

Agenda Item

15.08 Approve Minutes of May 20, 2010, Regular Board Meeting

Meeting: 06/22/2010 ESUHSD REGULAR BOARD MEETING - 5:00 P.M.
Category: 15. 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: Dan Moser, Interim Superintendent
SUBJECT: Approve Minutes of May 20, 2010, Regular Board Meeting

Attached are the minutes of the May 20, 2010, 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 May 20, 2010, 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.

Motion:

Created on 06/15/2010 at 09:34 AM by Mary Guillen. Last update on 06/18/2010 by Mary Guillen.

East Side Union High School District

Approved

Board of Trustees

June 22, 2010

A handwritten signature in cursive script, appearing to read 'M. Guillen'.



**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES
Meeting Held at the Education Center -- Board Room
May 20, 2010
4:00 p.m.**

1. CALL TO ORDER/ROLL CALL

1.01 Roll Call

The Regular Meeting of the Board of Trustees was called to order at 4:10 p.m. by President Garcia. Vice President Nguyen, Clerk Martinez-Roach, and Member Biehl were present. Member Herrera arrived at 4:30 p.m.

1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)

President Garcia extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers regarding Closed Session items.

1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session.

2. CLOSED SESSION

2.01 Expulsion(s): Student A-H

Student A:

Motion by Member Herrera, second by Member Biehl, to approve the expulsion of Student A.

Vote: 5/0

Student B:

Motion by Vice President Nguyen, second by Member Biehl, to approve as modified the expulsion of Student B.

Vote: 5/0

Student C:

Motion by Vice President Nguyen, second by Member Herrera, to approve the expulsion of Student C.

Vote: 5/0

Student D:

Motion by Member Herrera, second by Vice President Nguyen, to approve the expulsion of Student D.

Vote: 5/0

Student E:

Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the expulsion of Student E.

Vote: 5/0

Student F:

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the expulsion of Student F.

Vote: 5/0

Student G:

Motion by Clerk Martinez-Roach, second by Vice President Nguyen, to approve as modified the expulsion of Student G.

Vote: 5/0

Student H:

Motion by Member Biehl, second by Member Herrera, to approve as modified the expulsion of Student H.

Vote: 5/0

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

2.03 Public Employee Performance Evaluation (Government Code Section 54957)

2.04 Public Employment/Public Employee Appointment (Government Code Section 54957)

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Interim Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Interim Associate Superintendent of Human Resources and Instruction

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)

2.06a Conference with Legal Counsel – Existing Litigation

Subdivision (a) of Section 54956.9 of the Government Code: One (1) Case

- Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312

Motion by Clerk Martinez-Roach, second by Member Biehl, the Board approved the initiation of litigation against additional cross complaints in the pending action Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312. A copy of the additional cross complaint, once filed, will be available from the district upon request.

2.06b Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:

One (1) potential claim and claim for damages of S Vu, M. Pham and Enterprise Rent-A-Car

- *Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the claim of S. Vu, subject to the limitations approved by the Board.*

Vote: 5/0

- *Motion by Member Biehl, second by Clerk Martinez-Roach, to approve the claim of M. Pham, subject to the limitations approved by the Board.*

Vote: 5/0

- *Motion by Member Herrera, second by Vice President Nguyen, to approve the claim of Enterprise Rent-A-Car, subject to the limitations approved by the Board.*

Vote: 5/0

2.06c Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code: One (1) potential case

2.07 Conference with Real Property Negotiators

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, Interim Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Valley Water District, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

OPEN SESSION AT APPROXIMATELY 6:00 P.M. – EDUCATION CENTER BOARD ROOM

3. PLEDGE OF ALLEGIANCE

4. WELCOME AND EXPLANATION TO AUDIENCE

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

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

5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

For consideration by the Board of Trustees.

Interim Superintendent Moser requested that item 13.07 be pulled from the agenda.

Item 13.07 was pulled from the agenda.

6. BOARD SPECIAL RECOGNITION(S)

6.01 ACSA Region 8 “Every Student Succeeding”

- Jessica Ybarra, Foothill High School

6.02 Winner of the State California Continuation Educators Association (CCEA) Essay Contest

- Corina Sandoval, Foothill High School

6.03 Marzetti uDip National Contest Winner

- Thanh Vu, Andrew Hill High School

6.04 Tieng Viet Men Yeu A

- **Authors**
 - Lily Lam
 - An Thieu
 - Hoang Dinh
 - Van Huang
 - Diep Vu
 - Co Le
 - Mai Doan
 - Kim-Duong Vo
- **Editors**
 - Nguyen Ngoc-Bich
 - Nguyet Kim Dinh
- **English Editors**
 - Julie Andrade
 - Katrina Barbara
- **Technical and Language Support**
 - Khanh The Vu
 - Tri Cao
- **Illustrators**
 - Khoa Nguyen
 - Heather Le
- **Typists**
 - Hoang-Anh Nguyen
 - Nguyet To
 - Ngoc Uong

7. STUDENT BOARD LIAISONS

7.01 Katia Lopez, Californians for Justice

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

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

Speakers:

- *Jose Ahumada – Health Care Technicians*
- *Martha Cabrera – Health Care Technicians*
- *Angie Nunn – Classified Employees Week*
- *Kathryn Vera – Layoffs of Paraeducators*
- *Juan Estrada – Budget*
- *Jerry Dyer – Cuts to CSEA*
- *Marisa Hanson – Request for Information*
- *Josh Heredia – Public Comment*
- *Gricelda Heredia – Counselors and Teachers*
- *Ricardo Reyes – Public Comment*
- *Carmen Vidrio – Public Comment*
- *Omar Gutierrez – Digital Divide Revisited*

9. SUPERINTENDENT/BOARD OF TRUSTEES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

9.01 Discussion and/or Action Parcel Tax Update - Dan Moser, Interim Superintendent

Discussion by the Board of Trustees only.

9.02 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair

A report was provided by Board Audit Committee Chair Biehl on the actions taken to-date by the Board Audit Committee.

A request was made to provide the Board minutes of the Board Audit Committee Meetings when available.

9.03 Discussion and/or Action to Nominate 2010 Outstanding Legislator of the Year – Dan Moser, Interim Superintendent

Motion by Clerk Martinez-Roach, second by Member Herrera to nominate California State Senator Leland Yee as the 2010 Outstanding Legislator of the Year.

Vote: 5/0

9.04 Discussion and/or Action regarding Race to the Top Phase 2 MOU – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Vice President Nguyen, to approve the Race to the Top Phase 2 MOU.

Vote: 4/0, Abstention by Clerk Martinez-Roach

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

- 10.01 Program Improvement Report of Findings Presentation - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, Mary Stone, The Nascent Group, and Kirsten King, Interim Director of Instructional Services**

Presentation item only.

- 10.02 Approve Change in Funding Allotment between Contracts CCTR 9321 and CSPP 9585 - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction**

Motion by Member Biehl, second by Member Herrera, to approve the change in funding allotment between contracts CCTR 9321 and CSPP 9585.

Vote: 5/0

- 10.03 Discussion and/or Action Regarding Participation in the Bay Area Collaborative - Cathy Giammona, Interim Associate Superintendent, Human Resources and Instruction, and Nick Leon, Rotary Member**

Motion by Member Herrera, second by Vice President Nguyen, to approve participation in the Bay Area Collaborative.

Vote: 5/0

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

- 11.01 Approve Designation of California Interscholastic Federation Representatives to League for 2010-2011 - Alan Garofalo, Associate Superintendent of Student Services and Facilities**

Motion by Clerk Martinez-Roach, second by Member Biehl, to approve the designation of California Interscholastic Federation representatives to league for 2010-2011.

Vote: 5/0

- 11.02 Approve Grant Application for Carl D. Perkins IV Tech Prep Demonstration Site Grant for Yerba Buena High School - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and Cari Vaeth, Director of Adult Education and Career Services**

Motion by Clerk Martinez-Roach, second by Member Herrera, to approve the grant application for Carl D. Perkins IV Tech Prep Demonstration Site Grant for Yerba Buena High School.

Vote: 5/0

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

None

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

13.01 Accept Third Financial Statement of Projections as required by Education Code 42931,e – Jerry Kurr, Associate Superintendent of Administration and Business Services

The third financial statement of projections as required by Education Code 42931,e was accepted.

13.02 Hold Public Hearing at Approximately 6:00 p.m. for Solar/Renewable Energy Project & Proposed Energy Services Contract (Government Code Section 4217.12) - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services & Facilities, and Rogelio Ruiz, Legal Counsel

Public hearing held.

Speakers:

- *Neil Struthers*
- *Josue Garcia*

13.03 Hold Public Hearing at Approximately 6:30 p.m. for the Proposed Master Equipment Financing Contract for an Energy Services Contract (Government Code Section 4217.17) – Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services & Facilities, and Rogelio Ruiz, Legal Counsel

Public hearing held. There were no speakers on this item.

13.04 Adopt Resolution #2009/2010-46 Approving Energy Services Contract and Authorizing Lease Purchase Agreement for the Purpose of Financing a Portion of the Solar Renewable Energy Project, Designating the Master Equipment Lease Purchase Agreement as a Tax Exempt Obligation; and Authorizing and Prescribing Other Matters Related Thereto - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services & Facilities, and Rogelio Ruiz, Legal Counsel

Legal Counsel Ruiz

The findings that are required by the Board are included with the amended Resolution for this item 13.04 and there are copies available near the door, but I would ask that the spreadsheet circulated by Mr. Kurr, as well as the PowerPoint presentation, also be included as part of the official record of this agenda item so that they can form the basis for the Board's findings.

Motion by Member Biehl, second by Vice President Nguyen, to approve the continuance of the contract with Chevron for the purchase and installation of solar photovoltaic at James Lick High School, Mt. Pleasant High School, Oak Grove High School, Piedmont Hills High School, Silver Creek High School, and Yerba Buena High School, Independence Adult Education Center and adopt amended Resolution #2009/2010-46 authorizing a lease agreement for the purpose of financing the Chevron Energy Solutions Company project. The spreadsheet circulated by Mr. Kurr, as well as the PowerPoint presentation, be included as part of the official record of this agenda item.

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

For the record, Clerk Martinez-Roach is opposing this item is because of the continued debt to the district in financing \$24 million.

13.05 Adopt Resolution #2009/2010-47 Establishing Investment Account with Wells Fargo to Hold and Trade Donated Stocks and Bonds - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Clerk Martinez-Roach, second by Member Herrera, to adopt Resolution #2009/2010-47 establishing and investment account with Wells Fargo to hold and trade donated stocks and bonds.

Vote: 5/0

13.06 Adopt Resolution #2009/2010-48 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 by Clerk Martinez-Roach, second by Member Herrera, to adopt Resolution #2009/2010-48 an itemized list of surplus/obsolete equipment for sale and/or disposal per Education Code Sections 17545 and 17546.

Vote: 5/0

13.07 Approve Lease Agreement with GTE Mobilnet of California Limited Partnership dba Verizon Wireless for Cellular and Wireless Communication Antenna at Santa Teresa High School – Jerry Kurr, Associate Superintendent of Administration and Business Services

Item pulled

13.08 Receive First Reading of New Board Policy # 3519 Alterations, Modifications, Repairs and Improvements - Jerry Kurr, Associate Superintendent of Administration and Business Services

Received first reading of new Board Policy #3519 Alterations, Modifications, Repair and Improvements.

13.09 Approve Updated Five-Year Deferred Maintenance Plan - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl, to approved the updated Five-Year Maintenance Deferred Plan.

Vote: 5/0

13.10 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Vice President Nguyen, second by Member Biehl, to accept the donations, grants and awards.

Vote: 5/0

13.11 Accept Warrant Register for the Month of April 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera, to accept the warrant register for the month of April 2010.

Vote: 4/1, Clerk Martinez-Roach voting No.

For the record, Clerk Martinez-Roach is concerned about the district's legal costs and that nothing has been done to reduce these types of costs.

13.12 Approve Budget Transfers Presented May 20, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Vice President Nguyen, to approve the budget transfers presented on May 20, 2010.

Vote: 5/0

13.13 Approve Purchase Orders Presented May 20, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Herrera, to approve purchase orders presented on May 20, 2010.

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

13.14 Approve Change Orders to Purchase Orders Presented May 20, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Vice President Nguyen, second by Member Biehl, to approve the change orders to purchase orders presented May 20, 2010.

Vote: 5/0

13.15 Approve Purchase of Twelve Relocatable Classrooms from Williams Scotsman for Evergreen Valley High School - Jerry Kurr, Associate Superintendent of Administration and Business Services, Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

Speaker:

- *Bob Nuñez*

Statement by Member Biehl for the record:

For clarification for the record, as I recall from the previous meeting, this was a clarification of perhaps a lack of records of portables that were back in the 1980's. It wasn't necessarily that they weren't sure there had ever been – there was no clear record currently available that there had been Board action. That didn't mean that there hadn't been Board action, but it meant that in order to make sure that it was clear in the record, that it would be appropriate to take the action. I don't see the relation between that and this. I do think it is reasonable to request a listing of all the portables and the current status of those portables as to whether they are leased or purchased in the district.

It was requested that a discussion on the portables be placed for discussion on the agenda at a future Board meeting.

Motion by Member Biehl, second by Vice President Nguyen, to approve the purchase of twelve relocatable classrooms from Williams Scotsman for Evergreen Valley High School.

Vote: 5/0

13.16 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera, to approve the contracts for professional services at or below \$50,000.

Vote: 5/0

13.17 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl, to approve the contracts for professional services over \$50,000.

Vote: 5/0

13.18 Approve Memoranda of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera, to approve the memoranda of understanding.

Vote: 5/0

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

14.01 Approve Measure E Bond Program Status Review and Consideration of Master Budget - Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

Motion by Member Biehl, second by Member Herrera, to approve the Measure E Bond Program status review and proposed Measure E Bond Program Master Budget by site.

Vote: 5/0

15. **ATTACHMENT A – CONSENT CALENDAR ITEMS**

Motion by Member Herrera, second by Member Biehl, to approve the entire consent calendar.

Vote: 5/0

15.01 Ratify/Approve Classified Personnel Actions Presented May 20, 2010

15.02 Ratify/Approve Certificated Personnel Actions Presented May 20, 2010

15.03 Ratify/Approve Student Aide Personnel Actions Presented May 20, 2010

15.04 Approve Field Trips

15.05 Approve CAHSEE Local Waivers for Special Education Students

15.06 Approve New Courses

15.07 Approve Award of Bids

15.08 Approve Notice of Completion for Piedmont Hills High School, Title IX Softball Field Improvements Project (Jensen Corporation Landscape Contractors, Inc.)

15.09 Approve Notice of Completion for William C. Overfelt High School and Yerba Buena High School, Kitchen Renovation Project (Calstate Construction, Inc.)

16. **WRITTEN REPORTS/RECOMMENDATIONS**

16.01 Response to Santa Clara County Civil Grand Jury regarding Human Resources Practices and Procedures

Item to be placed on June Board meeting agenda for discussion by Board.

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Patricia Martinez-Roach, Clerk

I just wanted to thank the Latino Parent Coalition for an amazing ceremony that they had last Friday. I know that they have been very strong and focused on what they want and they want student achievement and parent involvement. I congratulate them because they have done an amazing job. My congratulations to the new President.

Frank Biehl, Member

I had a great trip on the Cortese Sacramento field trip on Monday. We had 33 students from the East Side, about 18-19 parents/chaperones went on the trip. We spoke to over a dozen Legislators and the Superintendent of Public Instruction and a lobbyist representative from CTA. It was a good meeting. It was a good experience for the students and everyone else that was there. Bob was there as well with us. I've got some ideas on how we can make it better next year. We had a dozen students last year and 33 this year and think we can increase that next year.

This weekend I will be at the California School Boards Association Delegate Assembly. One of the most important items that will be discussed is the historic lawsuit, which has just been filed today dealing with a California constitutional to the funding of education. It is basically saying that the way education is funded within the State is unequal, is unfair, and this is a lawsuit that is designed to bring that to the forefront to, hopefully, eventually bring about a negotiation with the State in settlement, but if not, it certainly is a hint to bring about a change to the way education is funded in this State because there is a fundamental belief that it is not meeting the State constitutional requirement that we have a free and equal education for all of our students. I am very pleased that has moved forward. I will bring back a report to the next meeting as to more details on that.

MetroED:

The surprise is that Campbell's attorney sent out a forceful and unsupported letter to our attorney. We responded in kind with something that I thought was rather thoughtful that basically said that we are moving forward on these issues as we are going to settle these issues with Campbell's withdrawal from MetroED's Adult Education Program. It was pointed out that, in fact, Campbell had withdrawn from this Program once before, as well as our district did. At that time, they gave a one-year notice and most of the difficulties at this point are because Campbell failed to give a one-year notice. We didn't insist upon that. We decided it wasn't worth the fight to insist that they have to give a one-year notice, but we are trying to do whatever is possible to accommodate a successful transition. There's a particular set of money that has -- a grant that was granted to MetroED over the years where they have a fiduciary responsibility for it and I can't remember the name exactly right now, but I will get you that detail. Campbell has suggested that MetroED should just take a portion of that money that's in the proportion of the number of students that were attending from Campbell during that time and just hand it over to them. MetroED has received an opinion from the State Department of Education that says we cannot do that and that is one of the sticking points right now. There's some legal issues that are going on now, but basically, my sense is it is winding down. I think that by July 1 we will have about everything taken care of in terms of that transition.

(A suggestion was made by the Board to put MetroED on a future Board meeting agenda for discussion and that Paul Hay be invited to the meeting.)

Eddie Garcia, President

I want to echo Clerk Martinez-Roach's comments about the Latino Parent Coalition event. It was outstanding. I was here yesterday for the Migrant Ed event. Outstanding!

All the troubles and tribulations of doing what we all do everyday is all worthwhile when we see this. It really is.

I want to thank everyone out there, colleagues, teachers, staff, administrators, everyone who works on behalf of our students. Thank you on behalf of the Board. We really appreciate it. As I mentioned earlier, I went to Andrew Hill High School for Classified Employees Week and met a charming person. Mrs. Munroe who is a kick, which is the best way to describe it, is fun.

17.02 Dan Moser, Interim Superintendent

Two items, the first is that at the last Board Meeting, the Board asked that Cabinet consider a 3% reduction as part of their salary and, mutual agreement, the Cabinet will provide the 3% reduction in their salary.

Second item, I would like to congratulate the awardees from the Kiwanis Turn-Around Scholarship Luncheon that was held yesterday. The staff was there from various schools to support the students and, as always, it is quite an event that I call truly tear jerking. Congratulations to the students!

18. REPORT CLOSED SESSION ACTION(S)

Attorney will report on closed session action item(s).

See section 2.0 for reporting out of Closed Session items.

19. ADJOURNMENT

President adjourns the meeting.

President Garcia adjourned the meeting at 10:00 p.m.

Respectfully submitted,



Board Clerk

Agenda Item

13.16 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Meeting: 05/20/2010 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.
 Category: 13. Business Services - Operational Items/Board Discussion and/or Action
 Agenda Type: Action
 Public Access: Yes

East Side Union High School District

Agenda Item Content



Approved

Board of Trustees

May 20, 2010

EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees

FROM: Dan Moser, Interim Superintendent

PREPARED BY: Jerry Kurr, Associate Superintendent of Administration and Business Services

SUBJECT: Approve Contracts for Professional Services at or below \$50,000

The following Contracts for Professional Services are recommended for Board approval.

A. Education Center/School Sites

#	Contractor Name	Reviewed by	Contract Period	Cost/Funding Source	School/ Dept. Manager	Purpose
1	Santa Clara County Office of Education	D. Barnes D. Bertrand D. Moser	July 1, 2009 – April 30, 2010 (no change)	\$3,565.81 increase (Revenue Contract) Child Development	District Wide Child Development Program D. Barnes/ C. Giammona	This contract is a one-time only COLA ARRA Grant for operation cost for serving Head Start children.
2	Perseus Associates LLC	J. Kasberger J. Kurr D. Bertrand	August 1, 2009 – June 30, 2010 (no change)	\$3,770.00 increase Transportation	Transportation J. Kasberger/ J. Kurr	This change order #1 is issued due to the original amount requested at the August 20, 2009 Board Meeting was under estimated by two months. This change order will provide the additional funding needed to continue the needed services through the contract term.
3	Anodyne PDS, Inc., Carol A. Kerney	K. King C. Giammona D. Bertrand	May 1, 2010 – May 31, 2010	\$4,995.00 EIA	District Wide K. King/ C. Giammona	Consultant will assist district personnel with writing and submission of the Tobacco Use Prevention Grant (TUPE).

4	Mariachi Tequila	D. Moser D. Bertrand	May 14, 2010 – May 14, 2010	\$450.00 EIA	Instruction D. Moser	Provide Music/Entertainment for the Latino Student Achievement Awards Ceremony. No solicitation process needed.
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B. Facilities

#	Contractor Name	Reviewed by	Contract Period	Cost/Funding Source	School/ Dept. Manager	Purpose
1	Moving Solutions	K. Lanford A. Garofalo D. Bertrand	June 01, 2010 – September 30, 2010	\$6,214.00 Measure E	Facilities A. Garofalo	Classroom furniture and equipment packing and relocation services are required for the Foothill HS B, C, and E Modernization project (originally board approved May 6, 2010). Proposals were solicited from three known vendors. Moving Solutions provided a complete response for the lowest price.
2	Chipman Relocations	K. Lanford A. Garofalo D. Bertrand	June 01, 2010 – October 31, 2010	\$11,937.00 Measure E	Facilities A. Garofalo	Gym equipment packing and relocation services, including the protection of the gym floor are required for the Evergreen PE Teaching Stations project (contingent approval based on the award of the bid under the "Consent" Calendar). Proposals were solicited from three known vendors. Chipman Relocations provided a complete response for the lowest price.
3	Consolidated Engineering Laboratories	K. Lanford A. Garofalo D. Bertrand	June 01, 2010 – December 31, 2010	\$4,954.00 Measure E	Facilities A. Garofalo	Concrete and post-installed anchor special inspection and testing services are required for the Foothill HS B, C, and E Modernization project (originally board approved May 6, 2010). Proposals were solicited from three known consultants. Consolidated Engineering Laboratories provided a complete response and was selected based on value per unit and hourly rates. The quantity of inspection and testing services is subject to change based on project needs.
4	Consolidated Engineering Laboratories	K. Lanford A. Garofalo D. Bertrand	June 01, 2010 – December 31, 2010	\$6,623.00 Measure E	Facilities A. Garofalo	Structural steel, fireproofing, and post-installed anchor special inspection and testing services are required for the Evergreen PE Teaching Stations project (contingent approval based on

						<p>the award of the bid under the "Consent" Calendar).</p> <p>Proposals were solicited from three known consultants. Consolidated Engineering Laboratories provided a complete response and was selected based on value per unit and hourly rates. The quantity of inspection and testing services is subject to change based on project needs.</p>
5	Aedis	K. Lanford A. Garofalo D. Bertrand	April 10, 2009 – October 31, 2012	\$7,765.00 Measure E	Facilities A. Garofalo	<p>Change Order #01 is issued to provide Truss/Deck structural analysis for DSA approval and project signoff for Oak Grove HS Building D Modernization project (originally board approved February 19, 2009).</p> <p>Increase PO #905239 by \$7,765 this change plus the original amount of \$160,031.25 for a new PO total of \$167,796.25. The increased amount does not contain an additional 10% for expenses.</p> <p>No solicitation efforts required for this transaction.</p>
6	Richard Gonzalez & Associates, Inc.	K. Lanford A. Garofalo D. Bertrand	July 01, 2009 – June 30, 2010	\$33,000.00 Capital Facilities	Facilities A. Garofalo	<p>Change Order #01 is issued to provide time and material services related to the processing of funding applications to the State Allocation Board (SAB) for Measure G & E Project Development & Funding for the balance of this fiscal year.</p> <p>Increase PO #001291 by \$33, this change plus the original amount of \$33,000.00, plus \$4,921.85 for a new PO total of \$70,921.85 (only \$66,000 will be spent with the contractor). Both the original \$33,000 and the added \$33,000 does include 10% for expenses. Note. The \$4,721.85 is strictly an accounting error and will not be paid to the consultant. QSS does not allow for the removal of any amounts that are made in error.</p> <p>No solicitation efforts are required for this transaction as they were made with the original approval of this consultant.</p>

7	Bruce Flynn & Associates	K. Lanford A. Garofalo	May 21, 2010 – December 31, 2011	\$29,120.00 Measure A & G	Facilities A. Garofalo	The request for a new PO is to assist ESUSHD with project closeout and DSA certifications on various Measure A & G projects dating back to 1991. The amount does not contain an additional 10% for expenses nor will expenses be requested. Proposals were solicited from three known consultants. Bruce Flynn & Associates provided a complete response for the lowest price.
8	American Choice Van Lines	K. Lanford A. Garofalo D. Bertrand	June 01, 2010 – September 1, 2010	\$2,700.00 Measure E	Facilities A. Garofalo	Classroom furniture relocation services are required for the James Lick HS Bldg. 500 Demolition project (contingent approval based on the award of the bid under the "Consent" Calendar). Proposals were solicited from three known vendors. American Choice Van Lines provided a complete response for the lowest price.

FISCAL IMPACT: As listed above

FUNDING SOURCE: As listed above

RECOMMENDATION: Recommend approval and ratification of contracts for professional services as listed above.

Additional Executive Content

Action Agenda Details Motion:

Created on 04/21/2010 at 07:59 AM by Betty Banderas. Last update on 05/14/2010 by Betty Banderas.

Agenda Item

13.17 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Meeting: 05/20/2010 ESUHSD REGULAR BOARD MEETING - 4:00 P.M.
 Category: 13. Business Services - Operational Items/Board Discussion and/or Action
 Agenda Type: Action
 Public Access: Yes

East Side Union High School District

Agenda Item Content



Accepted

Board of Trustees

May 20, 2010

EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees

FROM: Dan Moser, Interim Superintendent

PREPARED BY: Jerry Kurr, Associate Superintendent of Administration and Business Services

SUBJECT: Approve Contracts for Professional Services over \$50,000

The following Contracts for Professional Services over \$50,000 is being recommended for Board approval.

1. Santa Clara County Office of Education, Children's Services Department – Head Start Program

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
D. Barnes D. Bertrand	May 1, 2010 through and terminates on April 30, 2011	\$199,724.00 (estimated annual revenue) Head Start/Early Head Start Family Child Enhancement Services	Deborah Barnes, Program Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to accept the Standard Contracts Agreement with Santa Clara County Office of Education, Children's Services Department – Head Start Program for the contract term May 1, 2010 through and terminates on April 30, 2011 and delegate authority to the Superintendent or designee to amend said contract, including funding, as needed.

Purpose of the Grant

ESUHSD shall administer and operate a full day comprehensive early childhood care and education service program to for children whose families meet the Federal Income guidelines and other eligibility requirements of the Federal Head Start programs as outlined in the Federal Head Start Performance Standards, which is available for inspection at the County Office of Education (COE).

ESUHSD is to provide a Full Day Head Start program enhancement services as outlined in the "Description of Enhancement Services" to 56 Federal Head Start eligible children, ages six weeks to 3.0 years, currently enrolled in ESUHSD's existing part-day childcare program. Program services shall be provided up to 10 hours per day.

All other requirements are outlined in the full Agreement.

Reason for the Purchase of Outside Services.

Revenue Contract not applicable

Selection Process

Revenue Contract not applicable

RECOMMENDATION: It is recommended that the Board of Trustees Accept the Standard Contracts Agreement with Santa Clara County Office of Education, Children's Services Department – Head Start Program for the contract term May 1, 2010 through and terminates on April 30, 2011 and delegate authority to the Superintendent or designee to amend said contract, including funding, as needed.

2. Santa Clara County Office of Education, Children's Services Department – Head Start Program

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
D. Barnes D. Bertrand	July 1, 2009 through and including April 30, 2010	\$5,930.00 (increased revenue) Head Start/Early Head Start Family Child Enhancement Services	Deborah Barnes, Program Director

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to accept the increase in grant funding and ratify Amendment #1 to the Standard Contract with Santa Clara County Office of Education, Children's Services Department – Head Start Program.

Purpose of the Grant

ESUHSD shall administer and operate a full day comprehensive early childhood care and education service program for children whose families meet the Federal Income guidelines and other eligibility requirements of the Federal Head Start programs as outlined in the Federal Head Start Performance Standards.

Reason for the Purchase of Outside Services.

N/A

Selection Process

N/A

RECOMMENDATION: It is recommended that the Board of Trustees Accept Standard Contracts Agreement with Santa Clara County Office of Education, Children's Services Department – Head Start Program for the contract term July 1, 2009 through and including April 30, 2010.

3. School Innovations & Advocacy

Reviewed by:	Contract Period	Cost/Fund Source	School/Dept. Manager
J. Kurr D. Bertrand	July 1, 2010 through and including June 30, 2013	\$33,700 per year to be paid in 6 semi-annual payments \$18,000 per year to be paid in 6 semi-annual payments General Fund	Jerry Kurr, Associate Superintendent Administration and Business Services

East Side Union High School District (ESUHSD) is requesting authorization from the Board of Trustees to enter into an Agreement for Consultant Services with School Innovations & Advocacy for the Mandate Reimbursement Process Program.

Reason for the Purchase of Outside Services.

Contractor will provide consulting services to assist the District in the preparation and filing of reimbursement and estimated claims for the costs of the Mandate Reimbursement Process Program, legislatively mandated by the State of California. The services include:

1. Prepare and file 2009/10, 2010/11 & 2012/13 reimbursement claims;
2. Hold training sessions for District Staff;
3. Monitor district's mandated cost tracking systems for each Agreement Year;
4. Research and assist District with data collection for test claims approved by the Commission;
5. Serve as a liaison with the State Controller's Office and Commission; and
6. Provide representation of District with respect to any State audit of claims prepared by consultant.

Addendum #1 to the above agreement is issued to amend the contract to include the development of a site service plan for each site as listed and to provide District with the following additional services as follows:

1. Two on-site visits for training and advisory sessions at each designated site each agreement year;
2. Coordinate between District and designated sites for data collections;
3. Advise and assist each site and its personnel as to the requirements and what is needed;
4. Expanded training sessions to included sites;
5. Included milestones to be achieved by each site.

Selection Process

No solicitation process was completed for this project.

RECOMMENDATION: It is recommended that the Board of Trustees Approve an Agreement and Addendum #1 with School Innovations & Advocacy, for the Term July 1, 2010 through and including June 30, 2013 for the Provision of consulting services related to the Districts preparation and filing of reimbursement and estimated claims for the costs of the Mandate Reimbursement Process Program, legislatively mandated by the State of California.

Additional Executive Content

Action Agenda Details

Motion:

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