

Minutes of Meeting of Board of Trustees
El Paso Independent School District
October 23, 2001
6:00 p.m.
Education Center-Boeing

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

Absent: Dr. Charles Roark

The meeting was called to order at 6:06 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Nicholas Corona, Executive Director, Facilities, Maintenance and Construction.

Awards to October Employees of the Month (Item #1)

Mr. John Seymour, Adult Education Technology Coordinator at San Jacinto Adult Learning Center, was recognized by the Board of Trustees as October's Certified Employee of the Month; and Mr. Thomas Ibarra, Head Custodian at Richardson Middle School, was recognized as October's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

Public Forum (Item #2)

The following person requested to speak on Open Forum:

1. Mr. Gerald Mangrum spoke about overcrowding at Kohlberg Elementary School and requested information on the EPISD's plan regarding re-registration and screening out students who are not in a particular school's attendance zone or who do not reside within the boundaries of the EPISD.

Consent Agenda (Item #3)

It was moved by Mr. Mena, seconded by Mr. Telles, 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 Minutes

1. August 14, 2001, Board School Name Committee Meeting and August 28, 2001, Board Policy Committee Meeting
2. August 7, 2001; August 11, 2001; August 14, 2001; August 21, 2001; August 24, 2001; and August 28, 2001, Meetings of the Board of Trustees

The Board approved the minutes of the August 14, 2001, Board School Name Committee meeting; the August 28, 2001, Board Policy Committee meeting; and the August 7, 2001; August 11, 2001; August 14, 2001; August 21, 2001; August 24, 2001; and August 28, 2001, meetings of the Board of Trustees.

B. Approval of Agreement with Sun Bowl Association for Participation in 2001 Las Palmas/Del Sol Sun Bowl Parade

The Board approved the participation of EPISD high school bands in the 2001 Las Palmas/Del Sol Sun Bowl Parade and authorized the Board President to sign the agreement with the Sun Bowl Association in the form presented.

C. Approval of Contract Between EPISD and the Upper Rio Grande Tech-Prep Youth (School-to-Careers) Consortium for Tech-Prep Grant Funding (\$5,000.00)

The Board approved the contract between the EPISD and the Upper Rio Grande Tech-Prep School-to-Careers Consortium for Tech-Prep grant funding for the Career and Technology Education Unit in the amount of \$5,000.00.

D. Approval of Cooperative Agreements of Affiliation for Health Science Technology Students

1. Las Palmas Medical Center
2. El Paso Community College District Dental Clinic

The Board approved the cooperative agreements of affiliation with Las Palmas Medical Center and the El Paso Community College Dental Clinic to allow additional clinical experience sites for health science students at the Silva Magnet High School for Health Care Professions and the Health Science Technology Program/Center for Career and Technology Education to observe various health care careers and to develop skills in specific areas.

E. Approval of Electric Company Easement – Section 21, Block 81, Township 1, T&P RR Survey (Josephine Barron Elementary School), #98.832.02

The Board President was authorized to execute El Paso Electric Company Easement No. 4493-3394, subject to the review and approval of the District's attorney, for a portion of Section 21, Block 81, Township 1, T&P RR Survey, Josephine Barron Elementary School #98.832.02, as shown on the documentation presented.

G. Demand Service Contract Award – Districtwide Hazardous Waste Disposal, #02.435 (\$78,370.55)

The Board approved the award of Demand Service Contract #02.435, Districtwide Hazardous Waste Disposal, subject to the review and approval of the District's attorney, to Rinchem Company, Inc. for an estimated annual amount of \$78,370.55.

H. Approval of Budget Amendment – Coronado High School International Baccalaureate (IB) Program (\$65,716.00)

The Board approved the budget amendment to the 2001-02 fiscal year to amend the Coronado High School budget for the International Baccalaureate (IB) Program in the amount of \$65,716.00. Nick Cobos, Principal at Coronado High School, requested this amendment in a memo dated September 13, 2001. The program is a curriculum that provides gifted and talented students a rigorous course of study that challenges their academic ability. The IB program was approved by the Board in 1999 and has proven to be successful. These funds were submitted in error as a Special Project request, and because no Special Project requests were approved for the 2001-02 school year, the IB program was not placed in the budget. These funds will be made available from the District's contingency reserve.

I. Bids and Purchase Orders Requiring Board Approval

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

1. Option to Extend Existing Bid – Lease Payments for High Speed/High Volume Optical/Digital Duplicator Bid #74-96 (\$137,421.60). The Board approved the final option to extend the lease payments and lease renewal of High Speed/High Volume Optical/Digital Duplicator Bid #74-96 to Xerox Corporation in the estimated annual amount of \$137,421.60 (copy of bid summary sheet attached to the permanent file of these minutes).
2. School Furniture Bid #89-01 (\$131,855.20) was awarded to the following vendors in the amounts indicated: Business Interiors, Items 3, 4, 18, and 22, \$24,013.60, net; Indeco Sales, Inc., Items 1, 2, 6, 10-15, 17, and 19-21, \$73,799.60, net; and Virco Mfg. Corp., Items 5, 7-9, and 16, \$34,042.00, net, for a total amount of \$131,855.20 (copy of bid tabulation attached to the permanent file of these minutes).
3. Chapin High School Stool Table Bid #90-01 (\$29,850.00) was awarded to Palmer Snyder, the lowest bidder, in the amount of \$29,850.00 (copy of bid tabulation attached to the permanent file of these minutes).
4. Commodity Food Processing, Purchase Order Nos. 224519, 224521, and 224522 (\$297,661.50), were approved as follows: Gold Kist, Inc., Purchase Order No. 224519, in the amount of \$56,517.00; Schwans Food Service, Purchase Order No. 224521, in the amount of \$132,028.50; and H & H Foods, Purchase Order No. 224522, in the amount of \$109,116.00, for a total amount of \$297,661.50 (copy of purchase orders attached to the permanent file of these minutes).

J. August/September Report of JJAEP Placements not Appealed to the Board of Trustees

The August/September Report of JJAEP Placements not Appealed to the Board of Trustees was approved as presented. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.

Approval for IBM Global Services to Begin Work on Year 4 E-Rate Projects as Funded by the Universal Services Administration Corporation, Schools and Libraries Division, for Amendments to IBM Contract and for Procurement Methodology on Projects (Item #4)

It was moved by Mr. Mena and seconded by Dr. Finke that the District issue a purchase in the amount of \$1.7 million to IBM Global Services for the assessment phase work on the nine Year 4 E-Rate projects as funded by the Universal Services Administration Corporation, Schools and Libraries Division, subject to the adoption of a conforming budget amendment by the Board at a future Board meeting and a contract amendment, satisfactory to the District's counsel, providing that the District retains the discretion to change or terminate any project, with prior notice so long as it reimburses IBM Global Services for the District's 10 percent of IBM Global Services' actual, reasonable, necessary, and allowable costs incurred on such project through the date of such change or termination.

Mr. Rosales expressed concern with the motion and stated that the District should not be held accountable for any liability due to changes in the plan. Mr. Clyde Pine, EPISD legal counsel, advised that the motion's language addresses IBM Global Services' cost through the date of termination and for the work actually done. The District will not be held liable for any work that IBM Global Services may do after the termination of the contract.

Responding to a question from Mr. Wever, Dr. Anzaldua advised that a conforming budget amendment will be brought back to the Board for approval.

Upon the vote, the motion carried unanimously.

It was moved by Mr. Mena and seconded by Mr. Telles that regardless of any formal or informal policies of the District related to procurement methodology, for the acquisition of goods under the E-Rate projects described in the prior motion the administration shall be entitled to select a particular procurement method for different sets of such goods so long as a) the administration provides a written report to the Board before beginning such acquisition; b) no objection from a Board member to such method is received by the Superintendent within 72 hours; and c) the Board retains the right to make the ultimate decision on the acquisition and the vendor.

Mr. Safi recommended that the motion be amended to add a fourth condition to the motion that the procurement methodology utilized conforms to the legal requirements of the Texas Education Code.

Mr. Mena accepted the amendment as recommended by Mr. Safi and Mr. Telles agreed.

The amended motion reads as follows:

that regardless of any formal or informal policies of the District related to procurement methodology, for the acquisition of goods under the E-Rate projects described in the prior motion the administration shall be entitled to select a particular procurement method for different sets of such goods so long as a) the administration provides a written report to the Board before beginning such acquisition; b) no objection from a Board member to such method is received by the Superintendent within 72 hours; c) the Board retains the right to make the ultimate decision on the acquisition and the vendor.; and d) the procurement methodology utilized conforms to the legal requirements of the Texas Education Code.

Upon the vote, the motion, as amended, carried unanimously.

Update on EPISD Strategic Planning Process (Item #5)

Dr. Anzaldua advised that on October 19 and 20, 2001, the 45-member Critical Thinkers group met under the facilitation of Mr. Gilbert Moreno, Prestige Consulting Services, for an orientation session. He stated that the planning process is about 75 percent complete, and the input that was provided on those two days will provide a framework for the future.

Mr. Gilbert Moreno, Prestige Consulting Services, Strategic Planning Consultant, provided information on the orientation process. He reviewed the Project Status Update Report and advised that four of the five major phases have been completed. He reviewed the summary of the Critical Success Factors of the six Key Initiative Areas, the 30-60 Day Outlook, and the draft of the Goals and Objectives Summary. Mr. Moreno advised that four master planning workshops will be held in the next two weeks, which are the specific workshops intended to delineate specific tactics on where the District is going with the six initiatives.

Mr. Moreno advised that a preliminary draft of the Strategic Plan will be presented to the Board at its November 13, 2001, meeting and the final draft will be presented for the Board's approval on November 27, 2001. At that time the naming of the members of the Strategic Thinking/Strategic Planning Accountability Steering Committee will take place. This committee will ensure the implementation of the six initiatives over the next five-year period.

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that the communications piece of the final plan will continue beyond November 2001. Additional information will be published which will be distributed to the campuses and the community. Dr. Anzaldua commended the five EPISD students that participated in the two-day session.

Report on Special Education Review Conducted by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C. (Item #6)

Mr. David Marcus, representing Marcus, Fairall, Bristol & Co., LLP, and Edge, McLagan, Nugent & Co., P.C., the District's Forensic Auditors, provided a summary of the review process that was conducted on the EPISD Special Education Division. He advised that the investigation included in-depth interviews with District personnel in Finance, Special Education, Purchasing, and Technology and that the report is divided into four sections: Technology, the ARD (admission, review and dismissal) Process, Communication, and Budget Process. He reviewed the findings in each of the areas and provided recommendations for

improvement. Mr. Marcus suggested that the Superintendent provide quarterly reports to the Board on progress that is made on the recommendations.

There was discussion on the implications of the Special Education report; there being no preconceived bias on the part of the investigative team; and the actions by the District to correct the problems in Special Education.

Dr. Anzaldua advised that the administration agrees with the findings and is committed to implementing all of the recommendations. He stated that Ms. Linda Corral, Associate Superintendent, Middle Schools Division, will chair a Special Education Task Force that will develop a blueprint for implementing the recommendations and bringing them back to the Board. Dr. Anzaldua advised that the report will be shared with the principals at the next principals meeting and the community at a series of regional parents meetings, and that it will be disseminated to all District employees.

Discussion continued on the first quarterly report from the administration being presented to the Board in February 2002; determining the need for a follow-up investigation into the implementation of the recommendations; and developing a three-part plan which would include the investigation with information provided, the development of a plan to be approved by the Board, and on-going evaluation and responses.

Item Withdrawn

It was announced that item no. 7, Discussion of Governance Issues, had been withdrawn from the agenda.

Approval of Appointments to Local Textbook Adoption Committee (LTAC) (Item #8)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the recommended appointments to the Local Textbook Adoption Committee (LTAC) for the 2001-02 school year (copy of list attached to the permanent file of these minutes). Mr. Rosales was not present for the vote.

Approval of 2001-02 Campus Improvement Plans (Item #9)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the goals and objectives of the Campus Improvement Plans submitted by each campus for the 2001-02 school year. Mr. Rosales was not present for the vote.

Approval of Delta Education Full Option Science System (FOSS) Middle School Program (\$26,235.00) (Item #10)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the purchase of the Full Option Science system (FOSS) Middle School Program, which is a hands on science program, from Delta Education, the sole source, in the amount of \$26,235.00.

Approval of Reading Materials for Third Grade Classes Utilizing Texas Education Agency “Model Reading Intervention Program (MRIP)” Grant Funding (\$142,307.80) (Item #11)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the purchase of reading materials for third grade classes be approved as presented to the sole source vendors listed utilizing Texas Education Agency “Model Reading Intervention Program (MRIP)” grant funding in the amount of \$142,307.80 (copy of vendor list and materials attached to the permanent file of these minutes).

Approval of Resolution Authorizing the Submission of a Grant Application to the Texas Criminal Justice Division for the Juvenile Justice Alternative Education Program at the Delta Academy (\$35,000.00) (Item #12)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the Board approve the Resolution Authorizing the Submission of a Grant Application to the Texas Criminal Justice Division for Juvenile Justice Alternative Education Program funding for tutorial assistance for students at the Delta Academy in the amount of \$35,000.00.

Approval of Agreement with Gale Patrick Graham, Individually and d/b/a G. P. Graham Capital Management Group, for the Provision of Consulting and Actuarial Services for the EPISD (\$77,000.00) (Item #13)

It was moved by Mr. Mena and seconded by Mr. Telles that the Board approve the final Consulting and Actuarial Services Agreement between Gale Patrick Graham, individually and d/b/a G. P. Graham Capital Management Group and the El Paso Independent School District, as presented and incorporating revisions as recommended by legal counsel, in an annual amount not to exceed \$77,000.00.

Mr. Clyde Pine, EPISD legal counsel, requested direction from the Board on a request from Mr. Graham that an exception be included in the agreement that would authorize him to sell to those EPISD employees that are referred to him as opposed to those solicited directly.

Mr. Mena amended his motion to include authorizing the selling of products to EPISD employees that are referred and not directly solicited.

The amended motion reads as follows:

that the Board approve the final Consulting and Actuarial Services Agreement between Gale Patrick Graham, individually and d/b/a G. P. Graham Capital Management Group and the El Paso Independent School District, as presented and incorporating revisions as recommended by legal counsel, in an annual amount not to exceed \$77,000.00, with the authorization to sell products to EPISD employees that are referred to Mr. Gale Patrick Graham and not directly solicited.

Upon the vote, the motion, as amended, carried unanimously.

Approval of Plan Amendments to the EPISD Health Care Trust Medical Plan ((tem #14)

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 proposed increase in family plan costs and requested that a scaled-down plan be offered for lower-income employees.

There was discussion on the 90-day waiting period to enroll in CHIP (Children's Health Insurance Program); developing a plan to allow employees to enroll their children in CHIP and provide assistance during the 90-day waiting period; the number of employees enrolled and proposed price increases for the various medical plan options available to employees; comparable insurance costs in the state of Texas; providing coverage only for catastrophic insurance; and the availability of voluntary student accident insurance offered through the District and more information being provided to employees on those policies.

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve amendments to the EPISD Health Care Trust Medical Plan as follows:

- (1) To clarify the effective date for Family Status Changes, page 17F., "When Coverage Begins," Paragraph 2, to read: *"Coverage for your eligible dependents begins the later of when your coverage begins or the first of the month following the day an eligible dependent is legally acquired, if properly enrolled and if required premiums are paid; except an eligible dependent, who is hospital confined on the date coverage would ordinarily begin will have the beginning of coverage delayed until the first of the month following the date that he/she is no longer in the hospital. Please note: your newborn child is automatically covered at birth for 31 days. For coverage to continue beyond those 31 days, you must enroll your child with the EPISD Benefits Office within those first 31 days and pay any required premiums."*
- (2) To clarify the exclusion for the treatment of obesity and other related drugs, treatments, and/or procedures, "Expenses Not Covered," specifically #19, to read: *"Services, treatments, procedures, drugs, nutritional supplements, food, vitamins or exercise therapy for obesity, weight loss or dietetic control whether or not it is medically necessary."*

Approval of Legal Counsel for 2001 Property Value Study Appeal (Item #15)

It was moved by Mr. Telles, seconded by Dr. Finke, and carried unanimously that the Board approve Linebarger Heard Goggan Blair Graham Peña & Sampson, LLP, as the legal counsel for the property value study appeal for 2001 and approve the contract for said services as presented.

Approval of Resolution Designating Investment Officer and Resolution Amending Authorized Representatives for the Texas Local Government Investment Pool (TexPool) (Item #16)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the Resolution designating the Associate Superintendent of Finance as an investment officer of the EPISD; and the Resolution Amending Authorized Representatives for the Texas Local Government Investment Pool (TexPool) which designates the Associate superintendent for Finance as an authorized representative of the District.

RFP, Bid, and Purchase Orders Requiring Board Approval (Item #17)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the RFP and purchase orders as listed be approved to the recommended vendors for the amounts indicated, with the exception of item no. 17, B., Risograph Maintenance & Repair Bid #85-01:

- A. Option to Extend Existing RFP – Library LAN/WAN Software/Physical Layer Support RFP #91-99 (\$165,951.20). The Board approved the final option to extend Library LAN/WAN Software/Physical Layer Support RFP #91-99 to Desert Communications, Inc. for the annual amount of \$165,951.20 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Internet Access Service (Ref. RFP #99-00), Purchase Order No. 224029 (\$29,627.84). The Board approved Internet Access Service (Ref. RFP #99-00 which was approved on January 9, 2001, subject to the award of E-Rate funding) to Region 19 Education Service Center in the amount of \$29,627.84, the District's portion of the funding (copy of purchase order attached to the permanent file of these minutes).
- D. Purchase Orders for Computer Equipment
 - 1. Apple Wireless Mobile Lab for Bowie High School, Purchase Order No. 222861 (\$22,799.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$22,799.00 (copy of purchase order attached to the permanent file of these minutes).
 - 2. Apple Computers for White Elementary School, Purchase Order No. 223821 (\$7,717.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$7,717.00 (copy of purchase order attached to the permanent file of these minutes).
 - 3. Computers for Technology and Information Systems, Purchase Order No. 223585 (\$10,235.26), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$10,235.26 (copy of purchase order attached to the permanent file of these minutes).
 - 4. Computers for Coronado High School, Purchase Order No. 225126 (\$15,450.00), were approved for purchase from Desert Communications, Inc., the lowest quote, in the amount of \$15,450.00 (copy of purchase order attached to the permanent file of these minutes).
 - 5. Computers and Server for Center for Career and Technology Education, Purchase Order No. 224419 (\$34,062.22), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$34,062.22 (copy of purchase order attached to the permanent file of these minutes).

RFP, Bid, and Purchase Orders Requiring Board Approval – Risograph Maintenance & Repair Bid #85-01 (approx. \$70,200.36) (Item #17, B.)

The following people requested to speak to this item:

1. Mr. Mitch Pleasant, Vice President, Spectrum Imaging Systems, spoke about allegations made against Spectrum Imaging Systems by their competitor at the Board meeting on September 25, 2001.
2. Mr. Kyle Elliott declined the opportunity to speak.
3. Mr. Maurice Pleasant declined the opportunity to speak.
4. Mr. Marcelo Pleasant declined the opportunity to speak.
5. Mr. Orlando Benevidez, President, Southern New Mexico Office Machines, and Mr. Tony Benevidez, spoke about their request for a copy of the survey that was conducted on Risograph service and requested that Southern New Mexico Office Machines be awarded the bid.

It was moved by Mr. Mena and seconded by Mr. Rosales that Risograph Maintenance & Repair Bid #85-01 be awarded to Spectrum Imaging Systems for an estimated annual amount of \$78,048.00, with net terms and an option to extend for 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).

There was discussion regarding the District's options in awarding bids; the distance that would have to be traveled by Southern New Mexico Office Machines (from Las Cruces, New Mexico) to provide the required service to EPISD schools; the certified technicians on staff with Southern New Mexico Office Machines; and the bid price being offered by Spectrum Imaging Systems.

Responding to questions from Mr. Safi, Mr. Terry Freiburg, Director of Purchasing, provided information on the existence of a state contract through the General Services Commission that covers Risograph maintenance and repair; Spectrum Imaging Systems being an authorized vendor on the state contract; the rationale for issuing a competitive bid rather than utilizing the state contract; whether Southern New Mexico Office Machines is a qualified vendor on the state contract; the proposal from Spectrum Imaging Systems to remove some Risograph machines from the bid award and the District utilizing the state contract award for those machines.

Mr. Safi advised that the language in the bid states that the District will be able to add or subtract machines from the overall contract with 30-days notice but that there is a question about whether those machines would qualify for the state contract. He stated that bid prices cannot be changed once the bids have been submitted and opened and that if any party wants to submit lower bid prices, then it would be advisable for all bids to be rejected and the item rebid.

Responding to a question from Miss Garcia, Mr. Freiburg advised that the bid did not address splitting the award between two vendors.

It was moved by Mr. Mena that debate on this item be closed and an immediate vote be taken on the pending question. Upon the vote, the motion to close debate carried unanimously.

Upon the vote, the motion to award Risograph Maintenance & Repair Bid #85-01 to Spectrum Imaging Systems carried unanimously.

Appeal of Decision of Reconsideration Committee Regarding the Removal of Instructional Material from School Libraries (Item #18)

Ms. Sharon Carr, Facilitator, Library Learning Services, provided information on this appeal to the Board from a parent regarding her request for reconsideration of a book located in the school libraries. She advised that the parent requested that the book *A Wrinkle in Time* by Madeline L'Engle be removed from all school libraries. Ms. Carr reviewed the process that was followed by the Reconsideration Committee to review and make a decision on whether or not to remove the book. It was the Committee's decision that the book not be removed. She stated that another, comparable book was provided to the parent's child.

It was moved by Mr. Wever and seconded by Mr. Telles that the Board uphold the decision by the Reconsideration Committee to keep the book *A Wrinkle in Time* in the District's school libraries.

Ms. Patricia Díaz, parent at Roosevelt Elementary School, expressed her concerns about the book. She also read an article about witchcraft and reviewed aspects of the book that she believed to be objectionable.

It was moved by Mr. Mena that the debate be closed and an immediate vote be taken on the pending question.

Upon the vote, the motion to uphold the decision by the Reconsideration Committee to keep the book *A Wrinkle in Time* in the District's school libraries carried unanimously.

Items Withdrawn

It was announced that item no. 19, Interdistrict Transfer Student Tuition Waiver Appeal – A. A. and R. A. (at the parent's request) and item no. 20, A., Superintendent's Evaluation, Contract, and Compensation, had been withdrawn from the agenda.

Meeting Closed (Item #20)

The meeting was recessed at 8:04 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

- B. Proposed Sale or Exchange of Property Owned by EPISD – Education Center-Downtown (Blue Flame Building)
- C. Consultation with School District Attorney Regarding Pending Litigation
 - 1. Jerry Boyer, President, El Paso Classroom Teachers Association, et al. vs. El Paso Independent School District, et al; In the 346th District Court, El Paso County, Texas; Cause No. 2000-3533
 - 2. Muntasser Alspini, Plaintiff v. El Paso Independent School District, Defendant; County Court at Law No. Three, El Paso County, Texas; Cause No. 2000-1066

The closed meeting started at 8:10 p.m. The closed meeting ended at 8:27 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:28 p.m.

Proposed Sale or Exchange of Property Owned by EPISD – Education Center-Downtown (Blue Flame Building) (Item #20, B.)

It was moved by Mr. Mena, seconded Mr. Telles, and carried unanimously that the Board declare the Education Center-Downtown (Blue Flame Building), being a portion of Block 39, Anson Mills Map, City of El Paso, El Paso County, Texas, as surplus property not needed for school purposes and authorize the administration to proceed with the notice and publication of the offering of same for sale, lease, or exchange in accordance with Board policies and procedures, including Board Policy CDB (Legal) and (Local), Sale Lease or Exchange of School-Owned Property, with any recommendation to accept any offer to be brought back to the Board for approval.

Consultation with School District Attorney Regarding Pending Litigation – Jerry Boyer, President, El Paso Classroom Teachers Association, et al. vs. El Paso Independent School District, et al; In the 346th District Court, El Paso County, Texas; Cause No. 2000-3533 (Item #20, C., 1.)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the Board approve the Release and Settlement Agreement in this case as presented by legal counsel.

Meeting Adjourned

The meeting was adjourned at 8:30 p.m.

Date Approved: January 22, 2002