



**Thursday, November 4, 2021**

**Regular Meeting Board of Trustees 6:30 p.m. Regular Open Session, Call To Order at 5:00 p.m. will convene to Closed Session Immediately Following Call to Order**

**THIS MEETING WILL BE HELD IN PERSON AND VIA ZOOM. THE PUBLIC IS REQUIRED TO WEAR MASKS IF ATTENDING IN PERSON. TO LOG IN TO ZOOM (See Login Information below)**

**Please click the link below to attend the Virtual Board Meeting:**

**When: November 4, 2021, 6:30 PM (Open Session)**

**IF ATTENDING VIA ZOOM - PLEASE REGISTER IN ADVANCE TO ATTEND THIS BOARD MEETING:**

**<https://eesd.info/310AZxX>**

**After registering, you will receive a confirmation email containing information about joining the webinar.**

**The Board of Trustees will meet in person with Zoom Video Conferencing as an option for attendees.**

**PUBLIC COMMENTS: IF ANY MEMBER OF THE PUBLIC WOULD LIKE TO ADDRESS THE BOARD IN REGARDS TO A CLOSED OR OPEN SESSION AGENDA ITEM(S), WE REQUEST TO PLEASE SEND AN EMAIL TO BOARDROOM@EESD.ORG (WHICH IS PREFERRED FOR PLANNING PURPOSES) OR YOU MAY RAISE YOUR HAND IF ATTENDING VIA ZOOM. ON YOUR EMAIL, PLEASE SPECIFY THE AGENDA ITEM YOU WOULD LIKE TO ADDRESS, YOUR NAME, and STAKEHOLDER AFFILIATION. YOU WILL BE CALLED UPON IN THE ORDER EMAILS WERE RECEIVED/TIMESTAMPED.**

**The Board of Trustees welcomes public comments regarding district matters and encourages those in attendance to respect all viewpoints, as well as the right to speak when recognized. When making your comments, please address the Board of Trustees in a civil and respectful way so that all in attendance, from children to adults, may participate.**

**PROTOCOL FOR THE BOARD OF TRUSTEES DURING IN-PERSON AND VIRTUAL BOARD MEETINGS:**

**Virtual meetings will be held via Zoom AND members of the community and staff whose attendance is essential to the board meeting attend in person. Please note, while attending the meeting virtually, the screen you see on the Zoom screen is visible to the public, with the exception of Closed Session. In addition...**

**Please note, panelists and attendees are muted with the exception of the Board President and Superintendent (Secretary Ex-Oficio) prior to entering the meeting and will keep them muted throughout the meeting unless Board President allows board members to speak and during the voting of agenda items.**

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**GUIDELINES VIA ZOOM:**

**JOIN** the meeting at least fifteen (15) minutes prior to the start time to assure all attendees are accounted for.

**RECORDING** - Regular Open Sessions are recorded.

**VOTING** - All votes will be taken by roll call. Board members' microphones will be **UNMUTED** and must be **HEARD** when taking a vote.

**PUBLIC COMMENTS** - We request that members of the public who would like to address the Board during Matters From The Public send an email to [boardroom@eesd.org](mailto:boardroom@eesd.org) OR if attending via Zoom to please raise their hand. The Board President or Tech Support will announce to notify the person who'll be addressing the Board. If participating via telephone, the telephone number shall be announced, please state your name and affiliation once your name or telephone number is announced.

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Public comments are limited to 2 minutes per speaker AND per discretion of the Board President.

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**BOARD MEMBERS COMMENTS** - If a Board member would like to speak, they may raise their hand or ask permission from the Board President. Once he/she is recognized by the Board President.

**REPORTS / ENCLOSURES** will be projected and a screen will be shared via Zoom. The public may view as long as they are logged in on a computer or mobile screen. Board enclosures and documents needed for the board meetings are also available through BoardDocs - <https://go.boarddocs.com/ca/eesd/Board.nsf/Public>

**DISCONNECTION WHILE ON ZOOM** - If a Board Member gets disconnected and cannot regain connection to the meeting, as long as there are three Board members present, there is a quorum and the meeting may continue. Under Robert's Rules - adopted pursuant to Policy 203 - the presence of a quorum is presumed once it has been established at the beginning of a meeting. Thus, the Board may continue to conduct business until someone notes the lack of a quorum via a point of order, or the Board President notices that a quorum is no longer present. If a quorum is lacking, the Board may take a short recess until a quorum is regained, or the Board may take official action to set a time for a recessed meeting.

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**\*\*Closed Session may convene before, after, or during the regular meeting. Closed sessions may include; Negotiations, Personnel (Certificated, Classified, Management), Expulsions, and Litigation.**

**1. OPENING ITEMS**

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1.1 Roll Call / Quorum

1.2 Flag Salute

**2. INFORMATION ITEMS**

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2.1 Safety and Wellness Update

**3. MATTERS FROM THE PUBLIC**

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3.1 Comments from the California School Employees Association (CSEA) Chapter 432 President

3.2 Comments from the Evergreen Teachers Association (ETA) President

3.3 Comments from the Public

#### **4. CONSENT ITEMS (ACTION ITEMS)**

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4.1 Approval of Regular Board Meeting Minutes - October 14, 2021

4.2 Ratification of Contracts

4.3 Personnel Report

4.4 Ratification of October Warrant List

4.5 Approval of All Consent Items

#### **5. ITEMS FOR IMMEDIATE DISCUSSION/ACTION**

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5.1 Discussion and possible approval of employment contract with Dr. Emy Flores for employment as Superintendent of Evergreen School District. Summary of financial terms to be read.

#### **6. PERSONNEL**

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6.1 Board of Trustees to discuss, consider and potentially approve Memo Of Understanding (M.O.U.) with California Schools Employee Association (CSEA Chapter 432) regarding 2021-2022 reopening issues.

#### **7. FUTURE AGENDA ITEMS**

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7.1 Budget Study Session - November 9 (Tentative)

7.2 Communications Plan (Draft) Update - December

#### **8. FUTURE MEETINGS**

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8.1 November 9 (Tentative), December 9

#### **9. CLOSED ITEMS**

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9.1 Labor Negotiations with Unrepresented Employee - Superintendent

9.2 Approval, Reduction of Classified School Services for the 2021-2022 School Year

9.3 (Gov. Code, section 54957.6) Agency Designated Representative: Cesar Torrico, Assistant Superintendent, Human Resources Employee Organization: CSEA Chapter #432

9.4 (Gov. Code, section 54957.6) Agency Designated Representative: Cesar Torrico, Assistant Superintendent, Human Resources Employee Organization: Evergreen Teachers Association

9.5 Conference with Legal Counsel – Existing Litigation Government Code Section 54956.9(d)(1) Katherine Gomez v. Evergreen S.D. (# 20-cv-03008-NC)

9.6 Public Employee Discipline/Dismissal/Release (Government Code Section 54957)

#### **10. REPORT OF ACTION FROM CLOSED SESSION**

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#### **11. ADJOURNMENT**

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Any writing that is a public record relating to an agenda item for an open session of a regular meeting of the Board of Trustees distributed less than 72 hours prior to that meeting shall be available for public inspection at the time of distribution to the Board of Trustees in the District Office, 3188 Quimby Road, San Jose, CA 95148 (Amendment to 54956.5) A person with a disability may contact the District Office (408-270-6811) at least 24

hours before the scheduled Board meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public Board meeting.

Closed Session may convene before, after or during the regular meeting. Closed session items may include: Negotiations, Personnel (Certificated, Classified, Management), Expulsions and Litigations.