

**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, June 14, 2018, 5:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #21-17/18**

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 5:32 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Karen Martinez	Vice-President (<i>arrived late at 5:36 p.m.</i>)
Dolores Marquez-Frausto	Member
Khanh Tran	Member
Andrés Quintero	Member (<i>arrived late at 5:40 p.m.</i>)

Administrative and Support Staff Members Present:

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

1.02 Seal of Biliteracy Achievement Awards Student Recognition

Barbara Campbell, Director of Academic Services, explained the process and announced the Seal of Biliteracy Achievement Awards for the following students.

1. OPEN SESSION *(continued)*

1.02 Seal of Biliteracy Achievement Awards Student Recognition

Kaitlyn Robles	Diana Rosales	Elisa Estrada	Mariana Soto Lucero	Osvaldo Suarez Torres
Andrea Valdovinos	Michelle Flores Hernandez	Esmeralda Heredia	Bryan Lemus	Ashley Victoria Martinez
Analisa Perez	Natalia Fernandez Rangel	Caleb Almaguer	Miguel Angel Heredia Ojeda	Victor Heredia
Jesuslen Lopez Zambrano	Amalinalli Noble Linares	Jahaziel Manuel Rangel	Ines Maria Soriano	

President Esau Ruiz Herrera asked the parents of these students to stand up for their recognition. The Board gave thanks to the parents for the support they have given to their children.

1.03 Elementary Spelling Bee Student Recognition

Assistant Superintendent Rene Sanchez reported that three students will be traveling to Texas to participate in the Spelling Bee. The Spelling Bee Champion Aaron Buenaventura was not present; however, Dr. George Kleidon, Painter Principal, accepted his award. The following students also received awards and include Michael Damian Gomez Trujillo, Jovan Sarellano, and Victor Heredia. Assistant Superintendent Rene Sanchez reported that Supervisor Dave Cortese would be sponsoring these students for the event in Texas. Congratulations!

1.04 Teacher of the Year

Assistant Superintendent Rene Sanchez reported that each year all schools in the district are invited to nominate an outstanding teacher for consideration as Teacher of the Year. Each school nominates one teacher based on the criteria provided by the Santa Clara County Office of Education. He reported that Ms. Adriane Vane from Joseph George Middle School had been chosen as Alum Rock's Teacher of the Year!

1.05 Special Recognition for the ARUSD Classified and Certificated Retirees

Mr. Carlos Moran, Director of Human Resources, read the resolution for the retirees and then asked them to approach the podium and be individually recognized.

Classified Retirees

Wilma Cuenca	Teresa Lopez Admin. Assistant	Maria Madrigal Head Custodian II	Rosa Moran Child Nutrition
Mary Martinez Satellite Supervisor	Amparo Moya Child Nutrition	Dora Pacheco Satellite Supervisor	Dilia Santos Para Special Ed II
Beth Emmett Health Assistant			

1. OPEN SESSION *(continued)*

1.03 Special Recognition for the ARUSD Classified and Certificated Retirees

Certificated Retirees

Barbara Kolfield Teacher	Sharon DeAngelo Teacher	Kathleen DeArana Teacher	Frank Manzanedo Teacher
Debra McCullough Speech Therapist	Deborah McDowell Instructional Coach	Dennis Monlux Teacher	

Board Members all offered comments to the retirees thanking them for their service and commitment to the students and families of Alum Rock School District.

1.03 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) Jocelyn Merz – AREA President, spoke about the good things that have happened in Human Resources under the direction of Interim Assistant Superintendent Jess Serna. She asked the Board not to disturb the pieces to the puzzle!
- 2) Alan Daurie – Teamsters representative, also spoke on behalf of Interim Assistant Superintendent Jess Serna and the good relationship they have developed. He has had the opportunity of working with Jess at other districts during the past 20 years. Jess listens to their concerns and values the team. He has lots of experience, is trustworthy, and has integrity. He asked the Board to extend his contract.
- 3) Janet Odell – Community member, asked the Board to approve the extension of Jess's contract.
- 4) Ingrid Holguin – Representative from Mayor Liccardi's Office stated that the Mayor was not able to attend this meeting but had written a letter and she wanted to read the letter on his behalf. The letter was in reference to ***Agenda Item 9.07 Resolution 46-17/18, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related.*** President Esau Ruiz Herrera did not allow Ms. Holguin to read the letter due to the fact that this agenda item was not related to any Closed Session items.
- 5) Ray Macias – Community member, spoke on behalf of President Esau Ruiz Herrera regarding what an honest person he was and that he had done lots of good work for the district. Then he spoke about his concerns with his grandson.
- 6) Ray Mueller – COC Chair, was upset and asked the Board President why he had allowed the previous speaker to speak and not the speaker from the Mayor's office since his item and concern was also not related to any Closed Session item.

Members Andrés Quintero and Khanh Tran asked the President to allow the representative from the Mayor's office speak.

1. OPEN SESSION *(continued)*

1.07 Adjournment to Closed Session

The Board recessed to Closed Session at 6:18 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session in approximately one (1) hour.

3. RECONVENE TO OPEN SESSION

3.01 Call to Order/Roll Call/Pledge of Allegiance

President Esau Ruiz Herrera called the meeting to order at 7:38 p.m. President Esau Ruiz Herrera welcomed everyone and took a second Roll Call in which all Board Members were present. President Esau Ruiz Herrera led the Pledge of Allegiance.

3.02 Report of Action Taken in Closed Session

Attorney Maribel Medina reported the following reportable items:

Under Agenda Item 2.03, Public Employee/Employment, by a Motion by Member Andrés Quintero, seconded by Vice-President Karen Martinez, the Board approved the appointment of Interim Assistant Superintendent of Human Resources, Jess Serna, the extension of his contract for 90 days. The vote was five in favor and no opposition.

By a Motion by Vice-President Karen Martinez, seconded by Member Khanh Tran, the Board made a condition of the 90-day extension of the Interim Assistant Superintendent of Human Resources, contingent on Mr. Jess Serna agreeing to a 14 working day transition period that a candidate is identified and is hired within the District in the 90-day period. Member Andrés Quintero voted in opposition; voting in favor were President Esau Ruiz Herrera, Vice-President Karen Martinez, Member Khanh Tran, and Member Dolores Marquez-Frausto.

By a Motion by Member Andrés Quintero, seconded by Vice-President Karen Martinez, the Board approved the appointment of Ms. Rozina Kapadia as Coordinator of Special Education. The vote was 5 in favor and no opposition.

The last reportable action was that the Board approved the reassignment of Principal Olga Martinez from her current position, Elementary School Principal, to Vice-Principal in either a middle or elementary school. The vote was 5 in favor and no opposition.

Attorney Maribel Medina stated that there was no additional reportable action to report at this time.

1. OPEN SESSION *(continued)*

3.03 Discussion and/or Modification(s) of the Agenda

President Esau Ruiz Herrera stated that per the request of Superintendent Hilaria Bauer, ***Agenda Item 11.05 Special Education Student Bus Transportation Services, Durham School Services***, would be deleted from this agenda due to the fact that it was not ready for action.

President Esau Ruiz Herrera stated that per the request of Human Resources, the following agenda items would be moved up to follow ***Agenda Item 6.04 Public Hearing for Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with ARUSD; re: 2018-2019 Reopeners***:

- ***9.07 – Resolution No. 46-17/18, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto***
- ***9.08 – Resolution No. 48-17/18, Resolution requesting Board of Supervisors of the County of Santa Clara to Establish Tax Rate for Bonds of the Alum Rock Union Elementary School District expected to be Sold during Fiscal Year 2018-19, and Authorizing Necessary Actions in Connection Therewith***
- ***9.06 – Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms***
- ***9.09 – Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault Line***
- ***9.10 – Construction Management Agreements for Measure I and Measure J. Terminate Contract between Alum Rock Union Elementary School District and Del Terra Real Estate Services, dba Del Terra Group for Construction Management of the ARUSD Bond Program***

Vice-President Karen Martinez asked to have ***Agenda Item 11.03 Facilities Assessment Report*** be moved after ***Agenda Item 9.10 Construction Management Agreements for Measure I and Measure J. Terminate Contract between Alum Rock Union Elementary School District and Del Terra Real Estate Services, dba Del Terra Group for Construction Management of the ARUSD Bond Program*** and then followed by ***Agenda Item 11.02 FCMAT Update***

Member Andrés Quintero asked to have ***Agenda Item 9.03 Fire Protection Systems & Inspections*** to follow ***Agenda Item 11.02 FCMAT Update***.

Member Khanh Tran asked to have the following:

- ***Remove Agenda Items 13.17 Delegation of Authority to Approve Bids and Award Contracts for Bond Projects Improvements in the event of Unforeseen Urgent Need District-Wide and 13.18 Delegation of Authority to Approve Bids and Award Contracts for Facilities Improvements in the event of Unforeseen Urgent Need from Consent Calendar to follow Agenda Item 7.01 The Board will receive a Written Update on the status of Bond Projects***

4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

4.01 Requests to Address the Board

Public Comments:

- 1) Ellen Turner – Community member, stated her concerns about the May 21 meeting. There were 3 lawyers, bond experts, and a conference call—questioned the purpose of the meeting. Why wasn't the community invited—how much money was spent? She asked for transparency.
- 2) Ray Mueller – COC Chair, stated that he did not understand why adjustments to the agenda were recently made to Agenda Item 7.02 Update from the Citizens Bond Oversight Committee (CBOC). He commented that the Board President's maneuvering has become tiresome—when the community asks questions, do not ignore us and please listen!
- 3) Representative from Mayor's Office – Representative read a letter on behalf of Mayor Sam Liccardo who was not able to attend the meeting. Some of the highlights of the letter were:
 - Urging the Board to delay the sale of the bonds – it is inappropriate to raise additional bond funds at this time.
 - She addressed this to the Board President -- stating that now she was speaking for herself and it was very clear that the Board President did not want to hear what Mayor Liccardo had to say in his written letter. The fact that he allowed a man to address this Board on items unrelated to Closed Session violates his own Board Policy 9200—violation of the public meeting act. She commented, "We will remain in touch"!

5. COMMENTS AND COMMUNICATION

5.01 Teamsters

Teamsters representative Tom Phu thanked the Board for reappointing Interim Assistant Superintendent Jess Serna. He commented that Teamsters plans to continue to work in a collective manner!

5.02 California School Employee's Association (CSEA)

There were no CSEA representatives in attendance to speak at this time.

5.03 Alum Rock Educator's Association (AREA)

Ms. Annya Artigas, Coordinator of Student Services, reported that Dr. Sandra Sarmiento, ARAA President was unable to attend this board meeting due to illness. She commented that for the sake of keeping this agenda moving, she only wanted to thank the Board Members for their attendance at the promotions/graduations this week. It was very rewarding for the students!

5. COMMENTS AND COMMUNICATION *(continued)*

5.04 Alum Rock Educator's Association (AREA)

President Jocelyn Merz gave thanks to the Board for the limited contract given to Interim Assistant Superintendent Jess Serna—although she does not quite understand why the contract is limited! She stated that she started teaching in 1989, and if she had to rate this school year, she would rank this past school year as the most “interesting and complicated”, be it with twitter threats or investigations from law enforcement and local agencies. She reported that their CTA office had been vandalized and set on fire on May 31 leaving it uninhabitable! However, in spite of what had taken place, this year the teachers managed to stay focused because their students are their first priority! She also commented that this community is amazing and has true advocates. She was glad the teachers and the community have joined together. The community offered to help clean the CTA building and was in touch with genuine concern.

5.05 Superintendent

Superintendent Hilaria Bauer thanked the Board for the opportunity to serve this District for the past 4 years. She commented it has been quite a ride, a learning and transformative experience serving 10,000 students and thousands of parents, community members, and staff. It has truly been an honor! She commented that she is aware that she has made mistakes along the path—but she is trying her best and will do better in the future. She feels the community is united with so many different groups. She stated that she has been aware that this is the first year where she can see her administrators working with staff and so many different other groups in a very positive way and she wants to honor this collaboration because it trickles down to the classroom!

Superintendent Hilaria Bauer also gave thanks to those folks for attending the strategic planning meetings. She hopes, by August, she can take the District to the next level. She stated she is preparing the TK class of 2018-2019 for the workforce of 2036!

5.06 Board of Trustees

Clerk Dolores Marquez-Frausto gave special thanks to principal Doug Kleinhenz for the apology letter he gave her for the promotion mixup. She acknowledged that mistakes happen. She commented that she has always been fond of him and is aware of the good job that he has done with his site. She spoke about the family Parent University event held at the golf course. She also mentioned that she attended the first two strategic planning meetings held at two sites and commented she had hoped that more parents would have attended these important meetings.

Member Khanh Tran stated that about two weeks ago at the board meeting, there were members of the community that alleged that the Board violated the provision 1090 and the newspaper published this. He commented that as a new trustee who was elected in 2014, he always welcomes the facts but not prediction! He commented that he wants the Del Terra contract reinstated and brought back to the next board meeting.

5. COMMENTS AND COMMUNICATION *(continued)*

5.06 Board of Trustees

Member Andrés Quintero stated he wanted to apologize to the staff, students, and families for his absence and non-attendance at the recent promotions due to work conflict. He gave thanks to those community members that pointed out certain issues on the Fair Political Practices Commission (FPPC) letter. He stressed the fact that we need to focus on the words, “at this time”. There are many issues and these issues are not going away. He briefly spoke about the disruption that occurred earlier in the meeting when the gentleman spoke and threatened that we better listen to the board president. He commented that these tactics of authoritarianism by the board president are very concerning to him.

Vice-President Karen Martinez commented that she has cameras at her home and has recently been followed. She gave thanks to the parents, teachers, and staff for being able to stay focused on what’s at stake in spite of what continues to go on with this Board. She also stated that it was unfortunate that a graduation had been scheduled on a night when a board meeting was being held. She commented that she continues to remain dedicated to her community and will work to bring stability to this district.

President Esau Ruiz Herrera reported that he was fortunate to attend several promotions.

6. PUBLIC HEARING

6.01 2018-2019 Local Control Accountability Plan (LCAP)

6.02 Proposed 2018-2019 Budget Adoption

6.03 District’s Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150 re: 2018-2019 Reopeners

6.04 Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with Alum Rock Union Elementary School District re: 2018-2019 Reopeners

President Esau Ruiz Herrera opened all four (4) Public Hearings at the same time, 8:30 p.m.

Public Comments on Agenda Item 6.01:

- 1) Mr. Cortez – Former Mathson student transferring to Renaissance, spoke on restorative justice. He stated that bullying was a huge issue and asked the Board members to please pay attention to the LCAP but particularly to this issue.
- 2) Alma Fajardo – Parent of two students, one in Special Education, spoke about school suspensions. As a member of Empuje, she has learned a lot about restorative justice.

6. PUBLIC HEARING *(continued)*

6.01 2018-2019 Local Control Accountability Plan (LCAP)

6.02 Proposed 2018-2019 Budget Adoption

6.03 District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150 re: 2018-2019 Reopeners

6.04 Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with Alum Rock Union Elementary School District re: 2018-2019 Reopeners

Public Comments on **Agenda Item 6.01:** *(continued)*

- 3) Kimberly Herrera – Mathson student that spoke about the LCAP forum that she recently attended. She commented that she now understood the importance of participating.
- 4) Jamie *(no last name given)* – Mother of 2 students, spoke on LCAP and restorative justice. Parents want to see an action plan—they want things to be changed. All that gets done when students are bullied is other students get sent home and nothing is taught.
- 5) Female Speaker – Speaker stated that she was here to speak on LCAP. She asked the Board to listen to the voices of the parents. Stated that she also is a member of various committees. Asked the Board to be part of the process—she commented that she has not seen any of the Board participate in the community forums.
- 6) Female Speaker – Speaker spoke on restorative justice. She has heard parents talk about how they are so frustrated with how students are just getting suspended and nothing is being accomplished with this.
- 7) Bruce Nguyen – Teacher in San Jose, urged the Board to take social justice seriously. He commented that statistically, students that have been bullied usually end up with less education and less money. He asked the Board to develop a concrete plan for social justice. Lastly, he gave thanks to those parents that spoke up on this issue.
- 8) Victor Vasquez – Community member that works with troubled truants. He commented that these students do not feel connected with school. The District needs to provide other support resources and expand trainings.
- 9) Camille Llanes-Fontanilla – Community member commented that she supports the parents with social justice. She shared that she has been in communication with Oakland Unified School District to better understand restorative justice. Oakland has a holistic approach—if the entire community can buy into it, then they can all heal as a community. She also spoke about the Board showing respect for the parents and earning their trust!
- 10) Ray Mueller – Renaissance at Mathson parent, shared some of his son's experiences at school. Asked the Board to incorporate restorative justice into their Board Retreat Training.
- 11) Dilza Gonzales – Renaissance at Mathson parent, shared some of her daughter's experiences at school. She was afraid of teachers and students and was bullied. Restorative justice has worked for her daughter!

6. PUBLIC HEARING *(continued)*

6.01 2018-2019 Local Control Accountability Plan (LCAP)

6.02 Proposed 2018-2019 Budget Adoption

6.03 District's Initial Bargaining Proposal to Open Negotiations with Teamsters Local 150 re: 2018-2019 Reopeners

6.04 Teamsters Local 150 Initial Bargaining Proposal to Open Negotiations with Alum Rock Union Elementary School District re: 2018-2019 Reopeners

Public Comment on Agenda Item 6.02

Assistant Superintendent Kolvira Chheng spoke on *Agenda Item 6.02 Proposed 2018-2019 Budget Adoption* and provided a PowerPoint presentation. A copy of the presentation was made available to the audience.

Public Comment: Ray Mueller.

Board Comments: Dolores Marquez-Frausto, Karen Martinez, Khanh Tran, and Esau Ruiz Herrera.

The Board had more dialogue on this agenda item.

9. SUPERINTENDENT / BOARD BUSINESS

9.07 Resolution No. 46-17/18. Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

Mr. Lalo Trujillo, District Financial Advisor, Mission Trail Advisors, LLC and Mr. Carlos Villafuerte, Bond Counsel, Stradling Yocca Carlson & Rauth, gave a brief summary. An election was held on June 6, 2016 for the issuance and sale of General Obligation Bonds for various purposes in the maximum amount of \$139,999,671.60 for Measure I. On March 8, 2018, the Board approved a resolution authorizing the first issuance of bonds under Measure I at a negotiated sale, in a principal amount not-to-exceed \$35,000,000 for Series A Bonds. The negotiated sale of Series A Bonds pursuant to the prior resolution required that the Board of Supervisors of Santa Clara County (County Board), adopt a resolution issuing the Series A Bonds on behalf of the District. The County Board has since declined to adopt such a resolution. Mr. Carlos Villafuerte explained the process of how the bank will buy the bonds.

The Board had passionate dialogue on this agenda item.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.07 Resolution No. 46-17/18. Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

Member Andrés Quintero asked how much commission would Mission Trails and Bond Counsel be receiving from the \$35,000,000. The response was that Mission Trails would be receiving \$60,000 and the Bond Counsel would receive \$110,000. Member Andrés Quintero reported that President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto had both been fined. He also reported that this agenda item had been placed on this agenda by President Esau Ruiz Herrera and not be the Superintendent. He commented that he would not be supporting this agenda item.

Vice-President Karen Martinez stated that she also had concerns regarding this agenda item and it was a 'red flag' to her. She reported that she would not be supporting this agenda item for any sale of bonds until the District was no longer under any kind of investigation. She commented that she hoped the State would take over the District!

Member Khanh Tran also commented that he hoped the District would be taken over by the State. He commented that he would be supporting the sale of the bond. He addressed the audience and commented that they are always complaining about the school sites not having air-conditioning, and yet they don't want to sell bonds to get the money to replace these systems!

Clerk Dolores Marquez-Frausto addressed the issue regarding her fine and could not remember at the time the reason she had been fined. She stated that it had to do with a dinner she had forgotten to report and was fined. She commented she had read the S&P report and it reported that administration had not given them the required information at that the time, and she believed that was the reason why the District received a lower rating. Lastly, she reported that she will be supporting the sale of the bonds.

At this time, there was disturbance and the meeting got out-of-control. The audience was very passionate. President Esau Ruiz Herrera had to adjourn the meeting for a quick recess in order to get the meeting back to order.

President Esau Ruiz Herrera adjourned the meeting for a quick recess at 9:22 p.m.

President Esau Ruiz Herrera reconvened the meeting at 9:27 p.m.

Unfortunately, President Esau Ruiz Herrera had to interrupt Agenda Item 9.07 at this time and continue with Agenda Item 7.04 2016-17 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I.

7. BOND / FACILITIES

7.04 Approve the 2016-2017 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I

President Esau Ruiz Herrera reported that because of lack of time, *Agenda Item 7.04 2016-2017 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I* had to be addressed at this time. The auditor had to depart the meeting but was required to report prior to his departure.

Mr. Matt Nethaway, Auditor from Crowe LLP, gave a brief report on the financial assessment of the General Obligation Bonds Report for Measures J and I.

Board Comments: Andrés Quintero and Khanh Tran.

Public Comment: Ray Mueller asked if the auditor could be in attendance at the next COC scheduled meeting.

The Board was in consensus to extend the Board Meeting until 11:30 p.m.

President Esau Ruiz Herrera announced that, at this time, the meeting would continue with *Agenda Item 9.07 Resolution No. 46-17/18, A Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto.*

Public Comments:

- 1) Pilar Navarette – Cureton parent spoke about the air-conditioning problem at Cureton. She commented that our facilities need a lot of attention. We need HVAC at our schools so that our students can have a good learning environment.
- 2) Guadalupe Arciga – Parent that spoke about the HVAC problem. She commented that she knew the Board would be discussing the Bonds; however, she stated that the parents have waited so long for the school site to be addressed with their basic needs. She urged the Board to reconsider the selling of Bonds—this was not the time to sell!
- 3) Bertha Razo – Parent urged the Board to reconsider the selling of Bonds at this time and to listen to administration and take care of the basic needs of the schools. The schools do not have air-conditioning and the students struggle to learn in these conditions. She commented that we have issues with the sale of bonds and the relationship with Del Terra!
- 4) Bertha Cendejas – Parent that commented that our students are sitting in hot classrooms and can't learn. Our facilities are more important than multi-purpose community centers right now. She asked the Board to prioritize the bond selling at this time.
- 5) Sharon Chen – Parent that asked the Board to delay all bond sales until the projects have been prioritized and ready. We need to correct the numerous findings from the FCMAT report before we sell anything.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.07 Resolution No. 46-17/18. Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

- 6) Ernesto Bejarano – Sheppard parent that stated that we have so many issues that we need to address and resolve prior to selling any bonds. Asked the Board to delay bond sales until we get back to stability.
- 7) Alison Cingaloni – Community member that commented that the Board might not have violated the letter of the law; however, they did violate the spirit of the law! She commented there was no need to sell bonds at this time and the CBOC was asking the delay of the sales.
- 8) Ray Mueller – Community member stated that the Board was trying to circumvent getting approval from the County Supervisors and putting the community at a higher risk. He commented that all Del Terra contracts should be terminated so that we can then sell bonds at a negotiated rate.
- 9) Dr. Donald Zimring – SCCOE Fiscal Expert, reported that he is in agreement with administration. The District does not have a priority project list ready that identifies the needs of the district and this is first needed. He commented this was the time to recalibrate and do this the right way!
- 10) Dr. William Gillaspie – SCCOE Fiscal Advisor, reported that the sale of the bond should be delayed at this time after the investigation so the District can obtain a lower interest rate when ready. He reported the SCCOE Fiscal Team advises postponing this decision; otherwise, they have the authority to suspend the resolution by rescinding this decision because it was not the best time to sell. He advised to postpone this decision.
- 11) Olivia *(no last name given)* – Speaker commented that professionals are advising us not to sell bonds at this time, but the Board does not care. We need to fix bathrooms and air-conditioners first.
- 12) Maria Martinez – Parent that commented on the fine that Clerk Dolores Marquez-Frausto received and how she stated that she was unaware of the reason for the fine.
- 13) Flor DeLeon – Parent directed her comment to the Board and stated how many more people do you need here to tell you not to approve before you even hear what the opinions are. She asked them not to sell bonds right now.
- 14) Jeff Markham – Community member that corrected an earlier comment made by a board member on the representation of the S&P report (he read part of the report). He spoke briefly about the cash reconciliation.
- 15) Frank Chavez – Former board member commented that we have been talking about fixing the bathrooms and air-conditioners for the past five (5) years and they still haven't been fixed and now the Board wants to pass this on the backs of the taxpayers.

Member Andrés Quintero commented, “Vote No” and let’s listen to the taxpayers and also take the advice of the professionals!

Member Khanh Tran stated that he represents the silent majority, he knows the politics that are going on. He commented that he will be voting to invest in Alum Rock to bring us into the 21st Century and he will be supporting the sale of bonds.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.07 Resolution No. 46-17/18. Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

MOTION #21-04 *(previous motions were held in Closed Session)* by Vice-President Karen Martinez to Not Approve Agenda Item 9.07 Resolution No. 46-17/18, Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto at this time. **MOTION #21-04** was seconded by Member Andrés Quintero.

President Esau Ruiz Herrera commented that our students are deserving of a better school environment; however, the SCCOE Fiscal Advisors have already indicated that they can cancel and rescind their motion. For this reason, he felt it was better to postpone this agenda item and ask the Superintendent to provide the Board with more specific direction.

Member Khanh Tran commented that the Board President's behavior was 'wishy-washy' and nuts. He commented that he needed to take a position and stick with it! He stated that the SCCOE only had authority over the General Fund and not the Bond Fund.

Vice-President Karen Martinez stated that she had made a motion and she wanted to call for the vote at this time.

Clerk Dolores Marquez-Frausto commented that she thought the SCCOE only had authority of the General Fund and not full authority. She asked legal counsel to clarify what was correct.

Dr. William Gillaspie, SCCOE Fiscal Advisor, stated that any fiscal decision that the Board makes that the Fiscal Experts feel puts the District in jeopardy or in a financial condition, the SCCOE does have the authority to stay and rescind. The experts have to follow the proper protocol. He also commented that this is not the time to see the bonds.

Member Khanh Tran also commented that the SCCOE does not have authority of the bonds and only the Board could issue bonds; he asked that legal counsel speak and clarify this.

Attorney Maribel Medina reported that it was her legal opinion that the SCCOE does not have any legal authority over the bond program. She stated that legal counsel and the SCCOE have had correspondence in which legal counsel has asked the SCCOE to identify the education code where they are authorized to override the decision that was made by the voters of Alum Rock. She reported that the SCCOE has not yet identified the education code; therefore, it is in their legal opinion that the SCCOE does not have the right to stay and rescind on any matters related to the bond program and are only limited to the general fund.

MOTION #21-04 fails with a vote of 2 in favor (Vice-President Karen Martinez and Member Andrés Quintero); 3 in opposition (President Esau Ruiz Herrera, Member Khanh Tran, and Clerk Dolores Marquez-Frausto); no absent; and no abstention.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.07 Resolution No. 46-17/18. Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

Vice-President Karen Martinez left the board meeting at 11:34 p.m.

MOTION #21-05 by Member Khanh Tran to Approve Agenda Item 9.07 as presented. MOTION #21-05 was seconded by Clerk Dolores Marquez-Frausto.

After **Motion #21-05** was made by Member Khanh Tran, there was consensus from the Board to combine *Agenda Item 9.08 Resolution No. 48-17/18 A Resolution Requesting Board of Supervisors of the County of Santa Clara to Establish Tax Rate for Bonds of the Alum Rock Union Elementary School District Expected to be Sold during Fiscal Year 2018-1019, and Authorizing Necessary Actions in Connection Therewith* together with *Agenda Item 9.07 Resolution No. 46-17/18 A Resolution of the Board of Trustees of Alum Rock Union Elementary School District, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto.*

Public Comments:

- 1) Ray Mueller – Community Member stated he did not understand how we are going to do a \$50M worth of work with only \$35M. He commented, ‘the public has spoken, the advisors have spoken, and the voters have spoken—why are you still doing this?’
- 2) Female speaker (*no name given*) – She stated that she wanted to remind the Board that they voted to close the meeting at 11:30 p.m. and it was now 11:36 p.m.—please respect everybody’s time!
- 3) Female speaker (*no name given*) – Addressed the Board and stated, “this is what I was talking about earlier, you make promises that you know won’t happen—how are you going to keep all of these promises, do you have a magic wand?”
- 4) Janet Odell – Community member stated that the district’s fiscal supervisor should comment on this because the general fund would be affected.

Member Andrés Quintero stated that we should not take the advice of our general counsel—her name is tied to all this and it makes absolutely no sense to follow her advice when in fact the fiscal matter is pretty broad. He commented that it was better to wait and sell the bonds when the time was right—let’s not move forward with this!

President Esau Ruiz Herrera commented that he still felt that this was an item that should be referred to the Superintendent and administration with a charge to get more specific direction and confirm in a more detailed matter with general counsel so that the Board could be presented with a more formal, legal opinion.

9. SUPERINTENDENT / BOARD BUSINESS *(continued)*

9.07 Resolution No. 46-17/18. Resolution of the Board of Trustees of ARUSD, Authorizing the Issuance of Election of 2016 General Obligation Bonds, Series A, and Actions Related Thereto

9.08 Resolution No. 48-17/18. Resolution Requesting Board of Supervisors of the County of Santa Clara to Establish Tax Rate for Bonds of the Alum Rock Union Elementary School District Expected to be Sold during Fiscal Year 2018-19, and Authorizing Necessary Actions in Connection Therewith

MOTION #21-05 failed with a vote of 2 in favor (Member Khanh Tran and Clerk Dolores Marquez-Frausto); 2 not voting (President Esau Ruiz Herrera and Member Andrés Quintero); and 1 absent (Vice-President Karen Martinez)

MOTION #21-06 by Member Andrés Quintero to adjourn the meeting. There was no second made to MOTION #21-06. MOTION #21-06 dies for lack of a second.

7. BOND / FACILITIES

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

President Esau Ruiz Herrera reported that no action would be taken on this agenda item for lack of a motion.

11. BUSINESS

11.04 Resolution No. 47-17/18 Parcel Tax Exemptions

MOTION #21-07 by President Esau Ruiz Herrera to accept and approve Resolution No. 47-17/18 Parcel Tax Exemptions as presented. MOTION#21-07 was seconded by Member Andrés Quintero.

MOTION #21-06 carried with a vote of 3 in favor (Clerk Dolores Marquez-Frausto, Member Andrés Quintero, and President Esau Ruiz Herrera); no opposition; and 2 absent (Vice-President Karen Martinez and Member Khanh Tran); and no abstention.

13. CONSENT CALENDAR

**13.10 Approve the Certification of Correction for the 2016-17
Audit Report**

Member Andrés Quintero stated that he was not going to support this agenda item. President Esau Ruiz Herrera reported that no action would be taken on this agenda item.

15. ADJOURNMENT

15.01 President adjourn the meeting

MOTION #21-08 by Member Andrés Quintero to adjourn the meeting. MOTION #21-08 was seconded President Esau Ruiz Herrera.

MOTION #21-08 carried with a vote of 3 in favor (Clerk Dolores Marquez-Frausto, Member Andrés Quintero, and President Esau Ruiz Herrera); no opposition; and 2 absent (Vice-President Karen Martinez and Member Khanh Tran); and no abstention.

15. ADJOURNMENT

15.01 President Adjourns the Meeting

President Esau Ruiz Herrera adjourned the meeting at 11:43 p.m.

Respectfully submitted,



Dolores Marquez-Frausto
Board Clerk

HB/mcs