

**APPROVED MINUTES
ALUM ROCK ELEMENTARY SCHOOL DISTRICT
2930 Gay Avenue
San Jose, CA 95127**

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
of the Alum Rock Union School District
Held on Thursday, July 12, 5:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #01-18/19**

1. OPEN SESSION

1.01 Call to Order / Roll Call

President Esau Ruiz Herrera welcomed everyone in the audience. President Esau Ruiz Herrera called the Board Meeting to order at 5:36 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Karen Martinez	Vice-President
Dolores Marquez-Frausto	Clerk
Andrés Quintero	Member (<i>arrived late at 5:41 p.m.</i>)

Board Member Absent:

Khanh Tran	Member
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Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Jess Serna	Interim Assistant Superintendent, Human Resources
Marie Sanchez	Sr. Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support, Superintendent's Office
Jackie Guevara	Executive Assistant, Superintendent's Office

Administrative Staff Absent:

Kolvira Chheng	Assistant Superintendent, Business Services
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1. OPEN SESSION (*continued*)

1.02 Announcement and Public Comments Regarding Items to be Discussed In Closed Session

President Esau Ruiz Herrera announced the items that would be discussed in Closed Session.

Public Comments:

- 1) Camille Llanes-Fontanilla – Community member asked about what would be discussed under ***Agenda Item 2.02 Conference with Legal Counsel—Anticipated Litigation.*** She asked for transparency and better clarification on Closed Session items.
- 2) Nedra Zausch – Linda Vista parent that spoke about a staff issue at Linda Vista and some personal issues with her severe ADHD child. There were some audience interruptions during this time. The speaker was not aware of the meeting protocols. She continued to state that this district was incapable of fiscal discipline that hinders student growth. This district uses labor laws to protect teachers that are not qualified. She stated that this district needs to hire better teachers! She gave thanks to Principal Ted Henderson for his assistance!

1.03 The Board will Adjourn to Closed Session at Approximately 5:30 p.m.

The Board recessed to Closed Session at 5:43 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session in approximately 60 minutes.

3. RECONVENE TO OPEN SESSION

3.01 Call to Order / Pledge of Allegiance

The Board reconvened to Open Session at 6:09 p.m. President Esau Ruiz Herrera welcomed everyone and took a second Roll Call in which all Board Members were present with the exception of Member Khanh Tran.

3.02 Report of Action Taken in Closed Session

President Esau Ruiz Herrera reported that there was no reportable action to report from Closed Session at this time.

3.03 Agenda Review and Adoption

President Esau Ruiz Herrera reported the following changes would be made to the agenda (*listed on next page*).

3. RECONVENE TO OPEN SESSION (*continued*)

3.03 Agenda Review and Adoption

Superintendent Hilaria Bauer asked to pull *Agenda Item 8.03 Approve City of San Jose, Parks, Recreation and Neighborhood Services Contract* and *11.04 Approve the Amendment to Facility Use Agreement and MOU with KIPP* because they were not ready for review.

Vice-President Karen Martinez asked to move the following agenda items to follow *Agenda Item 7.02 Presentation of the Citizen's Bond Oversight Committee (CBOC) Annual Report*:

- *11.01- Fiscal Expert Update*
- *11.02-FCMAT Update*
- *11.03-Facilities Assessment Report*

There was consensus from the Board to accept the agenda as modified.

4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

4.01 Requests to Address the Board

Public Comments:

- 1) Natalie Down Abal – Community member that commented that the Board is always questioning Kolvira Chheng as if he was on trial. She commented that she was confused on why Jess's contract was approved only for 90 days! She also commented that she finds certain comments made by a certain board member very unsettling!
- 2) Ray Mueller – CBOC Chair, stated that since his committee is not given the opportunity to speak, he was announcing at this time that on Saturday, July 21, several members of the CBOC would be taking a field trip to various school sites. This would be considered a public meeting and he would be providing a notice.
- 3) Brenda Zendejas – Community member that announced that a group of volunteer students would be painting some of the facilities through the village starting next to Peter's Bakery.
- 4) Bertha Razo – Community member commented that she was here to praise the excellent work of Superintendent Bauer and her administration. Her work has not been in vain, bringing lots of achievements to the district. She addressed Board President Herrera to try and get along with his colleagues and stop fighting with the community because we don't achieve anything this way—let's all work together!
- 5) Jeff Markham – Community member commented on the great slides being shown on the screen—but did not understand why they were stopped and not allowed.

5. COMMENTS AND COMMUNICATION

5.01 Teamsters

There were no representatives from Teamsters at this time.

5.02 California School Employee's Association (CSEA)

There were no representatives from CSEA at this time.

5.03 Alum Rock Administrator's Association (ARAA)

There were no representatives from ARAA at this time.

5.04 Alum Rock Educator's Association (AREA)

Jocelyn Merz, AREA president, stated she was hoping during the summer that we could reflect on what's been going on. The last board meeting was a waste of time. The community was here until midnight and contracts that needed to be approved, work that needed to get done to keep the district moving, did not get done. The proposed response to the Grand Jury was a desperate, weak, and very flawed argument that we're only wasting taxpayer's money. She commented on the composition of the Grand Jury—it has nothing to do with ethnicity, it has to do with ethics—being ethical. We should be spending money on the students. She asked the Board to re-read the report and take the Grand Jury report seriously!

5.05 Superintendent

Superintendent Hilaria Bauer reported that she was a little sad today because two of her staff members had lost family members earlier during the day. Efrain Robles, Director of Fiscal Services, who has been an employee for over 20 years, lost his father, and Kolvira Chheng, Assistant Superintendent of Business Services, lost his sister-in-law, and his wife was hurting tremendously. She commented that she had planned to speak about the amazing things happening in the district like robust bridge to kinder and increased number of students participating, but would do so at another meeting. She gave thanks to her staff.

5.06 Board of Trustees

Vice-President Karen Martinez stated that she had left a voice message for Kolvira saying she was sorry for his loss. She gave thanks to the teachers that were present and for staying focused on the students and ensuring that they are learning. Vice-President Karen Martinez stated that for the record, she had asked that the fiscal advisors be present during the Board's Closed Session at every meeting; however, some of her colleagues did not agree so their quorum was broken.

5. COMMENTS AND COMMUNICATION *(continued)*

5.06 Board of Trustees

Member Andrés Quintero gave thanks to Google for coming out to Adelante and putting on a great event. The students spent time receiving the proper thinking skills to become the workforce of the future. He reported that we have an alumnus of the district, Juan Quinones, graduate of Fischer Middle School, which is bringing back the resources into his neighborhood. He gave special thanks to Superintendent Hilaria Bauer for making this happen.

Clerk Dolores Marquez-Frausto asked that she get the information on the Linda Vista parent speaker that spoke earlier about her child. She wants to connect with her to see what can be done to assist her. She also stated that it has been slow for her managing personal and medical issues and babysitting her granddaughter. She stated that she has been listening to the comments that have been said. She reported that at the last board meeting, the meeting was taken over by the audience and the Board was not able to finish the meeting. She asked the audience to be more respectful of the Board because she knows that everyone has different opinions and all the opinions need to be listened to.

6. PUBLIC HEARING

6.01 Closing the Public Hearing. Teamster Local 150 Initial Bargaining Proposal to Open Negotiations with the Alum Rock Union Elementary School District; Re: 2018-19 Reopeners

President Esau Ruiz Herrera reported that at the June 14, 2018 board meeting, the Public Hearing was not technically and properly closed; therefore, *he was formally closing the Public Hearing today at 6:40 p.m.*

6.02 Closing the Public Hearing. District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150; Re: 2018-19 Reopeners

President Esau Ruiz Herrera reported that at the June 14, 2018 board meeting, the Public Hearing was not technically and properly closed; therefore, *he was formally closing the Public Hearing today at 6:40 p.m.*

8. CONTRACTS OVER \$100,000

8.01 Approve Curriculum Associates, iReady for Grades K-8, Academic Services, \$399,315.00

MOTION #01-01 by Vice-President Karen Martinez to accept and adopt the Curriculum Associates, iReady Contract as presented. MOTION #01-01 was seconded by President Esau Ruiz Herrera.

Public Comments:

- 1) Loretta Turner – George teacher that stated that she uses iReady only for assessments—and that is all. She feels that middle school students are not interested in this.
- 2) Sandra Rivera – Kinder teacher stated that her students struggle to use this because they lack knowledge using computers and working in small groups makes it more difficult. Students click to click and then move on. She commented that if this contract is approved, can the lower grades get additional help?

Vice-President Karen Martinez commented that she saw 2nd and 3rd grade students using this, but did not see it being used in middle school. She asked administration if something else has been considered for middle school and what kind of professional development are we providing?

President Esau Ruiz Herrera commented that he also echoed the same questions.

Clerk Dolores Marquez-Frausto commented that she was concerned that not all students had access to computers and this should not be happening!

Assistant Superintendent Rene Sanchez reported that iReady has been here for many years and they have recently been discussing this with all teachers. The original contract was for \$600K, but it was reduced so that they could take a look at other options and opportunities. He reported that professional development is offered; however, some schools take more advantage of this opportunity than others, depending on where they feel the need is at.

Superintendent Hilaria Bauer reported that once staff is back in August from summer break, she will be planning to have a team take a bigger look at this program. In terms of the computers, not all the schools are 1:1.

MOTION #01-01 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8. CONTRACTS OVER \$100,000 (continued)

**8.02 Approve Contract Increase for Ro Health Nursing Care Services,
Original amount of \$120,000, Increase \$25,000**

MOTION #01-02 by Vice-President Karen Martinez to accept and approve the Ro Health Nursing Care Services Contract increase as presented. MOTION #01-02 was seconded by Member Andrés Quintero.

MOTION #01-02 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.04 Approve Think Together, Kinder Academy Services Through San Jose Learn Contract for \$357,577

MOTION #01-03 by Member Andrés Quintero to accept and approve the Think Together Contract for \$357,577 as presented. MOTION #01-03 was seconded by Vice-President Karen Martinez.

MOTION #01-03 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

**8.05 Approve Think Together, Kinder Academy Services Contract,
\$361,577**

MOTION #01-04 by Member Andrés Quintero to accept and approve the Think Together Contract for \$361,577 as presented. MOTION #01-04 was seconded by Vice-President Karen Martinez.

Clerk Dolores Marquez-Frausto asked why we did not group all these Think Together contracts as one item. Superintendent Hilaria Bauer replied that because of all the different funding sources, it was easier to list them separately.

Vice-President Karen Martinez stated that it would be helpful for all these providers to show us, twice a year, how the students are benefitting with their program—and this should also include City Year.

MOTION #01-04 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8. CONTRACTS OVER \$100,000 (continued)

8.06 Approve Think Together, After School Safety Programs Contract, \$766,548

MOTION #01-05 by Member Andrés Quintero to accept and approve Think Together, After School Safety Programs Contract for the amount of \$766,548 as presented. MOTION #01-05 was seconded by President Esau Ruiz Herrera.

Clerk Dolores Marquez-Frausto asked administration why had this amount doubled compared to the other contracts with Think Together? She stated that she was also in agreement with Vice-President Karen Martinez to having the providers come out and talk to the Board and demonstrate what benefits the students were receiving.

Assistant Superintendent Rene Sanchez reported that this was the afterschool program and more students were being served from the LCAP funding. He stated that the funding was very specific to serving approximately 100 students.

Public Comment:

- 1) Ray Mueller – Community member stated that his son was in this program at Russo and it really helped him. It also provided an opportunity, as a working parent, to be able to work.

MOTION #01-05 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.07 Approve Think Together, Comprehensive Licensed Preschool Program at Adelante I & II, Early Learning Center, \$485,982

MOTION #01-06 by Member Andrés Quintero to accept and approve Think Together, Comprehensive Licensed Preschool Program Contract for the amount of \$485,982 as presented. MOTION #01-06 was seconded by Vice-President Karen Martinez.

Assistant Superintendent Rene Sanchez reported that this funding was specifically from a state grant for which we had applied.

MOTION #01-06 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8. CONTRACTS OVER \$100,000 (continued)

8.08 Approve YMCA of Silicon Valley, Extended Learning Support for 9 Schools, \$640,000

MOTION #01-07 by Vice-President Karen Martinez to accept and approve the YMCA of Silicon Valley Contract for the amount of \$640,000 as presented. MOTION #01-07 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #01-07 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.09 Approve City Year, ELA & Math Support, \$450,000 per year for 3 years

MOTION #01-08 by Vice-President Karen Martinez to accept and approve the City Year Contract for \$450,000 per year for 3 years as presented. MOTION #01-08 was seconded by Member Andrés Quintero and Clerk Dolores Marquez-Frausto.

MOTION #01-08 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.10 Approve City Year, After School Programs, \$1,411,901 per year for 3 years

MOTION #01-09 by Member Andrés Quintero to accept and approve the City Year, After School Programs Contract for the amount of \$1,411,901 per year for 3 years as presented. MOTION #01-09 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #01-09 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.11 Approve Durham School Services, Special Ed Bus Services, \$782,000 per year for 3 years

MOTION #01-10 by Vice-President Karen Martinez to accept and approve the Durham School Services Contract as presented. MOTION #01-10 was seconded by Member Andrés Quintero.

The Board had dialogue on this agenda item.

Vice-President Karen Martinez asked for a **Friendly Amendment to MOTION #01-10 to accept and approve the Durham School Services Contract for only one year and then re-assess the contract and decide on extending the contract for the remaining years. The maker of the second, Member Andrés Quintero, was in consensus with the Friendly Amendment.**

8. CONTRACTS OVER \$100,000 (continued)

8.11 Approve Durham School Services, Special Ed Bus Services, \$782,000 per year for 3 years

Public Comments:

- 1) Kathleen Romero – School Bus Safety Coalition representative, asked the Board to consider their report on the safety of the top three firms.
- 2) Natalie Down Abal – Community member, asked the Board to take into consideration the ages of the students.

Superintendent Hilaria Bauer stated that the District has not had any safety issues thus far. She commented that the District went through the appropriate bidding process for this contract.

MOTION #01-10 with the Friendly Amendment carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.12 Approve SupplyWorks Piggyback Solicitation, Janitorial Contract for \$216,000, per year for 3 years

MOTION #01-11 by Member Andrés Quintero to accept and approve the SupplyWorks Piggyback Solicitation, Janitorial Contract for \$216,000 per year for 3 years as presented. MOTION #01-11 was seconded by President Esau Ruiz Herrera.

MOTION #01-11 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

8.13 Approve San Jose Police Department, Secondary Employment Unit, Middle Schools, \$180,000

MOTION #01-12 by Clerk Dolores Marquez-Frausto to accept and approve the San Jose Police Department Contract as presented. MOTION #01-12 was seconded by Member Andrés Quintero.

The Board had dialogue on this agenda item.

Vice-President Karen Martinez commented that she does not want our students to feel that they have made poor choices that have caused police presence on school grounds. She will not be supporting this item.

8. CONTRACTS OVER \$100,000 (continued)

8.13 Approve San Jose Police Department, Secondary Employment Unit, Middle Schools, \$180,000

Member Andrés Quintero commented that he fully hears the concerns and he feels that we should provide more specialized training for our police officers working on our campuses.

Clerk Dolores Marquez-Frausto commented that she would like to hear from the people who are overseeing them and maybe systemically an evaluation process could be put in place with something that would indicate that the principal was meeting with them and evaluating the process.

Public Comments:

- 1) Dilza Gonzalez – Parent and former student commented that she felt that having a police officer on school campuses, students felt like they were in a prison setting. She sees the police officers on campus at Mathson Middle School using their cell phone all day. These officers have informed her that they are there to enforce the rules....and they are not there to protect and serve.
- 2) Victor Vasquez – Somos Mayfair representative commented that he echoes what Dilza Gonzalez has reported. He stated that positive school climate needs to be more center-staged.
- 3) Bruce Nguyen – Community member that stated he also echoes the concerns and this will negatively impact the schools.

There was no vote taken on MOTION #01-12.

MOTION #01-13 by Member Andrés Quintero to table this agenda item until the August meeting. MOTION #01-13 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #01-13 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

7. BOND / FACILITIES

7.01 The Board will receive a written update on the status of Bond Projects

There was no action taken on this agenda item.

Public Comment:

- 1) Ray Mueller – Community Member addressed the Board and asked why was there no update on the Bond Projects?

7. BOND / FACILITIES (continued)

7.02 Presentation of the Citizens' Bond Oversight Committee Annual Report

Mr. Ray Mueller, Chair, read his cover letter to the Board and the audience. A copy of the 2017 Annual Report of the Citizens' Bond Oversight Committee was provided to the public for their review.

Mr. Ray Mueller stated that this was a fair report, and he encouraged all residents to read it. This report was more thorough than prior years as his new members have different skills and abilities than those who volunteered prior. He commented that the lack of the participation by the Project/Construction Manager for more than half of the last year was unfortunate and only added to the difficulty for the committee. Mr. Ray Mueller commented that he would love for someone from the public that speaks Spanish could be part of his committee and help with the translations.

Member Andrés Quintero gave special thanks to Mr. Mueller for his annual report and the participation of the committee.

7.03 Reject of Bid Package for B1718-003 HVAC Upgrades for 5 Elementary Schools

Superintendent Hilaria Bauer introduced Mr. Louie Moran, Director of Facilities, Bonds, and Leases, who reported out. Mr. Louie Moran made the suggestion to reject the bid due to high costs and lack of funds in order to move forward with the projects.

MOTION #01-14 by Member Andrés Quintero to accept and approve the Rejection of Bid Package for B1718-003 HVAC Upgrades for the five elementary schools: Arbuckle, Cureton, McCollam, Russo/McEntee, and Ryan as presented. MOTION #01-14 was seconded by President Esau Ruiz Herrera.

MOTION #01-14 carried with a vote of 3 in favor; no opposition; 2 absent (Member Khanh Tran and Vice-President Karen Martinez was temporarily absent); and no abstention.

7.04 Approve the Notice of Completion of Bid Package for #B1617-012 Re-Roofing at KIPP Heartwood Academy

Superintendent Hilaria Bauer asked Board President to pull this agenda item because it was not ready for action.

7. BOND / FACILITIES (continued)

7.05 Approve the 2016-17 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I

There was dialogue on this agenda item; however, there was no action taken.

11. BUSINESS

11.01 Fiscal Expert Update

Dr. Donald Zimring, SCCOE Fiscal Expert, reports out since Assistant Superintendent Kolvira Chheng was not available. He reported that staff has made tremendous gains with their books and with making the county transition to the county platform by January 1. He reported that by the First Interim, the report indicates much more clear projections of the District's financial standing. The Board has moved forward with the separation of the Del Terra contract. Dr. Donald Zimring suggests that the Board work more collaboratively.

Vice-President Karen Martinez stated that she wanted to publically apologize to him for getting upset with him. Dr. Donald Zimring clarified that the Fiscal Expert Team is being paid by the SCCOE, and not by Alum Rock.

11.03 Facilities Assessment Report

Superintendent Hilaria Bauer introduced Mr. Matthew Anderson, Program Manager, EMG, who gave a PowerPoint presentation regarding the cost of the short-term repairs which was \$12M. He reported that he would schedule a future meeting regarding the report and would announce the date and time and make this available to the public and the community. A copy of the report was made available to the public.

Vice-President Karen Martinez requested to administration that this facilities assessment report be placed on the website to make it available to the community.

Member Andrés Quintero gave thanks to Mr. Anderson and stated that this report would be very useful to the bond committee.

Vice-President Karen Martinez was also in agreement with Member Andrés Quintero.

The Board had dialogue on this agenda item.

11. BUSINESS (continued)

11.03 Facilities Assessment Report

Public Comments:

- 1) Ray Mueller – CBOC Chair, asked about the roofing project and commented that he was under the assumption that all the roofing projects had been completed.
- 2) Janet Odell – Community member thanked Mr. Anderson for the report and she also gave thanks to Vice-President Karen Martinez for pushing and pushing this item.
- 3) Jocelyn Merz – AREA President, stated that she echoes what Janet has just said. She also mentioned that San Antonio had over \$400,000 in repairs and this was an eye-opener for her. She also mentioned the locking doors issue.
- 4) Victor Vasquez – Community member, gave thanks to Vice-President Karen Martinez for this report and he requested to have this report translated into Spanish for the Spanish-speaking community.
- 5) Male speaker (no name given) – Speaker commented to the Board to spend the money wisely.

Vice-President Karen Martinez suggested scheduling a special board meeting just for this item in order to have more dialogue and to set priorities on site improvements.

Member Andrés Quintero commented that he would be reaching out to administration in order to schedule a bonds committee meeting where the public could attend.

Superintendent Hilaria Bauer commented that this report was a live working view-only document and the locks project was already being addressed. She commented that she was pleased with the outcome of the completed report.

9. SUPERINTENDENT / BOARD BUSINESS

9.01 Staff will give an update on School Safety

Superintendent Hilaria Bauer reported that two safety summits had been held, On March 22 and again on July 9 in which parents had been invited to be part of the preliminary conversation. As a result, the double locks on doors were discussed and this will be a major project once school resumes and staff is back on board. Another piece of conversation was how to increase the presence of people while teachers are teaching. She reported that there was interest expressed from the group in developing a district safety committee with several stakeholders and the committee would meet quarterly starting in the fall. Superintendent Hilaria Bauer reported that this has to be a two-way conversation with parents and the community. Parents want to be informed of all the initiatives that are currently in place. She reported that the goal of this committee is to increase the sense of safety for the students and staff members.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.02 Fire Protection Systems and Inspections

Superintendent Hilaria Bauer reported that the District has been looking into a proposal regarding increasing the standards with sprinklers. Currently, we only have one site which this would apply. Member Andrés Quintero stated that he has been doing some research on this and for the next agenda, he would like to bring forth a board policy that confirms that the district is hiring the highest individuals checking our fire system to ensure that staff and students are safe.

9.03 2018-19 CSBA Membership Dues, \$13,122 per year

MOTION #01-15 by Member Andrés Quintero to approve the 2018-19 CSBA Membership Dues in the amount of \$13,122. MOTION #01-15 was seconded by Vice-President Karen Martinez.

President Esau Ruiz Herrera commented that he was not excited about paying these due and we should wait to the very last minute. This would send CSBA a message that we need to be better represented.

Clerk Dolores Marquez-Frausto was in agreement and stated that she would not be supporting this item.

Vice-President Karen Martinez stated that for the future, we should wait till the very end when we have to pay the membership dues and not waste the time of the public by postponing or tabling this agenda item repeatedly.

There was no vote taken on MOTION #01-15.

MOTION #01-16 by Member Andrés Quintero to table this agenda item until the August meeting. MOTION #01-16 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #01-16 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

9.04 2018-19 CSBA Education Legal Alliance Membership Dues, \$3,280

MOTION #01-17 by Member Andrés Quintero to approve the 2018-19 CSBA Education Legal Alliance Membership Dues in the amount of \$3,280. MOTION #01-17 was seconded by Vice-President Karen Martinez.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

**9.04 2018-19 CSBA Education Legal Alliance Membership Dues,
\$3,280**

Member Andrés Quintero reported that he now supports this legal alliance because they have stepped up in regards to assisting the district and have helped us at the time of need.

President Esau Ruiz Herrera commented that he would not be supporting this agenda item until the last month that we have to pay this. He stated that he was mindful that in the past 25 years, CSBA has only sent a statewide officer to our board meetings only once after the district delayed payment.

Vice-President Karen Martinez once again stated that for the future, we should wait till the very end when we have to pay the membership dues and not waste the time of the public by postponing or tabling this agenda item repeatedly.

Clerk Dolores Marquez-Frausto stated that she would also not be supporting this agenda item.

There was no vote taken on MOTION #01-17.

MOTION #01-18 by Clerk Dolores Marquez-Frausto to table this agenda item until the August meeting. MOTION #01-18 was seconded by President Esau Ruiz Herrera.

***MOTION #01-18 carried with a vote of 4 in favor; no opposition; 1 absent
(Member Khanh Tran); and no abstention.***

9.05 Civil Grand Jury Report

There was lots of dialogue on this agenda item.

Member Andrés Quintero asked the Superintendent if she or any of her staff members had directed General Counsel to produce a response to the Grand Jury? Superintendent Hilaria Bauer replied, "No". Member Andrés Quintero asked General Counsel who had asked her to produce a response to the Grand Jury? Attorney Maribel Medina responded that Superintendent Hilaria Bauer had been copied on the email strand where three board members had requested the response and they were President Esau Ruiz Herrera, Member Khanh Tran, and Clerk Dolores Marquez-Frausto. She reported the board members had sent separate emails and that she had drafted the response on behalf of the district.

Member Andrés Quintero asked the attorney how much did the district pay for this proposed response?

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.05 Civil Grand Jury Report

Attorney Maribel Medina replied that it had taken her approximately 10-15 hours to draft this response and she had not yet calculated the cost.

Member Andrés Quintero reported that he had some concerns with this proposed response because there were factual errors. He addressed Attorney Maribel Medina and stated that the Civil Grand Jury Member Roster for 2018-19 identifying the members was incorrect; but the members that put this grand jury report together were from the 2017-18 Grand Jury Roster. Member Andrés Quintero reported that one of the grand jury members was sitting in the audience to testify to this.

Attorney Maribel Medina reported that this was only a draft proposal and it could be corrected. The Board has three months before the response is due and modifications could be made by the Board. The issue related to the grand jury was its ethnic make-up and was not reflective of the voters of the Alum Rock community. The grand jury asking for the resignations was comprised exclusively of white jurors and two of the Board members being asked to resign are Latinos, and one is Asian. She stated that the voters of Alum Rock, and not the members of a grand jury should decide through the power of the ballot box who serves on a local school district's governing board.

Member Andrés Quintero reported he was also concerned about the mention of the District's previous legal counsel Rogelio Ruiz from Rehon & Roberts that he had prepared a memorandum in which he stated, "there was a material risk". Member Andrés Quintero read part of a letter written on behalf of Peter Rehon from Rehon & Roberts, APC that stated:

"This letter is to advise you of a material misstatement in the draft proposed Board Response to a recent Civil Grand Jury Report that has been posted on the District's website and was prepared by the District's Legal Counsel, Ms. Maribel Medina."

"The contracts that are the subject of Mr. Ruiz' legal opinion dated November 8, 2017, are the 2016 Measure J Construction Management Agreement and the 2016 Measure I Program and Construction Management Agreement. Contrary to Ms. Medina's draft, neither Mr. Ruiz nor any other attorney at Rehon & Roberts was ever consulted about, or provided any guidance in connection with, the awarding, drafting and approving of those 2016 agreements. Ms. Medina never contacted myself, Mr. Ruiz, or anyone else at Rehon & Roberts, regarding the awarding, drafting and approving of those agreements by ARUESD Board in 2016. Our understanding is that the subject agreements were prepared and reviewed by Attorney E. Luis Saenz, the District's General Counsel at the time those contracts were drafted and approved and his colleague Attorney Ron Vera."

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.05 Civil Grand Jury Report

This is to request that the matter be corrected immediately and that any Board-approved response to the Civil Grand Jury be corrected accordingly to reflect the above facts. This is also to request that a copy of this letter be provided to the full Board and be made publicly available at tonight's meeting prior to the Board's consideration of the proposed response to the Civil Grand Jury."

Attorney Maribel Medina stated that she had relied on the correspondence from Superintendent Hilaria Bauer, Luis Saenz, and Rogelio Ruiz when compiling information for her draft proposal. She reported that this draft proposal could be changed and modified but it was solely on the Board's discretion.

Clerk Dolores Marquez-Frausto stated that she was President at that time; however, she did not instruct Attorney Ron Vera to draft the contracts. She stated that Attorney Rogelio Ruiz was involved right from the start and the contract that he had written was a terrible contract.

Attorney Maribel Medina clarified that she had only received private emails from the three board members and that there was never a physical meeting held.

Vice-President Karen Martinez stated that she was not in agreement with this proposed response and that she wanted to make it publically clear that her name was **NOT** to be placed on this document and response as a Board Member of the Board of Alum Rock!

President Esau Ruiz Herrera stated that this was a legal document and a response by the District was required by law.

Member Andrés Quintero stated that he wanted to put this to rest. The board policy was really clear that only one person had the authority to incur costs on legal services on behalf of the District and that was the Superintendent. The Board President has the right to ask for advice for himself/herself.

Clerk Dolores Marquez-Frausto commented that she believes that Attorney Maribel Medina is a good attorney; otherwise, the SCCOE would have never hired her! She also commented that the Board has the authority to hire the Superintendent and Legal Counsel and that Legal Counsel answers to the Board, and not to the Superintendent!

Attorney Maribel Medina stated that her law firm is here to serve the Board; however, Legal Counsel needs specific direction from the Board.

The Board had brief dialogue on Board Bylaw 9124.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.05 Civil Grand Jury Report

Public Comments:

- 1) Natalie Down Abal – Community speaker stated this response was a joke and the response written was not on behalf of the District but more like on behalf of the majority of the Board.
- 2) Dilza Gonzales – Community member
- 3) Camille Llames-Fontanilla – Community member stated that this report was a joke and very inaccurate!
- 4) Andrea Flores-Shelton – Community member stated this was a violation of Board Bylaw 9124.
- 5) Jocelyn Merz – AREA President stated that we are here again and specifically with the same behavior we have seen tonight and also in the past 18 months
- 6) Victor Vasquez – Community member stated that this report was wrong and incorrect.
- 7) Ray Mueller – CBOC wrote on the chalkboard, “Mea Culpa”
- 8) Francisco Leal – Member from Leal & Trejo, reported he is here because he wants to be here and he was not charging fees.

9.06 Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms

Vice-President Karen Martinez asked her colleagues to support her with the motion that she would be making. She stated that we cannot move forward with the next steps of the two multi-purpose rooms until we have addressed all the facility assessment issues and met those needs first and if we have extra money left over, and then we can always bring these items back for consideration.

MOTION #01-19 by Vice-President Karen Martinez to table the Next Steps pertaining to the George and Fischer Multi-Purpose Rooms to a future board meeting. MOTION #01-19 was seconded by Member Andrés Quintero.

President Esau Ruiz Herrera commented that this was a moot point and that it was obvious that we don't have the sufficient funds.

Member Andrés Quintero agreed with Vice-President Karen Martinez. He commented that they had just heard a facility assessment report that identified a multitude of issues.

Public Comment:

- 1) Ray Mueller – Community member that commented he also was in agreement with Vice-President Karen Martinez and Member Andrés Quintero. As he understood the facility assessment report, we have \$200M in repairs yet we want to build a multi-purpose room? Let's take care of the needed repairs first!

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.06 Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms

MOTION #01-19 carried with a vote of 3 in favor; no opposition; 1 absent (Member Khanh Tran); and 1 abstention (Clerk Dolores Marquez-Frausto).

9.07 Discussion around George Multi-Purpose Community Room that will Exclude the George campus pertaining to the Earthquake Fault Line

MOTION #01-20 by Vice-President Karen Martinez to table this agenda item to a future board meeting. MOTION #01-20 was seconded by Member Andrés Quintero.

MOTION #01-20 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

9.08 Construction Management Agreements for Measure I and Measure J. Terminate Contract between ARUESD and Del Terra Real Estate Services

MOTION #01-21 by Member Andrés Quintero to terminate the Del Terra Real Estate Contract with Alum Rock. MOTION #01-21 was seconded by Vice-President Karen Martinez.

Public Comments:

- 1) Ray Mueller – Community member addressed the Board and stated that their decisions have ripples—the community does not support paying Del Terra, let's do this, it's time to let them go!
- 2) Andrea Flores-Shelton – Community member, commented that Del Terra owes the district \$300K – cut their contract, and get our money back!
- 3) Victor Vasquez – Community member, commented to go after Del Terra, get our money back, and make sure this doesn't happen again.

9.08 Construction Management Agreements for Measure I and Measure J. Terminate Contract between ARUESD and Del Terra Real Estate Services

MOTION #01-21 failed with a vote of 2 in favor (Vice-President Karen Martinez and Member Andrés Quintero); 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); 1 absent (Member Khanh Tran); and no abstention.

7. BOND / FACILITIES

7.04 Approve the Notice of Completion of Bid Package for #B1617-012 Re-Roofing at KIPP Heartwood Academy

President Esau Ruiz Herrera reported that Superintendent Hilaria Bauer had accidentally pulled this agenda item in error; therefore, action would be taken at this time. President Esau Ruiz Herrera apologized to the audience for this error.

MOTION #01-22 by Member Andrés Quintero to accept and approve the Notice of Completion of Bid Package for the Re-Roofing at KIPP Heartwood Academy as presented. MOTION #01-22 was seconded by President Esau Ruiz Herrera.

Superintendent Hilaria Bauer publically apologized for her error.

MOTION #01-22 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

10. INSTRUCTIONAL SERVICES

10.01 Consolidated Application and Report System (CARS) 2016/17- 2017/18 Reporting and 2018/19 Application for Funding

MOTION #01-23 by Member Andrés Quintero to accept and approve this agenda item as presented. MOTION #01-23 was seconded by President Esau Ruiz Herrera.

MOTION #01-23 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

10.02 CCSS History Social Science Textbook Adoption Middle School, Adelante Dual Language Academy

MOTION #01-24 by Member Andrés Quintero to accept and approve the CCSS History Social Science Textbook Adoption Middle School, Adelante Dual Language Academy as presented. MOTION #01-24 was seconded by President Esau Ruiz Herrera.

Public Comments:

- 1) Ray Mueller – Community member, asked if these books met the Standards & Fair Act of 2011 because there was an issue about history being taught from a specific perspective. He would like to ensure that these textbooks are inclusive of the history that they are being taught to.

10. INSTRUCTIONAL SERVICES *(continued)*

10.02 CCSS History Social Science Textbook Adoption Middle School, Adelante Dual Language Academy

Public Comments:

- 2) Victor Vasquez – Community member, commented that we need books that will uplift the students and our community making sure that we are the leading institution that provides this so that when our students get into positions of power, they can do it well! Let's work together.

Assistant Superintendent Rene Sanchez reported that all these books were state approved.

MOTION #01-24 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

10.03 CCSS History Social-Science Textbook Adoption, Middle School

MOTION #01-25 by Vice-President Karen Martinez to accept and approve the CCSS History Social-Science Textbook Adoption for the middle schools as presented. MOTION #01-25 was seconded by Member Andrés Quintero.

Public Comment:

- 1) Ray Mueller – Community member, stated he reiterates the same message as in the previous agenda item.

MOTION #01-25 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

11. BUSINESS

11.01 Fiscal Expert Update

President Esau Ruiz Herrera reported that no discussion would be taken on this agenda item due to lack of time.

12. HUMAN RESOURCES

12.01 Resignations

There was consensus from the Board to accept the resignations as presented.

12. HUMAN RESOURCES *(continued)*

12.02 Approve Resolution No. 40-17/18, Recognition of Classified Retirees

12.03 Approve Resolution No. 41-17/18, Recognition of Certificated Retirees

There was consensus from the Board to take both *Agenda Items 12.02 and 12.03 together with one motion.*

MOTION #01-26 by Member Andrés Quintero to accept and approve both Agenda Item 12.02 and 12.03 as presented. MOTION #01-26 was seconded by Clerk Dolores Marquez, President Esau Ruiz Herrera, and Vice-President Karen Martinez.

MOTION #01-26 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

12.04 Accept Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with the Alum Rock Union Elementary School District; Re: 2018-19 Reopeners

MOTION #01-27 by Member Andrés Quintero to accept and approve Agenda Item 12.04 as presented. MOTION #01-27 was seconded by President Esau Ruiz Herrera.

MOTION #01-27 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

12.05 Adopt the District's Initial Bargaining Proposal to Open Negotiations With Teamsters Local 150; Re: 2018-19 Reopeners

MOTION #01-28 by Member Andrés Quintero to accept and approve Agenda Item 12.05 as presented. MOTION #01-28 was seconded by President Esau Ruiz Herrera.

MOTION #01-28 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

13. CONSENT CALENDAR

President Esau Ruiz Herrera asked to pull *Agenda Item 13.01, the minutes from the April 12, 2018* meeting for separate discussion.

Member Andrés Quintero asked to pull *Agenda Item 13.13 Approve the Certification of Correction for the 2016-17 Audit Report* for separate discussion.

13. CONSENT CALENDAR *(continued)*

MOTION #01-29 by Vice-President Karen Martinez to accept and approve the Amended Consent Calendar as presented. MOTION #01-29 was seconded by Member Andrés Quintero.

MOTION #01-29 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

13.01 Approval of Minutes and Notes for the following meetings:

- ***April 12, 2018, Regular Meeting***
- ***May 10, 2018, Informal Meeting (notes)***
- ***May 29, 2018, Special Meeting***
- ***June 26, 2018, Special Meeting***

President Esau Ruiz Herrera reported that there was an error on page 25 of the minutes, under the second paragraph in the middle—"written mandate" should say "writ of mandate". He stated once this change is accepted, the rest of the minutes are fine.

MOTION #01-30 by President Esau Ruiz Herrera to accept and approve the Amended minutes for the April 12, 2018, Regular Meeting. MOTION #01-30 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #01-30 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.

13.13 Approve the Certification of Correction for the 2016-17 Audit Report

Member Andrés Quintero stated that he had some concerns on the 4th bullet, "District has been working with its third party vendor for bond program management and construction management services to collect documents in order to complete the District's project files. District staff has been updating the Board on a monthly basis regarding the status of the request for documents from its third party vendor. On May 29, 2018, the Governing Board voted to terminate the program management services for both Measure J and I".

The Board had brief dialogue on this agenda item.

MOTION #01-31 by Member Andrés Quintero to modify the agenda item to read, "The district has demanded and is working with the third party vendor for bond program management and construction management services". MOTION #01-31 was seconded by Vice-President Karen Martinez.

Dr. Donald Zimring explained the modification and the process.

13. CONSENT CALENDAR *(continued)*

13.13 Approve the Certification of Correction for the 2016-17 Audit Report

MOTION #01-31 failed with a vote of 2 in favor (Vice-President Karen Martinez and Member Andrés Quintero); 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); 1 absent (Member Khanh Tran); and no abstention.

MOTION #01-32 by President Esau Ruiz Herrera to accept and approve the Certification of Correction for the 2016-17 Audit Report as presented. MOTION #01-32 was seconded by Clerk Dolores Marquez-Frausto.

Board Comments: Andrés Quintero and Esau Ruiz Herrera.

MOTION #01-32 failed with a vote of 2 in favor (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); 2 in opposition (Member Andrés Quintero and Vice-President Karen Martinez); 1 absent (Member Khanh Tran); and no abstention.

14. FUTURE BOARD AGENDA REQUESTS

14.01 Requests from Board of Trustee and/or from the Public

Requests:

- 1) Ray Mueller – Community member, asked to see a report from administration on what services Voler Strategic Advisors, our public relations firm, does for the district for the money we pay them. In light of the Citizen's Oversight Committee and not being able to remain a full committee, it would seem that Voler Strategic Advisors would be promoting this—he has not seen anything promoted thus far!
- 2) Vice-President Karen Martinez asked that she hoped that administration had made notation of the agenda items for future board meetings.

15. ADJOURNMENT

15.01 President Adjourns the Meeting

President Esau Ruiz Herrera adjourned the meeting at 10:12 p.m.

Respectfully submitted,


Dolores Marquez-Frausto
Board Clerk