Board Clerk