

**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, August 10, 2017, 5:30 p.m. at the Alum Rock Union School
District Office Board Room, 2930 Gay Avenue, San Jose, CA 95127
Meeting #04-17/18**

1. OPEN SESSION

1.01 Call to Order / Roll Call

President Khanh Tran welcomed everyone in the audience and led the Pledge of Allegiance. President Khanh Tran called the Board Meeting to order at 5:32 p.m. followed by Roll Call.

Board Members Present:

Khanh Tran	President
Andrés Quintero	Vice-President (<i>arrived late at 5:33 p.m.</i>)
Dolores Marquez-Frausto	Clerk
Esau Ruiz Herrera	Member
Karen Martinez	Member (<i>arrived late at 5:58 p.m.; left after Closed Session at 7:50 p.m. due to illness</i>)

Administrative and Support Staff Members Present:

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

2. SPECIAL RECOGNITION AND/OR PRESENTATION

2.01 Student Recognition

Superintendent Hilaria Bauer asked to move *Agenda Item 2.01 Student Recognition* at this time since there were several students waiting to be recognized. She asked Assistant Superintendent Rene Sanchez to give a brief summary. Assistant Superintendent Rene Sanchez reported that the Seal of Biliteracy is an award given to students that meet strict and rigorous criteria in a Dual Immersion Program that shows proficiency skills in two languages. This award also rewards students for their efforts and positive attitudes towards bilingualism. Principal Nuria Bravo announced the students and they consist of the following:

Adelante – 8th Grade Biliteracy Attainment Award

Angel Bruno	Gael Castello	Javier Chavez	Angelica Cortez
Maya Diaz	Gerardo Marcelino Jimenez	Ashley Mendez Gonzalez	Jose Miranda
Sofia Mooney Guevara	Alondra Morales	Daisy Navarro Gonzalez	Melissa Cuevas Ruiz
Gerald Sarkes	Anicka Torres	Areli Urdiano	Leonela Villalobos

Adelante – 5th Grade Biliteracy Attainment Award

Franchesca Escobar	Melanie Gonzalez	Beetzie Guerrero Vasquez	Jared Jimenez Ramirez
Arlene Llanto	Betsy Sanchez Morfin	Nahiely Zarate	

Congratulations to all the students!

2.02 CSBA Representatives

Superintendent Hilaria Bauer introduced Trustee Albert Gonzalez, Santa Clara Unified School District and Regional 20 Director and Ms. Susan Swigart, Senior Director, Membership Development and Support, California School Boards Association. Trustee Albert Gonzalez provided a little background and profile of the CSBA services that they provide to the Region 20 Districts. Ms. Susan Swigart spoke about the CSBA benefits of the membership.

Public Comments: Hilaria Bauer, Albert Gonzalez, and Susan Swigart.

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

Superintendent Hilaria Bauer thanked Trustee Albert Gonzalez for making himself available and missing his own board meeting in order to present at our meeting.

1. OPEN SESSION *(continued)*

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

Superintendent Hilaria Bauer announced the items that would be discussed in Closed Session.

Public Comment:

- 1) Ray Mueller – COC Chair, asked the Board to consider putting Closed Session on a separate day so that people could know when the Board Meeting was going to start and not have to wait for an unspecified time.

1.03 Adjournment to Closed Session

The Board recessed to Closed Session at 6:11 p.m. President Khanh Tran announced that the Board would reconvene to Open Session at approximately 7:30 p.m.

4. RECONVENE TO OPEN SESSION

4.01 Call to Order / Pledge of Allegiance

The Board reconvened to Open Session at 7:51 p.m. President Khanh Tran welcomed the audience and led the Pledge of Allegiance.

4.02 Report of Action Taken in Closed Session

Superintendent Hilaria Bauer reported that the Board took action and approved the following appointments effective August 11, 2017:

- 1) Dr. Julio Villalobos from Interim Principal to Permanent Principal at Chavez Elementary.
- 2) Mr. Alfredo Acosta as Assistant Principal at Ocala Middle School.
- 3) Mr. Rigoberto Gomez as Assistant Principal split at Aptitud and Hubbard.
- 4) Ms. Nuria Sanz as Principal at Adelante I.

The vote carried with a unanimous vote of 5 in favor.

Superintendent Hilaria Bauer also reported that the Board took action with a unanimous vote to approve a Settlement Agreement. A summary of the agreement is as follows:

- The parent will dismiss the case, State of California, Office of Administrative Hearing, Case No. 2017061219, against the District

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

4.02 Report of Action Taken in Closed Session

- Parents will place the student in an Autism SCC elementary class at one of its elementary schools
- District will reimburse the parents for the transportation to and from school
- Parent will have the option through October 30, 2017, to weekly observe the student's placement for up to 30 minutes
- The District will provide student with a District conducted assessment in the area of argumentative and alternative communication
- The District will refer the student to the Diagnostic Center for Independent Educational Evaluations
- The District will pay up to \$15,000 for reasonable attorney fees
- In the event the student ceases to be a resident of the District during the period of the agreement, the District's responsibilities under the agreement will cease immediately

4.03 Agenda Review and Adoption

Assistant Superintendent Kolvira Chheng asked to move *Agenda Item 10.04 Mathson Fire Findings Presentation* after *Agenda Item 5.0 Public Members Who Wish to Address the Board*. Vice-President Andrés Quintero asked to move the following Agenda Items after *Agenda Item 10.04 Mathson Fire Findings Presentation*.

Agenda Items:

12.01 Renewal Contract for Continued Representation of Legal Services with Law Office of Rehon & Roberts

12.02 Renewal Contract for Continued Representation of Legal Services with Law Office of E. Luis Saenz

12.03 The Board will discuss the possible Termination of the Contract for Legal Services with the Law Office of E. Luis Saenz

12.04 Program and Construction Management Agreement for Measure I, Terminate Contract

12.05 Construction Management Agreement, Measure J, Terminate Contract

12.06 Program Management Agreement, Measure J, Terminate Contract

There was consensus from the Board to accept and approve the agenda as amended.

5. PUBLIC MEMBERS WHO WISH TO ADDRESS THE BOARD

5.01 Requests to Address the Board

Public Comments:

- 1) Dilza Gonzales – Community member commented that we did not need uniformed police officers inside our school sites but rather working outside doing their jobs. Instead we need social-emotional programs for our students.
- 2) Maria Martinez – Community member commented that we needed more social-emotional and restorative justice programs for our students. Also stated to administration to please not place police officers in our schools.
- 3) Ray Mueller – Community member and COC chair, requested from the Board to move *Agenda Item 12.09 Reconstitute the Bond, Facilities, and Finance Committee after Agenda Item 12.06 Program Management Agreement, Measure J, Terminate the Contract*. Mr. Mueller reported that the “visual signs” the audience would be displaying throughout the meeting meant “YES” for agreement, and “NO” not in agreement.
- 4) Natalie (no last name given) – Community member and parent that stated she was concerned about the priority of the Bond spending. She commented that the Board was elected to protect their interests and she was concerned about the ongoing District attempts to defend Del Terra

12. SUPERINTENDENT / BOARD BUSINESS

12.09 Reconstitute the Bond, Facilities, and Finance Committee

The Board discussed reconstituting this committee. Clerk Dolores Marquez-Frausto reported she has been the Chair of this committee for the past 3-4 years. She commented that there is nothing wrong with this committee. She asked Assistant Superintendent Kolvira Chheng to explain the scope of this committee’s power?

Assistant Superintendent Kolvira Chheng stated that this committee is an advisory committee to discuss a list of approved projects and then send the recommendations back to the Board for consideration.

President Khanh Tran commented that this committee should have some power to steer.

Member Esau Ruiz Herrera stated that the purpose of this committee was to provide input. He commented that he agrees that the timing of this committee meeting is inconvenient; however, he has adjusted his calendar because this meeting has been important enough to do so.

Vice-President Andrés Quintero stated that our community members do not have the luxury of adjusting their schedule.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

12.09 Reconstitute the Bond, Facilities, and Finance Committee

Public Comments:

- 1) Ray Mueller – Community Member stated the start time of this committee meeting was an inconvenient time for him and other community members
- 2) Shannon O’Dell – Community Member that was in agreement with Mr. Ray Mueller
- 3) Andrea Flores Shelton – Community Member stated this committee belongs to the community and this is the public’s opportunity to weigh in

Additional Board Comment: Dolores Marquez-Frausto.

10. BUSINESS

10.04 Mathson Fire Findings Presentation

Attorney Rogelio Ruiz, District’s Legal Counsel, gave a report on the findings of the Mathson Fire. Listed below is a brief summary:

- In June, concerns were raised about the repairs made to the Mathson “B and C” wings due to the fire that occurred on February 27, 2016, and he was asked to review the contracts for compliance with Board Policy and relevant law
- District staff was very helpful and cooperative in providing documents and interviews
- District staff assessed the damage and threats to safety and determined emergency restoration services and the security that was required
- Classroom C1, Resource Room, and Custodial Room were the most extensively damaged; other rooms in the building suffered smoke damage
- District staff contacted two emergency restoration services and only one answered the phone - Harbrough. Harbrough offered emergency restoration services on time
- District staff contacted insurance company
- Harbrough and the insurance company informed district staff an outside consultant was needed to assess the loss of the contents of the classroom
- District staff contacted a Loss Contents Inventory service provider and provider offered an open-ended contract
- District staff chose to go with a sub-contractor under Harbrough instead
- On March 3, a special board meeting was held to make a determination of provision of necessary numbers and a resolution was approved to authorize the Superintendent and/or the Assistant Superintendent of Business Services to enter into contracts for the remediation, repair, and reconstruction at Mathson and for the provision of temporary classroom facilities

10. BUSINESS *(continued)*

10.04 Mathson Fire Findings Presentation

- On March 9, Santa Clara County Superintendent of Schools, Jon Gundry, notified the district in writing that he had approved the emergency
- On March 10, a regular board meeting was held with a resolution to delegate the Superintendent and Assistant Superintendent of Business Services to award emergency contracts without competitive bidding- this was passed with a vote of three in favor; however this resolution required a vote of four/fifth support and; therefore, the resolution was invalid
- Harbrough contract was not in compliance with payment bond; state prevailing wage law; standard minimum insurance requirement; indemnification requirement; and several other provisions not in the district's best interest
- 26 change orders (25 of which were additive change orders-did not comply with limits on change orders-and change orders totaled \$1.6 million and should not have exceeded \$55K

Attorney Rogelio Ruiz continued to describe the timelines and reported that, in his opinion, there was no indication of fraud or misappropriation of public funds but only the appearance of possible favoritism. He also reported this does not relieve the district of its obligation to comply with board policies and applicable law.

Public Comment:

- 1) Jeff Markham – Community Member, stated that he was in attendance at the March 3 meeting and asked if legal counsel was present when the vote was taken.

President Khanh Tran asked legal counsel the question, “If we need to sue Harbrough, what is the limit?” Attorney Rogelio Ruiz replied, “That is more appropriately addressed in Closed Session – the contracts were not approved by the Board.”

Vice-President Andrés Quintero gave thanks to Attorney Rogelio Ruiz for his presentation and bringing this item forward.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

12.01 Renewal Contract for Continued Representation of Legal Services

Assistant Superintendent Kolvira Chheng reported on the process of the renewal of contracts. He stated that FCMAT was recommending finding a new District Legal Counsel. The Board had dialogue on this agenda item.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

**12.01 Renewal Contract for Continued Representation of Legal Services
with the Law Office of Rehon & Roberts**

MOTION #04-01 by Vice-President Andrés Quintero to approve the contract with Rehon & Roberts from July 1, 2017 through June 30, 2018. MOTION #04-01 was seconded by President Khanh Tran.

The Board had dialogue on this agenda item.

- 1) Ray Mueller – Community member, reminded the Board that FCMAT had recommended that the District should seek out new legal counsel.
- 2) Jocelyn Merz – AREA president, stated that she agrees with Mr. Ray Mueller but Attorney Rogelio Ruiz has done very well in settling with the AREA bargaining agreement and has been very professional. She encourages the Board that this contract be maintained.

MOTION #04-01 failed with a vote of 2 in favor; no opposition; 1 absent (Member Karen Martinez); and 2 abstentions (Member Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto).

The Board had additional dialogue on this agenda item.

A Friendly Amendment was made by President Khanh Tran to only extend the contract for Rehon & Roberts from July 1, 2017 through December 31, 2017. Vice-President Andrés Quintero accepted the Friendly Amendment made to his motion.

The Friendly Amendment carried with a vote of 3 in favor; no opposition; 1 abstention (Member Esau Ruiz Herrera); and 1 absent (Member Karen Martinez).

**12.02 Renewal Contract for Continued Representation of Legal Services with
the Law Firm of E. Luis Saenz**

MOTION #04-02 by Clerk Dolores Marquez-Frausto to approve the contract with E. Luis Saenz from July 1, 2017 through June 30, 2018. MOTION #04-02 was seconded by Member Esau Ruiz Herrera.

Vice-President Andrés Quintero commented that he was concerned with the difference in prices between both law firms.

Member Esau Ruiz Herrera stated that there are slight differences in prices but that Attorney Luis Saenz is the District's General Counsel with more expertise in certain things. Member Esau Ruiz Herrera stated that the difference in prices is not significant enough to say no to.

12. SUPERINTENDENT / BOARD BUSINESS (continued)

12.02 Renewal Contract for Continued Representation of Legal Services with the Law Firm of E. Luis Saenz

President Khanh Tran commented that he will support both firms to terminate on December 31, 2017.

Clerk Dolores Marquez-Frausto commented that the District cannot be without legal representation – we do need to have general counsel on board!

A Friendly Amendment was made by Member Esau Ruiz Herrera to only extend the contract for E. Luis Saenz from July 1, 2017 through December 31, 2017. Clerk Dolores Marquez-Frausto accepted the Friendly Amendment made to her motion.

Public Comments:

- 1) Andrea Flores Shelton – Community member, commented that the RFP process should be standard. She also asked staff to check on her request she made a few weeks ago about the scope of work for legal fees.
- 2) Hillary Clinton – Community member, commented he wants a better community with better legal counsel representation.

The Friendly Amendment carried with a vote of 3 in favor; 1 opposition (Vice-President Andrés Quintero); 1 absent (Member Karen Martinez); and no abstention.

12.03 The Board will discuss the possible Termination of the Contract for Legal Services with the Law Office of E. Luis Saenz

MOTION #04-03 by President Khanh Tran to Table this agenda item until the next board meeting. MOTION #04-03 was seconded by Member Esau Ruiz Herrera.

MOTION #04-03 carried with a vote of 3 in favor; 1 opposition (Vice-President Andrés Quintero); 1 absent (Member Karen Martinez); and no abstention.

12.04 Program and Construction Management Agreement for Measure I. Terminate Contract with ARUSD and Del Terra

MOTION #04-04 by Vice-President Andrés Quintero to terminate the Contract with Del Terra and ARUSD for Measure I. MOTION #04-04 was seconded by President Khanh Tran.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

12.04 Program and Construction Management Agreement for Measure I. Terminate Contract between ARUSD and Del Terra

President Andrés Quintero briefly shared his feelings about terminating the contract with Del Terra. He commented that the Board should apply the same rigorous review to Del Terra as was done to the Mathson Fire repair group. In addition, Del Terra has not turned over all documents to them as previously requested.

President Khanh Tran stated that the Board has not seen any evidence that any fraud was committed.

Clerk Dolores Marquez-Frausto stated that she never called Attorney Ron Viera to put the Del Terra contract together. Attorney Luis Saenz replied that he was the one to bring in Attorney Ron Viera.

Public Comments:

- 1) Ray Mueller – Community member, stated that the Bond language does not include multi-purpose buildings. He asked the question, “How many change orders has Del Terra submitted?”
- 2) Amelia (no last name given) – Community member, asked the question, “Which Board Members have received campaign donations from Del Terra?” She commented that we need to move forward and focus on student learning
- 3) Hillary Clinton – Community member, commented that we are a “YES” to terminate all the contracts with Del Terra and he is in full agreement with Vice-President Andrés Quintero

MOTION #04-04 failed with a vote of 1 in favor (Vice-President Andrés Quintero); 2 oppositions (Member Esau Ruiz Herrera and Clerk Dolores Marquez-Frausto); 1 absent (Member Karen Martinez); and 1 abstention (President Khanh Tran).

12.05 Construction Management Agreement for Measure J. Terminate Contract between ARUSD and Del Terra

MOTION #04-05 by Vice-President Andrés Quintero to terminate the Construction Management Agreement for Measure J between ARUSD and Del Terra. There was no second made to this motion.

MOTION #04-05 dies.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

12.06 Program Management Agreement for Measure J. Terminate the Contract between ARUSD and Del Terra

MOTION #04-06 by Vice-President Andrés Quintero to terminate the Program Management Agreement for Measure J between ARUSD and Del Terra. There was no second made to this motion.

MOTION #04-06 dies.

6. COMMENTS AND COMMUNICATION

6.01 Teamsters

There were no representatives from Teamsters at this time.

6.02 CSEA

There were no representatives from CSEA at this time.

6.03 Alum Rock Administrator's Association (ARAA)

Dr. Sandra Sarmiento – ARAA President, spoke about the recent Management Retreat and her vision!

6.04 Alum Rock Educator's Association (AREA)

Ms. Jocelyn Merz – AREA President, gave special thanks to Superintendent Hilaria Bauer and the Board for bringing in an Interim Assistant Superintendent of Human Resources and Director. She feels more settled with the new school year quickly approaching. She briefly commented that the special board meetings should also be televised like the regular board meetings by CreaTV.

6.05 Superintendent

Superintendent Hilaria Bauer gave special thanks to Mr. Angel Rodriguez for his responsibility working with the district brochures, pamphlets, and his high technical caliber. Mr. Angel Rodriguez surprised the audience with a great video presentation of the summer music program!

Superintendent Hilaria Bauer reported that FCMAT is now ready to be posted on the District website in both Spanish and Vietnamese.

6. COMMENTS AND COMMUNICATION *(continued)*

6.06 Board of Trustees/Communications/Comments

Clerk Dolores Marquez-Frausto reported that the month of August had been full of family debts and was not able to participate in too many events.

Vice-President Andrés Quintero reported on some of his monthly events.

President Khanh Tran commented that the newspaper reports only “fake news”.

7. CONTRACTS OVER \$100,000

7.01 Approve Contract Extension with Durham School Services, MOT, \$782,000

MOTION #04-07 by Vice-President Andrés Quintero to accept and approve the Contract Extension with Durham School Services as presented. MOTION #04-07 was seconded by Member Esau Ruiz Herrera.

Assistant Superintendent Kolvira Chheng briefly spoke on this agenda item.

MOTION #04-07 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.02 Approve ASES Contract with Think Together, State & Federal, \$112,640

MOTION #04-08 by Vic-President Andrés Quintero to accept and approve the Contract with Think Together as presented. MOTION #04-08 was seconded by Member Esau Ruiz Herrera.

MOTION #04-08 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.03 Approve ASES Contract with YMCA of Silicon Valley-East Valley Branch, State & Federal, \$106,971

MOTION #04-09 by Member Esau Ruiz Herrera to accept and approve the Contract with YMCA of Silicon Valley-East Valley Branch as presented. MOTION #04-09 was seconded by Vice-President Andrés Quintero.

MOTION #04-09 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7. CONTRACTS OVER \$100,000 (continued)

7.03 Approve ASES Contract with YMCA of Silicon Valley-East Valley Branch, State & Federal, \$106,971

Public Comment: Rene Sanchez.

Board Comment: Dolores Marquez-Frausto.

7.04 Approve ASES Contract City of San Jose, State & Federal, \$103,171

MOTION #04-10 by Vice-President Andrés Quintero to accept and approve the Contract with City of San Jose as presented. MOTION #04-10 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-10 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.05 Approve Latino Film Institute Youth Cinema Project, Academic Services, \$244,739.20

MOTION #04-11 by Member Esau Ruiz Herrera to accept and approve the Latino Film Institute Youth Cinema Project as presented. MOTION #04-11 was seconded by Clerk Dolores Marquez-Frausto and Vice-President Andrés Quintero.

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

MOTION #04-11 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.06 Approve Crowe Horwath, Business Services, \$151,500

MOTION #04-12 by Clerk Dolores Marquez-Frausto to accept and approve the Contract with Crowe Horwath as presented. MOTION #04-12 was seconded by Member Esau Ruiz Herrera.

Public Comments:

- 1) Kolvira Chheng – Assistant Superintendent, Business Services, commented that the District has been working with this audit firm for several years and they are professional and have operated within their contract
- 2) Ray Mueller – Community Member, commented that FCMAT had recommended the District put this out for an RFP process. His COC has been asking for a better audit firm in every report they have made

7. **CONTRACTS OVER \$100,000** *(continued)*

7.06 Approve Crowe Horwath, Business Services, \$151,500

MOTION #04-12 carried with a vote of 3 in favor; 1 opposition (Vice-President Andrés Quintero); 1 absent (Member Karen Martinez); and no abstention.

7.07 Approve Ro Health, Inc., Student Services, \$100,000 (per year) for two years

MOTION #04-13 by Vice-President Andrés Quintero to accept and approve the Ro Health Contract as presented. MOTION #04-13 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-13 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.08 Approve YMCA of Silicon Valley, State & Federal, \$640,000

MOTION #04-14 by Vice-President Andrés Quintero to accept and approve the YMCA of Silicon Valley Contract as presented. MOTION #04-14 was seconded by Member Esau Ruiz Herrera.

Public Comment: Rene Sanchez.

Board Comments: Dolores Marquez-Frausto and Andrés Quintero.

MOTION #04-14 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.09 Approve San Jose Police Department Secondary Employment Unit, Student Services, \$180,000

MOTION #04-15 by Vice-President Andrés Quintero to accept and approve the San Jose Police Department Contract as presented. MOTION #04-15 was seconded by Clerk Dolores Marquez-Frausto.

Vice-President Andrés Quintero asked the question, “What exactly is the role of the police officers?”

Member Esau Ruiz Herrera requested that administration arrange an informal meeting with himself and members from the San Jose Police Department Secondary Employment Unit to begin dialogue and advocate for specialized training while working with a young audience.

Public Comments: Jesus Araujo, Jean Gallagher, and Dilza Gonzales.

7. CONTRACTS OVER \$100,000 (continued)

7.09 Approve San Jose Police Department Secondary Employment Unit Contract, Student Services, \$180,000

MOTION #04-15 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

MOTION #04-16 by Vice-President Andrés Quintero to extend the Board Meeting until 11:00 p.m. to complete board business. MOTION #04-16 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-16 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.10 Approve Little Heroes Contract, State & Federal, \$241,000

MOTION #04-17 by Vice-President Andrés Quintero to accept and approve the Little Heroes Contract as presented. MOTION #04-17 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-17 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

7.11 Approve Graciela Hendel Contract, Special Education, \$158,080

MOTION #04-18 by Vice-President Andrés Quintero to accept and approve the Graciela Hendel Contract as presented. MOTION #04-18 was seconded by Member Esau Ruiz Herrera.

MOTION #04-18 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

8. INSTRUCTIONAL SERVICES

8.01 Approve Request for Allowance of Attendance (Form J-13A)

Assistant Superintendent Rene Sanchez reported that this attendance form needs to have Board approval in order to make adjustments to ASES Attendance Reports for the displaced attendance paperwork that was lost for Linda Vista Elementary for the period of June 12- June 14, 2017.

8. INSTRUCTIONAL SERVICES *(continued)*

8.01 Approve Request for Allowance of Attendance (Form J-13A)

MOTION #04-19 by Vice-President Andrés Quintero to accept and approve the ASES Attendance Report Form J-13A as presented. MOTION #04-19 was seconded by Member Esau Ruiz Herrera.

MOTION #04-19 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

9. HUMAN RESOURCES

9.01 Information Regarding Resignations

There was consensus from the Board to accept the Resignations as submitted.

10. BUSINESS SERVICES

10.01 Energy Savings Plan Utilizing Proposition 39 Update

Assistant Superintendent Kolvira Chheng introduced Mr. Steve Ramirez, Project Coordinator, City of San Jose, and other team members from OpTerra who provided a Power Point presentation on the energy savings plan utilizing Proposition 39. Members include the following:

Assistant Superintendent Kolvira Chheng reported that this presentation was only for information and OpTerra would be returning at a later date for further dialogue.

10.02 An Executive Summary will be presented on Facility Assessment; Air Conditioning; and Measure J Bond Expenditures

President Khanh Tran recommended that due to lack of time, this agenda item would be tabled and brought back to a future board meeting. There was consensus from the Board to accept his recommendation.

10.03 Small Business Outreach and Information Session Report

President Khanh Tran recommended that due to lack of time, this agenda item would be tabled and brought back to a future board meeting. There was consensus from the Board to accept his recommendation.

10. BUSINESS SERVICES (continued)

10.05 Mathson Fire Restoration Project

MOTION #04-20 by Clerk Dolores Marquez-Frausto to table this agenda item for a future board meeting when all members are present. MOTION #04-20 was seconded by President Khanh Tran.

The Board had dialogue on this agenda item.

MOTION #04-20 carried with a vote of 3 in favor; no opposition; 1 absent (Member Karen Martinez); and 1 abstention (Vice-President Andrés Quintero).

11. BOND / FACILITIES

11.01 Presentation/Update on Bond/Facilities

President Khanh Tran recommended that due to lack of time, this agenda item would be tabled and brought back to a future board meeting. There was consensus from the Board to accept his recommendation

11.02 Re-Roofing for District Office Buildings 600, 700, 800, and Walkway Project Notice of Completion and Final Change Order

MOTION #04-21 by Member Esau Ruiz Herrera to accept and approve the Re-Roofing for the District Office Buildings 600, 700, 800, and Walkway Project Notice of Completion and Final Change Order as presented. MOTION #04-21 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-21 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

11.03 Award of Contract to Inspectacon Corporation for the New Multi-Purpose Building at Fischer Middle School Site

MOTION #04-22 by Clerk Dolores Marquez-Frausto to accept and approve the Inspectacon Corporation Contract for the construction of a new multi-purpose building at Fischer Middle School. MOTION #04-22 was seconded by Esau Ruiz Herrera.

11. BOND / FACILITIES *(continued)*

11.03 Award of Contract to Inspectacon Corporation for the New Multi-Purpose Building at Fischer Middle School Site

Public Comments:

- 1) Alison Cingolani – Community Member and COC Representative, asked the question, “What is this for?”
- 2) Louie Moran – Bonds, Facilities, and Leases Director, replied, “It is for DSA Inspection Services.”

MOTION #04-22 carried with a vote of 3 in favor; 1 opposition (Vice-President Andrés Quintero); 1 absent (Member Karen Martinez); and no abstention.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

12.07 2017-18 CSBA Membership Dues, Period from July 1, 2017 through June 30, 2018, \$13,071

MOTION #04-23 by Member Esau Ruiz Herrera to accept and approve the 2017-18 CSBA Membership Dues for \$13,071 as presented. MOTION #04-23 was seconded by Vice-President Andrés Quintero.

The Board had dialogue on this agenda item.

MOTION #04-23 carried with a vote of 3 in favor; 1 in opposition (Clerk Dolores Marquez-Frausto); 1 absent (Member Karen Martinez); and no abstention.

12.08 Reprioritization of Alum Rock Union Elementary School District’s Bond Projects

This agenda item was passed.

12.10 A Report from the MOT Department regarding the Process and Status of Completed and Pending Work Orders for 2016-17 School Year

President Khanh Tran recommended that due to lack of time, this agenda item would be tabled and brought back to a future board meeting. There was consensus from the Board to accept his recommendation.

12. SUPERINTENDENT / BOARD BUSINESS *(continued)*

12.11 Board Created Standing Committees

President Khanh Tran recommended that due to lack of time, this agenda item would be tabled and brought back to a future board meeting. There was consensus from the Board to accept his recommendation.

13. CONSENT CALENDAR

Vice-President Andrés Quintero asked to pull *Agenda Items 13.14 Approve New Job Description for Coordinator, School Mental Wellness Support Services for Classified* and *13.15 Approve New Job Description for Coordinator, School Mental Wellness Support Services for Certificated* for separate discussion.

MOTION #04-24 by Vice-President Andrés Quintero to accept and approve the Consent Calendar as amended. MOTION #04-24 was seconded by Clerk Dolores Marquez-Frausto.

MOTION #04-24 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

13.14 Approve New Job Description for Coordinator, School Mental Wellness Support Services for Classified

13.15 Approve New Job Description for Coordinator, School Mental Wellness Support Services for Certificated

Vice-President Andrés Quintero stated he pulled these two agenda items because he wanted to recognize Supervisor David Cortese for receiving a grant and for the support he has given the District.

MOTION #04-25 by Vice-President Andrés Quintero to accept and approve both Job Descriptions for Coordinator for Classified and Certificated as presented. MOTION #04-25 was seconded by Member Esau Ruiz Herrera.

MOTION #04-25 carried with a vote of 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

3. CLOSED SESSION *(continued)*

The Board recessed to Closed Session at 11:00 p.m. to continue to address **Agenda Item 3.05 Public Employee Appointment/Employment**. President Khanh Tran announced that the Board would reconvene to Open Session in a few minutes.

4. RECONVENE TO OPEN SESSION *(continued)*

4.01 Call to Order

The Board reconvened to Open Session at 11:04 p.m.

4.02 Report of Action Taken in Closed Session

Superintendent Hilaria Bauer reported that the Board took action and approved the following appointment effective August 11, 2017:

- 1) Mr. Juan Flores as Assistant Principal at Joseph George Middle School

Superintendent Hilaria Bauer reported the vote carried with 4 in favor; no opposition; 1 absent (Member Karen Martinez); and no abstention.

14. FUTURE BOARD AGENDA REQUESTS

14.01 Requests from Board of Trustees and/or from the Public

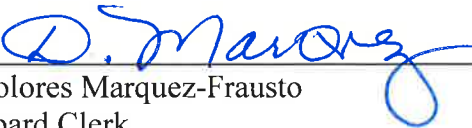
There were no agenda items at this time.

15. ADJOURNMENT

15.01 President Adjourns the Meeting

President Khanh Tran adjourned the meeting at 11:05 p.m.

Respectfully submitted,



Dolores Marquez-Frausto
Board Clerk
HB/mcs