

Minutes of Meeting of Board of Trustees
El Paso Independent School District
July 24, 2001
5:00 p.m.
Education Center-Boeing

Present: Mr. Dan Wever, President
Dr. Gene Finke, Vice President¹
Miss Leonor Garcia, Secretary
Mr. Sal Mena, Jr.
Dr. Charles Roark
Mr. Joe Rosales
Mr. Richard Telles²
Dr. Gilberto Anzaldúa, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:01 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. James Damm, Consultant for Finance.

Public Forum (Item #1)

The following people requested to speak on Open Forum:

1. Mr. Mauricio Olague spoke about the Board's action regarding the grievance filed by Lionel Rubio, former principal at Guillen Middle School.
2. Father Richard Thomas spoke in support of Lionel Rubio.
3. Ms. Nancy Triplet, librarian at Alamo Elementary School, spoke in support of Rose Lovelace who was recently transferred to Guillen Middle School and requested that she not be removed as Principal at Alamo.
4. Mr. Richard Campbell, retired clergy, questioned the rationale for moving principals.
5. Mr. Gerald Cheek spoke about the responsibilities of the Board and Superintendent.
6. Mr. Jorge De La Vega, parent at Stanton Elementary School, spoke about alleged child abuse at Stanton.
7. Mr. Fernando Chacón spoke about the positive things being done at Guillen Middle School.

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that item no. 13, A., Grievance Hearing – Lionel Rubio, Principal, be moved up on the agenda.

¹ Dr. Finke departed at 9:10 p.m., during discussion on Item #3, 4.

² Mr. Telles departed the meeting at 10:33 p.m., during discussion on Item #4.

Grievance Hearing – Lionel Rubio, Principal (Item #13, A.)

The following people requested to this item:

1. Mr. Mauricio Olague declined the opportunity to speak.
2. Mr. Joel Alvarez, teacher at Guillen Middle School, spoke about a change in principal affecting the programs at Guillen.
3. Mr. Cornell Smith, parent at Guillen Middle School, spoke about student grades at Guillen and reconsideration of moving Lionel Rubio as Principal at Guillen.
4. Ms. Esperanza Yee spoke in support of Lionel Rubio.
5. Mr. Miguel Grajiola, former student at Guillen Middle School, spoke in support of Lionel Rubio.
6. Mr. Fernando Chacón requested that Board members with alleged conflicts of interest remove themselves from considering the Lionel Rubio grievance.

Meeting Closed (Item #13)

The meeting was recessed at 5:55 p.m. to a closed meeting by Mr. Wever under Sections 551.074, and 551.082 of the Texas Government Code as follows:

A. Grievance Hearing – Lionel Rubio, Principal

The closed meeting started at 5:58 p.m. The closed meeting ended at 7:59 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:59 p.m..

Grievance Hearing – Lionel Rubio, Principal (Item #13, A.)

It was moved by Miss Garcia and seconded by Dr. Finke that the Board uphold the Superintendent's Step 4 Response to not rescind Mr. Lionel Rubio's assignment from Principal at Guillen Middle School to Principal at Alamo Elementary School. Upon the vote, the motion carried with Miss Garcia, Dr. Finke, Mr. Rosales, and Mr. Wever voting in favor of the motion and Dr. Roark, Mr. Telles, and Mr. Mena voting against the motion.

Meeting Recessed

The meeting was recessed at 8:17 p.m. The meeting was reconvened at 8:25 p.m.

Request for Waivers from Texas Education Agency (Item #14)

- A. Fannin Elementary School
- B. Dr. Nixon Elementary School

Ms. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment (CI&A), provided information on the waiver requests for Fannin and Dr. Nixon Elementary Schools. The schools requested that time be set aside five mornings a week to reserve time for half-day collegial group meetings and in-house professional staff development.

The following people requested to speak to this item:

1. Mr. Eddie Sinegal, parent at Dr. Nixon Elementary School, requested that the Board postpone action on the waiver request from Dr. Nixon until a meeting is held with parents that are concerned about the waiver request.
2. Ms. Joanne Vargas, parent at Dr. Nixon Elementary School, spoke in support of the waiver request and highlighted its benefits.
3. Ms. Jennifer Waide, parent at Dr. Nixon Elementary School, spoke in support of the waiver request and highlighted its benefits.

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the requests from Fannin and Dr. Nixon Elementary Schools to request a waiver from the Texas Education Agency for an exemption of the seven-hour day one day per week for the purpose of staff development and teacher collaboration.

Presentation by Teresa Montoya on Behalf of ASARCO, Inc. Regarding Investigation into Possible Environmental Contamination of Certain District Properties (Item #2)

Mr. Lairy Johnson, Environmental Manager, ASARCO, Inc., El Paso Plant, provided information on the EPA (Environmental Protection Agency) visit to El Paso to confirm prior sample data that had been gathered by the Texas Air Control Board, Center for Disease Control, and the Texas Department of Health. He reviewed information from these previous independent studies which indicate that no adverse levels of toxins that would pose a threat to public health had been found in any public areas. Mr. Johnson reviewed actions taken by ASARCO during its care and maintenance and the clean-up plan designed at the ASARCO site. He emphasized the importance of communicating factual information and reviewed the minimum requirements for an EPISD environmental team and the next steps to be taken by EPA and ASARCO.

The following people requested to speak to this item:

1. Mr. Enrique Moreno, El Paso attorney representing Mithoff & Jacks, L.L.P., stated that he was available to answer any questions from the Board.
2. Mr. Ralph Richards, general counsel for Jobe Concrete Products, Inc., spoke about making a determination on the existence of an environmental problem and the source of the problem before taking any action on a contract with legal counsel on potential litigation regarding possible environmental contamination of District properties.

Items Withdrawn

It was announced that item no. 3, D., 1., a., RFPs, Bids, and Purchase Orders Requiring Board Approval – Extension of Existing RFPs, Bids, and Catalog Discount Proposal – Workers' Compensation Third Party Claims Administration Plan RFP #43-99 (approx. \$339,200.00), and item no. 3, D., 1., b., RFPs, Bids, and Purchase Orders Requiring Board Approval – Extension of Existing RFPs, Bids, and Catalog Discount Proposal – Excess Workers' Compensation Insurance RFP #83-99 (approx. \$26,266.00), had been withdrawn from the agenda.

Consent Agenda (Item #3)

The following items were pulled from the Consent Agenda for discussion as follows:

Dr. Roark - Item 3, D., 4., RFPs, Bids, and Purchase Orders Requiring Board Approval – Additional Expenditure for Commodities Storage and Delivery Service (2000-01), Purchase Order No. 195625 (approx. \$36,000.00)

Mr. Mena and
Mr. Wever - Item 3, D., 1., e., RFPs, Bids and Purchase Orders Requiring Board Approval – Extension of Existing RFP, Bids, and Catalog Discount Proposal – Maintenance Supplies/Materials Annual Catalog Discount Proposal #32-99 (approx. \$2,600,000.00)

Questions on RFPs, Bids, and Purchase Orders Requiring Board Approval – Additional Expenditure for Commodities Storage and Delivery Service (2000-01), Purchase Order No. 195625 (approx. \$36,000.00) (Item #3, D., 4.)

Dr. Roark inquired about whether the commodities storage and delivery service is an annual contract and the need for additional expenditures. Mr. Terry Freiburg, Director of Purchasing, advised that the annual Warehousing and Delivery Agreement is a state contract through the Texas Department of Human Services and Professional Foods Systems for receiving federal food items and the establishment of storage and delivery services. Mr. Freiburg stated that a late allocation of federal commodities for the 2001-02 school breakfast and lunch menus will accrue additional storage fees during the summer.

Questions on RFPs, Bids, and Purchase Orders Requiring Board Approval – Extension of Existing RFPs, Bids, and Catalog Discount Proposal – Maintenance Supplies/Materials Annual Catalog Discount Proposal #32-99 (approx. \$2,600,000.00) (Item #3, D., 1., e.)

Responding to an inquiry from Mr. Wever, Mr. Nicholas Corona, Executive Director, Facilities, Maintenance and Construction, advised that the maintenance buyers use this catalog discount proposal to procure materials and supplies for Maintenance, Transportation, and Food Service. He added that any purchase in the amount of \$1,000.00 or more requires the solicitation of three quotes from the listed vendors.

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

A. Approval of 2001-02 Student Tuition Rates

The Board approved the 2001-02 student tuition rates as follows: \$70.00 for Child Development Laboratory; \$308.00 for Grades 1-12 county transfers; \$680.00 for Grades 1-12 out-of-state or 21 years of age or older as of September 1, and \$136.00 per course for fewer than five courses.

B. Construction Contract Awards

The Board approved the award of the following construction contracts, subject to the review and approval of the District's attorney, to the recommended construction contracting firms for the construction/installation of the projects described for the amounts indicated:

1. TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 2 – Clardy, Dowell, Hawkins, Lee, Logan, Polk, and Western Hills Elementary Schools and Magoffin and Terrace Hills Middle Schools, #01.060 (\$168,696.00) was awarded to Silverton Construction Co. in the amount of \$168,696.00.
2. TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 3 – Hillside, Kohlberg, Roberts, and Western Hills Elementary Schools; MacArthur Middle School; and Austin and Burges High Schools, #01.061 (\$206,543.00) was awarded to F. T. James Construction Co. in the amount of \$206,543.00.
3. TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 4 – Crosby, Clendenin, Hughey, and Fannin Elementary Schools; Henderson and Richardson Middle Schools; Jefferson High School; and James L. Gamble Facility, #01.062 (\$151,863.00) was awarded to Matyear Construction Co. in the amount of \$151,863.00.
4. Boiler Replacement – Morehead Middle School, #01.746 (\$130,162.00) was awarded to Wyler Industrial Works Inc. in the amount of \$130,162.00.

C. Maintenance and Service Agreement Contract Extensions

The Board authorized the administration to execute one-year contract extensions on the following Maintenance and Service Agreements for the amounts indicated for the period of September 1, 2001, through August 31, 2002, or until the value of the contract is reached (copy of contract information/fact sheet attached to the permanent file of these minutes):

1. Hazardous Waste Disposal, #00.435 (\$57,074.95) to Why Waste Water?, Inc. in the amount of \$57,074.95.
2. Districtwide Pest Control Services, #01.425.01 (\$58,000.00) to Orkin Pest Control in the amount of \$58,000.00.

3. Districtwide Weed and Law Service, #00.482 (\$82,600.00) to Lester Humphrey Pest Control in the amount of \$82,600.00.

D. RFPs, Bids, and Purchase Orders Requiring Board Approval

1. Extension of Existing RFPs, Bids, and Catalog Discount Proposal

- c. Annual Cleaning Products Bid #64-00 (approx. \$86,801.00). The Board approved the first option to extend Annual Cleaning Products Bid #64-00 to the following vendors in the amounts indicated, beginning September 13, 2001, through September 12, 2002: American Spectrum, Inc., \$7,452.00; D. Gilmore, \$6,477.24; Ecolab, \$23,468.40; Laundry Supply, \$18,661.56; Regal Chemical & Supply, \$16,320.00; Springtime, \$5,287.40; and Unisource, \$9,134.40, for an estimated annual amount of \$86,801.00, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 - d. Annual Janitorial Equipment Bid #65-00 (approx. \$80,624.04). The Board approved the first option to extend Annual Janitorial Equipment Bid #65-00 to the following vendors in the amounts indicated, beginning September 13, 2001, through September 12, 2002: Baron Chemical, \$24,351.00; D. Gilmore, \$38,796.72; Regal Chemical & Supply, \$3,608.40; Springtime, \$195.84; Unisource, \$13,370.40; and W. W. Grainger, \$301.68 for an estimated annual amount of \$80,624.04, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 - e. Maintenance Supplies/Materials Annual Catalog Discount Proposal #32-99 (approx. \$2,600,000.00). The Board approved the final option to extend Maintenance Materials/Supplies Catalog Discount Proposal #32-99 to the vendors listed in the tabulation for future purchases on an "as needed" basis, beginning September 1, 2001, through August 31, 2002, for an estimated annual amount of \$2,600,000.00, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
2. Pre-Bound Book Bid #55-01 (approx. \$260,000.00) was awarded to the following vendors for the discounts indicated: Hardbacks: Bound to Stay Bound, 30 percent discount; Paperbacks: Follett, 45 percent discount; Permabound, 25 percent discount; and Perfection Learning, 28 percent discount, for an estimated annual amount of \$260,000.00, with the option to extend 24 months, 12 months at a time, and subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 3. Library Book Bid #56-01 (approx. \$500,000.00) was awarded to Follett Library Resources, the lowest responsive bidder, in the estimated annual amount of \$500,000.00, with the option to extend an additional 24 months, 12 months at a time, and subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

4. Additional Expenditure for Commodities Storage and Delivery Service (2000-01), Purchase Order No. 195625 (approx. \$36,000.00) was approved to Professional Food Systems for the delivery and storage of commodities for the remainder of the 2000-01 fiscal year (copy of purchase order attached to the permanent file of these minutes).
5. Commodity Food Processing, Purchase Order Nos. 219714 and 219715 (\$75,071.50) was approved to Schwan's Food Service, Purchase Order No. 219714, in the amount of \$21,632.00, and to Land O'Lakes, Inc., Purchase Order No. 219715, in the amount of \$53,439.50, for a total amount of \$75,071.50 (copy of purchase orders attached to the permanent file of these minutes).

Approval of 2001-02 Employee Compensation Proposal (Item #4)

Mr. James Damm, Consultant for Finance, reported that the proposed compensation package includes (1) increases for teachers based on a \$30,000.00 minimum teacher salary with a 2 percent minimum increase for all teachers for a total amount of \$6,664,241.00; (2) a 3 percent increase in the range for daily employees and a 3 percent increase of individual salaries, with a 2 percent cap for those out of range for a total amount of \$1,126,076.00; and (3) a proposed step schedule for hourly and clerical/paraprofessional employees with a 2 percent increase in the range, a 3 percent increase in individual wages, and an equity/parity adjustment where appropriate with the higher of the two numbers being rounded up to the next step on the schedule for a total amount of \$1,726,962.00. He advised that the total cost for the compensation package is \$11.1 million, including \$300,000.00 for position adjustments and \$100,000.00 for a comprehensive compensation study to be conducted.

Discussion followed on teachers at the maximum years on the TBA and TGD pay scales, the maximum increases that will be provided; increasing the minimum increase for teachers to 3 percent; the impact of increasing the beginning teacher salary to \$32,000.00; increasing the minimum for employees out of range; and other compensation issues, including promotion formulas, stipend increases, additional stipends, position reclassifications, initial hiring placements on pay schedules, conducting a comprehensive compensation study, and advance degrees for teachers being allowed in the teaching field only, with existing staff being grandfathered.

Mr. Wever clarified that teachers employed by the District for the 2000-01 school year with five years of EPISD service and whose 2001-02 years of creditable service exceed the scheduled years and who were at or above the maximum step will receive the following longevity adjustments to the maximum step on the appropriate schedule: TBA, \$1,962.00; TBA2, \$2,188.00; TBA3, \$2,334.00; TGD, \$1,533.00; TGD2, \$1,799.00; and TGD3, \$1,967.00.

Discussion continued on a creditable experience cap for out-of-state hires, there being no cap for in-state hires, the District's five-year requirement to qualify for a longevity adjustment, and reviewing the issue in one year to determine the impact on recruitment.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, provided information on recent legislation in New Mexico which stipulates that a retired teacher, after sitting out for one year, will no longer be restricted from returning to teaching at full salary, plus receiving retirement pay. He advised that it is believed that recent Texas law will allow teachers to retire, sit out for one year, and be eligible to return to work in any general category where a school district determines there is a need. Discussion followed on the knowledge base of returning retired teachers; clarification on whether to place an experience cap on retired teachers; and delaying action on placing a cap on experienced teachers.

Mr. Wever recommended a minimum 3 percent increase for teachers, including those out of range, for a new total amount of \$6,932,964.00; a minimum 3 percent for hourly and clerical/paraprofessional, including those out of range, for a new total amount of \$1,960,752.00; and a minimum 3 percent of the midpoint for daily employees, including those out of range, for a new total amount of \$1,144,773.00, for a grand total of \$10,388,489.00.

Departure of Board Member

Mr. Telles departed the meeting at 10:33 p.m. and was not present for any subsequent action taken by the Board of Trustees.

The following person requested to speak to this item:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, and Chair of the Consultation Salary Committee, voiced her support of the compensation package and thanked the administration for working with the El Paso Consultation Association.

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve the employee compensation proposal for 2001-02 as follows:

1. the Teacher Pay Schedule, which includes a beginning teacher salary of \$30,000.00; the Daily Pay Schedule; the Hourly Step Schedule; and Clerical and Paraprofessional Step Schedule, all as presented by the administration and revised by the Board of Trustees on Revision #3, effective on the first work day following 12:01 a.m., July 29, 2001;
2. stipends included in the 2000-01 compensation package being continued for the 2001-02 fiscal year unless specifically revoked or changed by the Board of Trustees;
3. teachers with a doctorate degree continuing to be paid \$1,000.00 over the TGD master's degree teacher pay schedule;
4. effective September 1, 2001, any teacher newly hired to the District be granted credit for a master's degree only if the degree is in the teaching field of that teacher, and all current teachers on the TGD master's degree teacher pay schedule remain on the TGD pay schedule;
5. the current procedure of job classification review remain in effect for 2001-02, with periodic reports to the Board of Trustees; and
6. with the cost of the 2001-02 employee compensation package being in the estimated amount of \$10,388,489.00, which includes funds for a comprehensive compensation study and the allocation of funds for approved reclassifications.

Item Withdrawn

It was announced that item no. 5, Discussion and Possible Action Concerning EPISD Employee Health Benefit Plan, to Include Third-Party Administration, Utilization Review and Network Contracts, Effect of House Bill 3343 on the District's Employee Health Benefit Plan, and Issuance of Request(s) for Proposals, had been withdrawn from the agenda.

Approval of Blanket Student/Athletic Accident Insurance, Catastrophic Insurance, and Voluntary Student Accident Insurance (Item #6) and Approval of Moratorium on Offering of Cancer Plans and Intensive Care Riders Through Payroll Deductions (Item #7)

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the issues of Blanket Student/Athletic Accident Insurance, Catastrophic Insurance, and Voluntary Student Accident Insurance and placing a moratorium on the offering of cancer plans and intensive care riders through payroll deductions be referred to the Board's Employee Health/Insurance Committee and brought back to the Board on July 31, 2001.

Discussion and Possible Action Regarding Appointment of Military Liaison/Advisor to the EPISD Board of Trustees (item #8)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board appoint a military liaison to the various advisory groups to the Board, including the Districtwide Educational Improvement Council (DEIC), the Strategic Planning Committee, the Budget Review Committee, and any other group that may serve in an advisory capacity to the Board of Trustees.

Ed-Flex Statewide Programmatic Waiver Requests – Title I, Part A Schoolwide Eligibility (Cielo Vista, Dr. Green, Guerrero, Lindbergh, Dr. Nixon, Rivera, and White Elementary Schools) (\$102,480.00) (Item #9)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the submission of renewals of the Application for Waiver under the Federal Education Flexibility Demonstration Program (Ed-Flex) for Cielo Vista, Dr. Green, Guerrero, Lindbergh, Dr. Nixon, Rivera, and White Elementary Schools so Title I funding for these campuses can be designated as Schoolwide rather than Targeted Assistance.

Bids Requiring Board Approval (Item #10)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the following bids be approved to the recommended vendors for the amounts indicated:

- A. Office Supply Bid #60-01 (\$179,451.25) was awarded to the following vendors in the amounts indicated, with Item #21 being awarded to Pyramid School Products, pursuant to the tie-breaking procedure: Office Depot, Items 13, 20, and 42, \$3,943.38, net; Prairie Carbon & Ribbon, Items 36-39, \$10,821.60, net; Pyramid School Supply, Items 1-4, 8, 10, 14-16, 21, 22, 24, 33-35, 41, 44-50, and 52, \$72,474.24, net; Standard Stationery, Items 5-7, 9, 11, 17-19, 23, 25, 27-32, 40, 43, 51, and 53, \$91,792.03, net; and US Office Products, Item 12, \$420.00, net, for a total amount of \$179,451.25 (copy of bid tabulation attached to the permanent file of these minutes).

- B. AS/400 Upgrade Bid #66-01 (\$340,705.00) was awarded to Secure Data Corporation, the lowest bidder, in the amount of \$340,705.00, with net terms (copy of bid tabulation attached to the permanent file of these minutes).

Approval of Procurement/Delivery Methods for Contracts Exceeding \$24,000.00 – Kohlberg Modular Restroom, #01.752 (Item #11)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the competitive bid process be utilized for Project #01.752, Kohlberg Modular Restroom, subject to the review and approval of the District's attorney, and that the advertisement and issuance of relevant documents be authorized to prospective bidders/proposers.

Interdistrict Transfer Appeal – M. M. (Item #12)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board uphold the administration's decision to deny a tuition waiver for the requested interdistrict student transfer of M. M. to Logan Elementary School for the 2001-02 school year.

It was announced that efforts were made to contact the parent regarding this item being placed on the agenda for this Board meeting but the parent was apparently out of town.

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board postpone action on the interdistrict transfer appeal for M.M. until the next regularly scheduled Board meeting and that the parent be given notice.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation - Contractual Disputes Regarding the Completion of Moreno Elementary School, #93.734 (Item #13, D., 4.)

The following people requested an opportunity to speak to this item which was to be heard in Closed Session:

1. Mr. Michael Nixon, attorney representing Samcorp General Contractors, provided a brief history of the company and spoke about occasional problems that occur with construction projects. He addressed problems at Moreno Elementary School and the losses suffered by Samcorp. Mr. Nixon advised that his client has offered \$100,000.00 to settle the case and requested the Board's consideration of the offer.
2. Mr. David Alvidrez declined the opportunity to speak.

Meeting Closed (Item #13)

The meeting was recessed at 11:02 p.m. by Mr. Wever to a closed meeting under Sections 551.071 and 551.074 of the Texas Government Code as follows:

B. Personnel Appointments

1. Principal, Magoffin Middle School
2. Principal, Richardson Middle School

- C. Consultation with Attorney Regarding Pending Litigation – Cecilia M. Chavez, Nora Montez, and Jose Rosales v. El Paso Independent School District; Cause No. 98-3002; County Court at Law No. 3, El Paso County, Texas
- D. Consultation with School District Attorney Regarding Contemplated or Pending Litigation
 - 1. JJJ Floor Covering, Inc., Plaintiffs, vs. Banes General Contractors, Inc., National Fire Insurance Company of Hartford, and El Paso Independent School District, Defendants; Cause No. 2001-2394; 168th District Court, El Paso County, Texas
 - 2. Juan Manuel Balli, Jose R. Sanchez, and Jose A. Viera, Plaintiffs, vs. El Paso Independent School District, Defendants; Cause No. 2001-2510; 210th Judicial District Court, El Paso County, Texas
 - 3. Jose Ramirez, Charging Party, vs. El Paso Independent School District; EEOC Charge No. 361A10389
 - 4. Contractual Disputes Regarding the Completion of Moreno Elementary School, #93.734

Mr. Rosales recused himself from discussion on item no. 13, C., Consultation with Attorney Regarding Pending Litigation – Cecilia M. Chavez, Nora Montez, and Jose Rosales v. El Paso Independent School District; Cause No. 98-3002; County Court at Law No. 3, El Paso County, Texas.

The closed meeting started at 11:07 p.m. The closed meeting ended at 11:36 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 11:36 p.m..

Personnel Appointments – Principal, Magoffin Middle School (Item #13, B., 1.)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Rose Marie Rios, Assistant Principal at Guillen Middle School, to the position of Principal, Magoffin Middle School.

Personnel Appointments – Principal, Richardson Middle School (Item #13, B., 2.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Vera Cancellare, Assistant Principal at Bassett Middle School, to the position of Principal, Richardson Middle School.

Consultation with Attorney Regarding Pending Litigation – Cecilia M. Chavez, Nora Montez, and Jose Rosales v. El Paso Independent School District; Cause No. 98-3002; County Court at Law No. 3, El Paso County, Texas (Item #13, C.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the Board postpone action on this case until the next scheduled Board meeting on July 31, 2001.

Consultation with Attorney Regarding Contemplated or Pending Litigation – JJJ Floor Covering, Inc., Plaintiffs, vs. Banes General Contractors, Inc., National Fire Insurance Company of Hartford, and El Paso Independent School District, Defendants; Cause No. 2001-2394; 168th District Court, El Paso County, Texas (Item #13, D., 1.)

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board authorize Mr. Anthony Safi and his law firm, Mounce, Green, Myers, Safi & Galatzan, PC to represent the District and file an answer in this case.

Consultation with Attorney Regarding Contemplated or Pending Litigation – Juan Manuel Balli, Jose R. Sanchez, and Jose A. Viera, Plaintiffs, vs. El Paso Independent School District, Defendants;; Cause No. 2001-2510; 210th Judicial District Court, El Paso County, Texas (Item #13, D., 2.)

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board authorize Mr. Anthony Safi and his law firm, Mounce, Green, Myers, Safi & Galatzan, PC to represent the District and file an answer in this case.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Jose Ramirez, Charging Party, vs. El Paso Independent School District; EEOC Charge No. 361A10389 (Item #13, D., 3.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the Board take no action in this case and that the District's attorney notify the EEOC that the Board does not accept the settlement proposal made by Jose Ramirez, the charging party.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Contractual Disputes Regarding the Completion of Moreno Elementary School, #93.734 (Item #13, D., 4.)

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board postpone action on the contractual disputes regarding the completion of Moreno Elementary School, #93.734, until the next scheduled Board meeting on July 31, 2001.

Meeting Adjourned

The meeting was adjourned at 11:38 p.m.

Date Approved: October 9, 2001