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Agenda Item Details

Meeting Jan 17, 2019 - ESUHSD REGULAR BOARD MEETING - 4:30 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category 17. BOARD OF TRUSTEES/SUPERINTENDENT - CONSENT/ACTION CALENDAR

Subject 17.04 Approve Minutes of November 27, 2018, Special Board Meeting

Access Public

Type Action, Minutes

Recommended Action It is recommended that the Board of Trustees approve the November 27, 2018, Special Board Meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT

TO: Board of Trustees

FROM: Chris D. Funk, Superintendent

SUBJECT: Approve Minutes of November 27, 2018, Special Board Meeting

Attached are the minutes of the November 27, 2018, 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 27, 2018, Special Board Meeting minutes as presented.

[BA_2018_11_27_Special_Mtg_Minutes.pdf \(79 KB\)](#)

Executive Content

East Side Union High School District
APPROVED
 Board of Trustees
[Signature] 1-17-19



EAST SIDE UNION HIGH SCHOOL DISTRICT

SPECIAL MEETING OF THE BOARD OF TRUSTEES

Meeting Held at
East Side Union High School District
Board Room

830 N. Capitol Avenue, San Jose, CA 95133
November 27, 2018
4:30 p.m.

1. CALL TO ORDER / ROLL CALL

1.01 Roll Call

President J. Manuel Herrera called the meeting to order at 4:35 PM.

Present for roll call:

- President J. Manuel Herrera
- Vice President Pattie Cortese
- Clerk Lan Nguyen
- Member Frank Biehl
- Member Van Le

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

Persons wishing to address the Board on Closed Session items or any subject not on the agenda must fill out a speaker request form, which is located at the entrance of the Board Room.

There were no public speakers.

1.03 Recess to Closed Session in the Superintendent's Conference Room (Open Session will resume at the end of Closed Session) See item 2 on agenda (Closed Session).

The Board of Trustees recessed to Closed Session in the Superintendent's Conference Room.

2. CLOSED SESSION

2.01 Mindfulness Practice

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

- Superintendent

2.03 Conference with Labor Negotiators (Government Code Section 54957.6):

Agency Designated Representatives

- Board President
- Chris D. Funk, Superintendent
- Dr. John Rubio, Associate Superintendent of Human Resources
- Chris Jew, Associate Superintendent of Business Services
- Glenn Vander Zee, Associate Superintendent of Educational Services

Employee Organizations

- American Federation of Teachers (AFT)
- California School Employees Association (CSEA)
- East Side Teachers Association (ESTA)
- Administrator Collaborative of East Side (ACES)

Unrepresented Employees

- Administrators; Managers
- Confidential Employees
- Superintendent and Associate Superintendents

3. WELCOME AND EXPLANATION TO AUDIENCE

3.01 Any person may address the Board on any item on the meeting agenda. Information explaining Board meeting procedures and how citizens can address the Board will be read. Persons wishing to address the Board must fill out a speaker request form, which is located at the entrance of the Board Room. Written information is located near the entrance to the Board Room.

4. ADOPTION OF AGENDA

4.01 The Superintendent and/or Board Member(s) may request that items be removed from the agenda for consideration and/or carried to a future Board meeting for consideration and/or action.

5. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

5.01 Any person may address the Board on any item on the meeting agenda. Persons wishing to address the Board must fill out a speaker request form, which is located at the entrance of the Board Room. When your name is called, please come

to the podium, state your name for the record, and limit your remarks to three (3) minutes.

There were no public speakers.

6. BOARD OF TRUSTEES/SUPERINTENDENT – OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

6.01 Discussion and/or Action regarding Superintendent’s Employment Contract – J. Manuel Herrera, Board President

Board President J. Manuel Herrera

The Board is taking action today to establish the policy framework for the Superintendent's new contract with the District excluding issues of compensation and fringe benefits, which we cannot take action on at a Special Board Meeting and will be carried forward to a regular meeting in December. I'll have General Counsel explain.

Legal Counsel Rogelio Ruiz

With respect to Closed Session, there are no Closed Session actions to report .

With respect to item 6.01, Discussion and/or Action regarding the Superintendent's Employment Contract, before you is a draft of an employment agreement to reemploy the Superintendent for a term of three years, beginning July 1, 2019. His current contract expires on June 30, 2019; this would be subsequent to this contract. This contract, if approved by the Board, would only go into effect if the Superintendent's employment is in good standing and his current contract hasn't been terminated by the Board by Board action on or prior to June 30, 2019.

The draft you have in front of you is based on the Superintendent's existing contract, which was approved by this Board in 2015 and incorporates changes that were approved by the Board in connection with the Superintendent's first amendment and second amendment to his contract. This form of contract in front of you substantially follows that form, except that you will see I have redacted all provisions relating to salary, salary schedules in compensation, and any compensation in the form of fringe benefits because the Brown Act prohibits any discussion of those types of items in a Special Meeting.

In front of you is a redline compared to his existing 2015 contract, the recitals include new information relating to his existing contract in 2015. In section one of the prepared draft, you will see that it is for a term of three years, commencing July 1, 2019, through June 30, 2022. The contract does not go into effect unless his employment is in good standing. This draft also provides for the Board, in its discretion, to extend this contract for one more year, through June 30, 2023, provided that if the Board determines it will not be extending his contract, the Board would have to provide the Superintendent written notice of such determination not to renew or extend no later than November 30, 2021, and the Superintendent, as a condition that, would have to provide written notice delivered to all Board Members no later than August 31, 2021, of the Board's November 30, 2021, determination deadline not to renew, except as shown in this redline. All other provisions are substantially identical, except as shown in this redline and with the understanding that

all of the compensation terms have been blocked out. All of the other terms are substantially identical to the 2015 contract.

Motion to approve the policy framework for the Superintendent's employment contract, excluding compensation.

Motion by Lan Nguyen, second by Van Le

Yea: J Manuel Herrera, Pattie Cortese, Lan Nguyen, Frank Biehl, Van Le

Vote: 5/0; Final Resolution: Motion Carries

7. REPORT CLOSED SESSION ACTION(S)

7.01 Legal Counsel will Report on Closed Session Actions

There was nothing reported out of Closed Session.

8. ADJOURNMENT

8.01 President Adjourns the Meeting

Board President J. Manuel Herrera adjourned the meeting at 5:42 PM

5. NEXT MEETING

- **December 13, 2018: Annual Organizational & Regular Board Meeting**

Respectfully submitted,



Board Clerk