

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

**MINUTES OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES
of the Alum Rock Union School District
Held on Tuesday, May 29, 2018, 6:00 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #20-17/18**

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 6:01 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Karen Martinez	Vice-President (<i>arrived late at 6:03 p.m.</i>)
Dolores Marquez-Frausto	Clerk
Khanh Tran	Member
Andrés Quintero	Member

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	Executive Assistant, Superintendent's Office
Angel Rodriguez	Executive Assistant/Communications Support, Superintendent's Office

Support Staff Member Absent:

Jackie Guevara	Executive Assistant, Superintendent's Office
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1. OPEN SESSION *(continued)*

1.01 Call to Order / Roll Call

President Esau Ruiz Herrera announced that *Agenda Items 1.03 Recognition for 2018 Fabulous Four: Classified Employees of the Year; 1.04 Presentation from the Music Department, Visual and Performing; and 6.01 Recognition for Innovate Public Schools of Alum Rock*, had already been addressed at the May 10, 2018, Regular Board Meeting (meeting that was cancelled due to no board quorum). He reported that these items would not be addressed at this Special Board Meeting.

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. He informed the audience that he would only allow 2 minutes for each speaker since there were several speakers waiting to speak.

Public Comments:

- 1) Ray Mueller – Home owner in this district, spoke in defense of the action considered against the Superintendent. He stated that the district has seen many improvements that have not been seen over the past 10 years. He addressed the Board and commented, “No more blaming others for your mistakes and please remove *Agenda Item 2.03 Public Employee Discipline, Dismissal, or Release, Title: Superintendent.*” He also reported that State Senator Jim Beall and Assemblyman Ash Kalra were pushing for another audit to investigate claims of fraud.
- 2) Jocelyn Merz – AREA President, commented that Superintendent Hilaria Bauer is an exceptional leader—she has not given up in spite of being bullied working in a hostile environment. She commented that this is the first time that a name has ‘been attached’ to the Public Employee Discipline, Dismissal, or Release agenda item. She commented that she thinks there will now be numerous lawsuits. She also commented that she thinks the actions of the Board have caused this community to lose respect for them—she asked the Board to refocus on the students!
- 3) Ingrid Holguin – Representative from Sam Liccardo’s Office. She read excerpts from the letter to the audience.
- 4) Randy Barber – 15-year veteran from Fischer Middle School and Renaissance at Fischer, commented that Superintendent Hilaria Bauer visits his school sites as much as her schedule permits and this is very good for the 6th grade student band. She certainly is a teacher at heart and is always integrating herself in classroom visits. He commented that she is always saying the following to his students, “Hechale ganas” which means, “Give it all you got”.
- 5) Ernesto Bejarano – Sheppard parent and former student, commented that Superintendent Hilaria Bauer was the heart of the District. He stated that she battles with the Board majority on a daily basis. He asked the Board to kindly remove Agenda Item 2.03 Public Employee Discipline, Dismissal, or Release for Superintendent Hilaria Bauer.

1. OPEN SESSION (*continued*)

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

- 6) Bertha Razo – George parent, commented that she always speaks Spanish for the sake of her Spanish-speaking community. She reported that she was part of the selection committee for the hiring of Superintendent Hilaria Bauer a few years ago. She stated that Superintendent Hilaria Bauer, in her opinion, was a very honest person. She also commented that this community is tired of all this ‘stupidness’. She gave special thanks to Members Andrés Quintero and Karen Martinez for joining the fight together.
- 7) Vince Iwasaki – Mathson principal, stated that he chose to be here instead of his own honor night at his site. He stated that the FCMAT report gave us a path forward but for some strange reason, we have not followed it. He commented that the Superintendent is doing her job, it is now time for the Board to do their job! He asked that the Board remove Agenda Item 2.03 Public Employee Discipline, Dismissal, or Release: Title of Superintendent.
- 8) Dr. William Gillaspie – SCCOE Fiscal Advisor, asked the Board to take into consideration the dismissal of the Superintendent because there would be a fiscal impact in this decision. He stated that he sent a letter to the Board President and a copy was given to each member. He stated that removing the Superintendent from a project is a violation of internal controls and the Board’s own Bylaws.
- 9) Dr. Donald Zimring – SCCOE Fiscal Expert, apologized for getting this letter to the Board late regarding ***Agenda Items 10.10 Program and Construction Management Agreement for Measure I; 10.11 Program Management Agreement for Measure J; and 10.12 Construction Management Agreement for Measure J.*** For the record, Dr. Donald Zimring read the letter. In conclusion, Dr. Donald Zimring stated that a review of the background regarding Del Terra’s contracts with the District show that the District’s previous legal counsel and FCMAT recommended that the Board terminate its contracts with Del Terra almost two years ago based upon conflict of interest concerns. However, the Board failed to take appropriate action to address the issue. As noted in the previous District’s legal opinion, a violation of Government Code Section 1090. Additionally, as noted in the District’s legal opinion, a violation of Government Code section 1090 could expose the District and its employees, Board Members, officers, and any involved consultants to criminal prosecution and/or civil liability and/or penalties. Lastly, he stated that based upon the foregoing, the Board should terminate the Del Terra contracts in order to comply with the law and fulfill its obligation as fiscal steward to the District.
- 10) Gustavo Gonzalez – Former Board Member, stated that he wanted to remind the Board that we work as a body in this group, and that the Board is trying to remove the head of the body. He asked that the Board please start working together as a team. He stated “you guys” are the union for our students, and this is not even on the agenda! Education is what we need to focus on—focus on the students. He then addressed Superintendent Hilaria Bauer stating, “we are backing you up Dr. Bauer”.

1. OPEN SESSION *(continued)*

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

- 11) Camille Llanes-Fontanilla – Parent, community member, and Director of Somos Mayfair, stated that this is the 8th time she has been here and there is a pattern. It is always after a holiday and then a special board meeting. Parents should be with their kids and not with the Board. There was a scheduled board meeting in which the Board did not show up. Superintendent Hilaria Bauer's accomplishments speak for her own and the Board majority carries the negative reputation that has surrounded the East Side.
- 12) Andrea Flores-Shelton – Former Board Member, stated that at the end of 2012, she joined this Board and in 2014, four of these board members hired Superintendent Hilaria Bauer. She commented that the Board did make a mistake in approving the Del Terra contracts per the recommendations of people that were no longer here. We should be trusting Superintendent Hilaria Bauer and listening to her recommendations.
- 13) Jeff Markham – Community member, for the record, read a letter to the audience from Vice-Mayor Magdalena Carrasco, written in support of Superintendent Hilaria Bauer.
- 14) Tom Phu – Teamsters representative, stated that on behalf of Teamsters, and for the record, both Buddy Parden and he were in attendance to show support for Superintendent Hilaria Bauer. He reported that he did not remember the last time that this District had such a caring leader. Her efforts have been seen everywhere we look, and she has brought stability to the District. Teamsters urged the Board to support Superintendent Hilaria Bauer!

1.05 Adjournment to Closed Session

The Board recessed to Closed Session at 6:33 p.m. President Esau Ruiz Herrera announced that the Board would reconvene to Open Session at approximately one hour after the start of Closed Session.

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 7:45 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. RECONVENE TO OPEN SESSION *(continued)*

3.02 Report of Action Taken in Closed Session

President Esau Ruiz Herrera reported that there was nothing to report from Closed Session at this time; however, the Board would be returning back to Closed Session at the end of Open Session to continue with Board Business related to ***Agenda Item 2.02 Conference with Labor Negotiators, Employee Organization: California Schools Employees Association.***

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

Member Andrés Quintero asked to have the following:

- Have ***Agenda Item 8.01 Update on Bond Projects*** as a verbal vs. a written report
- Pull ***Agenda item 14.08 Approval of the Certification of Correction for the 2016-17 Audit Report*** from the Consent Calendar and combine it with ***Agenda Item 8.03 Approval of the 2016-17 Annual Performance and Financial Audit for General Obligation Bonds Report for Measure J and Measure I***
- Place ***Agenda Item 10.07 Review and assessment of drinking water and water facilities at District schools*** prior to ***Agenda Item 10.05 Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms***
- Place ***Agenda Items 10.10 Program and Construction Management Agreement for Measure I; 10.11 Program Management Agreement for Measure J; and 10.12 Construction Management Agreement for Measure J*** to follow ***Agenda Item 10.07 Review and assessment of drinking water and water facilities at District schools*** but before ***Agenda Items 10.05 Discussion around Next Steps pertaining to the George and Fischer Multi-Purpose Rooms*** and ***10.06 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault line***

Vice-President Karen Martinez asked to place ***Agenda Item 11.01 Presentation of the Draft of the 2018-19 Local Control Accountability Plan (LCAP)*** before ***Agenda Item 8.01 Written update on the status of the Bond Projects.***

The Board was in consensus to accept the amended agenda as presented.

4. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

4.01 Requests to Address the Board

Public Comment:

- 1) Ray Mueller – Parent and community member that asked to define, ‘no reportable action taken’. What does this mean? He asked for clarification from legal counsel; however, legal counsel was not available.

5. COMMENTS AND COMMUNICATION

5.01 Teamsters

There were no representatives from Teamsters at this time.

5.02 CSEA

There were no representatives from CSEA at this time.

5.03 Alum Rock Administrator’s Association (ARAA)

Dr. Sandra Sarmiento, ARAA President, spoke on behalf of the Alum Rock Administrator’s Association (ARAA) and how there was sadness over the decision of the fate of the Board’s decision. Dr. Sandra Sarmiento, for the record, read the letter out loud to the audience reminding the Board that the Superintendent had the support from the community, parents, students, administrators, teachers, and outside stakeholders. Dr. Sandra Sarmiento welcomed and invited all the Trustees to the upcoming 8th grade promotion ceremonies.

5.04 Alum Rock Educator’s Association (AREA)

There were no representatives from AREA at this time.

5.05 Superintendent

Superintendent Hilaria Bauer reported that she is happy to share that the District is working on the Strategic Plan for 2020 and she gave special thanks to the Board for their support. She reported that one comment worth sharing was the encouragement of a parent to train them on common core and other instructional components. She reported that President Esau Ruiz Herrera helped her open the 2nd Parent University held on May 19 at Rancho del Pueblo Golf Course with approximately 422 parents in attendance!

5. COMMENTS AND COMMUNICATION *(continued)*

5.06 Board of Trustees

Member Khanh Tran stated that to answer the question of why he requested ***Agenda Item 2.03 Public Employee Discipline, Dismissal, or Release, Title: Superintendent***, the Board was supposed to receive a report from Legal Counsel; however, after hearing the cases, he did not feel there was enough information to merit any action; however, he welcomes the new audit from the State because our books are still unbalanced. He commented that he did not hire Del Terra, and the FCMAT findings stated that they were in compliance with their contracts. As a new member of this Board, he will not be supporting the termination of the Del Terra contract, unless there is actual proof, and he will not vote for their removal. He also reported that he did not accept any money from Del Terra and he stands for integrity. As for the Superintendent, there were mistakes made; however, she was not the only one and now it is the job of the District Attorney to investigate and prosecute the Superintendent!

Vice-President Karen Martinez commented that since the Board is not allowed to respond and have dialogue with the comments made from the public, she as one board member, can be available to meet individually to answer questions from the public. Vice-President Karen Martinez stated that she is happy that our reclassification numbers are increasing and gave thanks to Superintendent Hilaria Bauer and the teachers for this huge progress. Lastly, Vice-President Karen Martinez gave special thanks to Ms. Marie Sanchez and Mr. Angel Rodriguez for their constant support for all the behind-the-scenes work done in order to support the Board, even when the Board does not meet. She also gave special thanks to Assistant Superintendent Kolvira Chheng for his dedication, time, and effort to clean the books and make things right!

President Esau Ruiz Herrera reported that he recently attended the celebration for the Innovate Public Schools Recognition of Alum Rock Schools. Three Alum Rock schools were recognized for their students having higher proficiency rates, in ELA or Math. The three schools were Renaissance Academy at Mathson; Renaissance Academy at Fischer; and Adelante Dual Language Academy. He also spoke about the recognition for the Teacher of the Year. Lastly, he confirmed that he would be in attendance for the upcoming 8th grade promotion ceremonies.

7. PUBLIC HEARING

7.01 Public Hearing: District's Initial Bargaining Proposal to Open Negotiations with CSEA for the 2018-19 Reopeners

President Esau Ruiz Herrera opens the Public Hearing at 8:12 p.m. He reported that the Public Hearing would remain open until ***Agenda Item 13.02 Adoption of the District's Initial Bargaining Proposal to Open Negotiations with CSEA for the 2018-19 Reopeners.***

11. INSTRUCTIONAL SERVICES

11.01 Presentation: Draft of the 2018-19 Local Control Accountability Plan (LCAP)

Assistant Superintendent Rene Sanchez introduced Ms. Sandra Garcia, State & Federal Director, who gave a brief PowerPoint presentation on the LCAP draft. Some of the highlights include the following:

Objectives

- Share additional stakeholder input, trends, findings, annual measureable outcomes, new actions/services for 2018-19 school year, and next steps in the LCAP adoption process

A handout was provided with all the detailed information.

Goals

- Goal 1: Provide all students with a rigorous, challenging, and innovative instructional program that prepares students for college-readiness and for excellence in the 21st Century
- Goal 2: English Learners will have the required skills to reach grade level standards/proficiency
- Goal 3: Provide all students and families a safe, welcoming, and caring environment conducive to learning
- Goal 4: Engage stakeholders in a meaningful way that promotes a positive learning, working, and community environment that is geared toward student achievement

Next Steps

- LCAP Plan Hearing and Adoption
- Submit LCAP to SCCOE for approval

Member Andrés Quintero commented that he was concerned about the results on Goal 3 and the fact that so many students reported they felt unsafe at school.

Vice-President Karen Martinez reported that San Jose Police Department has provided some antibullying training to our parents. She stated that perhaps some safety procedures should be explained during the Parent University events so that parents know what instructions their children are receiving.

Superintendent Hilaria Bauer reported that she was also concerned about the results on Goal 3 and that the District did not set up the survey to factor in the recent school shootings that had just happened. She stated that the District is currently working to bring to the Board some safety measures to consider to address this issue.

11. INSTRUCTIONAL SERVICES *(continued)*

11.01 Presentation: Draft of the 2018-19 Local Control Accountability Plan (LCAP)

Public Comments:

- 1) Ray Mueller – Community member, stated that he recently had seen a parent survey from Renaissance at Mathson presented at a School Site Council indicating that parents did not feel welcomed and safe.
- 2) Ed Correa – Parent that did two surveys related to the bullying problem, but never really felt that it was really being addressed.
- 3) Lilly Casillas – Parent that spoke on the bullying issues and stated that she felt that this issue was never really addressed.
- 4) Dilza Gonzalez – Community member that stated she was glad to see that social justice was being addressed; however, she still is aware that the students have learned to distrust the police officers. She commented that the students need more emotional training to prepare them to be more mentally strong for their life journey.

Vice-President Karen Martinez commented that SJPD has a unit that is not in uniform and she does not support having the police officers in uniform on campus because it sends the wrong message. She stated that this presentation was interactive and educational.

Board Clerk Dolores Marquez-Frausto left the board meeting at 7:53 p.m. due to a family emergency.

8. BOND / FACILITIES

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

Public Comment:

- 1) Female speaker *(no name given)* – Requested that this report be reported in public and not be silenced by a written report.

8.02 The Board will receive a written update from the Citizen's Bond Oversight Committee (CBOC)

Member Andres Quintero requested to have this CBOC report be reported in public and not in written form.

Vice-President Karen Martinez requested that this item be a standing agenda item and should be reported to the public in verbal form and not in written form moving forward.

8. BOND / FACILITIES *(continued)*

8.02 The Board will receive a written update from the Citizen's Bond Oversight Committee (CBOC)

Public Comment:

- 1) Ray Mueller – CBOC Chair, reported that the Board was still continuing to silence this committee. He reported that the CBOC met after the board meeting that had been canceled and they did their work. He reported that he anticipates that their report will be completed in June. Lastly, he reported that this committee has two vacant positions and welcomes anyone to apply.

Member Khanh Tran asked his colleagues if *Agenda Item 10.09 Board-Created Standing Committees* could be moved after *Agenda Item 14.08 Approve the Certification of Correction for the 2016-17 Audit Report* (this item was earlier pulled from the Consent Calendar and combined with *Agenda Item 8.03 Approve the 2016-17 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I*. There was consensus to accept his request.

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

Superintendent Hilaria Bauer introduced Assistant Superintendent Kolvira Chheng who gave a brief executive summary on the audit report. Assistant Superintendent Kolvira Chheng reported that the auditors were set to present their report at the May 10 meeting; however, they were not able to reschedule to make it to tonight's meeting. Some of the highlights were:

- The financial statements present fairly the financial situation of the district
- The results related to the performance audit, indicate that the district expended Measure J funds only on projects approved by the district
- The district has taken action to correct five issues and the 3rd party vendor (Del Terra), is not providing the necessary documents to the district

Member Andrés Quintero expressed his concern that the independent audit firm would not be able to complete the audit when there was insufficient bond and construction documentation provided by the 3rd party vendor (Del Terra).

Member Khanh Tran stated that he did not trust Assistant Superintendent Kolvira Chheng, but rather the independent auditor.

Vice-President Karen Martinez stated that she understood that the issues are being corrected; however, she also was concerned and was in agreement with Member Andrés Quintero.

8. BOND / FACILITIES *(continued)*

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

Assistant Superintendent Kolvira Chheng reported that it was the decision of the audit company not to come to tonight's meeting because they did not have an associate available. He reported the cash reconciliation information has been provided to the Board multiple times. He also reported that we are current on cash reconciliation and that everything will be in order by the time we close the books in August. The cash reconciliation had 199 items since 2014 that needed to be cleared and they have.

Public Comments:

- 1) Ray Mueller – COC Chair, stated that he has attended the meetings at East Side and their auditors give out more information than our auditors do. He asked the Board to consider changing auditors in order to receive better audit reports.
- 2) Flor DeLeon – Community member that gave thanks for receiving this information on how the district is spending monies; however, the Board members are the ones making wrong choices.

Member Khanh Tran stated that he would support seeking another audit firm.

MOTION #20-01 by Member Andrés Quintero to table this agenda item until the next meeting when the auditors could be present to answer questions to Agenda Items 8.03 Approve the 2016-17 Annual Performance and Financial Audit of General Obligation Bonds Report for Measure J and Measure I and 14.08 Approve the Certification of Correction for the 2016-17 Audit Report. MOTION #20-01 was seconded by Member Khanh Tran.

MOTION #20-01 carried with a vote of 3 in favor; 1 opposition (President Esau Ruiz Herrera); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

10. SUPERINTENDENT / BOARD BUSINESS

10.09 Board-Created Standing Committees

MOTION #20-02 by Member Khanh Tran to appoint Member Andrés Quintero to be the new Chair of the Bond, Facilities, and Finance Committee and Clerk Dolores Marquez-Frausto to be the new Vice-Chair if she accepts. Vice-President Karen Martinez seconded the motion.

Member Andrés Quintero accepted the appointment made by Member Khanh Tran.

MOTION #20-02 carried with a vote of 3 in favor; 1 opposition (President Esau Ruiz Herrera); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

8. BOND / FACILITIES *(continued)*

8.04 Award of Contract Hazard Management Services

Assistant Superintendent Kolvira Chheng gave a little history and reported that on April 13, 2017, the Board approved and awarded contracts to Fast Track Construction and BRCO Contractors for HVAC upgrades for LUCHA and Dorsa. On May 11, 2017, the Board approved and awarded a contract to Hazardous Management Services (HMS) in the amount of \$18,350 to provide environmental consultant service as required by the Division of State Architects. On July 13, 2017, the District and Del Terra discussed the need for additional scope of work. On July 20, 2017, Del Terra received HMS request for additional funds for the two sites. Both HVAC projects were completed in August 2017. Final change order and notice of completion for both projects were approved by the Board on November 9, 2017 and December 14, 2017, respectively. On January 25, 2018, which is approximately 5 months after the projects have been completed, Del Terra presented the District with two letters, both dated July 20, 2017 from Hazard Management Services to Del Terra requesting for additional funds due to additional scope of work.

Summary of increase

School	Original	Increase	Total Amount
Dorsa	\$ 7,240.	\$22,000.	\$ 29,240.
LUCHA	\$ 11,110.	\$ 3,000.	\$ 14,100.
Total	\$ 18,350.	\$25,000.	\$ 43,350.

Assistant Superintendent Kolvira Chheng reported that based on the additional scope of work and DSA inspection requirements, Del Terra was recommending that the Board approve the additional fees to Hazard Management Services in the amount of \$25,000; however, due to the delayed timing on when the proposals were presented to the District, he reported that staff does not support Del Terra's recommendation; this will affect our budgeting and cash flow.

President Esau Ruiz Herrera commented that he heard Assistant Superintendent Kolvira Chheng recommend that the Board approve this increase a month or so ago; however, this next month, he was recommending disapproval. What happened in a month? Are politics infecting the administrative staff?

Dr. Donald Zimring, Fiscal Expert, interrupted and excused himself for jumping in. He replied to President Esau Ruiz Herrera that he was correct. He reported that the Fiscal Expert Team had to pull this item once they found out that the District had no proper recourse to take the correct action. He stated that this was a prime example of how Del Terra was not serving the District well enough and were costing the District money—in this instance, Del Terra had doubled the cost of the contract!

Vice-President Karen Martinez asked the question if the District was legally obligated to pay this invoice.

8. BOND / FACILITIES *(continued)*

8.04 Award of Contract Hazard Management Services

Member Khanh Tran stated that he would like to see the District pay our bills. If this process was incorrect, he commented that he would like the Fiscal Expert to come up to the podium and explain this more clearly and to see just exactly how convincing he was.

Assistant Superintendent Kolvira Chheng responded and addressed Vice-President Karen Martinez that this matter was in litigation and he was not going to speak on it.

Member Andrés Quintero commented that Del Terra is responsible for their mistakes, and they are not doing their job!

Dr. Donald Zimring, Fiscal Expert, reported that they were brought in to implement the FCMAT recommendations. He stated that the District has a vendor (Del Terra) that is supposed to be looking out for the District's best interests, and they have failed. The bid doubled in price with no communication to staff, and thus, not to the Board. This is reflective of the recommendations in the FCMAT report. He gave special thanks to staff for having been tremendously cooperative. He stated that a key aspect of the FCMAT report was this conflict of interest.

Public Comments:

- 1) Speaker Herrera (no first name given) – Parent offered comments.
- 2) Camille Llanes-Fontanilla – Community member, commented that Del Terra made the error, now it is their responsibility.
- 3) Louie Moran – Director, Bond, Facilities, and Leases, confirmed that it was part of the close-out and the reports came out late.

MOTION #20-03 by Member Khanh Tran to approve the Award of Contract Hazard Management Services as presented and pay the \$25,000 obligation. MOTION #20-03 by seconded by President Esau Ruiz Herrera.

MOTION #20-03 fails with a vote of 2 in favor (President Esau Ruiz Herrera and Member Khanh Tran); 2 oppositions (Vice-President Karen Martinez and Member Andrés Quintero); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

9. CONTRACTS OVER \$100,000

9.01 Santa Cruz Silicon Valley New Teacher Project, \$100,400

MOTION #20-04 by Vice-President Karen Martinez to accept and approve the Santa Cruz Silicon Valley New Teacher Project Contract as presented.

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

9.01 Santa Cruz Silicon Valley New Teacher Project, \$100,400

MOTION #20-04 was seconded by Member Andrés Quintero.

MOTION #20-04 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

9.02 Springboard Collaborative Contract, \$126,000

MOTION #20-05 by Member Andrés Quintero to accept and approve the Springboard Collaborative Contract as presented. MOTION #20-05 was seconded by Vice-President Karen Martinez.

MOTION #20-05 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

9.03 Increase of \$20,000 with Ro Health (original contract was \$100,000)

MOTION #20-06 by Member Andrés Quintero to accept and approve the increase of \$20,000 for the Ro Health Contract as presented. MOTION #20-06 was seconded by Vice-President Karen Martinez.

MOTION #20-06 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

9.04 Graciela Hendel Contract, \$140,000

MOTION #20-07 by Member Andrés Quintero to accept and approve the Graciela Hendel Contract for \$140,000 as presented. MOTION #20-07 was seconded by Vice-President Karen Martinez.

MOTION #20-07 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

9.05 Increase of \$20,000 for Maxim Healthcare Services (original contract was \$94,714)

MOTION #20-08 by Member Andrés Quintero to accept and approve the increase for Maxim Healthcare Services Contract for \$20,000 as presented. MOTION #20-08 was seconded by President Esau Ruiz Herrera.

MOTION #20-08 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

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

9.06 Increase of \$50,000 for California Janitorial Supply (Original contract was \$160,000)

MOTION #20-09 by Member Andrés Quintero to accept and approve the increase of \$50,000 for California Janitorial Supply Contract as presented. MOTION #20-09 was seconded by President Esau Ruiz Herrera.

Board Comments: Karen Martinez and Andrés Quintero.

MOTION #20-09 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

9.07 Final Payment of 3 year contract for the 2017-18 School Year for City Year, \$450,000

The Board was in consensus to accept this agenda item as information.

10. SUPERINTENDENT / BOARD BUSINESS

10.01 Special Board Meeting, Setting a Date

MOTION #20-10 by Member Andrés Quintero to accept the recommended date of Tuesday, June 26, 2018, for the Special Board Meeting, starting at 6:00 p.m. MOTION #20-10 was seconded by President Esau Ruiz Herrera.

Public Comment:

- 1) Ray Mueller – COC Chair, asked that this meeting be videotaped.

MOTION #20-10 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

10.02 The Board will have discussion on Beautiful Day

Vice-President Karen Martinez reported that she passed some information to Superintendent Hilaria Bauer on Beautiful Day so that she can do some research and bring it back.

10.03 The Board will have discussion on School Safety

Superintendent Hilaria Bauer reported that she is working on language for the Board to review and will bring it back.

10. SUPERINTENDENT / BOARD BUSINESS *(continued)*

10.03 The Board will have discussion on School Safety

Public Comments:

- 1) Ernesto Bejarano – Sheppard parent, stated that he wanted to be involved in the discussion of school safety.

Board Comment: Khanh Tran.

10.04 CSBA Board Policy 5112.5, Students, Closed Campus

Superintendent Hilaria Bauer reports out on this item.

10.10 Program and Construction Management Agreement for Measure I

Member Andrés Quintero asked his colleagues for support on this agenda item.

Public Comments:

- 1) Lorena Chavez – Parent offered comments under this item.
- 2) Jeff Markham – Community member agrees with Member Andrés Quintero that Del Terra has made mistakes over and over – they are a poor vendor and we need to terminate their contract.
- 3) Ray Mueller – COC Chair, commented that we need to terminate the Del Terra contract.
- 4) Female speaker – Community member commented that Del Terra is corrupt. Asked the Board to use their integrity.
- 5) Camille Llanes-Fontanilla – Director, SOMOS Mayfair, commented that there have been multiple 1090 complaints filed, and Leal & Trejo lawyers are not present to answer questions or concerns unless there is a conflict of interest there as well.

Member Khanh Tran commented that he would not take responsibility for Measure J and Measure G because those were approved by a previous Board; however, he would consider removing Del Terra from either program management or construction management from Measure I.

MOTION #20-11 by Member Andrés Quintero to terminate the contract between Alum Rock Union Elementary School District and Del Terra Real Estate Services, Inc., dba Del Terra Group. MOTION #20-11 was seconded by Vice-President Karen Martinez.

Member Andrés Quintero admitted to have made a mistake in approving the contract with Del Terra for Measure I operating with the best information available at the time, but now, he wants to make it right!

10. SUPERINTENDENT / BOARD BUSINESS *(continued)*

10.10 Program and Construction Management Agreement for Measure I

Vice-President Karen Martinez also admitted to making the same mistake that Member Andrés Quintero made and she also wanted to make it better.

President Esau Ruiz Herrera commented that the latest district report indicates that Del Terra has completed 80 projects, on time, on budget, and to our specifications. He commented that this action to terminate the contracts was premature.

The Board had discussion about canceling the construction management and keeping the program management or vice-versa.

A Friendly Amendment was made to MOTION #20-11 by Member Andrés Quintero to terminate the contract between Alum Rock Union Elementary School District and Del Terra Real Estate Services, Inc., dba Del Terra Group for Program Management for Measure I. Vice-President Karen Martinez accepted and agreed to this Friendly Amendment as stated.

Assistant Superintendent Kolvira Chheng reported that we pay 4% for program management and 6% for construction management fees.

Public Comments:

- 1) Ray Mueller – COC Chair, commented that this was the ideal time to do this.
- 2) Andrea Flores-Shelton – Former board member, read a letter from the fiscal expert.
- 3) Frank Chavez – Former board member, reported that he also made a mistake, but it was this Board's turn to fix that mistake, terminate the contract with Del Terra, have the bid again if they want to but do the right thing and clear the plate!
- 4) Linda Chavez – Community member, addressed the Board and stated that their integrity was on the line and she wished that the Board would do the right thing for the sake of the students.

MOTION #20-11 carried with a vote of 3 in favor (Vice-President Karen Martinez, Member Andrés Quintero, and Member Khanh Tran); 1 opposition (President Esau Ruiz Herrera); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

MOTION #20-12 by Member Khanh Tran to extend the Board Meeting until 11:30 p.m. MOTION #20-12 was seconded by Member Andrés Quintero. There was no vote taken but there was consensus from the Board to accept this motion.

10. SUPERINTENDENT / BOARD BUSINESS *(continued)*

10.11 Program Management Agreement, Measure J

MOTION #20-13 by Member Andrés Quintero to terminate the contract between Alum Rock Union Elementary School District and Del Terra Real Estate Services, Inc., dba Del Terra Group for Program Management for Measure J. MOTION #20-13 was seconded by Vice-President Karen Martinez.

MOTION #20-13 carried with a vote of 3 in favor (Vice-President Karen Martinez, Member Andrés Quintero, and Member Khanh Tran); 1 opposition (President Esau Ruiz Herrera); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

10.12 Construction Management Agreement, Measure J

MOTION #20-14 by Member Andrés Quintero to table this agenda item to a future board meeting. MOTION #20-14 was seconded by Vice-President Karen Martinez.

MOTION #20-14 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

Vice-President Karen Martinez asked to combine the following agenda items:

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

10.06 Discussion around George Multi-Purpose Community Room that will exclude the George campus pertaining to the Earthquake Fault line

MOTION #20-15 by Vice-President Karen Martinez to table the above two agenda items to the June 26th special board meeting. MOTION #20-15 was seconded by Member Andrés Quintero.

MOTION #20-15 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

10.07 Review and Assessment of Drinking Water and Water Facilities at sites

Assistant Superintendent Kolvira Chheng reported that he has been working with San Jose Water Works to determine any issues with the water supply at the sites and no correction action is needed.

Vice-President Karen Martinez asked Assistant Superintendent Kolvira Chheng to confirm that every district site had been tested and the reply from Assistant Superintendent Kolvira Chheng was yes, to his knowledge, all sites had been tested.

10. SUPERINTENDENT / BOARD BUSINESS *(continued)*

10.08 Consideration and Adoption of Resolution No. 37-17/18; Order of Election, Specifications of the Election Order and Consolidation Request

MOTION #20-16 to accept and approve Agenda Item 10.08 as presented. MOTION #20-16 was seconded by Member Andrés Quintero.

MOTION #20-16 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

11. INSTRUCTIONAL SERVICES

11.02 Purchase of iPads and Chromebooks for K-8 Schools

MOTION #20-17 by Member Andrés Quintero to accept and approve Agenda Item 11.02 as presented. MOTION #20-17 was seconded by President Esau Ruiz Herrera.

Public Comments:

- 1) Ernesto Bejarano – Sheppard parent, asked if there was a specific program and what was the strategy for these machines.
- 2) Jeff Markham – Community member, commented that these are two different platforms and to be careful the District knows what they are purchasing.

Vice-President Karen Martinez asked if the District would be ensuring that the technology is used correctly.

MOTION #20-17 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

12. BUSINESS

12.01 Fiscal Expert Update

Assistant Superintendent Kolvira Chheng reported that the Fiscal Expert would be able to provide a report next month.

12.02 FCMAT Update

Assistant Superintendent Kolvira Chheng reported some of the following highlights listed on the following page.

12. BUSINESS (continued)

12.02 FCMAT Update

Assistant Superintendent Kolvira Chheng reported that at a special board meeting held on July 27, 2017, the Board authorized a formal written response to the FCMAT Extraordinary Audit. Consistent with the response, actions, and timelines approved by the Board, the District sent Del Terra six separate letters on August 4, 2017, requesting deliverables, documents, and records under the agreements between Del Terra and the District as follows:

- 1) Agreement for additional services, DSA Close-out Certification Services, Exhibit A
- 2) Documents and Records pursuant to Program and Construction Management Agreement for Measure I, dated November 10, 2016, Exhibit B
- 3) Documents and Records pursuant to Program Management Agreement for Measure J, dated November 10, 2016, Exhibit C
- 4) Documents and Records pursuant to Construction Management Agreement for Measure J, dated November 10, 2016, Exhibit D
- 5) Documents and Records pursuant to Program Management Agreement for Measure J, dated May 9, 2013, Exhibit E
- 6) Documents and Records pursuant to Construction Management Agreement for Measure J, dated October 1, 2013, Exhibit F

Assistant Superintendent Kolvira Chheng gave a brief executive summary regarding DSA close-out certification services from the October 12, November 9, December 14, 2017, February 8, March 8, April 12, and May 10, 2018, Board Meetings.

Assistant Superintendent Kolvira Chheng provided a written report to the Board with more detailed information. He stated that the District is continuing to review the documents.

12.03 3rd Interim Report

Assistant Superintendent Kolvira Chheng reported

MOTION #20-18 by Member Andrés Quintero to accept and approve the 3rd Interim Report as presented. MOTION #10-18 was seconded by President Esau Ruiz Herrera.

MOTION #20-18 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

13. HUMAN RESOURCES

13.01 Information Regarding Resignations

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

13. HUMAN RESOURCES

13.02 Adopt the District's Initial Bargaining Proposal to Open Negotiations With CSEA Chapter 305 regarding 2018-19 Reopeners

President Esau Ruiz Herrera closed the Public Hearing at 11:07 p.m. There were no comments from the audience at this time.

MOTION #20-19 by Vice-President Karen Martinez to accept and adopt the District's Initial Bargaining Proposal to Open Negotiations with CSEA regarding 2018-19 Reopeners as presented. MOTION #20-19 was seconded by Member Khanh Tran.

MOTION #20-19 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

13.03 Approve Declaration of Need for Fully Qualified Educators for 2018-19

MOTION #20-20 by Vice-President Karen Martinez to accept and approve the Declaration of Need for Fully Qualified Educators for 2018-19 as presented. MOTION #20-20 was seconded by Member Andrés Quintero.

MOTION #20-20 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

13.04 Approve Resolution No. 38-17/18 Proclaiming May 20-26, 2018 Classified School Employees Week

MOTION #20-21 by Member Andrés Quintero to accept and approve Resolution No. 38-17/18 Proclaiming May 20-26, 2018, Classified School Employees Week as presented. MOTION #20-21 was seconded by Vice-President Karen Martinez.

MOTION #20-21 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

14. CONSENT CALENDAR

Member Andrés Quintero asked to pull *Agenda Items 14.06 Acceptance of Vendor & Payroll Warrants-March and 14.15 Out-of-State Travel, NALEO Conference*, for separate discussion.

14. CONSENT CALENDAR *(continued)*

MOTION #20-22 by Vice-President Karen Martinez to accept and approve the Consent Calendar as amended. MOTION #20-22 was seconded by President Esau Ruiz Herrera.

MOTION #20-22 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

14.06 Acceptance of Vendor & Payroll Warrants-March

Member Andrés Quintero commented that he had some concerns and questions related to the Leal & Trejo Law Firm invoices. He asked Assistant Superintendent Kolvira Chheng how many legal invoices had been submitted by Leal & Trejo Law Firm; what was the monthly cost of the invoice(s); what services were they billing for; and who was directing and supervising their work?

Assistant Superintendent Kolvira Chheng replied that only one invoice had been submitted for the amount of \$33,000.

MOTION #20-23 by Vice-President Karen Martinez to approve the Acceptance of Vendor & Payroll Warrants for the month of March as presented. MOTION #20-23 was seconded by President Esau Ruiz Herrera.

MOTION #20-23 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

15. FUTURE BOARD AGENDA REQUESTS

15.01 Requests from the Board and/or from the Public

Board Comments:

- 1) Vice-President Karen Martinez – (1) Requested to make sure to receive a standard monthly verbal update from the COC at future meetings and not to exceed two minutes; (2) Bring back Beautiful Day; and (3) Add ***Agenda Item 10.06 Discussion around George Multi-Purpose Community Room and 10.07 Review and assessment of drinking water and water facilities at District schools*** to the Special Board Meeting scheduled for June 26, 2018.
- 2) Member Khanh Tran – Requested to give access to the COC for what they need in order to perform their job and allocate \$10-20K a year with legal help.

15. FUTURE BOARD AGENDA REQUESTS *(continued)*

15.01 Requests from the Board and/or from the Public

Public Comments:

- 1) Ray Mueller – COC Chair, thanked Vice-President Karen Martinez for her request for the COC monthly verbal report. He had made this same request back in December 2017.

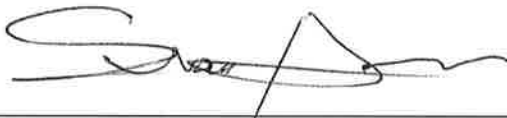
President Esau Ruiz Herrera reported that Superintendent Hilaria Bauer had recently informed him that the ***Closed Session Agenda Item 2.02 Conference with Labor Negotiators, Employee Organization: CSEA*** could be addressed at a later board meeting.

16. ADJOURNMENT

16.01 President Adjourns the Meeting

President Esau Ruiz Herrera adjourned the meeting at 11:24 p.m.

Respectfully submitted,



Esau Ruiz Herrera *(Board Clerk Dolores Marquez-Frausto was absent)*
Board President

HB/mcs