

**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, October 10, 2019, 5:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #05-19/20**

1. OPEN SESSION

1.01 Call to Order / Roll Call / Pledge of Allegiance

President Linda Chavez welcomed everyone in the audience. President Linda Chavez called the Board Meeting to order at 5:30 p.m. followed by Roll Call.

Board Members Present:

Linda Chavez	President
Ernesto Bejarano	Vice-President
Dolores Marquez-Frausto	Clerk
Andrés Quintero	Member
Corina Herrera-Loera	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Carlos Moran	Assistant Superintendent, Human Resources
Kolvira Chheng	Assistant Superintendent, Business Services
Maribel Carrillo	Sr. Executive Assistant, Superintendent's Office

President Linda Chavez welcomed everyone and led the Pledge of Allegiance at this time.

1. OPEN SESSION *(continued)*

Vice-President Ernesto Bejarano asked Counsel Rogelio Ruiz if there could be comments for the public on non agendized items.

Counsel Rogelio Ruiz responded that the public comments can be on non agendized items and agenized items.

President Linda Chavez asked for the question that Vice-President Ernesto Bejarano to be repeated.

Counsel Rogelio Ruiz answered the public has a right to make comments on agenized and non agenized items on today's meeting as well as Tuesday once the meeting is resumed.

President Linda Chavez asked Counsel Rogelio Ruiz because of the time she would like to address sensitive items and limit public comment to less than three minutes.

Counsel Rogelio Ruiz responded the Board has had a time limit for public comment already.

Member Corina Herrera-Loera asked if the board meeting still needs to end at 6:30 pm since it was shortened to 1 hour due to the power outage and not the power returned.

Counsel Rogelio Ruiz replied it does not have to be an hour because there is a full agenda.

Clerk Dolores Marquez-Frausto said the items on the agenda were announced to the public. She said whatever is posted on the website needs to be discussed.

Counsel Rogelio Ruiz responded that the administration was going to ask the Board to discuss four to five items and, at a later time, discuss the rest of the items. He said legally per the Brown Act, this agenda is still in place and the Brown Act does say the public has a right to comment at every public meeting.

President Linda Chavez said a lot of people wanted to be here, but since the meeting was scheduled for one hour, it should be kept that way.

Member Andrés Quintero agreed the meeting should be one hour because there were a lot of communications sent out stating it was going to be a short meeting. He said there are a couple of items he will be bringing over that he will mention later.

Vice-President Ernesto Bejarano mentioned to just continue with the agenda that was posted because it will be much cleaner.

President Linda Chavez said it is a consensus to have the Board meeting from 5:30 pm to 6:30 pm and to resume the Board meeting on Tuesday, October 15, 2019.

Counsel Rogelio Ruiz said it should be stated what agenda items will be heard today.

1. OPEN SESSION *(continued)*

President Linda Chavez stated the items to be discussed are item 4.01, 4.02, 4.03, 4.04 and 10.02.

- 4.01** *Disclosure of major provisions of the collective bargaining agreement with Alum Rock Educators Association (AREA), including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years.*
- 4.02** *Approval and Ratification of Tentative Agreement between the Alum Rock Union Elementary School District and Alum Rock Educators Association (AREA), for the period of July 1, 2018-June 30, 2019.*
- 4.03** *Disclosure of major provisions of the collective bargaining agreement with Teamsters Local 150, including, but not limited to, the cost that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years.*
- 4.04** *Approval and Ratification of Tentative Agreement between the Alum Rock Union Elementary School District and Teamsters Local 150, for the period of July 1, 2018-June 30, 2019.*
- 10.02** *Review and Response to the Conditional Approval of the District's 2019-2020 Adopted Budget from the Santa Clara County Office of Education (SCCOE).*

Member Corina Herrera-Loera said that the Board should not limit the public from speaking.

Vice-President Ernesto Bejarano said to discuss agendized items and allow for public comment. He said thereafter allow public comment for non agenized items and end the meeting by 6:30 pm.

Counsel Rogelio Ruiz commented that the Board makes the consensus to discuss agendized items and then have public comments either at the beginning of the meeting or at the end of the meeting.

4. PUBLIC HEARING

- 4.01** **Disclosure of major provisions of the collective bargaining agreement with Alum Rock Educators Association (AREA), including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years.**

President Linda Chavez opened the Public Hearing at 5:47 pm. She asked if there was any public comment.

4. PUBLIC HEARING *(continued)*

Lead Negotiator Jess Serna feels the district is fortunate for three reasons good leadership, good staff, and very effective partners. He said there are no problems with their partners only solutions.

AREA President Jocelyn Merz said the negotiation team did not always agree but the bargaining was a 98.6% vote with 6 members not in favor and they were not sure. She said this was a long road, but they made it.

President Linda Chavez asked if there were any public comments and she closed the Public Hearing at 5:50 pm.

4.02 Approval and Ratification of Tentative Agreement between the Alum Rock Union Elementary School District and Alum Rock Educations Association (AREA), for the period of July 1, 2018-June 30, 2019.

MOTION #05-01 by Member Andrés Quintero to approve Action Item 4.02 as presented. MOTION #05-01 was seconded by Vice-President Ernesto Bejarano.

President Linda Chavez asked if there was any Public Comment and asked for discussion.

Clerk Dolores Marquez-Frausto commented there are 14 million dollar cuts and she was shocked to know there was money back on the table. She is concerned the school libraries were closed and cutting CSEA to the bare bone. She said the teachers deserve the money as long as it does not impact our future. She commented she will not move forward with this item. She asked Assistant Superintendent Chheng if the AB 1200 report went away.

Assistant Superintendent Chheng responded it did not go away and the report was sent to the county office.

Clerk Dolores Marquez-Frausto explained this report goes to the Santa Clara County Office of Education for review and it lets them know the impact on our budget. She thinks the county had no problem with item 4.02 because it was coming out of the general fund. She said once it comes out of the general fund it does not go back. She said she was sad because the libraries closed. She commented she will not be supporting this item.

Member Andrés Quintero said a small organization like Alum Rock needs to make tough choices. He said teachers have left that are amazing because they go somewhere else where they get paid more. He commented that he understands some of the concerns his colleague has brought up, but they need to be stabilized.

4. PUBLIC HEARING *(continued)*

Vice-President Ernesto Bejarano said Clerk Dolores Marquez-Frausto brought up several good points and he also agrees with Member Andrés Quintero. He said there will be a happy workforce which is a good investment for our future.

Member Corina Herrera-Loera said she would like to echo what her fellow Board members said regarding hard decisions to be made and she thanked Lead Negotiator Jess Serna and AREA President Jocelyn Merz for the time they spent working on this. She said she will be supporting this item.

President Linda Chavez commented that if the teachers are happy, so are the students.

MOTION #05-01 carried with a vote of 4 in favor; one opposition (Clerk Dolores Marquez-Frausto); no absent; and no abstention.

4.03 Disclosure of major provisions of the collective bargaining agreement with Teamsters Local 150, including, but not limited to, the costs that would be incurred by the public school employer under the agreement for the current and subsequent fiscal years.

President Linda Chavez opened the Public Hearing at 6:02 pm.

Lead Negotiator Jess Serna said the Teamsters were the first group to come to them to partner with them.

President Linda Chavez closed the Public Hearing at 6:03 pm.

4.04 Approval and Ratification of Tentative Agreement between the Alum Rock Union Elementary School District and Teamsters Local 150, for the period of July 1, 2018-June 30, 2019.

MOTION #05-02 by Member Andrés Quintero to approve Action Item 4.04 as presented. MOTION #05-02 was seconded by Member Corina Herrera-Loera.

Clerk Dolores Marquez-Frausto asked if the agreement with the Teamsters was two on and one off.

Lead Negotiator Jess Serna responded it is 2% on and 1% off the (Me Too) clauses consistent with the AREA agreement.

Clerk Dolores Marquez-Frausto said the (Me Too) language caught her attention and asked if anyone spoke to them about it.

4. PUBLIC HEARING *(continued)*

Lead Negotiator Jess Serna responded that they did speak to the Teamsters about it. He said if there is another unit that settles in a greater amount, they will true it up and they are well aware of that.

Clerk Dolores Marquez-Frausto asked Counsel Rogelio Ruiz if the tentative agreement was two on and one off and if the district was not going to pursue it.

Counsel Rogelio Ruiz responded that the contract language entitles them to more.

MOTION #05-02 carried with a vote of 4 in favor; one opposition (Clerk Dolores Marquez-Frausto); no absent; and no abstention.

10. Business—Board Discussion And/Or Action

10.02 Review and Response to the Conditional Approval of the District's 2019-2020 Adopted Budget from the Santa Clara County Office of Education (SCCOE).

Superintendent Bauer referred this item to Assistant Superintendent Chheng.

Assistant Superintendent Chheng said this is a memo that was in the Board book and if the Board has any questions, he will be happy to respond to them.

Superintendent Bauer asked respectfully for the Board to approve the agenda item.

MOTION #05-03 by Member Andrés Quintero to approve Action Item 10.02 as presented. MOTION #05-03 was seconded by Member Corina Herrera-Loera.

MOTION #05-03 carried with a vote of 5 in favor; no opposition; no absent; and no abstention.

Public Comments:

- 1) Male speaker requested that everyone help schools and be involved. He asked for there to an investigation for the watch guard. He said they are told everything is good at the school, but nothing is good. He said, in the name of Jesus Christ, to open up your eyes.
- 2) Flor De Leon is working with Somos Mayfair and had invited the Board to attend the County Forum and no one attended. She would like to see that the Board members only serve a three-year term.
- 3) Male speaker thanked the Board regarding the resolution for schools and communities.

10. Business—Board Discussion And/Or Action *(continued)*

President Linda Chavez said there were no more Public Comments.

Counsel Rogelio Ruiz reminded the Board, just for the record, the meeting is being resumed on Tuesday, October 15, 2019, at 5:30 pm at the same location. He said tomorrow there will be a notice of adjournment posted on the website where the remaining items will be considered.

Vice-President Ernesto Bejarano asked if it was possible to obtain a report of the traffic study for Painter Elementary.

Superintendent Bauer responded that the information the Board received was a follow up from Mr. Rudy's request. The two principals have been working with the city.

16. ADJOURNMENT

16.01 President Adjourns the Meeting

President Linda Chavez adjourned the meeting at 6:19 p.m.

Respectfully submitted,



Dolores Marquez-Frausto
Board Clerk
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