



Thursday, December 9, 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: December 9, 2021, 6:30 PM (Open Session)

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

<https://eesd.info/3pq9iqN>

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.

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 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.

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

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.

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

1. OPENING ITEMS

1.1 Roll Call / Quorum

1.2 Flag Salute

1.3 Superintendent Update

2. 2022 ORGANIZATIONAL MEETING

2.1 Designate Board of Trustees Clerk to Vote in the Election for Members of the County Committee on School District Organization

2.2 Elect Board Officers; President, President Pro-Tem, Clerk and Designate Superintendent as Secretary Ex- Oficio

2.3 Designate Board of Trustees Clerk to be the ESD Board Representative to Santa Clara County School Board Association (SCCSBA)

2.4 Determine Date, Time, and Location of 2021 Board Meetings: Date, second Thursday of each month during 2022 calendar year, except for July when there will be no meeting scheduled. Time of Regular Session: 5:00 p.m. or earlier as needed where the Board will convene to Closed Session immediately after Call To Order . The Board meeting will reconvene to Regular Open Session at 6:30 p.m.: Location: ESD Board Room, 3188 Quimby Rd. San Jose and public may attend via Zoom.

3. MATTERS FROM THE PUBLIC

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)

4.1 Approval of Regular Board Meeting Minutes, November 4, 2021

4.2 Approval of Special Board Meeting Minutes, November 4, 2021

4.3 Approval of Special Board Meeting Minutes, December 8, 2021

4.4 Ratification of Contracts

4.5 Ratification of November Warrant List

4.6 Personnel Report

4.7 Approval of Developer Fee Report-Fiscal Year 2020-2021

4.8 Approval, Disposal of Surplus Property

4.9 Approval of All Consent Items

5. ITEMS FOR IMMEDIATE DISCUSSION/ACTION

5.1 Approval of Resolution, Sikh American Awareness & Appreciation Month (November)

5.2 Approval of Resolution, Closure of Bank Account

5.3 Approval of First Interim Report & Board Overview for Parents - Fiscal Year 2021-2022

6. PERSONNEL

6.1 Approval of the COVID-19 In-Person Safety MOU between the District and the Evergreen Teachers Association

6.2 Declaration of Need for Qualified Teachers

6.3 Consider Approval of increase of the Certificated Substitute Daily Rate of Pay

7. FUTURE AGENDA ITEMS

7.1 Measure EE Update - January

8. FUTURE MEETINGS

8.1 January 12, February 10, March 10

9. INFORMATION ITEMS

10. CLOSED ITEMS

10.1 Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances regarding the compensation of a specific employee, there is a significant exposure to litigation against the local agency.

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

10.3 Liability Claims - Claimant: CSEA (Classified School Employee Association-Chapter 432) Agency claimed against: Evergreen School District

10.4 (Gov. Code, section 54957.6) Agency Designated Representative: Cesar Torrico, Assistant Superintendent, Human Resources Employee Organization: Classified School Employee Association (CSEA - Chapter 432)

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

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

11. REPORT OF ACTION FROM CLOSED SESSION

12. ADJOURNMENT

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.

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