

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT  
BOARD RESOLUTION #08-19/20  
CENSURE OF BOARD MEMBER DOLORES MARQUEZ**

**WHEREAS**, the Alum Rock Union Elementary School District Board Bylaw 9000 states “The Board of Trustees has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community” and further states “Establishing and adhering to standards of responsible governance”; and

**WHEREAS**, the Alum Rock Union Elementary School District Board Bylaw 9005 states “To maximize Board effectiveness and public confidence in district governance, Board Members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct”; and

**WHEREAS**, the Alum Rock Union Elementary School District Board Bylaw 9220 states “The Board believes the district and community will be best served by imposing reasonable limitations on the amount of money that may be contributed to a campaign for election to the district office. The Board therefore has resolved that the following limits shall apply:

1. Maximum Contribution from an individual or Entity to a candidate for district office: \$500”; and

**WHEREAS**, the Alum Rock Union Elementary School District Board Bylaw 9270 states “The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.”; and

**WHEREAS**, on August 15, 2019, the California Fair Political Practices Commission approved Stipulation, Decision and Order Case Number 17/0106 including the following violations by Board Member Dolores Marquez: (1) that Dolores Marquez, her 2016 Campaign Committee for Re-Election to the Alum Rock Board of Trustees, and her campaign Treasurer accepted and deposited a \$5,000 cashier’s check, in violation of Government Code Section 84300, subdivision (c), and (2) That Dolores Marquez, her 2016 Campaign Committee for Re-Election to the Alum Rock Board of Trustees, and her campaign Treasurer failed to report contributions totaling \$1,750 and failed to report expenditures totaling \$2,330 on campaign disclosure statements, in violation of Government Code Section 84211, subdivisions (f) and (k); and

**WHEREAS**, the California Fair Political Practices Commission Stipulation, Decision and Order Case Number 17/0106 further states:

“The 2016 Committee received and deposited a \$5,000 cashier’s check on October 4, 2016. This contribution was reported as a loan from the candidate, Marquez. The loan constitutes about 26% of the 2016 Committee’s reported contributions. The form of tender, a cashier’s check, is not permissible for contributions over \$100. Marquez and the Committee failed to produce any documentation to substantiate the source of this money.”

**WHEREAS**, at the Board meeting held on September 12, 2019, the Board took an action (4-0-1, Member Marquez absent) to agendaize proposed draft Board Resolution #08-19/20 re: Censure of Board Member Dolores Marquez for consideration and action at the regular Board meeting scheduled for Thursday, October 10, 2019, and that Member Marquez be provided an opportunity to respond to the draft proposed Board Resolution and the subject matter therein, and that Member Marquez be requested to respond in writing and publicly disclose and substantiate the source of the \$5,000 cashier's check referenced in the draft Board Resolution #08-19/20 and in the FPPC Order; and

**WHEREAS**, Member Dolores Marquez was provided notice of the Board action via e-mail on September 19, 2019 and via US certified mail dated September 19, 2019, and of her opportunity to provide a written response by October 4, 2019; and

**WHEREAS**, Member Marquez has failed to provide a written response and failed to publicly disclose and substantiate the source of the \$5,000 cashier's check referenced in the FPPC Order;"

**WHEREAS**, the Alum Rock Union Elementary School District Board of Trustees finds that Board Member Dolores Marquez actions have not been consistent with the bylaws outlined above, and her behavior has not been consistent with positive, effective and responsible leadership.

**NOW THEREFORE BE IT RESOLVED that**, the Alum Rock Union Elementary School District Board of Trustees does hereby censure Board Member, Dolores Marquez for the conduct as described above.

**BE IT FURTHER RESOLVED**, that in the interest of transparency, restoring faith, and integrity of the governance of the Alum Rock Union Elementary School District, the Board requests that Dolores Marquez publicly disclose and substantiate the source of the \$5,000 cashier's check referenced above to assure the board and public there is no conflict of interest on any matters before the Board of Trustees.

**BE IT FURTHER RESOLVED**, that the Alum Rock Union Elementary School District Board directs that a copy of the August 15, 2019, Enforcement Decision prepared by California Fair Political Practices Commission and a copy of this Resolution be placed immediately on the District's website for a period of 45 calendar days.

**BE IT FURTHER RESOLVED**, that in the interest of transparency, restoring faith, and integrity of the governance of the Alum Rock Union Elementary School District, the Board urges Dolores Marquez to publicly disclose and substantiate the source of the \$5,000 cashier's check referenced in the FPPC Order to assure the Board and public that she does not have an actual or potential conflict of interest in connection with any matter involving the District and that she did not receive the funds from any person or organization who has done business or is currently doing business with the District."

**WHEREAS**, the Alum Rock Union Elementary School District Board of Trustees finds that Board Member Dolores Marquez actions have not been consistent with the bylaws outlined above, and her behavior has not been consistent with positive, effective and responsible leadership.

**NOW THEREFORE BE IT RESOLVED that**, the Alum Rock Union Elementary School District Board of Trustees does hereby censure Board Member, Dolores Marquez for the conduct as described above.

**BE IT FURTHER RESOLVED**, that in the interest of transparency, restoring faith, and integrity of the governance of the Alum Rock Union Elementary School District, the Board requests that Dolores Marquez publicly disclose and substantiate the source of the \$5,000 cashier's check referenced above to assure the board and public there is no conflict of interest on any matters before the Board of Trustees.

**BE IT FURTHER RESOLVED**, that the Alum Rock Union Elementary School District Board directs that a copy of the August 15, 2019, Enforcement Decision prepared by California Fair Political Practices Commission and a copy of this Resolution be placed immediately on the District's website for a period of 45 calendar days.

**PASSED AND ADOPTED** by the Board of Trustees of the Alum Rock Union Elementary School District, this <sup>15<sup>th</sup></sup> 10 day of October, 2019, by the following vote:

Ayes 4 Noes 1 Absent 0 Abstain 0

*Dolores Marquez-Frausto*

**Board of Trustees:**

Linda Chavez, President

Ernesto Bejarano, Vice President

Dolores Márquez-Frausto, Clerk

Andrés Quintero, Member

Corina Herrera-Loera, Member

*Linda Chavez*  
*Ernesto Bejarano*  
*Dolores Márquez-Frausto*  
*Andrés Quintero*  
*Corina Herrera-Loera*

**I HEREBY CERTIFY** that the foregoing resolution was duly and regularly introduced, passed, and adopted by the members of the Board of Trustees of the Alum Rock Union Elementary School District at a public meeting of said Board held on October 10, 2019.

*Hilaria Bayer*  
Hilaria Bayer, Ph.D., Superintendent

*10/22/19*  
Date