

**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, September 14, 2017, 5:30 p.m. at the Alum Rock Union School  
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127  
Meeting #06-17/18**

**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 5:35 p.m. followed by Roll Call.

Board Members Present:

Esau Ruiz Herrera	President
Andrés Quintero	Vice-President ( <i>arrived late at 5:40 p.m.</i> )
Dolores Marquez-Frausto	Clerk
Khanh Tran	Member
Karen Martinez	Member ( <i>arrived late at 5:37 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
Patricia Tovar	Executive Assistant, Business Services
Angel Rodriguez	Executive Assistant/Communications Support, Superintendent's Office

Support Staff Member Absent:

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

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

President Esau Ruiz Herrera announced all the Closed Session Agenda Items.

Public Comments:

- 1) Ray Mueller -- COC Chair, in support of renewing the Superintendent's Contract.
- 2) Natalie Abal -- Community member, in support of renewing the Superintendent's Contract *(referenced an email that was sent to Board President earlier)*
- 3) Ingrid Holguin -- Office of SJ Mayor Policy Advisor, in support of the Superintendent and read letter sent to the Board from San Jose Mayor Liccardo
- 4) Jocelyn Merz -- AREA President, commented she's also in support of renewing the Superintendent's Contract extension and asked the Board to vote in favor and not to abstain
- 5) Victor Vasquez -- SOMOS Mayfair Representative, in support of the Superintendent's Contract

1.02 Adjournment to Closed Session

President Esau Ruiz Herrera recessed to closed session at 5:49 p.m.

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 6:39 p.m., followed with the Pledge of Allegiance. President Esau Ruiz Herrera called roll call and reported that all members were present.

3.02 Report of Action Taken in Closed Session

Superintendent Hilaria Bauer reported that the Board took action *under Agenda Item 2.06 Public Employee Appointment: Director of State & Federal, to appoint Ms. Sandra Garcia as the new Director of State & Federal, effective September 15, 2017. The vote carried 3 in favor; 0 opposition; 2 absent (Member Karen Martinez and Vice-President Andrés Quintero); and no abstention.*

Superintendent Hilaria Bauer reported that the Board took action *under Agenda Item 2.03 Liability Claims-Tort Claim No. 17/18-001, to deny the application to file legal action dated August 14, 2017, and to direct administration to provide notice of denial as required by law. The vote carried 4 in favor; 1 opposition (Vice-President Andrés Quintero); 0 absent; and no abstention.*

**3. RECONVENE TO OPEN SESSION** *(continued)*

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

Member Khanh Tran asked to move *Agenda Item 8.01 Approve the Employment Agreement with Superintendent Hilaria Bauer before Agenda Item 4.01 Excellence Award.*

Vice-President Andrés Quintero asked to move *Agenda Items 11.01 thru 11.03 following Item 8.01 Approve the Employment Agreement with Superintendent Hilaria Bauer.* These agenda items include the following:

*11.01 Extended Year Presentation*

*11.02 2017 California Assessment of Student Performance and Progress (CAASPP)*

*11.03 Local Control Accountability Plan (LCAP) Timeline*

*MOTION #06-01 passed by consensus to approve the agenda as amended.*

**8.01 Approve the Employment Agreement with Superintendent Hilaria Bauer**

**MOTION #06-01 by Member Khanh Tran to approve and extend the Employee Agreement with Superintendent Hilaria Bauer, for the term from September 14, 2017 thru June 30, 2020. MOTION #06-01 was seconded by Vice-President Andrés Quintero.**

Vice-President Andrés Quintero piggybacked on extending support to Superintendent Hilaria Bauer and recognized the support from the teachers, community and non-profit groups, which speaks volumes.

Member Khanh Tran stated he will continue to support Superintendent Hilaria Bauer.

Member Karen Martinez commented she is looking forward to a board retreat to establish goals for the Board and the District in order to ensure that the work we are doing is set by these goals so that we can all work together.

Clerk Dolores Marquez-Frausto stated she is concerned that the Superintendent's evaluation process has not yet been completed.

Public Comments:

- 1) Ray Mueller -- COC Chair, spoke in support of Superintendent Hilaria Bauer that that the Board vote yes
1. Jeff Markham -- Community member, spoke in support of Superintendent Hilaria Bauer and acknowledges that she has united the community

**3. RECONVENE TO OPEN SESSION** *(continued)*

**8.01 Approve the Employment Agreement with Superintendent Hilaria Bauer**

President Esau Ruiz Herrera gave a brief history on the process of the evaluation and that it has been ongoing and premature from a procedural standpoint.

Member Khanh Tran commented he wants facts because he basis his decisions on facts and performance.

***MOTION #06-01 carried with a vote of 3 in favor; 1 opposition (Clerk Dolores Marquez-Frausto); no absent; and 1 abstention (President Esau Ruiz Herrera).***

***Member Khanh Tran excused himself from the meeting at 6:59 p.m.***

**11.01 Extended Year Presentation**

Assistant Superintendent Rene Sanchez, introduced Mr. Jason Sorich, Educational Technology Administrator, and Ms. Sandra Garcia, Director of State & Federal Programs, who provided a Power Point presentation on the great accomplishments held during summer school. Mr. Jason Sorich introduced Ms. Gloria Hayes-Perkins, Summer School Principal, who spoke about some of the summer highlights to include the following:

Elevate & Alearn Math	Jose Valdes Math Institute	Bridge to Kindergarten
Bridge to Middle School	ARUSD Special Education	SCCOE Special Education
Springboard	Think Together EL Summer Camp	YMCA Summer Program

Ms. Sandra Garcia reported that 11 schools had participated with 2 satellite schools (Evergreen and San Jose City College); 3,000 students; 129 Special Education students and over 300 parents.

Member Karen Martinez thanked the team and asked how long we have had summer school programs and Mr. Jason Sorich responded that we have had them for more than two years.

Clerk Dolores Marquez-Frausto asked how the students were selected to enter into these summer programs and when do we begin informing the community. Assistant Superintendent Rene Sanchez commented that we inform the community with teacher referrals and begin informing parents during the month of March.

Superintendent Hilaria Bauer commented that this was the first year that this enrichment program (Jose Valdes) was provided free of charge.

Vice-President Andrés Quintero commented he was thankful for the doubled amount of participants. He can attest that the quality of the program was great!

### **3. RECONVENE TO OPEN SESSION** *(continued)*

#### **11.01 Extended Year Presentation**

Member Karen Martinez requested an upcoming report to show data with benefits and progresses to be brought to the October or the November Board Meeting.

Assistant Superintendent Rene Sanchez reported that the November Board Meeting would be the best month to be able to have the data completed.

#### **11.02 2017 California Assessment of Student Performance and Progress**

President Esau Ruiz Herrera stated that this information was embargoed and was not ready to be discussed at this time.

#### **11.03 Local Control Accountability Plan (LCAP) Timeline**

Assistant Superintendent Rene Sanchez, provided an informational update on the LCAP Timeline *(the board book shows an outline of the timeline)*. Broader information will be provided in the next couple of months, including the different areas of focus at that time.

### **4. SPECIAL RECOGNITION AND/OR PRESENTATION**

#### **4.01 Excellence Award**

Superintendent Hilaria Bauer introduced Ms. Jean Gallagher, Chief Special Services Officer, who presented the teachers, Ms. Clarissa Johnston and Mr. Prabhjot Singh, with the Excellence Award by the South East Consortium SELPA. Ms. Johnston and Mr. Singh teach Therapeutic Special Day Classes at Ryan Elementary School. Congratulations to both teachers!

Board Comments:

President Esau Ruiz Herrera gave thanks to both teachers for their dedication and for going the extra mile!

Clerk Dolores Marquez-Frausto gave thanks to them for their dedication to the students.

Vice-President Andrés Quintero congratulated both teachers.

Member Karen Martinez also thanked both teachers.

Superintendent Hilaria Bauer gave thanks to both teachers and commented that this is what Alum Rock is all about!

## **5. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD**

There were no public comments at this time.

## **6. PUBLIC HEARING**

### **6.01 Public Hearing: Sufficiency of Instructional Materials**

*President Esau Ruiz Herrera opened the Public Hearing at 7:28 p.m.*

## **7. COMMENTS AND COMMUNICATION**

### **7.01 Teamsters**

There were no representatives from Teamsters at this time.

### **7.02 CSEA**

There were no representatives from CSEA at this time.

### **7.03 Alum Rock Administrator's Association (ARAA)**

Dr. Sandra Sarmiento, Cassell Principal, commented that the first days of school have been exciting and staff is getting prepared for Back-to-School Night.

### **7.04 Alum Rock Educator's Association (AREA)**

Ms. Jocelyn Merz, AREA President, reiterated a message from earlier in support of the Superintendent's Contract Extension and gave thanks to the Board.

### **7.05 Superintendent**

Superintendent Hilaria Bauer presented her slides and commented that the work to accomplish is that every student in Alum Rock will be a creative, collaborative, and confident individual. We're moving up! She gave thanks to the teachers for the tremendous success with parent engagement! She commented that we now need to focus on our youngest students.

### **7.06 Board of Trustees**

Vice-President Andrés Quintero commented that he appreciates the clarification made by Member Khanh Tran of what is being said to the media. He admitted that there were things that were untrue, and he clarified his comments. He stated that he was thankful he was able to attend the Hispanic Caucus Institute Conference held in Washington D.C. and received a tremendous amount of information.

7. **COMMENTS AND COMMUNICATION** *(continued)*

7.06 **Board of Trustees**

Member Karen Martinez addressed the concerns with DACA and thanked her colleagues for their support. She commented she was excited that our EL students have been reclassified due to their progression.

Clerk Dolores Marquez-Frausto welcomed everyone back to school.

President Esau Ruiz Herrera welcomed everyone back to school and stated he was looking forward to working together with the community to meet that shared goal.

8. **SUPERINTENDENT/BOARD BUSINESS**

8.02 **Renewal Contract for Continued Representation of Legal Services**

Superintendent Hilaria Bauer requests approval for the renewal contract agreement for legal services with the Office of the County Counsel, County of Santa Clara for the term of July 1, 2017 through June 30, 2018.

**MOTION #06-02 by Vice-President Andrés Quintero to approve the renewal contract agreement for legal services with the Office of the County Counsel of Santa Clara for the term of July 1, 2017 through June 30, 2018. MOTION #06-02 was seconded by President Esau Ruiz Herrera and Member Karen Martinez.**

*MOTION #06-02 carried a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.*

8.03 **Review of Hours spent on Legal Counsel**

Assistant Superintendent Kolvira Chheng, presented a summary breakdown of a memo that was provided to the Board with the 2016/2017 legal fees for the following firms: (1) Rehon & Roberts; Luis Saenz; Atkinson, Andelson, Loya, Ruud & Romo; Dannis Woliver Kelley; and Lozano Smith.

Board Comments:

Member Karen Martinez asked if this information had been made public, and if not, it should be posted.

Assistant Superintendent Kolvira Chheng replied that this information was made public and copies were made available to the public.

## **8. SUPERINTENDENT/BOARD BUSINESS *(continued)***

### **8.03 Review of Hours spent on Legal Counsel**

Public Comment:

- 1) Ray Mueller, COC Chair, asked the cost of what was spent on the FCMAT Audit and also the Mathson Fire.

Board Comments:

Member Karen Martinez asked if the monies are paid from our insurance policy or from general fund.

Assistant Superintendent Kolvira Chheng replied that this was paid from the general fund account.

### **8.04 Selection for a New District Legal Counsel**

Public Comments:

- 1) Jocelyn Merz -- AREA President, is happy that the District has hired competent qualified people that know the job (i.e., Human Resources spent \$127,374 for one person).
- 2) Jeff Markham -- Community member, states there are county resources that we can use. We need to find and retain better counsel.

Board Comments:

Member Karen Martinez asked if we are changing the process of how we see contracts come before us.

President Esau Ruiz Herrera commented that District has had general counsel and we are looking to select more competent representations.

Vice-President Andrés Quintero stated he would like to go through an RFP process. We should keep those that have done a good job and leave those that have not.

President Esau Ruiz Herrera stated that legal counsel represents the Board and not the Superintendent. The RFP process would be the cleaner way to bring someone on board; however, we need to do this by the November meeting.

Vice-President Andrés Quintero reported that he would like the Board to review the RFP entries and not have staff make the selection.



## **8. SUPERINTENDENT/BOARD BUSINESS *(continued)***

### **8.04 Selection for a New District Legal Counsel**

Board Comments:

Clerk Dolores Marquez-Frausto stated that in the past years, the Board did the work.

Member Karen Martinez asked to hold a Special Board Meeting in order to do the selection.

President Esau Ruiz Herrera agreed to do this at a Regular Board Meeting and the first step should be to announce this and let us see how it goes. The entire Board should all get the information at the same time, and look for a legal advisor that is an expert in the field of education.

Vice-President Andrés Quintero commented that he agrees all Board members should be involved and not just the Board President (like it has been done in previous years).

Member Karen Martinez agreed that staff should post and provide the Board with direction.

Interim Assistant Superintendent Jess Serna commented that the District should consider and establish a scope of services prior to asking for proposals.

Additional Public Comment:

- 1) Ray Mueller -- COC Chair, asked President Esau Ruiz Herrera to recuse from this decision and propose what FCMAT suggested as you are very entrenched in the legal community

## **8. SUPERINTENDENT/BOARD BUSINESS**

### **8.05 \$250,000 Set Aside as Restricted Funds-Federal Immigration**

Vice-President Andrés Quintero requested that this item be postponed since the author was not in attendance any longer.

### **8.06 Board Training and Professional Development**

President Esau Ruiz Herrera referenced a handout given to the Board with detailed information and shared the survey from the CSBA Board Self-Evaluation.

## **8. SUPERINTENDENT/BOARD BUSINESS (continued)**

### **8.06 Board Training and Professional Development**

Board Comments:

Member Karen Martinez stated that an ideal use of our time would be to include Board Training with the Board Self-Evaluation on October 21, 2017 or December 9, 2017.

President Esau Ruiz Herrera reported that he was not available on October 21, 2017, or perhaps look for another date in 2018, and/or hold two separate sessions. October 28, 2017 works only for Board Training; however, we will need to contact the CSBA representative regarding self-evaluation on dates in 2018. In addition, we also need to inform Member Khanh Tran about these training dates.

### **8.07 Call for Nominations for Directors-at-Large African American, American Indian and County**

President Esau Ruiz Herrera reported there were no nominations at this time.

### **8.08 FCMAT Update Status Report**

Assistant Superintendent Kolvira Chheng, presented the formal written responses to the FCMAT Extraordinary Audit. A memo was provided to the Board and read aloud so the audience could hear and be aware of its contents.

Public Comment:

- 1) Jeff Markham -- Community member stated that we are requesting items that are supposed to be given to us per Del Terra's contract; they are playing you; therefore, you need to take action.

Board Comments:

Clerk Dolores Marquez-Frausto, referenced the letter by Del Terra. She stated she had not received this information and was not aware of it. She also commented that she had recently been having trouble with her emails and that was probably the reason for her not receiving this information.

Vice-President Andrés Quintero thanked staff for their thorough work on the request and also for the support from Rehon & Roberts Law Firm.

Clerk Dolores Marquez-Frausto asked Assistant Superintendent Kolvira Chheng for clarification if he had met with Del Terra this current week.

## **8. SUPERINTENDENT/BOARD BUSINESS *(continued)***

### **8.08 FCMAT Update Status Report**

Assistant Superintendent Kolvira Chheng responded that he has a weekly standing meeting with Del Terra.

Member Karen Martinez asked for clarification of their weekly standing meeting with Del Terra. She asked why Del Terra was not able to provide the requested documentation and information at that time.

Assistant Superintendent Kolvira Chheng responded that the letters were in regards to the projects from 2013 and that we only had information for the DSA Closeout Project. He also reported that with respect to the documents and projects for the Construction Management and Program Management Services from 2013-14, those documents have not yet been provided to the District.

Clerk Dolores Marquez-Frausto asked if that information was in that office at the time he became the CBO and moved in. Weren't those records in the computer or hard copies on file?

Assistant Superintendent Kolvira Chheng replied no as a practical matter and that the program management would have all the documentation, per the contract agreement. In addition, the Bonds Facilities Director would also have some documentation, but not all.

Clerk Dolores Marquez-Frausto requested to meet with Assistant Superintendent Kolvira Chheng to discuss this further at a later time.

Vice-President Andrés Quintero stated that in reference to records, in his experience as a previous COC Member, all these plans and documents are stored in trailers to maintain thorough reports.

Clerk Dolores Marquez-Frausto acknowledged Ms. Maria Newton, Bond Accountant, for her good recordkeeping.

### **8.09 MOT Department Report – Work Orders and Maintenance Projects 2016/17**

Assistant Superintendent Kolvira Chheng, gave a presentation on the process and status of completed and pending work orders and the maintenance projects for 2016-17. He provided background, concerns with work order system, and the summer 2016 projects.

Board Comments:

Member Karen Martinez commented that with the new facilities system in place, it has taken us a year to discover this information.

**8. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**8.09 MOT Department Report – Work Orders and Maintenance Projects  
2016/17**

Assistant Superintendent Kolvira Chheng gave a report on some of the projects performed.

Mr. Dan Flores, MOT Director, reported that weekly meetings are held with the maintenance crew to discuss and prioritize daily projects.

Vice-President Andrés Quintero requested to discuss *Agenda Items 8.10 thru 8.12* all at the same time. Items include the following:

- 8.10 Program and Construction Management Agreement for Measure I**
- 8.11 Construction Management Agreement for Measure J**
- 8.12 Program Management Agreement for Measure J**

**Board Comments:**

Vice-President Andrés Quintero stated that we have discussed this already and everyone knows how he feels about this issue. This past Saturday, he went to a meeting and understood that there was a federal agency involved in the investigation. He reported that there are terms within the contract allowing the District to terminate the contract for cause or for convenience. We are at a point where this is has gotten out-of-hand and we need to drop and move forward. He also commented that he had asked for this item to be listed for Action; however, the Board President determines whether it is listed for Action or Information/Discussion.

Member Karen Martinez asked if Del Terra was in attendance because she had some questions to ask.

President Esau Ruiz Herrera replied that Del Terra was in attendance and that Mr. Luis Rojas would be presenting for *Agenda Item 9.01 Update on Bond/Facilities* and that she could ask her questions at that time.

**Public Comments:**

- 1) Jeff Markham -- Community member, addressed his concern with *Agenda 8.08 FCMAT Update Status Report*.
- 2) Ray Mueller -- COC Chair, commented that FCMAT recommends reworking the Del Terra contracts.

## 8. SUPERINTENDENT/BOARD BUSINESS *(continued)*

### 8.13 Executive Summary: Facility Assessment; AC Assessment; Measure J Bond Expenditures

Assistant Superintendent Kolvira Chheng presented an executive summary for the following three components: (1) Facilities Assessment; (2) Air Conditioning Assessment; and (3) Measure J Bond Expenditures.

Board Comments: Karen Martinez and Dolores Marquez-Frausto.

Public Comments:

- 1) Natalie Mall -- New parent, commented everyone is welcomed at Ryan. Ryan and other schools need to be fully up and running before we start pumping money into other buildings.
- 2) Ray Mueller -- COC Chair, commented that we can improve the MACSA building prior to building any more.

### 8.14 Citizens Oversight Committee (COC) for Technical Assistance

Superintendent Hilaria Bauer requested, on behalf of the COC Chair, the need for technical assistance in the form of legal assistance, but unable to seek without a board mandate.

Public Comment:

- 1) Ray Mueller -- COC Chair, would like to clarify his request by reading it to the Board: *“Citizen’s Oversight Committee needs independent legal counsel, in light of the appearance, that the Board is not adhering to all the times set forth in the FCMAT Audit Response, and in some cases, is ignoring the document due to the fact, that we were told a few days ago, that general counsel is not our counsel due to our independent status. We must insist the service be provided to help each of us to make well-informed choices. On behalf of the COC, I request an agenda item to discuss how counsel will be hired”*.

Board Comments:

Vice-President Andrés Quintero commented that we should give them what they want, it makes sense. He stated that he would entertain a motion to give legal access to the COC. Attorney Luis Saenz, Legal Counsel, stated the Ed Code in relation to an Independent Counsel.

President Esau Ruiz Herrera clarified that what Vice-President Andrés Quintero means is that he wants to “Authorize the staff to secure a lawyer that is different from the Board Counsel.

**8. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**8.14 Citizens Oversight Committee (COC) for Technical Assistance**

**MOTION #06-03 by Vice-President Andrés Quintero to authorize the staff to secure a lawyer that is different from the Board lawyer. MOTION #06-03 was seconded by Member Karen Martinez.**

The Board had additional dialogue on this agenda item.

Board Comments:

Member Karen Martinez asked to modify the motion and to add “provide technical assistance”.

President Esau Ruiz Herrera commented this was a bad idea, and this was not an independent committee. The Board appoints the committee and provides resources. They have independence of opinions; they do not have independence from the District or the Board. We need to provide them with training on what their role is so they know what their true role is. Anything beyond that is inconsistent with what the COC is supposed to do. All we need to provide are documents – documents that reflect expenditures. Anything beyond that will feed the adversarial relationship development.

Member Karen Martinez stated that we have provided them with documents – can we start there?

Clerk Dolores Marquez-Frausto stated that the challenge has been that the members did not receive proper training. The CBO should be training them. She believed that Assistant Superintendent Linda Latasa did not provide any training at all.

Vice-President Andrés Quintero stated that he was not in agreement that we boast the COC for being independent when asking for bond approvals; however, now we are telling them to learn their place and take a seat.

President Esau Ruiz Herrera read the Ed Code and reported that the committee is not independent but completely dependent on the District.

**MOTION #06-03 was withdrawn by Vice-President Andrés Quintero and Member Karen Martinez was in agreement to withdraw her second.**

**A Friendly Amendment was made to MOTION #06-03 by Vice-President Andrés Quintero to provide dedicated technical assistance to the COC. MOTION #06-03 was seconded by Member Karen Martinez.**

Clerk Dolores Marquez-Frausto made the suggestion to research other districts’ COC’s and inquire what training is provided to their COC’s.

**8. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**8.14 Citizen's Oversight Committee (COC) for Technical Assistance**

Public Comments:

- 1) Ray Mueller -- COC Chair, stated we want separate counsel because we do not want to be embroiled in the Board's mess. Assistant Superintendent Linda Latasa did not provide training for us, four of us were on for four years and have only left after the FCMAT mess -- we want data and not fluff!
- 2) Jeff Markham -- Community member, commented that the COC is supposed to inform the community and not serve the Board.
- 3) Jan Odel -- Community member, thanked Vice-President Andres Quintero.
- 4) Jocelyn Merz: AREA President, reported that the District cannot advertise bonds -- so we take up the challenge; why are we criticizing volunteers trying to do a good job?

**MOTION #06-03 did not get a vote from the Board.**

**MOTION #06-04 by Member Karen Martinez to extend the meeting to 11:30 p.m. MOTION #06-04 was seconded by Vice-President Andrés Quintero.**

*MOTION #06-04 failed with a vote of 2 in favor (Vice-President Andrés Quintero and Member Karen Martinez); 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); 1 absent (Member Khanh Tran); and no abstention.*

Attorney Luis Saenz reported that the Board can only extend the meeting one time and that this was written in their Bylaws.

**MOTION #06-05 by Clerk Dolores Marquez-Frausto to extend the meeting to 11:15 p.m. MOTION #06-05 was seconded by President Esau Ruiz Herrera.**

*MOTION #06-05 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.*

**MOTION #06-06 by Vice-President Andrés Quintero to authorize and direct administration to provide technical assistance including requested legal assistance to the COC. MOTION #06-06 was seconded by Member Karen Martinez.**

*MOTION #06-06 failed with a vote of 2 in favor (Vice-President Andrés Quintero and Member Karen Martinez); 2 in opposition (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); 1 absent (Member Khanh Tran); and no abstention.*

Attorney Luis Saenz commented and clarified that technical assistance can also include legal assistance.

**8. SUPERINTENDENT/BOARD BUSINESS** *(continued)*

**8.15 Bond, Facilities, and Finance Committee Meeting Schedule**

Board Comments:

Clerk Dolores Marquez-Frausto reported that she had met with her committee members. Clerk Dolores Marquez-Frausto suggested this agenda item come back for action for a future meeting and she will invite and include her committee members to participate.

**8.16 Fourth Amendment to Joint Use Agreement Between Alum Rock Union Elementary School District and Alpha Public Schools, Inc., Operating Blanca Alvarado**

**Member Karen Martinez** recused and removed herself from the meeting at this time.

**MOTION #06-07 by Vice-President Andrés Quintero to approve the Fourth Amendment Joint Use Agreement between Alpha Public Schools, Inc., Operating Blanca Alvarado as presented. MOTION #06-07 was seconded by President Esau Ruiz Herrera.**

*MOTION #06-07 carried with a vote of 3 in favor; no opposition; 1 recused (Member Karen Martinez); 1 absent (Member Khanh Tran); and no abstention.*

Board Comments: Dolores Marquez-Frausto, Esau Ruiz Herrera, and Andrés Quintero.

**Member Karen Martinez reconvened back to the room to join the meeting.**

**8.17 Board-Created Standing Committees Report.**

President Esau Ruiz Herrera reported there was nothing to report at this time.

**9. BOND / FACILITIES**

**9.01 Presentation/Update on Bond/Facilities**

Mr. Luis Rojas, CEO, Del Terra, gave a summary report on the Bond Projects for Measure J, Measure I Summer 2017, and Measure J Summer 2017. Following are some of the highlights:

**Measure I Summer 2017**

Mathson– Restroom Upgrade, Roof Restoration, Multi-Purpose Building; Hubbard – New Portable Installation, New Parking Area & Shade Structure; District Office / KIPP / Russo / LUCHA – Re-Roofing Replacement



## 9. BOND / FACILITIES *(continued)*

### 9.01 Presentation/Update on Bond/Facilities

#### Measure J Summer 2017

Fischer / George – Multi-Purpose Building; Dorsa / LUCHA – HVAC Upgrades

Various sites including roof replacements, re-roofing, replacement of existing walkways, etc. A detailed summary spreadsheet report was provided to the Board and the public.

Mr. Rojas reported that he was very concerned with FCMAT's comments and addressed some of the earlier comments. Mr. Rojas stated that the District was at fault for losing the documents and their poor communication and also pointed out that requests for documents must go through the CBO or the Superintendent. He reiterated how detailed the data should be or how much information needs to be provided **IF** and when it is requested to Del Terra – this is not a problem, but when it is **NOT** communicated, than it becomes a challenge. He also stated that he has been in this industry for 25 years, and has never had a law suit; he is very proud of his program and has no problem defending it!

Member Karen Martinez requested his attendance at the October meeting.

Mr. Luis Rojas responded that he would inform Assistant Superintendent Kolvira Chheng if he was available to be present.

**Clerk Dolores Marquez-Frausto requested to modify the agenda and the Consent Calendar at this time.**

**MOTION #06-08 by Clerk Dolores Marquez-Frausto to modify and adopt Agenda Items 9.03 thru 9.08 and the Consent Calendar excluding Agenda Item 14.18. MOTION #06-08 was seconded by Member Karen Martinez.**

***MOTION #06-08 carried with a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.***

### 9.02 Resolution No. 53-16/17 Debt and Bond Issuance

Assistant Superintendent Kolvira Chheng gave a brief summary on this resolution. He reported that Moody will not downgrade the districts debt rating; however, S&P has not yet stated what action they will be taking.

Board Comments: Andrés Quintero and Karen Martinez.

**President Esau Ruiz Herrera closed the Public Hearing for the Sufficiency or Insufficiency of Instructional Materials at 11:16 p.m. There were no speakers from the audience at this time.**

**10. BOND / FACILITIES** *(continued)*

There was consensus from the Board to approve *Agenda Items 9.03 through 9.05* all at the same time with one motion.

- 9.03 Re-Roofing Project at L.U.C.H.A Elementary School Notice of Completion**
- 9.04 Re-Roofing Project at Mathson Middle School Notice of Completion**
- 9.05 Re-Roofing Project at Russo Elementary School Notice of Completion**

**MOTION #06-08 by Vice-President Andrés Quintero to approve Agenda Items 9.03 through 9.05 as submitted. MOTION #06-08 was seconded by Clerk Dolores Marquez-Frausto.**

*MOTION #06-08 carried a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.*

There was also consensus from the Board to approve *Agenda Items 9.06 through 9.08* all at the same time with one motion.

- 9.06 Contract with Sugimura Finney Architects, Inc. (Arbuckle)**
- 9.07 Contract with Sugimura Finney Architects, Inc. (Cureton)**
- 9.08 Contract with Sugimura Finney Architects, Inc. (McCollam)**

**MOTION #06-09 by Member Karen Martinez to approve Agenda Items 9.06 through 9.08 as submitted. MOTION #06-09 was seconded by Clerk Dolores Marquez-Frausto.**

*MOTION #06-09 carried a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.*

**10. CONTRACTS OVER \$100,000**

**10.01 ASES Contract Adjustment with City Year, Inc.**

**MOTION #06-10 by Member Karen Martinez to approve contract with City Year. MOTION #06-10 was seconded by Vice-President Andrés Quintero.**

*MOTION #06-10 carried a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.*

**12. HUMAN RESOURCES**

**12.01 Information Regarding Resignations**

There was consensus from the Board to accept this agenda item as submitted.

### **13. BUSINESS SERVICES**

#### **13.01 Unaudited Actuals Financial Report for 2016-2017**

Assistant Superintendent Kolvira Chheng presented a financial report on the Unaudited Actuals for 2016-17 school year.

**MOTION #06-11 by Vice-President Andrés Quintero to approve and adopt the 2016-2017 Unaudited Actuals Financial Report. MOTION #06-11 was seconded by Member Karen Martinez.**

***MOTION #06-11 carried a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); and no abstention.***

#### **13.02 Small Business Outreach and Information Session Report**

Vice-President Andres Quintero thanked Assistant Superintendent Kolvira Chheng for a thorough outreach and detailed report.

### **14. CONSENT CALENDAR**

*(Consent Calendar item pulled for separate approval)*

#### **14.18 Out of State Travel, Harvard Law School: Negotiation and Leadership Program, Cambridge, MA, October 16-18, 2017**

**MOTION #06-12 by Clerk Dolores Marquez-Frausto to approve the Out-of-State Travel at Harvard Law School in Cambridge, MA, as submitted. MOTION #06-12 was seconded by President Esau Ruiz Herrera.**

Vice-President Andrés Quintero commented that he felt that no Board Members should be allowed to attend this type of Negotiation and Leadership Conference.

President Esau Ruiz Herrera commented that he felt the opposite. He reported that these types of conferences were recommended and intended for all policy makers including Board Members. Unfortunately, due to his work obligations during this period, he was no longer able to attend.

Additional Board Comments: Andrés Quintero, Karen Martinez, and Dolores Marquez-Frausto.

**14. CONSENT CALENDAR** *(continued)*

**14.18 Out of State Travel, Harvard Law School: Negotiation and Leadership Program, Cambridge, MA, October 16-18, 2017**

*MOTION #06-12 failed with a vote of 2 in opposition (Vice-President Andrés Quintero and Member Karen Martinez); 0 in favor; 1 absent (Member Khanh Tran); and 2 abstentions (President Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto).*

**MOTION #06-13 by Vice-President Andrés Quintero to approve the Out-of-State Travel with the deletion of President Esau Ruiz Herrera. MOTION #06-13 was seconded by Clerk Karen Martinez.**

Additional Board Comments: Andrés Quintero, Esau Ruiz Herrera, and Dolores Marquez-Frausto.

*MOTION #06-13 carried a vote of 4 in favor; no opposition; 1 absent (Member Khanh Tran); no abstention.*

**2. RECONVENE TO CLOSED SESSION**

The Board reconvened back to Closed Session at 11:37 p.m.

**3. RECONVENE TO OPEN SESSION**

The Board reconvened back to Open Session at 12:48 a.m. President Esau Ruiz Herrera reported that there was no action to report from Closed Session.

**15. FUTURE BOARD AGENDA REQUESTS**

**15.01 Requests from Board of Trustees and/or from the Public**

There were no agenda items at this time.

**16. ADJOURNMENT**

**16.01 President Adjourns the Meeting**

President Esau Ruiz Herrera adjourned the meeting at 12:48 a.m.

Respectfully submitted,

  
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Dolores Marquez-Frausto, Board Clerk  
HB/pt