

**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 Thursday, November 16, 2017, 5:00 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #10-17/18**

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 5:00 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Andrés Quintero	Vice-President
Khanh Tran	Member
Karen Martinez	Member (<i>arrived late at 5:01 p.m.</i>)

Board Member Absent:

Dolores Marquez-Frausto	Clerk
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Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Kolvira Chheng	Assistant Superintendent, Business Services
Angel Rodriguez	Executive Assistant/Communications Support
Patricia Tovar	Executive Assistant, Business Services
Jacqueline Guevara	Executive Assistant, Superintendent's Office

Administrative and Support Staff Member Absent:

Marie Sanchez	Sr. Executive Assistant, Superintendent's Office
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1. OPEN SESSION *(continued)*

A written notice was hereby given in accordance with Government Code Section 54956, Education Code 35144, and Board Bylaw 9320, that a Special Board Meeting of the Governing Board of the Alum Rock Union Elementary School District was called by Trustee Khanh Tran, Trustee Karen Martinez, and Trustee Andrés Quintero.

President Esau Ruiz Herrera suggested that the Board's actions were in violation of the Brown Act.

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. BOARD BUSINESS

3.01 Removal of current Board President

President Esau Ruiz Herrera reported that General Counsel had sent out a letter warning the Board of their actions being out of compliance as follows:

At the November 9 Board Meeting, the Board took action to move its Annual Organizational Meeting from its scheduled December 14, 2017, date to December 7, 2017. Unfortunately, that action was in violation of Education Code 35143, and Board Bylaw 9100.

Board Bylaw states in relevant part: "The Board of Trustees shall hold an Annual Organizational Meeting within the time limits prescribed by law (Education Code 35143).

Education Code 35143 provides in relevant part:

"The governing board of each school district shall hold an annual organizational meeting. In a year in which a regular election for governing board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a governing board member elected at that election takes office. Organizational meeting in years in which no such regular election for governing board members is conducted shall be held during the same 15-day period on the calendar. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the Board at its regular meeting held immediately prior to the first day of such 15-day period, and the Board shall notify the County Superintendent of Schools of the day and time selected." Based upon Bylaw 9100 and Education Code 35143, the Alum Rock

3. BOARD BUSINESS *(continued)*

3.01 Removal of current Board President

Board of Trustees is bound to hold its 2017 Annual Organizational Meeting on Thursday, December 14, 2017, as previously scheduled.

President Esau Ruiz Herrera shared that the discussion of a Special Board Meeting on December 7 was only to accommodate Member Khanh Tran's schedule as he had mentioned he would be traveling out of the country.

He continued to comment that it was clear about the motivation that Trustee Khanh Tran might have had and now this action is likely to be deemed a violation of the Brown Act. The Brown Act says that all discussion or contemplated action be done in a public meeting and this prohibits any discussion or collective agreements outside of the public meeting.

Member Khanh Tran commented that back in August, President Esau Ruiz Herrera had also exchanged emails and he now felt that new leadership was needed. He mentioned that the Board attempted to move the Board Meeting from December 14 to December 7; however, he felt disappointed with President Esau Ruiz Herrera that he would risk violating a code.

MOTION #10-01 by Member Khanh Tran to remove Esau Ruiz Herrera as the current Board President. MOTION #10-01 was seconded by Member Karen Martinez.

MOTION #10-01 carried with a vote of 3 in favor; 1 opposition (Member Esau Ruiz Herrera); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

3.02 Nomination and Election of Board President

MOTION #10-02 by Member Khanh Tran to nominate Vice-President Andrés Quintero as the new Board President. There was no second made to this agenda item. Newly elected Board President Andrés Quintero accepted the nomination.

Member Esau Ruiz Herrera stated that a nomination does not require a "second" and only an acceptance is needed.

MOTION #10-02 carried with a vote of 3 in favor; 1 opposition (Member Esau Ruiz Herrera); 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

3.03 Removal of current Board Vice-President

Member Esau Ruiz Herrera stated that no action was needed since, at this moment, there was no Vice-President.

3. BOARD BUSINESS *(continued)*

3.04 Nomination and Election of Board Vice-President

MOTION #10-03 by Member Khanh Tran to nominate Member Karen Martinez as the new Board Vice-President. There was no second made to this agenda item. Newly elected Board Vice-President Karen Martinez accepted this nomination.

MOTION #10-03 carried with a vote of 3 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and 1 abstention (Member Esau Ruiz Herrera).

4. ADJOURNMENT

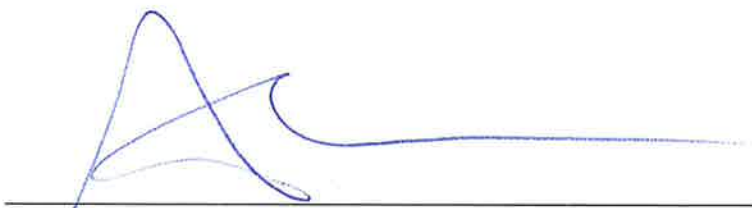
4.01 President Adjourns the Meeting

MOTION #10-04 by newly elected Vice-President Karen Martinez to adjourn this board meeting. **MOTION #10-04** was seconded by newly elected President Andrés Quintero.

MOTION #10-04 carried with a vote of 4 in favor; no opposition; 1 absent (Clerk Dolores Marquez-Frausto); and no abstention.

Newly elected Board President Andrés Quintero adjourned the meeting at 5:24 p.m.

Respectfully submitted,



Andrés Quintero *(in lieu of Dolores Marquez-Frausto, Board Clerk)*
Board President

HB/mcs