

Minutes of Meeting of Board of Trustees
El Paso Independent School District
July 10, 2001
5:00 p.m.
Education Center-Boeing

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

Absent: Dr. Gene Finke, Vice President

The meeting was called to order at 5:17 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships.

Public Forum (Item #1)

The following people requested to speak on Open Forum:

1. Mr. Gerald Cheek spoke about the accountability of the Board of Trustees and considering parental input when assigning principals.
2. Mr. Orlando Benavidez, representative of Southern New Mexico Office Machines, expressed concerns about a Risograph machine repair and maintenance bid.
3. Ms. Beatrice Benavidez declined the opportunity to speak.
4. Mr. Tony Benavidez declined the opportunity to speak.
5. Ms. Linda Hernandez Romero, parent at Guillen Middle School, spoke about keeping Lionel Rubio, who was recently transferred to Alamo Elementary School, as principal at Guillen Middle School.
6. Ms. Liz Duncan, parent at Morehead Middle School, spoke about keeping Angelo Pokluda, who was recently transferred to Bradley Elementary School, as principal at Morehead.
7. Mr. Dennis Smith, Senior District Sales Manger for Texas Riso Corporation, spoke about a Risograph machine repair and maintenance bid and voiced his support of the local servicing agent, Spectrum Imaging Systems.

Authorization for Financial Advisor to Proceed with Development of Materials for Sale of Maintenance Tax Notes (\$4,000,000.00) and Refunding Notes (approx. \$17,863,000.00) and Approval of Members of Proposed Financing Team (Item #3)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board authorize First Southwest Company to develop documents for the issuance of \$4,000,000.00 of Series 2001, Maintenance Tax Notes, and \$17,863,621.00 of Refunding Notes to refund the Series 1998 PPFCOs (Public Property Finance Contractual Obligations); that Bear Stearns be selected as the underwriter for the proposed Series A of the \$17,863,621.00 PPFCOs (Public Property Finance Contractual Obligations) refunding bonds; and that Morgan Stanley or other qualified firms be selected as underwriters for the proposed Series B of the \$4,000,000.00 Maintenance Tax Notes.

Recent Reassignment of Principals Involving Guillen, Morehead, and Ross Middle Schools and Alamo and Bradley Elementary Schools (Item #14)

The following people requested to speak to this item:

1. The following individuals spoke about keeping Lionel Rubio, who was recently transferred to Alamo Elementary School, as principal at Guillen Middle School:
 - a. Mr. Mauricio Olague, teacher at Guillen Middle School
 - b. Mr. Anthony Cobos, City Representative for District 8
 - c. Mr. Cornell Smith, teacher at Guillen Middle School
 - d. Mr. Raul Garcia
 - e. Father Richard Thomas
 - f. Father Raphael Garcia
 - g. Ms. Caballero
 - h. Miss Julie Cruz, student at Guillen Middle School
 - i. Ms. Idalia Guerra, volunteer at Guillen Middle School
 - j. Ms. Bertha Moreno
 - k. Ms. Leticia Flaquet, parent at Guillen Middle School
 - l. Miss Norma Yee, former student at Guillen Middle School
2. Ms. Julie Witte spoke about keeping Angelo Pokluda, who was recently transferred to Bradley Elementary School, as principal at Morehead Middle School.
3. Ms. Patricia Amezaga, teacher at Ross Middle School, spoke about the transfer of Fernando Sanchez from Ross to Morehead Middle School.

Meeting Closed

The meeting was recessed at 7:27 p.m. to a closed meeting under Section 551.071 of the Texas Government Code for legal advice related to the principal reassignments.

The closed meeting started at 7:30 p.m. The closed meeting ended at 7:35 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:35 p.m.

It was moved by Mr. Telles and seconded by Mr. Mena that Lionel Rubio be retained as principal at Guillen Middle School.

Responding to questions from the Trustees, Mr. Safi advised that this was a personnel matter. Since the employee indicated a desire to file a grievance, it was his recommendation that the Board follow the grievance process, which is to allow the employee to present his grievance to the Superintendent, and if it is not resolved at that level, then the employee may appeal to the Board. At that time, the Board can hear from the employee, consider any response from the Superintendent, and take action on the grievance. This allows the employee due process which is provided by policy.

It was moved by Dr. Roark and seconded by Miss Garcia that any action by the Board on the transfer of Lionel Rubio from Guillen Middle School be postponed for two weeks to allow for the grievance process and the Superintendent's response, and that the grievance be brought back to the Board at the next regularly scheduled meeting, if necessary. Upon the vote, the motion carried with Mr. Mena and Mr. Telles voting against the motion.

Consent Agenda (Item #2)

It was moved by Dr. Roark, 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

The Board approved the minutes of the May 8, 2001, Board Finance Committee and Board Investigative Services Committee meetings; the May 17, 2001, Board Finance Committee meeting; May 16, 2001, Texas Comptroller Performance Review Team Press Conference; and the May 1, 2001; May 8, 2001; May 22, 2001; and May 24, 2001, meetings of the Board of Trustees.

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 and the approval of the 2001-02 preliminary budget, to the recommended construction contracting firms for the construction/installation of the projects described for the amounts indicated:

1. Ross Middle School Elevator, #99.615 (\$139,800.00) was awarded to Matyear Construction Co., Inc. in the amount of \$139,800.00.
2. TAS (Texas Accessibility Standards) Deficiencies 2000, Phase 1, #01.059 (\$183,000.00) was awarded to Dantex Construction Co. in the amount of \$183,000.00.

C. Approval of Budget Amendments

The Board approved the following amendments to the 2000-01 fiscal year budget:

1. Irvin High School Budget Transfer (\$5,161.00). The purpose of this item is to amend the Irvin High School budget in the amount of \$5,161.00. Mark Rupcich, Principal, Irvin High School, requested this amendment in a memo dated June 19, 2001. This amendment transfers funds from other expenditure accounts to School Leadership-General Supplies and to Rentals-Operating Leases. This transfer will be for the payment of Xerox copier expenses through the end of July 2001 and for library renovations, to include furniture, carpet, and paint.
2. Police Services School Budget Transfer (\$5,000.00). The purpose of this item is to amend the Police Services budget in the amount of \$5,000.00. James Damm, Consultant for Finance, requested this amendment in a memo dated June 21, 2001. This amendment transfers funds from other Professional Salaries to replace funds expended from Police Services Support Salaries which is necessary to continue to provide training for District police officers.
3. Communications and Business Partnerships Budget Transfer (\$2,000.00). The purpose of this item is to amend the Communications and Business Partnerships budget in the amount of \$2,000.00. Luis Villalobos, Executive Director, Communications and Business Partnerships, requested this amendment in a memo dated June 19, 2001. This amendment will transfer funds from Administrative Supplies to Instructional Resources and Media Supplies which is necessary to continue operating through the remaining fiscal year.
4. Operations - Planning, Engineering and Construction Budget Transfer (\$1,248,881.00). The purpose of this amendment is to increase the Planning, Engineering and Construction budget in the amount of \$1,248,881.00. Hector Martinez, Associate Superintendent of Operations, requested this amendment in a memo dated June 25, 2001. The budgeted expenditures for Building Construction and Improvement and Fees will be increased by \$974,356.00 and \$274,525.00 respectively. Other Sources of Funds will be increased by \$1,248,881.00 using the Fund Balance Designated for Construction. The Fund Balance Designated for Construction represents commitments made by the District for construction projects that will be funded from the General Fund, i.e., the carryover of unused construction funds.

D. Approval of Entitlements for 2001-02 Program Fiscal Year and Corresponding Budget Amendments

The Board approved the following entitlements for the 2001-02 program fiscal year and the corresponding amendments to the 2001-02 fiscal year budget:

1. ESEA Title I, Part A, Districtwide Funds (\$5,792,055.00). The purpose of this item is to set up the budget for ESEA, Title I, Part A, Districtwide Funds in the amount of \$5,792,055.00. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment, requested this amendment in a memo dated June 21, 2001. The Texas Education Agency approved this grant on April 23, 2001.

2. IDEA-B Capacity Building (\$183,211.00). The purpose of this item is to set up the IDEA-B Capacity Building budget in the amount of \$183,211.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 23, 2001. The Texas Education Agency approved this grant on June 6, 2001.
3. IDEA-B Formula (\$4,853,053.00). The purpose of this item is to set up the budget for the IDEA-B Formula Program in the amount of \$4,853,053.00. This amendment was requested by Dr. Margaret Johnson, Executive Director, Special Services, in a memo dated May 23, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
4. ESEA, Title I, Part D, Subpart 2 (\$71,617.00). The purpose of this item is to set up the budget for ESEA, Title I, Part D, Subpart 2 in the amount of \$71,617.00. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment, requested this amendment in a memo dated June 22, 2001. The Texas Education Agency approved this grant award on April 19, 2001.
5. Carl D. Perkins Basic Grant Formula for Career and Technology (\$1,087,855.00). The purpose of this item is to set up the budget for the Carl D. Perkins Basic Grant Formula for Career and Technology Education in the amount of \$1,087,855.00. Rosa Gandara, Director of Career and Technology Education, requested this amendment in a memo dated June 14, 2001. The Texas Education Agency approved this grant award on June 12, 2001.
6. Title VI – Innovative Education Program Strategies (\$423,928.00). The purpose of this item is to set up the budget for the Title VI – Innovative Education Program Strategies in the amount of \$423,928.00. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment, requested this amendment in a memo dated June 25, 2001. The Texas Education Agency approved this grant award on April 19, 2001.
7. Title II, Part B – Dwight D. Eisenhower Professional Development Program (\$484,867.00). The purpose of this item is to set up the budget for the Title II, Part B – Dwight D. Eisenhower Professional Development Program in the amount of \$484,867.00. Marsha Lawler, Executive Director for External Funding, requested this amendment in a memo dated June 19, 2001. The District received notification from the Texas Education Agency of the fiscal year 2001-02 tentative entitlement amount on April 25, 2001.
8. Title IV – Safe and Drug Free Schools and Communities Act (\$553,866.00). The purpose of this item is to set up the budget for the Title IV – Safe and Drug Free Schools and Communities Act in the amount of \$553,866.00. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment, requested this amendment in a memo dated June 21, 2001. The District received notification from the Texas Education Agency of the fiscal year 2001-02 tentative entitlement amount on April 19, 2001.

9. IDEA-B Formula Preschool (\$182,917.00). The purpose of this item is to set up the IDEA-B Formula Preschool Program budget in the amount of \$182,917.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 23, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
10. IDEA-B Formula Preschool Deaf (\$10,023.00). The purpose of this item is to set up the IDEA-B Formula Preschool Deaf Program budget in the amount of \$10,023.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 30, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
11. IDEA-C Early Intervention Deaf (\$2,911.00). The purpose of this item is to set up the IDEA-C Early Intervention Deaf Program budget in the amount of \$2,911.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 30, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
12. IDEA-B Deaf Education (\$63,533.00). The purpose of this item is to set up the IDEA-B Deaf Education Program budget in the amount of \$63,533.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 30, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
13. IDEA-B Capacity Building & Improvement Deaf (\$4,320.00). The purpose of this item is to set up the IDEA-B Capacity Building & Improvement Deaf budget in the amount of \$4,320.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 30, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
14. IDEA-B Discretionary Deaf (\$31,334.00). The purpose of this item is to set up the IDEA-B Discretionary Deaf Program budget in the amount of \$31,334.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 30, 2001. The Texas Education Agency approved this grant award on June 6, 2001.
15. IDEA-B State Deaf Education (\$1,096,884.00). The purpose of this item is to set up the IDEA-B State Deaf Education budget in the amount of \$1,096,884.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated May 30, 2001. The Texas Education Agency approved this grant award on June 6, 2001.

E. RFP, Bids and Purchase Orders Requiring Board Approval

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

1. Option to Extend Existing RFP – Pregnancy, Education & Parenting RFP #93-99 (\$180,504.00). The Board approved the final option to extend Program for Pregnancy, Education & Parenting RFP #93-99 to the YWCA for an additional 12 months beginning September 1, 2001, and ending August 31, 2002, in the amount of \$180,504.00, which includes an increase of \$8,595.00 from the 2000-01 approved contract, subject to the approval of the 2001-02 preliminary budget.
2. Facsimile Machines for EPISD Campuses Bid #42-01 (\$35,405.00) was awarded to CMI, the lowest responsive bidder, in the amount of \$35,405.00 (copy of bid tabulation attached to the permanent file of these minutes).
3. Bond Paper Bid #51-01 (\$33,152.00) was awarded to Xpedx, the lowest bidder based on an “All or None” basis, in the amount of \$33,152.00, with 2 percent terms (copy of bid tabulation attached to the permanent file of these minutes).
4. P. E. Equipment and Supplies Bid #52-01 (\$50,319.96) was awarded to the following vendors in the amounts indicated: Baden Sports, Item 7, \$133.50, net; Bill Fritz Sports, Items 1, 2, and 38, \$4,597.30, net; Cannon Sports, Items 3, 24, 26, 28, 29, 33, 34, and 40, \$6,545.82, net; Flaghouse, Inc., Items 10-12, 14, 30, 31, 41, and 51, \$3,081.45, net; Gardenswartz, Item 16, \$12,408.00, net; Gopher Sports, Items 9, 18, 19, 44, 45, 49, and 52, \$4,288.76, net; Sportime, Items 4, 25, and 27, \$3,405.80, net; and U. S. Games, Items 5, 6, 8, 13, 15, 17, 20-23, 32, 35-37, 39, 42, 43, 46-48, and 50, \$15,859.33, net, for a total amount of \$50,319.96, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
5. Yearbook Bid #53-01 was awarded to Herff Jones Yearbook, Taylor Publishing Co., and Walsworth Publishing Co. to provide yearbooks for the high schools with the selection of vendor to be made by each school.
6. Reading Training Materials for Kindergarten and First Grade, Purchase Order Nos. 219039, 219053, and 219068 (\$60,329.70) were approved for purchase from Newbridge Educational, Purchase Order No. 219039, in the amount of \$18,876.00; Pearson Learning, Purchase Order No. 219053, in the amount of \$18,694.50; and Steck Vaughn Co., Purchase Order No. 219068, in the amount of \$22,759.20, for a total amount of \$60,329.70 (copy of purchase orders attached to the permanent file of these minutes).

F. April/May Report of JJAEP Placements not Appealed to the Board of Trustees

The April/May 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.

G. June Personnel Report

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

Update on Strategic Planning and Discussion and Possible Action on Strategic Planning Process and Appointment of Strategic Planning Committee (Item #4)

Mr. Gilbert Moreno, Prestige Consulting Services, EPISD Strategic Planning Consultant, provided the Board an extensive update on the progress of the EPISD strategic planning process, which was also reported to the Board Strategic Planning Committee on June 26, 2001. He reviewed input received from the nine focus groups—which includes the Districtwide Educational Improvement Council (DEIC), the Superintendent's Cabinet, principals, the Superintendent's Student Advisory Council (Super SAC), support services staff, Partners-in-Education, the Trustees, the PTA Board, and teachers—and the top five preliminary cross-cutting issues, which include student academic success, effective communications, financial and academic accountability, quality curriculum/instruction, and organization/ management effectiveness.

Mr. Moreno highlighted the key projects undertaken to date—the development of the stakeholder database, the project communications plan, Board of Trustees workshops, and nine focus group meetings—and reported on the three “Town Hall” meetings that have been held. He also explained how input is incorporated into the planning process.

There was a discussion of the recommendation that in early September, prior to approval of the Strategic Plan, teams be created at the campuses to establish key issues and provide an additional channel of input and process. The teams would be composed of the principals, PTA representatives, administration, and campus people meeting in a community forum. Other recommendations were to include non-negotiable items in the plan, distribute a random survey to teachers for additional input, and provide flyers to students explaining strategic planning to the parents.

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, reviewed the list of nominees for the Strategic Planning Committee, who will be invited to the assembly process to look at Districtwide issues. Mr. Moreno advised that the final selection of 45 to 50 “strategic thinkers” should be made by the middle of August 2001. Dr. Roark recommended that he and Mr. Rosales, with the assistance of Mr. Moreno, recommend the final members of the Strategic Planning Committee to the Board of Trustees.

Selection of Delegate and Alternate to TASB Delegate Assembly (Item #5)

It was moved by Mr. Rosales, seconded by Mr. Telles, and carried unanimously that Dr. Charles Roark be designated as delegate to the 2001 Texas Association of School Boards Delegate Assembly in Dallas, Texas, and that Sal Mena, Jr. be designated as alternate to the 2001 Texas Association of School Boards Delegate Assembly in Dallas, Texas.

Items Withdrawn

It was announced that item no. 6, Discussion and Possible Action Regarding Requesting Report and Recommendations Concerning EPISD Employee Health Benefit Plan to Include Third-Party Administration, Utilization Review and Network Contracts and Effect of House Bill 3343 on the District's Employee Health Benefit Plan, and item no. 7, B., Approval of Revisions to Board Policies – DHC (Local), Employee Standards of Conduct: Sexual Harassment/Sexual Abuse, had been withdrawn from the agenda.

Approval of Revisions to Board Policies (Item #7)

A. CB (Local), State and Federal Revenue Sources

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that the recommended revision to this policy includes new language under the subheading "Board Reports."

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the revisions to Board Policy CB (Local), State and Federal Revenue Sources, be approved as presented (copy attached to the permanent file of these minutes).

Selection of Depository Bank for Fiscal Years 2001-02 and 2002-03 (Item #8)

It was moved by Dr. Roark and seconded by Mr. Rosales that the 2001-02 bank depository contract for El Paso Independent School District (Bank Depository Bid #50-01) be awarded to J. P. Morgan-Chase Bank for a two-year term beginning September 1, 2001, and ending August 31, 2003.

There was discussion on postponing action on awarding the depository contract, issuing an RFP (request for proposals) and awarding the contract on a "shared" basis, and what it would take for the District to transition to a new bank for depository services (being as J. P. Morgan-Chase Bank is the District's current provider for depository services). It was determined that transitioning to a different bank would involve additional costs and that there wouldn't be sufficient time to complete the necessary conversions. Also, current law requires that school district depositories be handled on a competitive bid basis and that a bid can only be split if there are tie bids with the same exact services, rates, etc., being offered.

Upon the vote, the motion carried with Mr. Mena voting against the motion.

RFP Requiring Board Approval – Consulting and Actuarial Services RFP #26-01 (approx. \$75,000.00) (Item #9)

Dr. Anzaldúa advised that at the June 12, 2001, Board meeting, the Board directed the administration to renegotiate the fees offered by two vendors submitting proposals in response to RFP #26-01, Towers Perrin and G. P. Graham Capital Management Group. He advised that the administration recommended Towers Perrin whose fees were negotiated down to \$75,000.00 from \$100,000.00.

It was moved by Mr. Mena and seconded by Mr. Telles that Consulting and Actuarial Services RFP #26-01 be awarded to Towers Perrin for the estimated annual amount of \$75,000.00, with the option to extend for 24 months, 12 months at a time.

The following persons requested to speak to this item:

1. Mr. Pat Graham G. P. Graham Capital Management Group, spoke about his company's proposal. He stated that there would be no delays in transferring consultants, and because they are a local company, no travel expenses would be incurred.
2. Mr. Michael Rodriguez, Towers Perrin, spoke about the analysis performed by his company last year and the updated data and analysis that was conducted.

Upon the vote, the motion failed with Mr. Telles and Mr. Mena voting in favor of the motion and Dr. Roark, Miss Garcia, Mr. Wever, and Mr. Rosales voting against the motion.

It was moved by Dr. Roark and seconded by Miss Garcia that Consulting and Actuarial Services RFP #26-01 be awarded to G. P. Graham Capital Management Group on a retainer in the amount of \$65,000.00 and actuarial services not to exceed \$12,000.00 for an estimated annual amount of \$77,000.00, with the option to extend for 24 months, 12 months at a time. Upon the vote, the motion carried with Mr. Mena voting against the motion.

Construction Contract Award – 2000 Roof Replacement – Charles Middle School, #01.068 (\$783,658.00) (Item #10)

The following people requested to speak to this item:

1. Mr. Fernando Chacon, legal representative for Forsyth Roofing, spoke about the recommended bidder allegedly not meeting the bid specifications and his client, Forsyth Roofing, being the lowest responsible bidder.
2. Mr. Robert Garcia, Vice President, Forsyth Roofing, reiterated his attorney's comments and spoke about the bid specifications requiring the use of a mechanical contractor.

Responding to a question about the general contractor meeting the requirements as a mechanical or electrical contractor, Mr. Nicholas Corona, Executive Director, Facilities, Maintenance and Construction, advised that the bid specifications require two subcontractors to perform the test and balance and thermal insulation of the roof replacement. The expectation is that the general contractor will either secure a subcontractor or employ personnel to perform the other electrical and mechanical work. In this case, Southwestern Roofing, Inc. opted to employ people with master electrician's and plumber's licenses to perform the remaining electrical and mechanical work, and the District received documentation to this effect. It was also confirmed that the language contained in the "Qualifications of Mechanical and Electrical Contractor(s)" subsection of the bid does not require roofing contractors to hire subcontractors.

Discussion followed on the validity of a warranty on the original equipment if a contractor, other than the one that installed the equipment, works on the equipment. Mr. Hector Martinez, Associate Superintendent of Operations, advised that the contractor performing the work is required to take over any warranty or liabilities that relate to the equipment.

It was moved by Mr. Wever and seconded by Mr. Telles that the Board waive the irregularity of Southwestern Roofing, Inc. not including a list of subcontractors with their bid and submitting the list late and approve the award of Construction Contract #01.068, 2000 Roof Replacement – Charles Middle School, subject to the review and approval of the District's attorney, to Southwestern Roofing, Inc. in the amount of \$783,658.00. Upon the vote, the motion carried with Miss Garcia voting against the motion.

Interdistrict Transfer Appeal – J. V. and A. V. (Item #11)

Ms. Gloria Boyer, Director, Pupil Services, reported that the requests to enroll J. V. at Franklin High School and A. V. at Lindbergh Elementary School were denied because the family resides in the Canutillo Independent School District. Ms. Rebecca Villalobos, the students' mother, then requested tuition waivers for both students, which were denied. Ms. Boyer advised Ms. Villalobos of the appeal process.

Ms. Villalobos expressed concerns about the safety of her children and requested that the Board approve the transfers and tuition waiver requests. She added that the requests had been approved the last two years and that, if necessary, she could pay for one child's tuition but not both. Dr. Anzaldúa advised that in previous years, former administrators had approved the transfer and tuition waiver requests.

It was moved by Mr. Mena and seconded by Mr. Telles that the Board uphold the administration's decision to deny tuition waivers for the requested interdistrict student transfers of J. V. to Franklin High School and A. V. to Lindbergh Elementary School for the 2001-02 school year. Upon the vote, the motion carried with Miss Garcia, Mr. Telles, Mr. Rosales, and Mr. Mena voting in favor of the motion and Mr. Wever and Dr. Roark voting against the motion.

Consultation with Attorney Enrique Moreno and Attorneys from Mithoff & Jacks, L.L.P., Regarding Potential Litigation Against ASARCO, Inc., and Other Potential Parties Arising from Possible Environmental Contamination of Certain District Properties (Item #12, D.)

The following person requested to speak to this item:

1. Mr. Stanley Jobe, President, Jobe Concrete Products, requested that discussion of this item be held in Open Session and if it is not, that he be permitted to sit with the Board in Closed Session and allowed the opportunity to present and dispute issues.

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that item no. 12, D., Consultation with Attorney Enrique Moreno and Attorneys from Mithoff & Jacks, L.L.P., Regarding Potential Litigation Against ASARCO, Inc., and Other Potential Parties Arising from Possible Environmental Contamination of Certain District Properties, be held in Open Session.

Items Withdrawn

It was announced that item no. 12, A., 2., Personnel Appointments – Principal, Rusk Elementary School, and the proposed termination of one of the teachers in item no. 12, B., Proposed Termination of Continuing Contract Teachers, had been withdrawn from the agenda.

Meeting Closed (Item #12)

The meeting was recessed at 9:19 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 Appointments

1. Principal, Douglass Elementary School

B. Proposed Termination of Continuing Contract Teachers

C. Consultation with School District Attorney – Arlene Sonnen, Petitioner v. El Paso ISD, Respondent; Before the State Commissioner of Education, State of Texas; TEA Docket No. 075-R10-601

The closed meeting started at 9:24 p.m. The closed meeting ended at 9:45 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:45 p.m..

Personnel Appointments – Principal, Douglass Elementary School (Item #12, A., 1.)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board accept the Superintendent's recommendation to appoint Irma Ludwig, Assistant Principal at Park Elementary School, to the position of Principal, Douglass Elementary School. Upon the vote, the motion carried with Mr. Mena, Mr. Rosales, and Mr. Wever voting in favor of the motion; Mr. Telles and Miss Garcia voting against the motion; and Dr. Roark voting "present."

Consultation with School District Attorney – Arlene Sonnen, Petitioner v. El Paso ISD, Respondent; Before the State Commissioner of Education, State of Texas; TEA Docket No. 075-R10-601 (Item #12, C.)

It was moved by Mr. Rosales, seconded by Mr. Telles, and carried unanimously that the Board of Trustees authorize Mr. Anthony Safi and his law firm, Mounce, Green, Myers, Safi & Galatzan, P.C. to represent the District in the Arlene Sonnen appeal to the Commissioner of Education.

Consultation with Attorney Enrique Moreno and Attorneys from Mithoff & Jacks, L.L.P., Regarding Potential Litigation Against ASARCO, Inc., and Other Potential Parties Arising from Possible Environmental Contamination of Certain District Properties (Item #12, D.)

Miss Garcia recused herself from the proceedings on this item.

Mr. Enrique Moreno, an El Paso attorney, discussed the District retaining attorneys from Mithoff & Jacks, L.L.P. in possible litigation against ASARCO, Inc. and other potential parties related to possible environmental contamination of school district properties. Mr. Moreno advised that he was retained as local counsel in the case for the Mithoff & Jacks, L.L.P. law firm. He spoke about possible environmental contamination issues and the possible existence of lead and arsenic in the soil surrounding District schools. He added that other than ASARCO, Inc., no specific parties have been identified.

Dr. Roark commented on the Board taking action that would contemplate litigation without receiving sufficient information on which to base the litigation. Mr. Moreno explained that there is no suggestion that litigation be initiated but that there is an issue of timing, which should be discussed in closed session.

Discussion followed on any financial commitment that would be required of the District; there being no out-of-pocket costs and legal fees being on a contingency basis; whether the District had a need for legal representation other than current legal counsel; negotiations between the District's attorney and the Mithoff & Jacks, L.L.P. law firm regarding a possible contract; and the significant issue being the gathering of information so the District will be prepared if a need to respond to environmental concerns does arise.

Meeting Closed

The meeting was recessed at 10:00 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Government Code for legal advice related to the possible litigation. The closed meeting started at 10:00 p.m. The closed meeting ended at 10:17 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:17 p.m..

Consider and Take Appropriate Action Regarding the Retention of Enrique Moreno and Mithoff & Jacks, L.L.P. as Special Counsel to Represent the District in Connection with the Investigation and Potential Litigation Arising Out of the Possible Environmental Contamination of Certain District Properties by ASARCO, Inc., and Other Potential Parties and Approve an Engagement Agreement with Special Counsel Establishing the Terms of the Representation (Item #13)

The following people requested to speak to this item:

1. Mr. Stanley Jobe, President, Jobe Concrete Products, Inc., requested that the Board consider that there is no scientific proof of Jobe Concrete Products having polluted District properties and commented on a lawsuit previously filed against his company by Mithoff & Jacks, L.L.P.
2. Mr. Bob Mayfield, , attorney representing American Eagle Brick Company, reiterated the comments by Mr. Jobe and spoke about there being no scientific evidence that Jobe Concrete or American Eagle Brick have contaminated any properties.

Dr. Roark requested that Mr. Moreno and the attorneys from Mithoff & Jacks, L.L.P. come back to the Board if and when there is evidence of significant contamination of school property and a proposed contract discussed at that time.

Dr. Anzaldua recommended that the Board authorize attorney Mr. Gary Weiser to review the proposed contract with Enrique Moreno and Mithoff & Jacks, L.L.P. Discussion followed on the Board having input on decisions concerning potential parties and claims in any possible lawsuit.

It was moved by Mr. Rosales and seconded by Mr. Mena that the Board authorize Mr. Gary Weiser, attorney, to review the proposed contract with Mr. Enrique Moreno and Mithoff & Jacks, L.L.P., and that the proposed contract be brought back to the Board for approval. Upon the vote, the motion carried with Mr. Rosales, Mr. Mena, and Mr. Wever voting in favor of the motion and Mr. Telles and Dr. Roark voting against the motion.

Meeting Adjourned

The meeting was adjourned at 10:38 p.m.

Date Approved: October 9, 2001