

**EAST SIDE UNION HIGH SCHOOL DISTRICT
Annual Organizational Meeting &
Regular Meeting of the Board of Trustees
830 N. Capitol Avenue
San Jose, CA 95133**

**AGENDA
Annual Organizational Meeting & Regular Board Meeting
December 16, 2010
3:15 P.M.**

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meeting of the Board of Trustees, please contact the office of the District Superintendent at (408) 347-5011. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

**BOARD OF TRUSTEES SWEARING-IN CEREMONY
NEWLY ELECTED BOARD MEMBER VAN LE
RE-ELECTED BOARD MEMBERS J. MANUEL HERRERA AND FRANK BIEHL
5:30 P.M.
EAST SIDE UNION HIGH SCHOOL DISTRICT
BOARD ROOM**

Closed Session will begin at 3:15 P.M.

The Annual Organizational Board Meeting and Regular Board Meeting will begin at 3:15 p.m. in the Board Room of the Education Center. Anyone wishing to address the Board regarding Closed Session items may speak at this time. The Board will then adjourn to Closed Session in the Superintendent's Conference Room.

1. Call to Order/ Roll Call

- 1.01 Roll Call
- 1.02 Announcement and Public Comment regarding Items to be discussed in Closed Session (*Government Code §54957.7*)
- 1.03 Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:30 p.m.)
SEE ITEM 2 ON AGENDA (CLOSED SESSION)

2. Closed Session

2.01 Expulsion(s): A-E

2.02 Public Employment/Public Employee Appointment
(Government Code Section 54957)

- *Associate Superintendent of Administration and Business Services*

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

2.04 Public Employee Performance Evaluation
(Government Code Section 54957)

2.05 Conference with Labor Negotiators
(Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Vida Branner, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

2.06 Conference with Legal Counsel – Existing Litigation
Subdivision (a) of Section 54956.9 of the Government Code: Three (3) Cases

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*
- *Geraldine Forte vs. East Side Union High School District, U.S. District Court for the Northern District of California, San Jose Division, Case Number CV 10-01368 HRL*
- *Tessa Cavazos v. East Side Union High School District, et al., Santa Clara County Superior Court Case No. 107CV085424*

2.07 Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code:

- *One (1) potential case and Two (2) Claim for Damages of J. Portillo and S. Trevino*

2.08 Conference with Real Property Negotiators

Property: ESUHSD Educational Center, or portion thereof
830 N. Capitol Avenue
San Jose, CA 95133

District Negotiators: Dan Moser, Superintendent
Jerry Kurr, Associate Superintendent of Administration
and Business Services
Rogelio Ruiz, Legal Counsel
Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt

Negotiating Parties: ESUHSD, Santa Clara Development Company, and
Other Parties to be Determined

Under Negotiation: Price and Terms

Open Session at approximately 6:30 P.M. – Education Center Board Room

3. Pledge of Allegiance

4. Welcome and Explanation to Audience

Information explaining Board meeting procedures and how citizens can address the Board will be read. Written information is located near the entrance to the Board Room.

5. Annual Organizational Meeting (Action Items)

5.01 Nomination and Election of Board Officers

5.01.01 President
5.01.02 Vice President
5.01.03 Clerk

5.02 Appointment of Board Secretary

5.03 Nomination and Election of Alternate Representative to MetroED Board

5.04 Appoint Two Board Members to Board's Standing Audit Committee

- Chairperson
- Vice Chairperson

5.05 Nomination of One Member of the Board of Trustees to Vote in the Election for Members of the Santa Clara County Committee of School District Organization

5.06 Nomination and Election of Representative to Santa Clara County School Boards Association

5.07 Adopt Resolution #2010/2011-19 Approving Authorized Signatures

5.08 Develop and Approve Schedule of Regular Board Meetings and Annual Organizational Meeting for 2011

6. Consideration of Proposed Amendments to Agenda

7. Board Special Recognition(s)

7.01 Jerry Kurr, Associate Superintendent of Administration and Business Services

8. Student Board Liaisons

No items on calendar under this section.

9. Public Members who wish to Address the Board of Trustees

Persons wishing to address the Board must fill out a gold request form, which is located at the entrance of the Board Room.

10. Superintendent/Board of Trustees - Operational Items/Board Discussion and/or Action

10.01 Presentation Update on Hispanic Youth Institute - Dr. Carlos Santiago, CEO of Hispanic College Fund, and Ray Ruiz, President of Community Development Resources, Inc., and National Hispanic University Board Member

10.02 Board Audit Committee Update and Accept Board Audit Committee Minutes of October 9, 2010 - Frank Biehl, Audit Committee Chair and Lan Nguyen, Audit Committee Vice Chair

10.03 Accept Statement of Votes and Certificate of Election Results from the Santa Clara County Registrar of Voters Office and Declare the Totals to be the Final Results of the Election - Dan Moser, Superintendent

10.04 Approve Board President's Attendance and Lawful Expenses to CSBA's Board Presidents Workshop - Dan Moser, Superintendent

10.05 Receive First Reading of Board By Law #9100 Organization – Dan Moser, Superintendent

10.06 Adopt Resolution #2010/2011-21 of Intention to Exchange Real Property - Dan Moser, Superintendent

10.07 Approve Real Property Exchange Agreement – Dan Moser, Superintendent

10.08 Extension of Agreement for Program Management Services (Measure "G") Between Seville Group, Inc. and East Side Union High School District - Dan Moser, Superintendent

11. Instructional Services/Student Services - Operational Items/Board Discussion and/or Action

11.01 Adopt Resolution #2010/2011-20 In Support of Full State Funding of County Mental Health Services for Children with Disabilities - Cathy Giammona, Associate Superintendent, Human Resources and Instruction

11.02 Receive/Action/Discussion SCCOE 2010 Williams Settlement Annual Report – Cathy Giammona, Associate Superintendent, Human Resources and Instruction

12. Human Resources - Operational Items/Board Discussion and/or Action

No items on calendar under this section.

13. Business Services - Operational Items/Board Discussion and/or Action

- 13.01 Approve First Interim Financial Report for 2010/2011 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.02 Approve the Master Business Relationship Agreement with East Side Union High School District and Metropolitan Education District for 2010/11 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.03 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.04 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.05 Approve Contracts for Professional Services over \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services
- 13.06 Discuss/Receive Electrical Energy Usage and Cost for Phase I Solar Project – Jerry Kurr, Associate Superintendent of Administration and Business Services

14. Facilities - Operational Items/Board Discussion and/or Action

- 14.01 Overview of Residential and Commercial Development within the District and Impact Fees - Jerry Kurr, Associate Superintendent of Administration and Business Services, and June Francis Rono, Ph.D., Director of Facilities and Planning

15. Attachment A - Consent Calendar Items

See Attachment A – Administration recommends approval of the consent items shown on Attachment A.

16. Written Reports/Recommendation

- 16.01 Receive Quarterly Report on the County of Santa Clara Treasury Investment Portfolio Status as of September 30, 2010
- 16.02 Receive Developer Fees Report for 2009/2010

17. Board of Trustees/Superintendent Communications/Comments

- 17.01 Board of Trustees
 - Lan Nguyen, Member
 - Patricia Martinez-Roach, Member
 - J. Manuel Herrera, Member
 - Frank Biehl, Member
 - MetroED
 - Van Le, Member
- 17.02 Dan Moser, Superintendent

18. Report Closed Session Action(s)

19. Adjournment

Attachment A - Consent Calendar

- 15. Superintendent asserts that the attached Business Transactions, Personnel Actions, Maintenance of Records, Approvals and Recommendations Requiring Board Action have been carried out to the best of his knowledge in accordance with the law.**

- 15.01 Ratify/Approve Classified Personnel Actions Presented December 16, 2010
- 15.02 Ratify/Approve Certificated Personnel Actions Presented December 16, 2010
- 15.03 Ratify/Approve Student Aide Personnel Actions Presented December 16, 2010
- 15.04 Approve School Field Trips
- 15.05 Approve Award of Bid
- 15.06 Approve Budget Transfers Presented December 16, 2010
- 15.07 Approve Purchase Orders Presented December 16, 2010
- 15.08 Approve Change Orders to Purchase Orders Presented December 16, 2010
- 15.09 Approve Memoranda of Understanding
- 15.10 Accept Warrant Register for the Month of November 2010
- 15.11 Approve Change Order #1 for James Lick High School, Demolition of Existing Child Care Center Project (PARC Services, Inc.)
- 15.12 Approve Change Order #1 for James Lick High School, Demolition of Existing Building #500 Project (PARC Services, Inc.)
- 15.13 Approve Minutes of November 18, 2010, Regular Board Meeting