

Minutes of Meeting of Board of Trustees
El Paso Independent School District
September 19, 2000
5:00 p.m.
Education Center-Boeing

Present: Dr. Charles Roark, President
Mrs. Ada Gonzalez-Peterson, Vice President
Mr. Richard Telles, Secretary¹
Dr. Gene Finke
Miss Leonor Garcia
Mr. Joe Rosales
Mr. Dan Wever
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:05 p.m. by Dr. Roark. The Pledge of Allegiance was led by Miss Garcia.

Report from EPISD 2000 Bond Election Committee (Item #1)

Dr. Anzaldua reported on the EPISD 2000 Bond process to date. He commented on the various Bond Committee meetings and stated that each school principal was in possession of the facilities assessment report for his/her respective school. Each principal will review the report and meet with the school faculty and/or community for input and contact Mr. Luis Villalobos with any additions or corrections.

Mr. Cesar Viramontes, Bond Committee Co-Chair, presented the Committee's report. He stated that the Facilities Assessment Report will serve as a planning tool for the District in the future. He reviewed the composition of the Bond Committee, the meetings that have been held, the work undertaken, and the critical role of the Committee. Mr. Viramontes stated that he and Ms. Myrna Deckert, also Co-Chair, recommend that the Board adopt the 2000 Bond Committee report and approve the date of December 12, 2000, for the Bond election and a Bond package of \$398 million in deferred maintenance projects covered in priorities No. 1, 2, and 3 of the Facilities Assessment Study, which includes \$40 million to \$50 million in new school construction and \$18 million to restructure current debt. Mr. Viramontes announced that Mr. Bill Kastrin has committed \$10,000.00 to kick off the 2000 Bond campaign.

The following people requested to speak to this item:

1. Mr. Bill Kastrin confirmed his donation of \$10,000.00 and spoke about his commitment to education.
2. Mr. Leopoldo Sierra was not present when called to speak.

¹ Mr. Telles departed at 9:45 p.m., during the closed meeting.

An Order by the Board of Trustees of El Paso Independent School District Calling a Bond Election to be Held Within Said District; Providing for the Conduct and the Giving of Notice of Said Election; and Containing Provisions Necessary and Incidental to the Purposes Thereof (Item #2)

Mr. Paul Braden from Delgado Acosta Braden & Jones, District's Bond Counsel, reviewed the draft bond election order and the proposed propositions, which include the \$398 million recommended by the 2000 Bond Committee to cover deferred maintenance, new construction, and the restructuring of debt. Mr. Braden read Proposition Nos. 1 and 2 as they will appear on the ballot and advised that the entire Election Order, as approved by the Board of Trustees, will be published in the newspaper in both English and Spanish.

Discussion followed on the location of new schools; demographic data supporting the need for new schools; and planning for the future.

It was moved by Dr. Roark and seconded by Dr. Finke that the Board set up the 2000 Bond election with three propositions, as follows:

Proposition No. 1, Deferred Maintenance - Shall the Board of Trustees of the El Paso Independent School District be authorized to issue and sell the bonds of the District in one or more series or issues, in the aggregate principal amount of \$ _____ million for the purpose of improving, repairing, renovating, replacing, and equipping school buildings in the District that have been identified as having "critical" (safety issues requiring immediate action) and "urgent" (in need of repair/replacement because of at risk of near-term failure) and intermediate deficiencies, and otherwise improving, repairing, renovating, and equipping school buildings in the District in accordance with the needs of said schools; and shall there be levied and pledged, assessed and collected annually Ad Valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds as the same become due and to pay the costs of any credit agreements executed in connection with the bonds; such bonds to be issued in one or more series or issues, to mature serially or otherwise, and to bear interest at such rate or rates not to exceed the respective limits prescribed by law at the time of issuance, as the Board of Trustees in its discretion shall determine(?);

Proposed Proposition No. 2, Additions to Existing Schools and New Schools - Shall the Board of Trustees of the El Paso Independent School District be authorized to issue and sell the bonds of the District, in one or more series or issues, in the aggregate principal amount of \$ _____ million for the purpose of acquiring, constructing, and equipping school buildings and additions to existing school buildings in the District, and the purchase of the necessary sites for such school buildings and additions, including a new high school in the far northeast portion of the District and a new high school in the northwest portion of the District, as well as elementary schools and middle schools as recommended; and shall there be levied and pledged, assessed and collected annually Ad Valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds as the same become due and to pay the costs of any credit agreements executed in connection with the bonds; such bonds to be issued in one or more series or issues, to mature serially or otherwise, and to bear interest at such rate or rates not to exceed the respective limits prescribed by law at the time of issuance, as the Board of Trustees in its discretion shall determine(?); and

Proposed Proposition No. 3 – Shall the Board of Trustees of El Paso Independent School District be authorized to issue and sell the bonds of the District, in one or more series or issues, in the aggregate principal amount of \$ _____ for the purpose of refunding contractual obligations which were previously issued to acquire personal property for authorized purposes of the District; and shall there be levied and pledged, assessed and collected annually Ad Valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds as the same become due and to pay the costs of any credit agreements executed in connection with the bonds; such bonds to be issued in one or more series or issues, to mature serially or otherwise, and to bear interest at such rate or rates not to exceed the respective limits prescribed by law at the time of issuance, as the Board of Trustees in its discretion shall determine?

Dr. Roark clarified his motion and stated that proposed Proposition No. 1 will deal with critical, urgent, and intermediate deficiencies as recommended by administration. Proposition No. 2 will place all new construction on a separate ballot and include the addition of two high schools as part of the bond funding. Proposition No. 3 will deal with the PPFCO (Public Property Finance Contractual Obligations) bonds as recommended by administration. He stated that by separating the three issues, the taxpayers can decide which issues they want to support.

Discussion followed on the long-standing need for repairs in the District's schools and when and how the information from the Facility Assessment Study was analyzed and how the Board was apprised of the findings. Mr. Hector Martinez, Associate Superintendent of Operations, reviewed the process and its communication to the 2000 Bond Committee and the Board. He stated that the Bond Committee did the final analysis and made the recommendation.

Discussion continued on the bond's impact on taxpayers; the maximum amount taxpayers will be paying at the end of the seventh year of the bond construction schedule; and repair/replacement items included in Priorities 3 and 4 of the Facility Assessment Report.

Dr. Roark advised that his motion contemplates another review of items included in the intermediate category (Priority 3) and a recommendation being brought back to the Board at its next meeting on the amounts for each of the three proposed propositions.

Mr. Safi referred to the new elementary and middle schools stipulated in proposed Proposition No. 2 and recommended using the term "as needed" rather than "as recommended." He stated that if this motion is adopted, the proposed Order will be revised and brought back to the Board for approval. He encouraged the Board to provide direction on the wording of the propositions that will actually appear on the ballot. Mr. Safi stated that the Board could consider developing project lists by campus so each campus and community will be aware of the proposed projects.

Dr. Roark amended his motion to include written commitments between the EPISD and the communities with regard to the work to be done at each school throughout the District and the language recommended by Mr. Safi. Dr. Finke accepted the amendment.

The amended motion reads as follows:

that the Board set up the 2000 Bond with three propositions, as follows, and approve written commitments between the EPISD and the communities with regard to the work to be done at each school throughout the District:

Proposition No. 1, Deferred Maintenance - Shall the Board of Trustees of the El Paso Independent School District be authorized to issue and sell the bonds of the District in one or more series or issues, in the aggregate principal amount of \$ _____ million for the purpose of improving, repairing, renovating, replacing, and equipping school buildings in the District that have been identified as having “critical” (safety issues requiring immediate action) and “urgent” (in need of repair/replacement because of at risk of near-term failure) and intermediate deficiencies, and otherwise improving, repairing, renovating, and equipping school buildings in the District in accordance with the needs of said schools; and shall there be levied and pledged, assessed and collected annually Ad Valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds as the same become due and to pay the costs of any credit agreements executed in connection with the bonds; such bonds to be issued in one or more series or issues, to mature serially or otherwise, and to bear interest at such rate or rates not to exceed the respective limits prescribed by law at the time of issuance, as the Board of Trustees in its discretion shall determine(?);

Proposition No. 2, Additions to Existing Schools and New Schools – Shall the Board of Trustees of the El Paso Independent School District be authorized to issue and sell the bonds of the District, in one or more series or issues, in the aggregate principal amount of \$ _____ million for the purpose of acquiring, constructing, and equipping school buildings and additions to existing school buildings in the District, and the purchase of the necessary sites for such school buildings and additions, including a new high school in the far northeast portion of the District and a new high school in the northwest portion of the District, as well as elementary schools and middle schools as needed; and shall there be levied and pledged, assessed and collected annually Ad Valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds as the same become due and to pay the costs of any credit agreements executed in connection with the bonds; such bonds to be issued in one or more series or issues, to mature serially or otherwise, and to bear interest at such rate or rates not to exceed the respective limits prescribed by law at the time of issuance, as the Board of Trustees in its discretion shall determine(?); and

Proposition No. 3 – Shall the Board of Trustees of El Paso Independent School District be authorized to issue and sell the bonds of the District, in one or more series or issues, in the aggregate principal amount of \$ _____ for the purpose of refunding contractual obligations which were previously issued to acquire personal property for authorized purposes of the District; and shall there be levied and pledged, assessed and collected annually Ad Valorem taxes on all taxable property in the District sufficient, without limit as to rate or amount, to pay the principal of and interest on the bonds as the same become due and to pay the costs of any credit agreements executed in connection with the bonds; such bonds to be issued in one or more series or issues, to mature serially or otherwise, and to bear interest at such rate or rates not to exceed the respective limits prescribed by law at the time of issuance, as the Board of Trustees in its discretion shall determine(?).

Upon the vote, the motion carried unanimously.

Ms. Myrna Deckert, Co-Chair, 2000 Bond Committee, spoke about her commitment to the bond election and commended the consulting firms that were hired to conduct the facility assessment. She stated that she felt every school community needs to understand exactly what projects are planned for the area campuses and that the commitment should be included in the wording of the actual voter proposition.

It was moved by Mr. Rosales and seconded by Mr. Telles that the Board set the date of the bond election for December 12, 2000, as recommended by the 2000 Bond Committee. Upon the vote, the motion carried with Mr. Rosales, Mr. Telles, Miss Garcia, Mr. Wever, and Dr. Roark voting in favor of the motion and Dr. Finke and Mrs. Gonzalez-Peterson voting against the motion.

Meeting Recessed

The meeting was recessed at 6:55 p.m. The meeting was reconvened at 7:17 p.m.

Contract for Election Services for Proposed Bond Election (Item #3)

Mr. Safi advised that the Election Services Contract and the estimated amount of \$41,196.10 are for election services based on five early voting locations on weekdays only from November 27 to December 8, 2000. He stated that it would cost approximately \$3,200.00 for each additional early voting branch and \$1,600.00 to \$1,800.00 per weekend day to provide early voting on the intervening Saturdays and Sundays during the early voting period. He reported that the early voting places include the main location at the El Paso County Courthouse and four branch locations at Bassett Center, the Richard Burges Branch Library, Kern Plaza Shopping Center, and the Promenade Shopping Strip.

Discussion followed on including an early voting location in south El Paso, possibly at the old post office on Paisano or Alamo Elementary School; the deadline for determining the final early voting locations; the space required for an early voting location; and all early voting taking place at the most deteriorated campuses. Mr. Safi advised that it will be necessary to rationalize to the Justice Department the need for early voting locations that have not been utilized in the past and stated that it is easier to add to an existing list rather than completely changing the list.

It was the consensus of the Board that the contract for election services be brought back to the Board on September 26, 2000, with the addition of both an early voting location in south El Paso and the Saturday between the two weeks of early voting for the early voting dates.

Pending Construction Projects from Earned Interest on 1992 Bond Funds and Proposed Operating Fund Projects for Fiscal Year 2000-01 (Item #4)

Mr. Hector Martinez, Associate Superintendent of Operations, presented information on the 1992 Bond Fund Balance Report and the Planned Operating Fund Proposed Project List for Fiscal Year 2000-01. He stated that there is a \$21.6 million balance in the 1992 Bond Fund account, with a \$7.2 million encumbrance for current on-going projects. Mr. Martinez reviewed the on-going projects and new projects not on the original 1992 Bond Fund listing, which will be funded by the \$14.3 million balance. He stated that with the accrued interest earned for 2000-01, there will be approximately \$1.3 million in additional available funds which will be used for the construction of high school field houses and track renovations.

Discussion followed on prioritizing new projects; moving forward with the Park/Town School Project and the validity of the cost estimate for that project; the safety of the tracks at the high school; and proceeding with the construction of the field house at Franklin High School and the custodial quarters at Chapin High School.

Mr. Martinez presented the Planned Operating Proposed Project List for 2000-01. He reviewed the 15 project categories. He stated that deferred maintenance projects will be coordinated with the Facility Assessment Study and as the work is completed, those projects will be removed from the deferred maintenance list.

Discussion followed on the Board receiving a report after recommendations are provided on the bond amount and how the Proposed Project List for 2000-01 will change if the bond election passes.

Purchase Orders Requiring Board Approval – Commodity Food Processing, Purchase Order Nos. 196866, 196868, 196869, 196871, 196872, 196873, and 196874 (Item #5)

Ms. Nancy Nordell, Director, Food Services, reviewed the process of converting bulk food products into multiple end products for the school lunch programs. She stated that over 200 school districts are involved in the West Texas Food Service Cooperative, which was renewed by the Board on January 25, 2000.

It was moved by Miss Garcia, seconded by Mr. Telles, and carried unanimously that Commodity Food Processing be approved to Schwans Food Service, Purchase Order No. 196866, in the amount of \$143,004.50; Schreiber Foods, Inc., Purchase Order Nos. 196868 and 196869, for the total amount of \$139,302.98; H & H Foods, Purchase Order No. 196871, in the amount of \$31,655.80; Land O'Lakes Inc., Purchase Order No. 196972, in the amount of \$24,340.00; Oak Valley Farms Inc., Purchase Order No. 196873, in the amount of \$46,328.00; and Gold Kist Inc., Purchase Order No. 196874, in the amount of \$88,654.50, for a total amount of \$473,285.78 (copy of purchase orders attached to the permanent file of these minutes).

Possible Extension of Date to Hold El Paso Consultation Association (EPCA) Election; Board Policy DGB (Local), Employee Rights and Privileges: Personnel-Management Relations (Item #6)

Dr. Anzaldua commented on the election for consultation/employee organization representation. He reviewed three issues discussed at a meeting with the various associations regarding the election, which are: an agreement to hold off on the issue of the election until after the December 12, 2000, bond election; that the election be postponed from the fall 2000 until the spring 2001; and that the grievance filed by the presidents of the various employee organizations be heard by the Board on October 24, 2000.

The following person requested to speak to this item:

1. Ms. Jerry Boyer, President, El Paso Classroom Teachers Association, spoke in support of holding the employee representation election in the spring 2000.

It was moved by Mr. Rosales and seconded by Mr. Telles that the Board approve the recommendation that the El Paso Consultation Association election be held in the spring 2001 and hear the grievance filed by the presidents of the various employee organizations on October 24, 2000. Upon the vote, the motion carried with Mr. Wever voting "present."

Resolution Calling for Equity in Reimbursement Rates Under Medicaid and the Children's Health Insurance Program (CHIP) (Item #7)

Dr. Roark read into the record the Resolution Calling for Equity in Reimbursement Rates Under Medicaid and the Children's Health Insurance Program (CHIP).

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board adopt the Resolution Calling for Equity in Reimbursement Rates Under Medicaid and the Children's Health Insurance Program (CHIP) (copy attached to the permanent file of these minutes).

Extension of Deadline for Contributing to Catastrophic Sick Leave Bank and Approval of Exhibit to Board Policy DEC (Local), Compensation and Benefits: Leaves and Absences (Item #8)

Ms. Glenna Archer, Interim Associate Superintendent, Human Resources, provided information on the Catastrophic Sick Leave Bank and the proposed Authorization Form for Contribution and requested a one-time extension of the deadline to contribute to the sick leave bank. She advised that the policy and the form will be distributed with the *AdCom* on Monday, September 25, 2000, which is provided to every District employee.

It was moved by Mr. Telles, seconded by Miss Garcia, and carried unanimously that the Board approve a one-time extension of the deadline to submit sick leave contributions to the Catastrophic Sick Leave Bank through October 23, 2000, and approve the proposed Authorization Form for Contribution to the Catastrophic Sick Leave Bank as an exhibit to Board Policy DEC (Local).

Update on Strategic Planning for the EPISD (Item #9)

Mr. Joe Loya, Deputy Superintendent, provided information on the initial RFP (request for proposal) for a consultant to assist with the planning process for a District strategic plan and the issuance of the subsequent RFQ (request for qualifications). He reviewed the RFQ schedule for the next two weeks and advised that an interview committee will be developed and a recommendation brought to the Board at the first regular Board meeting in October 2000.

Discussion followed on the cost for a consultant; requesting that a TASB (Texas Association of School Boards) representative make a presentation to the Board on strategic planning; building a profile for the Strategic Plan Steering Committee; and whether a Board committee was named to be comprised of Mr. Rosales, Mr. Wever and Mrs. Gonzalez-Peterson as chair.

Dr. Anzaldua commented on the difference between a Board committee and the steering committee. He reviewed the responsibilities of the steering committee, the required time commitment, and the importance of having a cross section of 30 to 40 people to ensure that all stakeholders within the District are represented.

Discussion continued on the definition of strategic planning; putting together a questionnaire on the outcome of the strategic planning process; recommendations to serve on the steering committee; clarification of the schedule for interested parties to request an opportunity to make a presentation.

Dr. Anzaldua commented on the importance of the Board supporting the operational plan that results from strategic planning and of the budgeting process and development of priorities reflecting and connecting to the strategic plan. Discussion continued regarding the staff, in addition to Mr. Loya, who will play a key role in the leadership of the strategic planning process; delaying the strategic planning process until after the bond election; and inviting TASB to make a presentation to the Board on strategic planning.

Report from Board Investigative Services Committee on Meeting Held August 29, 2000, Regarding Award of One Year Fraud and Investigative Services RFP #57-99 (Item #10)

Dr. Finke reported on a meeting held by the Board Investigative Services Committee on August 29, 2000, with representatives from Marcus, Fairall, Bristol, & Co. LLP/James D. Edge & Associates, the firm awarded the One Year Fraud and Investigative Services RFP #57-99. Dr. Finke reviewed the topics discussed, which included the role of the Superintendent, if an investigation is required of the Superintendent; the development of a risk assessment and work plan, if an investigation is required of a Board member(s); avoiding "witch hunts;" and the contract being based on a situational basis.

Discussion followed on the proposed District Compliance Plan being unnecessary due to the award of the Fraud and Investigative Services RFP and having internal compliance procedures working parallel with any investigation conducted by the external firm.

Meeting Closed (Item #11)

Dr. Finke and Mrs. Gonzalez-Peterson announced that they would be present during discussion of item no. 11, A., Public Complaint – Dr. Samuel Schmidt, but would recuse themselves from any vote taken by the Board.

The meeting was recessed at 8:24 p.m. to a closed meeting by Dr. Roark under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Public Complaint – Dr. Samuel Schmidt
- B. State Board for Educator Certification Proceeding Regarding Former Associate Superintendent, Region 3 – Request for Legal Representation

The closed meeting was opened at 8:30 p.m. The closed meeting ended at 9:48 p.m.

Departure of Board Member

Mr. Telles departed the meeting at 9:48 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Opened

The meeting was reassembled in Open Session at 9:48 p.m.

State Board for Educator Certification Proceeding Regarding Former Associate Superintendent, Region 3 – Request for Legal Representation (Item #11, B.)

It was moved by Mr. Rosales and seconded by Miss Garcia that the Board authorize the payment for legal counsel to represent Alicia Loya for an amount up to the first \$5,500.00 to be incurred to the extent those amounts are not paid by the insurance available to Mrs. Loya through her association membership, with the further proviso that the regular District legal counsel represent Mrs. Loya in this matter if a prompt settlement can be achieved and if not that the possibility be pursued of obtaining legal counsel in Austin, Texas, to save expense due to the location of the hearing. Upon the vote, the motion carried with Mr. Wever voting against the motion.

Public Complaint – Dr. Samuel Schmidt (Item #11, A.)

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board uphold the decision of the administration and the Superintendent regarding the public complaint filed by Dr. Samuel Schmidt and that no action be taken against the EPISD employees mentioned in the public complaint. Dr. Finke and Mrs. Gonzalez-Peterson recused themselves from the vote.

Reconsideration of Contract for Election Services for Proposed Bond Election (Item #3)

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board reconsider item no. 3, Contract for Election Services for Proposed Bond Election.

It was moved by Dr. Finke, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the weekend of early voting include both Saturday and Sunday.

Mr. Safi clarified that when there is weekend early voting, the Board could determine to utilize only the branch early voting places and not the County Courthouse. He stated that if a school is an early voting location, it will need to be specified whether the school will be open on Saturday and Sunday. It was the consensus of the Board that if early voting is available at a school location, the school will be open on the Saturday and Sunday of the early voting weekend.

Mr. Safi also inquired about whether the Board was interested in temporary voting locations. It was the consensus of the Board that Mr. Safi determine the cost per day for early voting and early voting/temporary locations and that information be brought back to the Board meeting scheduled for September 26, 2000.

Meeting Adjourned

The meeting was adjourned at 9:55 p.m.

Date Approved: November 14, 2000