

**APPROVED MINUTES
ALUM ROCK ELEMENTARY SCHOOL DISTRICT
2930 Gay Avenue
San Jose, CA 95127**

**MINUTES OF A SPECIAL BOARD MEETING
BOARD OF TRUSTEES
of the Alum Rock Union School District
Held on Wednesday, December 9, 2020, 6:00 p.m. at the Alum Rock Union School
Board Members and Superintendent participated via Zoom Meeting
Meeting #11-20/21**

1. OPEN SESSION

1.01 Call to Order / Roll Call

President Ernesto Bejarano welcomed everyone. President Ernesto Bejarano called the Board Meeting to order at 6:04 p.m. followed by Roll Call.

Board Members Present:

Ernesto Bejarano	President
Corina Herrera-Loera	Vice-President
Andrés Quintero	Clerk
Linda Chavez	Member
Dolores Marquez-Frausto	Member

Administrative and Support Staff Members Present:

Dr. Hilaria Bauer	Superintendent
Rene Sanchez	Assistant Superintendent, Instructional Services
Carlos Moran	Assistant Superintendent, Human Resources
Kolvira Chheng	Assistant Superintendent, Business Services
Maribel Carrillo	Sr. Executive Assistant, Superintendent's Office

1. OPEN SESSION *(continued)*

1.01 Call to Order / Roll Call

President Ernesto Bejarano said there is a quorum.

President Ernesto Bejarano said the meeting is being live-streamed by the YouTube channel which is Alum Rock TV. He said there is a raise-your-hand function to speak.

2. Public Members Who Wish To Address The Board

2.01 Requests To Address the Board

Public Comments:

- 1) Claudia Coello said she wants some transparency.
- 2) Dilza Gonzalez said she wants transparency and she has a lot of questions.
- 3) Veronica said she wants transparency and she feels the process of choosing a Board member should not be rushed.
- 4) Flor De Leon said she wants the people's voices to be heard.
- 5) Omar Torres asked for transparency.
- 6) Tamara Hall said Brenda Zendejas should be the Board member to fill the seat.
- 7) Angel Martinez asked that the process of picking a Board member be as open as possible.
- 8) Maribel Ruiz said the process of choosing a Board member should be transparent.
- 9) Jeff Markham said the Vietnamese community needs to be represented on the Board of Trustees.
- 10) Victor Vasquez said the process of choosing a Board member should be transparent.
- 11) Raymond Mueller said someone is stopping people's videos in zoom.
- 12) Camille Llanes-Fontanilla said the biggest concern for her is being transparent during the process of choosing a Board member.

3. Superintendent/ Board Business

3.01 Waive Second Reading Requirement of Board Bylaw 9310 and to Approve Amendments to Board Bylaw 9223 Upon First Reading.

Counsel Rogelio Ruiz said Mr. Scott Pham was a certified winner for the November 3rd election. He said that on December 4th, Mr. Pham sent Superintendent Bauer an email stating he was not going to take the seat. He said Board Bylaw was brought forth to the Board for recommendation to consider the modification of a discrepancy in the language and to waive the two reading processes to one single reading.

Public Comments:

- 1) Delia Navarro said the district needs transparency during the process of appointment of a new Trustee.
- 2) Omar Vasquez said appointing someone as a Trustee will affect students in Alum Rock.
- 3) Tamara Shane said she would like to echo what Veronica Amador said.
- 4) Speaker said they agreed with the time proposed to appoint a new Board member.
- 5) Ray Mueller asked why is the Board changing Board Bylaws without having second reading. He asked that the Board reconsider not making changes to the Board Bylaws.
- 6) Brenda Zendejas said she wanted to echo what Ray Mueller said. She said the process should not be rushed.
- 7) Jeff Markham asked that the Board consider the recommendations being said by the community.
- 8) Flor Del Leon said this was not a good time to be moving so quickly with the process of appointing a new Board member.
- 9) Veronica said this process of appointing a new Board member should not be rushed.
- 10) Dilza Gonzalez said the Board represents students.

MOTION #01-11 by Vice-President Corina Herrera-Loera to approve Action Item 3.01 as presented for the purpose of discussion. MOTION #01-11 was seconded by Clerk Andr s Quintero.

The Board had a discussion.

3. Superintendent/ Board Business (continued)

Counsel Rogelio Ruiz said the motion should be two parts, waive the second reading requirement and approve the amendment as recommended.

AMENDED MOTION #02-11 by Vice-President Corina Herrera-Loera to waive the second reading requirement and to approve the amendment as recommended. MOTION #02-11 was seconded by Clerk Andrès Quintero.

Roll call vote: Ayes: Clerk Andrès Quintero, Vice-President Corina Herrera-Loera and President Ernesto Bejarano. Noes: Member Dolores Marquez-Frausto and Member Linda Chavez.

Vote: 3/2; Motion Carries

3.02 Board Vacancy and Filing of Board Vacancy, including: Selection of Method for Filling Board Vacancy. Provisional Appointment or Special Education.

Counsel Rogelio Ruiz said Mr. Scott Pham was declared one of the winners and he has not taken the oath of office. He said the Board needs to decide if they are going to fill the vacancy by a Special Election or a provisional appointment. He said the appointment will be a two-year term, not a four-year term.

Public Comments:

- 1) Jocelyn Merz said it is unfortunate that the district is having to go through this situation. She said Scott Pham had been a prior Board member and resigned during his term. She said she is in total support of the application process.
- 2) Natalie Abal requested that the Board not move forward with a Special Election process. She said this process should not be rushed.
- 3) Tanya Freudenberger said she agrees with the community and not to rush in appointing a Board member.
- 4) Tim Esponiza asked for support in calling the next person in line who would have won.
- 5) Elishera Basseri asked for transparency and good governance.
- 6) Steve Navarro asked the Board to take their time during this process. He said the appointment process is better.
- 7) Speaker asked that the Board go through the appointment process.
- 8) Dilza Gonzalez said the Board should take their time and not rush through the process.

3. Superintendent/ Board Business (continued)

- 9) Ray Mueller said the district does not have a lot of money. He asked that the Board members listen to the community.
- 10) Victor Vasquez said the appointment process is better.
- 11) Jeffie Khalsa said she is in support of Brenda Zendejas being a Board member.
- 12) Brenda Zendejas said that the Board should consider an appointment process instead of having a Special Election.
- 13) Camille Llanes-Fontanilla said she is supporting the provisional appointment process. She asked that the Board listen to the community.
- 14) Veronica said there is no need for a Special Election.

MOTION #03-11 by Clerk Andrès Quintero to move forward with the provisional appointment. MOTION #03-11 was seconded by Member Linda Chavez.

AMENDED MOTION #04-11 by Clerk Andrès Quintero to declare the seat of Mr. Pham vacant December 11, 2020, to fill that vacancy by provisional appointment. MOTION #04-11 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Clerk Andrès Quintero, Vice-President Corina Herrera-Loera and President Ernesto Bejarano. Noes: Member Dolores Marquez-Frausto and Member Linda Chavez.

Vote: 3/2; Motion Carries

3.03 Receive Public Statements of Interested Applicants-for Provisional Appointment-Interested applicants will be given 5 minutes each to provide an introductory statement to the Board and the community.

MOTION #05-11 by Dolores Marquez-Frausto to table this item. MOTION #05-11 was seconded by Member Linda Chavez.

Roll call vote: Ayes: Member Dolores Marquez-Frausto and Member Linda Chavez. Noes: Vice-President Corina Herrera-Loera, Clerk Andrès Quintero and President Ernesto Bejarano.

Vote: 2/3; Motion Failed

3. Superintendent/ Board Business *(continued)*

Interested Applicants Comments:

- 1) Joe Corona said he has resided in the Alum Rock area since 1988. He said he has grandchildren who attend school in the Alum Rock School District. He commented that he was a coach for several years.
- 2) Ray Mueller said the appointment process has been abused for many years. He said he will not be putting his name to be a candidate for an appointee of the Board.

Brenda Zendejas said she felt that there was not enough time to give an introductory statement with such short notice. She asked if she could speak with the rest of the applicants.

President Ernesto Bejarano replied that if she did speak today, that would be considered her introductory statement.

- 3) Brenda Zendejas said she would like to serve the district and the children. She said she has taken the Board member training. She commented she has been a Youth Leader at a church.
- 4) Dieu Huynh said he is an immigrant and an educator. He said he wants to represent younger individuals. He said he has not decided to be an applicant for the Board vacancy.
- 5) Minh Pham said he wanted to be an applicant for the Board vacancy. He said he is a resident of Alum Rock and an alumni of Alum Rock School District.

3.04 Process and Procedures for Selection of Applicant to fill Board Vacancy.

President Ernesto Bejarano said the process is to have the Board bylaws and timelines, and for the Board to bring two questions for the application process.

Public Comments:

- 1) Tanya Freudenberger asked that the Board choose the next person who has the most votes, Brenda Zendejas.
- 2) Jeff Markham said he would like to advocate for Bruce Huynh. He commented that Bruce would be a good representative for the Vietnamese community.
- 3) Natalie Abal said she would like to support Dieu Huynh to be the appointed Trustee of Alum Rock School District.
- 4) Victoria Partida said she was in full support of Brenda Zendejas.

3. Superintendent/ Board Business (continued)

- 5) Demi Yang asked the Board to honor the election results and appoint Brenda Zendejas.
- 6) Steve Navarro said he is not familiar with Brenda Zendejas and he will not be supporting her. He said there needs to be Vietnamese representation on the Board.
- 7) Ray Mueller said he hopes there will be community input in the appointment process.
- 8) Andrea Portillo said there needs to be transparency in the process.
- 9) Victor Vasquez said there needs to be accountability and transparency through the process.
- 10) Claudia Coello said she is in support of Brenda Zendejas to fill the Board vacancy. She said Mr. Pham did not want to commit to being a Board member.
- 11) Dilza Gonzalez thanked the Board for allowing community input. She said giving speakers two minutes to speak is not enough time.
- 12) Veronica said she would like for Brenda Zendejas to take the seat as a Board member.

MOTION #06-11 by Clerk Andrès Quintero said he would like to make a motion to move forward with the process of a listening session on the 17th, an hour before the Regularly scheduled Board meeting. He said it would be a Special Board meeting. He said, on the 6th of January, to come back to do the final interviews and appointment.

Vice-President Corina Herrera-Loera would like to add to the motion made by Clerk Andrès Quintero for the Board to bring questions on the 17th of December before she can second the motion.

The Board discussed the process.

President Ernesto Bejarano asked if the Board had agreed to the following process:

- Applications will go out on December 11, 2020.
- A Special Board meeting will occur on December 17, 2020, at 4:30 pm where an introduction of candidates will take place.
- Applications will need to be submitted to the district office by January 4, 2021, at 12 pm.
- A Special Board meeting will be held on January 7, 2021, for the appointment process.

MOTION #07-11 by Clerk Andrès Quintero to extend the Board meeting to 11:00pm, to finish 3.04, 3.06 and to carry 3.05 for future time. MOTION #07-11 was seconded by Member Linda Chavez.

3. Superintendent/ Board Business *(continued)*

Roll call vote: Ayes: Clerk Andrès Quintero, Vice-President Corina Herrera-Loera and President Ernesto Bejarano, Member Dolores Marquez-Frausto and Member Linda Chavez.

Vote: 5/0; Motion Carries

Item 3.04

Roll call vote: Ayes: Clerk Andrès Quintero, Vice-President Corina Herrera-Loera, President Ernesto Bejarano, and Member Linda Chavez. Abstain: Member Dolores Marquez-Frausto

Vote: 4/1; Motion Carries

3.06 Board Development of Values that will Guide Board Work in the Selection Process.

President Ernesto Bejarano said the Board would discuss the values they would like to see in the candidate.

Public Comments:

- 1) Flor Del Leon asked that the Board pay attention to the community input.
- 2) Veronica said the Board needs to be held accountable.
- 3) Dilza Gonzalez asked the Board to take the process seriously.

Member Linda Chavez said the candidate needs to be truly involved in helping parents. She said one of the questions she will be asking is how active have they been in the last eighteen months. She said the Board needs to pick the right candidate.

Clerk Andrès Quintero said he would like the candidate not to have a conflict of interest. He said whoever is joining the Board needs to show commitment. He said the candidate needs to put Alum Rock first and not work against it.

Vice-President Corina Herrera-Loera said the candidate needs to govern with integrity.

President Ernesto Bejarano said that the candidate needs to have integrity and accountability. He said the candidate needs to be true to their word and needs to understand policies.

Vice-President Corina Herrera-Loera said the candidate needs to have an open mind.

President Ernesto Bejarano said the candidate needs to be respectful to the community.

3. Superintendent/ Board Business *(continued)*

Member Dolores Marquez-Frausto said the candidate would need to take governance classes to be prepared. She said it needs to be someone that is involved.


Clerk Andrès Quintero asked President Ernesto Bejarano if the Board could adjourn in memory of Machor Landin Ramirez owner of Mexico Bakery. He said Mr. Landin Ramirez was very involved with the community.

4. Adjournment

4.01 President Adjourns the Meeting

President Ernesto Bejarano adjourned the meeting at 11:01 p.m.

Respectfully submitted,

DocuSigned by:

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Clerk Ernesto Bejarano
Board Clerk