

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

**MINUTES OF A SPECIAL BOARD MEETING
BOARD OF TRUSTEES
of the Alum Rock Union School District
Held on Monday, May 6, 2019, 6:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #15-18/19**

1. OPEN SESSION

1.01 Call to Order / Roll Call

President Linda Chavez welcomed everyone in the audience and called the Special Board Meeting to order at 6:30 p.m. followed by Roll Call and the Pledge of Allegiance.

Board Members Present:

Linda Chavez	President
Ernesto Bejarano	Vice-President
Dolores Marquez-Frausto	Clerk (<i>arrived late at 6:32 p.m.</i>)
Andrés Quintero	Member
Corina Herrera-Loera	Member (<i>arrived late at 6:33 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
Angel Rodriguez	Executive Assistant/Communication Support, Superintendent's Office

1. OPEN SESSION *(continued)*

1.01 Call to Order / Roll Call

President Linda Chavez read out loud to the audience the agenda items that would be discussed under Superintendent/Board Business.

President Linda Chavez explained that the purpose of tonight's special board meeting was for the selection of the District's General Counsel and the interest of the Board was to make the process as transparent as possible.

President Linda Chavez distributed to the Board a recommended timeline schedule for the evening's meeting:

- 6:40-7:10 pm: Dialogue regarding the process
- 7:10-7:30 pm: Each firm will have 5 minutes to present their firm and showcase the services they provide
- 7:30-8:00 pm: Each firm will be asked 5 questions
- 8:00-8:30 pm: Board deliberation and selection of the firm

2. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

2.01 Requests to Address the Board

There were no public comments from the audience at this time.

3. SUPERINTENDENT / BOARD BUSINESS

3.01 The Board will discuss and take action on the following:

- (1) Selection of Questions**
- (2) Scoring Mechanism**
- (3) Tie-Breaker**

Member Andrés Quintero requested that Interim Assistant Superintendent Jess Serna facilitate the process for the selection of the questions, scoring mechanism, and the tie-breaker, if needed.

Interim Assistant Superintendent Jess Serna introduced himself to the Board and the audience. He briefly explained his role as the facilitator. The Board had discussion on the process and came to consensus on the following:

- 1) The Board will select and decide on the 8 questions from the CSBA suggested interview sheet and/or develop their own question(s).

3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

3.01 The Board will discuss and take action on the following:

- (1) Selection of Questions**
- (2) Scoring Mechanism**
- (3) Tie-Breaker**

- 2) The Board will select and decide on which of the 2 suggested scoring rubrics to use: (1) CSBA rubric, or (2) the rubric that was provided by Interim Assistant Superintendent Jess Serna.
- 3) The Board will randomly select the interview order of the firms.
- 4) Each firm will be given 5 minutes to present their firm and describe the services they provide.
- 5) The firms not being interviewed will sit and wait in the 'waiting room'.
- 6) Once each firm has been interviewed, Board Members will rate and submit their rating sheets to Interim Assistant Superintendent Jess Serna so the scores can be tallied.
- 7) The Board will use the suggested tie-breaker process if there is a tie and then use the percentages; however, this is only to be used for the first-place firm and not any others.

The Board had discussion and was in consensus to use the rating rubric that was provided by Interim Assistant Superintendent Jess Serna (rating form of 1-4).

Vice-President Ernesto Bejarano, President Linda Chavez, and Member Andrés Quintero reported they would be asking their own questions.

The Board came to consensus on the order of the board member asking their question(s) and this included the following:

Question #1 by each board member:

- 1) Member Corina Herrera-Loera
- 2) Clerk Dolores Marquez-Frausto
- 3) Member Andrés Quintero
- 4) Vice-President Ernesto Bejarano
- 5) President Linda Chavez

Question #2 by each officer:

- 1) Clerk Dolores Marquez-Frausto
- 2) Vice-President Ernesto Bejarano
- 3) President Linda Chavez

The Board had dialogue and came to consensus of the questions they would be asking each firm. Interim Assistant Superintendent Jess Serna described to the Board the importance of asking the same question to each firm in order to be fair to all firms.

3. SUPERINTENDENT / BOARD BUSINESS (continued)

3.01 The Board will discuss and take action on the following:

- (1) Selection of Questions**
- (2) Scoring Mechanism**
- (3) Tie-Breaker**

Confirmed Interview Questions

Member Andrés Quintero

***Q1:** Alum Rock currently faces a major challenge as a result of oversaturation of Charter Schools. What connections do you have to Charter Schools/Involvement? Have you ever worked with Charter Schools/Organizations?*

Vice-President Ernesto Bejarano

***Q1:** What is your approach to ensuring that the District's Business and Administrative decisions are on sound legal footing?*

***Q2:** From your perspective, what are some emerging legal issues or trends that other districts are beginning to experience that ARUSD should consider preparing for?*

Member Corina Herrera-Loera

***Q1:** What is the availability of the attorneys and the expectation of their responsiveness to clients? Will they be available for evening Board Meetings and can they respond to emails and phone calls within 24 hours?*

Clerk Dolores Marquez-Frausto

***Q1:** Describe your understanding of the types of work and areas of focus that our District may need.*

***Q2:** Describe a situation in which you managed a case with multiple parties representing elected officials and government agencies. How did you handle the complexity? What was learned? Share your perspectives for managing the convergence of politics, policy, law and governance.*

President Linda Chavez

***Q1:** Describe what you know about our District.*

3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

3.01 The Board will discuss and take action on the following:

- (1) Selection of Questions**
- (2) Scoring Mechanism**
- (3) Tie-Breaker**

President Linda Chavez

Q2: We need a level playing field with the firm that has a lot of experience that will look out for the District, that will negotiate for our best interest, and that will negotiate long lasting effects. We are in contract negotiations now and as everyone knows, the majority of your budget goes to employees. What is your experience with union negotiations?

The Board was in consensus to combine *Agenda Items 3.02 and 3.03* at the same time for each firm; therefore, the firms would present their five-minute presentation and then be interviewed by the Board.

3.02 The Board will give the prospective legal law firm an opportunity to present with a five-minute presentation

3.03 Interview of Prospective Law Firms. The Process will be determined by the Board

Random Selection Interview Order of the Firms

- 1) Rehon & Roberts
- 2) LCW Liebert Cassidy Whitmore
- 3) Lozano Smith
- 4) Orbach Huff Suarez & Henderson

There was discussion and consensus from the Board to have Interim Assistant Superintendent Jess Serna notify each firm they would have a total of 16 minutes to answer 8 questions (2 minutes for each question). In addition, they would be given a total of 5 minutes to present their firm to the Board.

The interview sessions began at this time with the Board asking each firm the 8 questions.

Firm #1: Five-Minute Presentation from Rehon & Roberts

Interim Assistant Superintendent Jess Serna explained the process to the firm. He informed them they would be given a total of 5 minutes to present their firm to the Board and then would have a total of 16 minutes to answer 8 questions (2 minutes for each question) asked by each Board Member.

3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

Mr. Peter Rehon, Founding Shareholder, and Mr. Rogelio Ruiz, Attorney, presented and gave background history with a brief executive summary and overview. The firm was founded in 1996, and currently has five attorneys with a diverse client-base. The firm began its relationship with Alum Rock about 20 years ago when they successfully represented the Alum Rock Education Foundation in an action to recover funds that had been embezzled by a volunteer and former District employee. Areas of specialization include:

- Human Resources: Labor and Employment
- General Education Law
- Facilities Services
- Special Education
- Business and Procurement Services: Contract Support
- Government Relations

Firm #1: Interview for Rehon & Roberts

The Board asked the 8 questions and the firm representatives responded to each question.

Interim Assistant Superintendent Jess Serna collected the scoring sheets from each Board Member and began the tally process for this firm.

Firm #2: Five-Minute Presentation from LCW Liebert Cassidy Whitmore

Interim Assistant Superintendent Jess Serna explained the process to the firm. He informed them they would be given a total of 5 minutes to present their firm to the Board and then would have a total of 16 minutes to answer 8 questions (2 minutes for each question) asked by each Board Member.

Mr. Matthew Nakano, Associate from the San Francisco Office, presented and stated LCW has been privileged to represent public school districts for nearly 40 years and is recognized statewide for the breadth and depth of school law expertise. LCW was founded in 1980 and has offices in San Francisco, Sacramento, Fresno, Los Angeles, and San Diego. They have 90 attorneys and legal services have been provided to more than 700 California clients, including public school and community college districts. Areas of specialization include:

- Human Resources: Labor and Employment
- General Education Law
- Facilities Services
- Special Education
- Business and Procurement Services – Contract Support
- Government Relations

3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

Firm #2: Interview for LCW Liebert Cassidy Whitmore

The Board asked the 8 questions and the firm representative responded to each question.

Interim Assistant Superintendent Jess Serna collected the scoring sheets from each Board Member and began the tally process for this firm.

Firm #3: Five-Minute Presentation from Lozano Smith

Interim Assistant Superintendent Jess Serna explained the process to the firm. He informed them they would be given a total of 5 minutes to present their firm to the Board and then would have a total of 16 minutes to answer 8 questions (2 minutes for each question) asked by each Board Member.

Mr. Lou Lozano, Founding Partner of Lozano Smith, introduced his colleagues: (1) Mr. Harold Freiman, Partner, from the Walnut Creek Office; (2) Ms. Jennifer Baldassari, Senior Counsel, from the Walnut Creek Office; and (3) Mr. Manuel Martinez, Partner, from the Walnut Creek Office. Mr. Lou Lozano reported that Lozano Smith is a California based firm, consisting of 103 attorneys in Walnut Creek, Monterey, Sacramento, Fresno, Bakersfield, Los Angeles, Mission Viejo, and San Diego. He stated all these offices cover every area of education law. Areas of specialization include:

- Human Resources – Labor and Employment
- General Education Law
- Facilities Services
- Special Education
- Business and Procurement Services – Contract Support
- Government Relations

Firm #3: Interview for Lozano Smith

The Board asked the 8 questions and the firm representatives responded to each question.

Interim Assistant Superintendent Jess Serna collected the scoring sheets from each Board Member and began the tally process for this firm.

Firm #4: Five-Minute Presentation from Orbach Huff Suarez + Henderson, LLP

Interim Assistant Superintendent Jess Serna explained the process to the firm. He informed them they would be given a total of 5 minutes to present their firm to the Board and then would have a total of 16 minutes to answer 8 questions (2 minutes for each question) asked by each Board Member.

3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

Firm #4: Five-Minute Presentation from Orbach Huff Suarez + Henderson, LLP

Mr. David Orbach, Co-Founder of the firm, introduced his colleagues: (1) Ms. Fabiola Rivera; (2) Mr. Phil Henderson; and (3) Nancy Taylor. Mr. David Orbach reported the company was founded on the principle of providing the highest quality legal services to public entities throughout the state. It was established in 1997 and since has expanded throughout the state. Unlike most other firms, Orbach Huff has dedicated its entire firm and its resources to representing public entities consisting of school districts, community colleges, the UC Regents, the Judicial Council of California, and other special districts, counties, cities, and towns throughout the State who provide an array of public services. Areas of specialization include:

- Human Resources – Labor and Employment
- General Education Law
- Facilities Services
- Business and Procurement Services – Contract Support
- Governmental Relations
- Special Education *(They do not propose in this area)*

Firm #4: Interview for Orbach Huff Suarez + Henderson, LLP

The Board asked the 8 questions and the firm representatives responded to each question.

Interim Assistant Superintendent Jess Serna collected the scoring sheets from each Board Member and began the tally process for this firm.

The interview sessions concluded at this time.

3.04 Tally of the Scoring Rubrics and Selection of the Finalist

Interim Assistant Superintendent Jess Serna commended the Board on a good job!

Vice-President Ernesto Bejarano commented the Board had come a long way, first with the board vacancy and now with the legal firm process. Perhaps now, moving forward, the Board can put together a solid framework with the assistance of legal counsel.

Assistant Superintendent Kolvira Chheng and Mr. Angel Rodriguez tallied and put together the spreadsheet indicating the results of each firm.

3. SUPERINTENDENT / BOARD BUSINESS *(continued)*

3.04 Tally of the Scoring Rubrics and Selection of the Finalist

Firm	Ernesto Bejarano	Linda Chavez	Corina Herrera-Loera	Dolores Marquez-Frausto	Andrés Quintero	TOTAL POINTS
Liebert Cassidy Whitmore	11	16	20	15	8	70
Lozano Smith	26	32	19	17	8	102
Rehon & Roberts	30	32	19	11	32	124
Orbach Huff Suarez + Henderson	23	20	27	13	8	91

MOTION #15-01 by Member Andrés Quintero to award the contract for Legal Services to the District to Rehon & Roberts, APC. MOTION #15-01 was seconded by Vice-President Ernesto Bejarano.

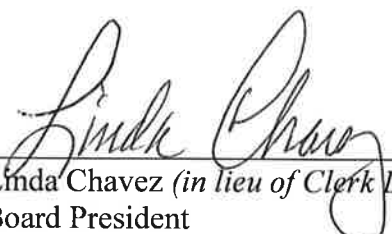
MOTION #15-01 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

4. ADJOURNMENT

4.01 President Adjourns the Meeting

President Linda Chavez adjourned the meeting at 9:10 p.m.

Respectfully submitted,



Linda Chavez *(in lieu of Clerk Dolores Marquez-Frausto who was absent)*
Board President
HB/mcs