

Minutes of Meeting of Board of Trustees
El Paso Independent School District
January 8, 2002
5:00 p.m.
Education Center-Boeing

Present: Mr. Dan Wever, President
Dr. Gene Finke, Vice President
Mr. Sal Mena, Jr.
Dr. Charles Roark
Mr. Joe Rosales
Mr. Richard Telles
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Miss Leonor Garcia, Secretary

The meeting was called to order at 5:02 p.m. by Mr. Wever. The Pledge of Allegiance was led by Ms. Marsha Lawler, Executive Director, External Funding. The Thought for the Day was given by Ms. Lawler. A moment of silence was observed for Miss Lupe Garcia, sister of Board Secretary, Miss Leonor Garcia.

Items Withdrawn

It was announced that item no. 1, Recognition of 2001 EPISD Holiday Greeting Card Designer, and item no. 3, Presentation of Certificates to EPISD Board of Trustees by Region 19 Trustees as Part of School Board Recognition Month, had been withdrawn from the agenda.

School Board Recognition Month Proclamation (Item #2)

Dr. Anzaldua read a proclamation designating January 2002 as School Board Recognition Month to increase awareness of the vital role school boards play in public education.

Public Forum (Item #4)

There were no speakers on Open Forum.

Consent Agenda (Item #5)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated.

A. Professional Services Contract Award – San Juan Park Project – Hawkins Elementary School, #02.532 \$51,800.00)

The Board approved the award of Professional Services Contract #02.532 to ATCON Engineering & Surveying, subject to the review and approval of the District's attorney, for the preparation of plans, specifications, bid documents and other additional program elements as may be required for the San Juan Park Project at Hawkins Elementary School for a Basic Services Fee of 7 percent of the estimated construction cost of \$740,000.00, or \$51,800.00, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services that the owner cannot provide.

B. Approval of Budget Amendments

The Board approved the following amendments to the 2001-02 fiscal year budget:

1. Center for Career and Technology Education (CCTE) (\$5,000.00). The purpose of this item is to set up the Center for Career and Technology Education (CCTE) budget in the amount of \$5,000.00. The Board of Trustees approved the agreement at the November 13, 2001, Board meeting. The purpose of this grant is to develop and distribute informational materials to be used for guidance, counseling, and recruitment of students, as well as to inform parents and community business leaders about career and technology programs offered by CCTE. Eric Winkelman, Administrator at CCTE, requested this amendment in a memo dated November 27, 2001.
2. Alta Vista Family Preservation Grant (\$44,297.00). The purpose of this item is to set up the budget for the Alta Vista Family Preservation Grant in the amount of \$44,297.00. According to this grant, the EPISD agrees to provide summer school enrichment, family trips, arts and crafts lessons, and computer classes. Wilfredo Tolentino, Principal at Alta Vista Elementary School, requested this amendment in a memo dated October 30, 2001. The El Paso Center for Children, Inc. approved this grant on June 4, 2001. The Board of Trustees approved the agreement at the December 11, 2001, Board meeting.
3. Hawkins Elementary School Budget Transfer (\$1,500.00). The purpose of this item is to amend the Hawkins Elementary School budget in the amount of \$1,500.00. Mary Mohler, Acting Principal at Hawkins, requested this amendment in a memo dated December 5, 2001. This amendment transfers funds from the School Leadership General Supply account to Instruction in order to purchase basic materials for the purpose of moving students campus-wide toward academic achievement.
4. IDEA-B Formula Budget Transfer (\$19,805.00). The purpose of this item is to amend the IDEA-B Formula budget in the amount of \$19,805.00. Linda Corral, Associate Superintendent, Middle Schools Division, requested this amendment in a memo dated December 6, 2001. This amendment will transfer funds from Instructional Contracted Services to Extra Duty Pay – Professional Salaries in order to pay for after-school hours speech therapy services for private school children from last year.

5. Federal and State Texas Mentor School Network (\$12,000.00). The purpose of this item is to set up the Federal and State Mentor budget in the amount of \$12,000.00. The purpose of the grant is for travel and staff development purposes in accordance with network guidelines. Vincent Sheffield, Principal at Hillside Elementary School, requested this amendment in a memo dated November 29, 2001. Ginny Hunt, Principal at Dr. Nixon Elementary School, and Victoria York, Principal at Hornedo Middle School, requested this amendment in memos dated November 30, 2001.
6. El Paso Community Foundation Museum Tour (\$10,000.00). The purpose of this item is to set up the budget for the El Paso Community Foundation Museum Tours grant in the amount of \$10,000.00. The Board of Trustees approved the donation at the August 14, 2001, Board meeting. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated November 21, 2001.

C. RFPs, Bids and Purchase Orders Requiring Board Approval

The Board approved the following RFPs, bids and purchase orders to the recommended vendors for the amounts indicated:

1. Extension of Existing RFP – Cleaning Supplies and Dispensing Services on Region 19 RFP #01-5113 (approx. \$140,000.00). The Board approved the first option to extend Cleaning Supplies and Dispensing Services on Region 19 RFP #01-5113 to Diversey Lever Inc. d/b/a Diversey Lever for the estimated annual amount of \$140,000.00 (copy of bid tabulation attached to the permanent file of these minutes).
2. Recognition, Promotional and Incentive Materials Request for Catalog Discount RFP #105-01 (approx. \$35,885.00) was awarded to the vendors listed on the tabulation for one year for purchases on an “as needed” basis for the estimated annual amount of \$35,885.00 (copy of bid tabulation attached to the permanent file of these minutes).
3. Athletic Training Supplies Bid #103-01 was awarded to the following vendors in the amounts indicated: A-Athletic & Medical Supply, Items 1, 9, 10, 11, 17-19, 24, 25, 35, 36, 39, 46, 47, 52, 53, and 58-61, \$16,140.28, net; Alert Services, Items 28B, 29, 31, 33, 34, and 48-51, \$3,466.94, net; Medco, Items 2, 3, 15, 20, 21, 27, 37, 38, 40-43, 45, 55, and 57, \$3,209.05, 1 percent 20; Micro Bio-Medics, Items 4, 16, 22, 23, 26, 28A, 32, 54, and 56, \$1,339.12, net; and Moore, Items 30 and 44, \$124.46, net, for a total amount of \$24,279.85 (copy of bid tabulation attached to the permanent file of these minutes).
4. Risograph Masters & Ink Cartridge Bid #104-01 (\$43,732.80) was awarded to Hunt Imaging, the lowest bid, in the amount of \$43,732.80 (copy of bid tabulation attached to the permanent file of these minutes).
5. School Furniture Bid #106-01 (\$78,967.17) was awarded to the following vendors in the amounts indicated: Automated Office & Industrial Systems, Items 6 and 12, \$3,190.00, net; Business Interiors, Items 3 and 4, \$10,588.90, net; Indeco Sales, Inc., Items 13, 14, 19, and 22, \$6,934.75, net; School Specialty, Inc., Item 23, \$701.52, net; and Virco Mfg. Corp., Items 1, 2, 5, 7-11, and 15-18, \$57,552.00, net, for a total amount of \$78,967.17 (copy of bid tabulation attached to the permanent file of these minutes).

6. Educational Materials for Newman Elementary School, Purchase Order No. 228479 (\$7,865.80), were approved for purchase from About Books Education Services, the sole source, in the amount of \$7,865.80, bringing the cumulative annual expenditure to a total amount of \$29,123.31 (copy of purchase order attached to the permanent file of these minutes).
7. Reference Materials for School Libraries, Purchase Order No. 229084 (\$26,278.00), were approved for purchase from World Book School & Library Division, the sole source, in the amount of \$26,278.00 (copy of purchase order attached to the permanent file of these minutes).

D. December Personnel Report

The December Personnel Report was approved (copy attached to the permanent file of these minutes).

Approval of El Paso High School French Club Students to Travel to Montreal and Quebec, Canada (Item #6)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the request for students in the El Paso High School French Club to travel to Montreal and Quebec, Canada, on March 21-24, 2002.

Proposed Board Policy DNB (Local), Performance Appraisal: Evaluation of Other Professional Employees (Item #7)

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that proposed Board Policy DNB (Local) applies to non-teaching professional employees whose evaluations should be considered in decisions affecting their contract status. He stated that the policy was presented to the Board on November 27, 2001, but was not approved due to concerns regarding language in subheading Employment Decisions.

There was discussion on existing concerns with the vagueness of the policy language related to "... other information the administration determines to be appropriate ..."; the possibility that on appeal the Board will not be bound to what the administration determines to be appropriate information; and the need for more specificity and consistency in what is to be included in the evaluation process.

Mr. Safi suggested clarifying the language by adding a sentence stating that the administration's criteria in determining the appropriateness of information for consideration shall be consistently applied.

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that Board Policy DNB (Local), Performance Appraisal: Evaluation of Other Professional Employees, be approved with the additional language suggested by legal counsel (copy attached to the permanent file of these minutes).

Approval of Proposed Action Plan for Special Education in Response to Review of Special Education Conducted by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C. (Item #8)

Dr. Anzaldua reported on the Special Education Task Force, chaired by Ms. Linda Corral, Associate Superintendent, Middle Schools Division, and advised that the Task Force was established to develop an Action Plan that will address recommendations by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C., the District's forensic auditors, in their review of Special Education. He advised that the District's forensic auditors will be requested to conduct a follow-up review of Special Education on the status of the implementation process.

There was discussion of the participants in the Special Education Task Force and whether individuals that have day-to-day involvement in special education were included.

Ms. Corral provided information on the Task Force members as listed in the *Proposed Action Plan for Special Education*; contacting individuals recommended by Board members; and the process that was followed for feedback from the campuses. Dr. Michael Kelly, Executive Director, Special Services, reviewed the process he will be following to encourage input from special education teachers and paraprofessionals.

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the proposed action plan for Special Education as presented by the administration, in response to the review of Special Education conducted by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C., the District's forensic auditors, and that the Special Education Task Force be expanded to be more inclusive.

Approval of Statement of Work for Project 2, Year 4 E-Rate Funding (Item #9)

Mr. John Milota, Project Executive, IBM Global Services, provided an update on the financial status of the Statement of Work (SOW) for Project 2, Fiber Network Exclusive Internet Access. He stated that the preliminary plan for the establishment of a Fiber Wide Area Network (WAN) contract was presented to the Board on December 18, 2001. Mr. Milota advised that the Schools and Libraries Division (SLD) of the Universal Services Administration Corporation initially approved \$3.99 million for this SOW but after reviewing the current requirements, reduced the funding requirement to \$1.96 million. He stated that this was a result of the number of qualified schools being reduced from 90 to 52; the elimination of redundancies in the SOWs; and the delayed approval from SLD to begin the work, with the initial pricing being based on a 12-month period and new pricing being based on a 3-month billing period.

There was discussion on investigating ways to expend the remaining funds; the District's legal counsel reviewing each SOW for possible change control; the possibility that some redundancy exists in the other SOWs; reexamining the schools' free and reduced lunch criteria to determine if any schools that did not qualify for Year 4 E-Rate funding might qualify for Year 5; the District being on target with all objectives that have been set; and older equipment from funded schools being moved to nonfunded schools.

Mr. Mena requested that IBM Global Services provide a subcontracting plan at the January 22, 2002, Board meeting which details (1) at least 30 percent of E-Rate funds being allocated to El Paso small business contractors; (2) information on expenditures and deliveries to date; and (3) the rationale for IBM consultants traveling when local resources can be used.

There was further discussion on analyzing the percentage of E-Rate funds for local businesses; IBM consultants being a small percentage of the \$66 million E-Rate project; and the implementation phase of the project utilizing a higher percentage of local vendors.

It was moved by Dr. Finke and seconded by Mr. Wever that the Board approve the plan for Statement of Work #2, Fiber Network Exclusive Internet Access Services, for a fiber Wide Area Network which will allow Internet access for qualifying schools utilizing Year 4 E-Rate funding; approve a revision to the agreement with IBM Global Services for an increase to \$2 million for this Statement of Work, with the District's portion of the funding being approximately \$200,000.00 or 10 percent of the cost, which is the District's local share under the E-Rate program guidelines; and authorize IBM Global Services to proceed with the work under this Statement of Work.

Mr. Mena requested that the motion be amended to state that 30 percent of the subcontractors used are to be local. Dr. Finke did not accept the amendment and requested that the issue be addressed at the January 22, 2002, Board meeting as first proposed by Mr. Mena.

Upon the vote, the motion carried unanimously.

Approval of Extension of Agreement with IBM Global Services to Serve as the District's Strategic Technology Solution Partner, RFP #101-00 (Item #10)

It was moved by Dr. Roark, seconded by Mr. Telles, and carried unanimously that the Board approve the first optional annual extension of the agreement with IBM Global Services to serve as the District's Strategic Technology Solution Partner, RFP #101-00, contingent on the award of Year 5 E-Rate funding, and subject to the review and approval of the District's attorney and the Board of Trustees of an appropriate addendum to the IBM Customer Agreement.

Approval of Submissions for Year 5 Funding of E-Rate Proposals (Item #11)

It was moved by Mr. Mena and seconded by Mr. Wever that the Board approve the submission of the Statements of Work (projects) for Year 5 E-Rate funding in the amount of \$52 million as presented by the administration, with the District's portion of the funding being approximately \$5,200,000.00 or 10 percent of the total cost, which will be the District's local share under the E-Rate program guidelines.

Mr. Michael Pratt, Complex Engagement Manager, IBM Global Services, provided information on the remaining 38 schools being connected to the Fiber WAN (wide area network); having full 12-month service for all schools; the fiscal window for Year 5 E-Rate funding beginning July 1, 2002, and ending June 30, 2003; and information being provided on the other contracts at the January 22, 2002, Board meeting.

Upon the vote, the motion carried unanimously.

Report from EPISD Administration on Districtwide Beverage Contracts with Coke® and Pepsi® (Item #S12)

Mr. Hector Martinez, Associate Superintendent, Operations, reported on efforts over the winter break in working with the Pepsi® Bottling Company and Magnolia Coca-Cola® Bottling Company to modify the contents of all existing beverage vending machines at the elementary and middle school campuses in order to comply with Board Policies CO (Local) and COC (Local). Mr. Martinez advised that Pepsi® completed the conversion of all their machines and Coke® will have their conversions completed by January 9, 2002. He reviewed the two-team approach being used by Coke® and stated that some of their vending machines will be converted and restocked and others will be removed from the campus.

Mr. Martinez also provided information on the contracts with Pepsi® and Coke®. He advised that the final contract drafts, with revisions accepted by the administration and legal counsel, were returned to Pepsi® and Coke® for their review and execution.

There was discussion on the level of participation by the school principals; the centralization of sales, commissions, and distribution of funds through the Finance Unit; funds being distributed to the schools on a monthly basis; a portion of the funds being redirected to the elementary and middle schools due to those schools no longer having access to carbonated soda drinks; no schools receiving less funds than were generated last year; and the contracts specifying strict reporting on sales.

Approval of Purchase of Spanish Version of *Explorers*® Series of Instructional Materials from Wright Group/McGraw-Hill for Elementary Schools (Item #13)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the purchase of the Spanish version of *Explorers*® Series of instructional materials from Wright Group/McGraw-Hill, the sole source, for elementary schools for a total amount of \$80,000.00.

Approval of Interlocal Agreement Between the EPISD and the City of El Paso for Title IX OCR (Office of Civil Rights) Athletics Improvements and Softball Field Revisions, Phase 1, #01.014.01 (Item #14)

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that the Board approve the Interlocal Agreement between the EPISD and the City of El Paso, related to EPISD Construction Contract #01.014.01, Title IX OCR (Office of Civil Rights) Athletic Improvements & Softball Field Revisions totaling \$384,254.00, which will provide for improvements and upgrades to be constructed at City-owned park fields (Skyline Optimist Park, Delta Park, and Memorial Park) in the amount of \$78,204.00, subject to the review and approval of the District's attorney.

Approval of Proposed Student Meal Price Increases (Item #15)

Responding to a question from Dr. Roark, Ms. Nancy Nordell, Director, Food Services, advised that Food Services has used approximately \$300,000.00 of its Fund Balance this year, leaving a balance of \$4 million.

It was moved by Dr. Roark and seconded by Mr. Telles that the Board not approve the proposed increases to student breakfast and lunch meal prices commencing with the 2002-03 school year as recommended by the administration.

Ms. Nordell provided the rationale for the proposed increase to student breakfast and lunch meal prices and advised that this is the first time in seven years that Food Services has dipped into its Fund Balance. She added that the Fund Balance can be used for special projects, such as major cafeteria renovations to encourage students who are currently leaving the campus to remain on campus and use the cafeteria.

There was discussion on the proposed increase from \$0.60 to \$0.75 for full-price students; the administration bringing a proposal back to the Board on how the additional money will be spent; the possibility of increasing the meal prices by only a nickel; the proposed increase being 25 percent of the current price; and the proposed price increase generating funds to cover this year's deficit.

Dr. Roark withdrew his motion.

It was moved by Dr. Roark, seconded Dr. Finke, and carried unanimously that action on approving any proposed increases to student breakfast and lunch meal prices commencing with the 2002-03 school year be postponed for 60 days and that a proposal be brought back for consideration by the Board.

Approval of 2002-03 Budget Calendar (Item #16)

Mr. William Goodman, Associate Superintendent, Finance, provided information on the 2002-03 budget calendar and advised that approval of the budget is being planned one month earlier than was done for the 2001-02 fiscal year.

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board approve the proposed Budget Calendar for 2002-03 as presented by the administration. Mr. Mena was not present for the vote.

Approval of Roles and Responsibilities of the Budget Review Committee (Item #17)

Mr. William Goodman, Associate Superintendent, Finance, provided information on a draft revision of the Roles and Responsibilities and General Rules of Operation for the Budget Review Committee (BRC). He advised that the Board Finance Committee had reviewed and discussed the composition of the Committee, modifying language, and simplifying the participation.

On Item #2 of the Roles and Responsibilities of the BRC, the Board recommended reducing the number of business leaders from 12 to 10; reducing the representation from the University of Texas at El Paso (UTEP) and the El Paso Community College (EPCC); and including teachers, general staff, a representative from the Coaches Association, and a representative from the City Council of PTAs. It was also recommended that Item #3 of the Roles and Responsibilities be amended so that the BRC will submit recommendations "in writing" to the Board. Regarding the General Rules of Operation for the BRC, the Board recommended that Item #8 state that "The Chair of the committee will make timely oral and/or written reports to the Board and the Superintendent."

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Roles and Responsibilities and General Rules of Operation for the Budget Review Committee be approved as recommended by the Board Finance Committee and the Budget Review Committee and as revised by the Board of Trustees.

Bid and Purchase Orders Requiring Board Approval (Item #18)

A. School Bus Bid #101-01 (\$1,609,905.00)

Dr. Roark commented on possible savings from refurbishing school buses and inquired about any consideration had been given to having buses refurbished and the availability of information regarding refurbishment. Mr. Oscar Anchondo, Director, Transportation, advised that the District does refurbish some of its buses but that the 1977 and 1978 buses are becoming more difficult to repair due to the unavailability of necessary parts. He advised that in his experience, the bodies of refurbished buses are weak.

There was discussion on the availability of data to support the reliability of refurbished buses; the District's bus fleet being an average of 25 years old; renewing the fleet being a better return on the District's money; the safety of the children being of primary concern; refurbished buses having only the original frame with everything else being new; buses for special education students needing to be specially equipped; the availability of grant funds for refurbishing; and prior grant funds being used for the conversion of gasoline engines to alternative fuels.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, provided information on his experiences with refurbished buses in Albuquerque, New Mexico.

Discussion continued on funding for new school buses being included in the approved budget; a detailed year-by-year schedule on replacements that will be needed to maintain the District's bus fleet at 25 years or less; investigating business ventures that might reduce the cost of the buses; the cost of equipping the Northeast and West Transportation Annexes with diesel dispensing facilities exceeding the savings that would result from purchasing buses with diesel engines; the inability of converting diesel engines to propane; the intent to budget the conversion of new bus engines to propane next year; and the comparable mileage ratings of propane and gasoline engines.

It was moved by Dr. Finke and seconded by Mr. Rosales that School Bus Bid #101-01 be awarded to Blue Star Bus Sales in the amount of \$1,609,905.00, with net terms (copy of bid tabulation attached to the permanent file of these minutes). Upon the vote, the motion carried with Dr. Roark voting against the motion.

It was moved by Mr. Telles, seconded by Mr. Mena, and carried unanimously that the following bids and purchase orders to the recommended vendors be approved for the amounts indicated:

- B. Lamp Bid #107-01 (\$28,862.28) was awarded to the following vendors in the amounts indicated, with Item #11 being awarded to Summit Electric Supply, pursuant to the tie-breaking procedure: Dealers Electric Supply, Items 1-4, 6-8, 10, 12, 13, 17, 18, 20, and 21, \$24,389.88, net 15; Summit Electric Supply, 5, 9, 11, 14, 19, and 22, \$4,020.40, net 30; and WESCO Dist. Inc., Items 15 and 16, \$432.00, net 30, for a total amount of \$28,862.28 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Computers for Research and Evaluation, Purchase Order No. 228576 (\$9,321.80), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$9,321.80 (copy of purchase order attached to the permanent file of these minutes).

- D. Computers for Austin High School, Purchase Order No. 228724, were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$19,701.78 (copy of purchase order attached to the permanent file of these minutes).
- E. Language Arts and Social Studies Materials, Purchase Order No. 229069 (\$24,412.50), were approved for purchase from National Geographic Society, the sole source, in the amount of \$24,412.50 (copy of purchase order attached to the permanent file of these minutes).
- F. Printers for Hornedo Middle School, Purchase Order No. 229205 (\$14,300.00), were approved for purchase from Desert Communications, Inc., the lowest quote, in the amount of \$14,300.00 (copy of purchase order attached to the permanent file of these minutes).
- G. Printers for Food Service Department, Purchase Order No. 229298 (\$27,493.60), were approved for purchase from Amherst Computer Products, the lowest quote, in the amount of \$27,493.60 (copy of purchase order attached to the permanent file of these minutes).

Status Report on City of El Paso's Creation of Tax Increment Financing Districts Nos. 2 and 3, and Discussion and Possible Action Regarding Same (Item #29)

Dr. Anzaldua provided information on the meetings held after the December 18, 2001, Board meeting with the Mayor and City Council regarding the proposed TIF (Tax Increment Financing) Districts Nos. 2 and 3 and a letter received from Mr. Norman Gordon, the attorney representing the City of El Paso in this issue. Dr. Anzaldua reported that the letter received from Mr. Gordon did not contain a specific proposal and did not respond to questions and issues raised at the two meetings held with the Mayor's staff. He stated that the EPISD is willing to discuss this issue, but the first priority must be the children of the District and the issues of facilities and alternative financing arrangements for facilities must still be addressed. He added that an agreement with the City can be developed but recommended that the Board not make a decision until it has access to all of the information and until all Trustees are present for the decision.

There was discussion on the Canutillo ISD being exempted from participation in TIF No. 3; a September 1999 date in the legislation related to using TIF funds for educational projects; the El Paso tax base; having specifics on an agreement regarding the TIF Districts; the tax figures provided by the Central Appraisal District (CAD) for TIF Districts Nos. 2 and 3; possible legal consequences involved in the EPISD opposing participation in the TIF Districts; and the El Paso Community College's and El Paso County's support of the EPISD's position.

The following person requested to speak to this item:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about the San Antonio ISD not having assisted with the revitalization in San Antonio, Texas, and about the El Paso citizens providing the funding for the proposed TIF Districts and the City's revitalization efforts.

Meeting Closed (Item #20)

The meeting was recessed at 7:42 p.m. to a closed meeting by Mr. Wever under Sections 551.071 and 551.074 of the Texas Government Code as follows:

- A. Personnel Appointment – Principal, Hawkins Elementary School
- B. Consultation with Attorney Regarding Pending Litigation – Pete N. Duran, Plaintiff v. El Paso Independent School District, Defendant; In the 171st Judicial District Court, El Paso County, Texas; Cause No. 99-577
- C. Consultation with School District Attorney Regarding Contemplated Litigation Against the City of El Paso Regarding Tax Increment Financing Districts Nos. 2 and 3, and Confidential Attorney/Client Discussion Regarding Legal Aspects of Protection of EPISD's Tax Base and State Revenue
- D. Proposed Termination/Nonrenewal of Term Contract Administrator

The closed meeting started at 7:47 p.m. The closed meeting ended at 9:02 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:04 p.m.

Personnel Appointment – Principal, Hawkins Elementary School (Item #20, A.)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board accept the Superintendent's recommendation to appoint Jesus Medina, Assistant Principal at Crosby Elementary School, to the position of Principal at Hawkins Elementary School. Upon the vote, the motion carried with Dr. Roark voting "present."

Consultation with School District Attorney Regarding Contemplated Litigation Against the City of El Paso Regarding Tax Increment Financing Districts Nos. 2 and 3, and Confidential Attorney/Client Discussion Regarding Legal Aspects of Protection of EPISD's Tax Base and State Revenue (Item #20, C.)

It was moved by Mr. Wever and seconded by Mr. Rosales that the Board refuse to allow any EPISD tax revenues to be involved in City of El Paso TIF (Tax Increment Financing) Districts Nos. 2 or 3, and that the District's legal counsel so advise the legal counsel for the City of El Paso, and of the District's preparedness to litigate the matter in court, if necessary; and to instruct the City Tax Collector not to pay any EPISD tax revenues into the TIF funds for said TIF Districts, but rather to pay all EPISD tax revenues over to the EPISD.

Board members commented on the language in the Tax Code regarding a taxing entity paying into a TIF fund; the District continuing its attempts to negotiate with the City; the financial impact of litigation; the City being unresponsive to the concerns expressed by the Board of Trustees; the long-term effect of contributions to the TIF funds; El Paso being singled out by

the Legislature related to TIF Districts; the effect of revitalization in the proposed TIF Districts Nos. 2 and 3 being beyond the boundaries of the TIF Districts; and redeveloping downtown El Paso and establishing the Border Health Institute with tax dollars other than those earmarked for education.

Upon the vote, the motion carried with Dr. Finke voting against the motion.

Proposed Termination/Nonrenewal of Term Contract Administrator (Item #20, D.)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that Enrique Gallegos be paid through February 28, 2002, but that he be relieved of all further duties effective January 8, 2002.

Meeting Adjourned

The meeting was adjourned at 9:22 p.m.

Date Approved: April 9, 2002