

Agenda Item Details

Meeting: Sep 16, 2010 - ESUHSD REGULAR BOARD MEETING - 3:00 P.M., DISTRICT OFFICE - BOARD ROOM, 830 N. CAPITOL AVENUE, SAN JOSE, CA 95133

Category: 15. ATTACHMENT A - CONSENT CALENDAR

Subject: 15.09 Approve Minutes of June 22, 2010, Regular Board Meeting

Access: Public

Type: Action (Consent)

Recommended Action: It is recommended that the Board of Trustees approve the June 22, 2010, Board meeting minutes as presented.

Public Content

EAST SIDE UNION HIGH SCHOOL DISTRICT**Item: 15.09**

TO: Board of Trustees

FROM: Dan Moser, Interim Superintendent

SUBJECT: Approve Minutes of June 22, 2010, Regular Board Meeting

Attached are the minutes of the June 22, 2010, Regular Board Meeting for review and approval by the Board of Trustees.

FISCAL IMPACT:

None

FUNDING SOURCE:

None

RECOMMENDATION:

It is recommended that the Board of Trustees approve the June 22, 2010, Board meeting minutes as presented.

Administrative Content

Executive Content

East Side Union High School District

Approved**Board of Trustees****September 16, 2010** 



**EAST SIDE UNION HIGH SCHOOL DISTRICT
REGULAR MEETING
OF THE
BOARD OF TRUSTEES**
Meeting Held at the Education Center -- Board Room
June 22, 2010
5:00 p.m.

1. **CALL TO ORDER/ROLL CALL**

1.01 **Roll Call**

The Regular Meeting of the Board of Trustees was called to order at 5:05 p.m. by Vice President Nguyen. Member Biehl and Member Herrera were present. President Garcia and Clerk Martinez-Roach were absent.

1.02 **Announcement and Public Comment regarding Items to be discussed in Closed Session (Government Code 54957.7)**

Vice President Nguyen extended a welcome to everyone, explained the format of the meeting, noted that all Board Meetings are recorded and offered the public to comment on item(s) to be discussed in Closed Session.

There were no public speakers regarding Closed Session items.

1.03 **Recess to Closed Session (Open Session will resume at the end of Closed Session in the Board Room at approximately 6:00 p.m.) See item 2 on agenda (Closed Session).**

The Board of Trustees recessed to Closed Session.

2. **CLOSED SESSION**

2.01 **Expulsion(s): Student A**

Student A:

Motion by Member Biehl, second by Member Herrera, to approve the expulsion of Student A as modified.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent.

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

2.03 **Public Employee Performance Evaluation (Government Code Section 54957)**

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

- *Associate Principal*

Motion by Member Herrera, second by Member Biehl to approved the appointment of an Associate Principal for Piedmont Hills High School.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent.

2.05 Conference with Labor Negotiators (Government Code Section 54957.6)

Agency Designated Representatives:

Dan Moser, Interim Superintendent

Jerry Kurr, Associate Superintendent of Administration and Business Services

Cathy Giammona, Associate Superintendent of Human Resources and Instruction

Vida Branner-Siders, Director of Compensation and Classified Employee Relations

Employee Organizations:

American Federation of Teachers (AFT)

California School Employees Association (CSEA)

East Side Teachers Association (ESTA)

2.06a Conference with Legal Counsel – Existing Litigation

Subdivision (a) of Section 54956.9 of the Government Code: One (1) Case

- *Kinetics Mechanical Services, Inc. vs. East Side Union High School District, Santa Clara County Superior Court, Case No. 109CV141312*

2.06b 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 claim*

2.07 Conference with Real Property Negotiators

<i>Property:</i>	<i>ESUHSD Educational Center, or portion thereof 830 N. Capitol Avenue San Jose, CA 95133</i>
<i>District Negotiators:</i>	<i>Dan Moser, Interim Superintendent Jerry Kurr, Associate Superintendent of Administration and Business Services Rogelio Ruiz, Legal Counsel Real Estate Representatives Sam Swan, Bob Hunt and Andre Hunt</i>
<i>Negotiating Parties:</i>	<i>ESUHSD, Santa Clara Valley Water District, and Other Parties To Be Determined</i>
<i>Under Negotiation:</i>	<i>Price and Terms</i>

OPEN SESSION AT APPROXIMATELY 6:00 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.

Vice President Nguyen extended a welcome to everyone, explained the format of the meeting and noted that all Board Meetings are recorded.

5. CONSIDERATION OF PROPOSED AMENDMENTS TO AGENDA

For consideration by the Board of Trustees.

6. BOARD SPECIAL RECOGNITION(S)

None

7. STUDENT BOARD LIAISONS

None

8. 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.

Speakers:

- *Dr. Kevin Yu*
- *Mark Mao*
- *Dr. Charles Mu*
- *Josh Chen*
- *Richard Berry*

9. SUPERINTENDENT/BOARD OF TRUSTEES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

9.01 Board Audit Committee Update – Frank Biehl, Board Audit Committee Chair, and Lan Nguyen, Board Audit Committee Vice Chair

Board Member Biehl

We have included the minutes from the last set of approved minutes from an Audit Committee Meeting, which is from the April 22 meeting. If there are any questions, I would be happy to answer them. This is another mechanism for making sure they are included in the public record.

9.02 Excuse Absence of Board President Garcia from June 17 and June 22, 2010, Board Meetings – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl to excuse the absence of Board President Eddie Garcia from the June 17 and June 22, 2010, Board meetings.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.03 Amendment #1 to Contract of Interim Superintendent – Lan Nguyen, Board Vice President

Motion by Member Herrera, second by Member Biehl to approve amendment #1 to the contract of Interim Superintendent.

Rogelio Ruiz, Legal Counsel

This item, as well as items 9.04, 9.05 and 9.06, in addition to the 3% salary reduction, there is also a provision in here that alters all of the Associate Superintendent contracts that would remove the cap on vacation accrual. One of the reasons that administration requested that in each of their instances is that the current cap would require two or three of them to sell back vacation days, which would be a considerable expense for the District at this time. Each of the contracts reflect the removal of that cap, but also continues to specify that the vacation payout would be at the rate earned – their salary level when earned. Finally, the provision also makes the contract provisions consistent with the FCMAT recommendations earlier in the year.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.04 Amendment #1 to Contract of Associate Superintendent of Human Resources and Instructional Services – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl to approve amendment #1 to the contract of Associate Superintendent of Human Resources and Instructional Services.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.05 Amendment #1 to Contract of Associate Superintendent of Student Services and Facilities – Dan Moser, Interim Superintendent

Motion by Member Biehl, second by Member Herrera to approve amendment #1 to the contract of Associate Superintendent of Student Services and Facilities.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.06 Amendment #1 to Contract of Associate Superintendent of Administration and Business Services – Dan Moser, Interim Superintendent

Motion by Member Herrera, second by Member Biehl to approve amendment #1 to the contract of Associate Superintendent of Administration and Business Services.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.07 Receive First Reading and Adopt Amended Changes to Board By Law #9270 Conflict of Interest; Revolving Door Policy – Dan Moser, Interim Superintendent

The first reading of Board By Law #9270 Conflict of Interest; Revolving Door Policy was received.

9.08 Adopt Resolution #2009/2010-52 in Support of the California Jobs Budget sponsored by the Education Coalition – Frank Biehl, Board Member

Motion by Member Biehl, second by Member Herrera to adopt Resolution #2009/2010-52 in Support of the California Jobs Budget sponsored by the Education Coalition.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

9.09 Receive Report of Interim Superintendent’s Conferences/Expenses from February 26, 2010, to June 2010 - Dan Moser, Interim Superintendent

Report of Interim Superintendent’s Conferences/ Expenses from February 26, 2010, to June 26, 2010, was received.

10. INSTRUCTIONAL SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

10.01 Discussion and/or Action Change in Governance and Operations of LCPA to the NHU Foundation – Cathy Giammona, Associate Superintendent, Human Resources and Instruction

Motion by Member Biehl, second by Member Herrera to approve the change in governance operations of Latino College Preparatory Academy (LCPA) to the NHU Foundation.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

10.02 Approval of Consolidated Program Application (Con App) Part I for 2010-2011- Cathy Giammona, Associate Superintendent, Human Resources and Instruction, and Tim Nguyen, Coordinator of Supplementary Education

Motion by Member Herrera, second by Member Biehl to approve the Consolidated Program Application (Con App) Part I for 2010-2011 for submission to the California Department of Education (CDE).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

11. STUDENT SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

None

12. HUMAN RESOURCES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

None

13. BUSINESS SERVICES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

13.01 Approve the Annual Budget Adoption for 2010-2011 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the annual budget adoption for 2010-2011.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.02 Approve Lease Agreement with T-Mobile for Cellular and Wireless Communication Antenna at Oak Grove High School - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve the lease agreement with T-Mobile for cellular and wireless communication antenna at Oak Grove High School.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.03 Approve Use of Tier III Categorical Program Funds as Unrestricted Funds (Education Code Section 42605(c2)) – Jerry Kurr, Associate Superintendent of Administration and Business Services and Cathy Giammona, Associate Superintendent Human Resources and Instruction

Motion by Member Herrera, second by Member Biehl to approve the use of Tier III Categorical Program funds as unrestricted funds (as per Education Code Section 42605(c2)).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.04 Adopt Resolution #2009/2010-51 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to adopt Resolution #2009/2010-51 an Itemized List of Surplus/Obsolete Equipment for Sale and/or Disposal per Education Code Sections 17545 and 17546.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.05 Acceptance of Donations, Grants and Awards - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to accept the donations, grants and awards.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.06 Accept Warrant Register for the Month of May 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to accept the warrant register for the month of May 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.07 Approve Budget Transfers Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve the budget transfers presented on June 22, 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.08 Approve Purchase Orders Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the purchase orders presented on June 22, 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.09 Approve Change Orders to Purchase Orders Presented June 22, 2010 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Biehl, second by Member Herrera to approve the change orders to purchase orders presented on June 22, 2010.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.10 Approve Contracts for Professional Services at or below \$50,000 - Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the contracts for professional services at or below \$50,000 (attached).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.11 Approve Contracts for Professional Services over \$50,000 – Jerry Kurr, Associate Superintendent of Administration and Business Services (amended)

Speaker:

- *Ralph Giannini*

Motion by Member Biehl, second by Member Herrera to approve the contracts for professional services over \$50,000 (attached).

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

13.12 Approve Memorandum of Understanding – Jerry Kurr, Associate Superintendent of Administration and Business Services

Motion by Member Herrera, second by Member Biehl to approve the memorandum of understanding.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

14. FACILITIES - OPERATIONAL ITEMS/BOARD DISCUSSION AND/OR ACTION

14.01 Approve the Plan for a Dedicated Central Services Building at Overfelt Adult Center – Alan Garofalo, Associate Superintendent of Student Services and Facilities, and June Francis Rono, Ph.D., Director of Facilities and Planning

Presentation by June Francis Rono, Ph.D., Director of Facilities and Planning.

Motion by Member Biehl, second by Member Herrera, to approve the proposed dedicated facilities plan and budget for the Overfelt Adult Center and for the administration to proceed with the planning and construction efforts.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

15. ATTACHMENT A – CONSENT CALENDAR ITEMS

Motion by Member Herrera, second by Member Biehl, to approve the entire consent calendar.

Vote: 3/0, President Garcia and Clerk Martinez-Roach were absent

15.01 Ratify/Approve Classified Personnel Actions Presented June 22, 2010

15.02 Ratify/Approve Certificated Personnel Actions Presented June 22, 2010

15.03 Approve Field Trips

15.04 Approve Use of Piggyback Bid Awards

15.05 Approve Minutes of April 15, 2010, Regular Board Meeting

15.06 Approve Minutes of May 6, 2010, Special Board Meeting

15.07 Approve Minutes of May 10, 2010, Special Board Meeting

15.08 Approve Minutes of May 20, 2010, Regular Board Meeting

16. WRITTEN REPORTS/RECOMMENDATIONS

None

17. BOARD OF TRUSTEES/SUPERINTENDENT COMMUNICATIONS/COMMENTS

17.01 Board of Trustees

Frank Biehl, Member

MetroED:

MetroED will be meeting on the 30th and adopting their final budget, which is balanced. They are involved in deficit spending for the third year in a row, basically burning up reserves that have accumulated over the years.

We still have some issues remaining with Campbell in the transfer. I am still hopeful that it will be worked out by June 30th. Quite frankly, if they are not worked out, my recommendation to MetroED, as the President, is just to proceed what is reasonable, to transfer the records of what is reasonable. I think we can get the remaining issues taken care of.

17.02 Dan Moser, Interim Superintendent

We are in our second day of our very limited summer school for incoming freshmen through our Math and Language Institute. I believe we are under 1,000 students. Gear Up, which is a federal program, which follows a specific cohort of youngsters following the class of 2,014. They are out trying to recruit additional freshmen to take advantage of this opportunity. For our non-grad seniors, we are offering through Adult Education some courses to help them get through.

Secondly, I would like to ask the Board to consider a Special Board Meeting to discuss the parcel tax. We are planning to meet with stakeholder groups to get their input relative to the resolution and the ballot language and then we would like to bring those things together to the Board. We are looking at, I believe in polling, July 28 as the date.

(Board Members present indicate they are available to meet on July 28.)

Lan Nguyen

Let's set July 28 as the Special Board meeting date to discuss the parcel tax.

Dan Moser

It would be a public hearing and then the Board's consideration. We may have one expulsion. If we could have Closed Session at 5 p.m. and Open Session at 6 p.m.?

Lan Nguyen

Okay at 5 p.m. on July 28.

18. REPORT CLOSED SESSION ACTION(S)

Attorney will report on closed session action item(s).

See section 2.0 for reporting out of Closed Session items.

19. ADJOURNMENT

President adjourns the meeting.

Vice President Nguyen adjourned the meeting at 8:23 p.m.

Respectfully submitted,


Board Clerk