

Minutes of Meeting of Board of Trustees
El Paso Independent School District
September 26, 2000
5:00 p.m.
Education Center-Boeing

Present: Dr. Charles Roark, President
Mrs. Ada Gonzalez-Peterson, Vice President
Mr. Richard Telles, Secretary
Dr. Gene Finke¹
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 5:00 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Rosales.

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 #1)

The following people requested to speak to this item:

1. Mr. Gerald Cheek, President, El Paso Council of PTAs, spoke against having three propositions on the bond election ballot and in favor of one proposition for the entire bond amount.
2. Mr. Alfredo Borrego, President, Ajax Metal Cut, and member of the 2000 Bond Committee, spoke about all Board members being in agreement with regard to the bond election and his recommendation that only one proposition appear on the election ballot.

Dr. Anzaldua commented on the meetings held with representatives of 3D/International, Inc., Perspectiva, Inc., and Magellan Consulting, Inc., the consultants hired to conduct the Districtwide Facility Assessment Study, and their review of the questions raised by the Board at the September 19, 2000, Board meeting regarding the determined amount of \$398 million for the bond election. He reviewed possible options for the Board—Option No. 1 for \$398 million, and Option No. 2 for \$388 million. Dr. Anzaldua advised that bond counsel drafted a new Order Calling for Election, which incorporates the three propositions approved by the Board on September 19, 2000, with added modifications. A second version calls for a bond election with one proposition, which includes information on deferred maintenance, new construction, and the refinancing of contractual obligations.

¹ Dr. Finke arrived at 6:00 p.m., during discussion on Item #1.

Mr. Eugenio Mesta, Perspectiva, provided information on Option No. 1 for \$398 million, which will include Priorities 1, 2, and 3 from the Facility Assessment Study. He reviewed a list of Priority 3 items that can be addressed by the District at a later date which reduces the bond amount to \$388 million, as proposed in Option No. 2. He explained “soft costs” and the 12 percent project contingencies. Mr. Mesta also reviewed the recommended 18 percent for contractor’s general conditions and overhead and profit, the additional costs to be incurred for the campus remodeling projects, the recommended 8.5 percent for architect and engineer fees, the 3.5 percent for escalation, and the 6 percent for administrative costs.

Responding to questions from Board members, Mr. Ricardo Baca, President, Professional Construction Consultants, reviewed the recommended project contingency numbers and advised that 12 percent is a reasonable amount.

Ms. Myrna Decker, 2000 Bond Committee Co-Chair, stated that the committee recommends \$398 million for the bond election and that a 100 percent endorsement by the Board of Trustees was crucial. She offered her support of the 2000 Bond Subcommittee’s recommendation that an oversight committee provide regular reports to the Board of Trustees and the public on the construction efforts.

Arrival of Board Member

Dr. Finke arrived at 6:00 p.m. and was present to vote in any subsequent action by the Board of Trustees.

Discussion followed on items that were cut from the bond projects to support Option 2; reducing administrative costs; existing safety and health hazards; and demographic information to support the proposed new schools.

Discussion continued on future planning and the risks involved with splitting the ballot into three propositions. Mr. Rosales recommended one proposition, which will include specific amounts for deferred maintenance, new construction, and the refunding of contractual obligations. Mr. Paul Braden, bond counsel, advised that the ballot can be worded to include the specific amounts, but those amounts will also need to be included in the proposition. Mr. Safi advised that the wording of the proposition is binding on the District, and the monies in each of the three categories can be spent only in a manner consistent with what is stated.

Following discussion, it was the consensus of the Board that the words “as needed” be removed from Proposition No. 1, subparagraph (ii), in reference to new schools. Mr. Braden also recommended that the wording “elementary schools and a middle school” in subparagraph (ii) be changed to “elementary and middle schools” to allow flexibility as the need for schools changes.

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board adopt the Order calling a bond election to be held within the District, providing for the conduct and giving of notice of said election, and containing provisions necessary and incidental to the purposes hereof (copy attached to the permanent file of these minutes), and that at said election the following proposition shall be submitted in accordance with the law:

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 \$398,000 million for the following purposes:

(i) \$272 million of bonds to be used for improving, repairing, renovating, replacing, and equipping school buildings in the District that have been identified as having “critical” (requiring immediate attention because of life, safety and code violations), “urgent” (requiring short-term correction before they become critical) and/or “necessary” (requiring near-term correction because building systems have or will soon exceed life expectancy or are adversely affecting critical educational suitability issues) deficiencies, and otherwise improving, repairing, renovating, replacing, and equipping school buildings in the District in accordance with the needs of such schools; provided however, that prior to the sale of any series or issue of such bonds to address “critical”, “urgent” and/or “necessary” building deficiencies, the District (acting through its Board of Trustees) and the principal or administrator of the specific school building affected shall mutually agree in writing as to the specific deficiencies to be addressed, after receiving input from the public at a meeting which is open to the public in accordance with the Texas Open Meetings Act;

(ii) \$108,000 million of bonds to be used for 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, a new high school in the northwest portion of the District, as well as elementary schools and middle schools; and

(iii) \$18 million of bonds to be used for 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 not more than 40 years from their date, 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?

Meeting Recessed

The meeting was recessed at 6:54 p.m. The meeting was reconvened at 7:13 p.m.

Discussion and Possible Action on Establishing Additional Branches for Early Voting for Bond Election (Item #2)

Board members reviewed the recommended early voting locations for the bond election and the cost for the additional temporary voting locations. Mr. Safi stated that at the Board meeting on September 19, 2000, discussion included adding a regular early voting location, which is an additional location for the two-week early voting period, and adding temporary voting locations where the sites will change from day to day, at a cost of \$330.00 per day per site. He advised that the Department of Justice requires that any change from prior practice be submitted to them 60 days prior to its implementation and that a decision must be made tonight in order for the paperwork to be timely submitted.

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board approve Alamo Elementary School as an additional branch early voting polling place with the branch being open on Saturday and Sunday and that the temporary branch polling places for early voting be approved for the dates and times as presented (copy attached to the permanent file of these minutes).

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

Mr. Safi recommended that the Contract for Election Services be brought back to the Board after a final cost figure is provided by Ms. Helen Jamison, Administrator for the Office of the County Elections, on the additional early voting location and temporary locations.

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that item no. 3, Contract for Election Services for Proposed Bond Election, be postponed until the next regular meeting of the Board of Trustees.

Obtaining Legal Counsel to Advise the Board of Trustees in Connection with Upcoming Grievance Hearings (Item #4)

Mr. Safi provided information on three grievances that have been appealed to the Board where the grievants are represented by legal counsel. The grievances involve the presidents of various employee organizations, referred to as the Unity Council; former EPISD principal, Dianne Jones; and Muntassar Alspini, an employee who has a lawsuit pending against the District. The Superintendent has expressed a preference that the Superintendent and Board President be authorized to retain alternate legal counsel to advise the Board of Trustees and that Mr. Safi represent the administration when these cases are heard by the Board.

It was moved by Mr. Telles and seconded by Mrs. Gonzalez-Peterson that the Board President and Superintendent be authorized to determine and retain legal counsel to represent the Board in upcoming grievances filed by the Unity Council, Dianne Jones, and Muntassar Alspini. Upon the vote, the motion carried with Miss Garcia voting against the motion.

Meeting Adjourned

The meeting was adjourned at 7:31 p.m.

Date Approved: November 14, 2000