

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
March 27, 2001  
5:00 p.m.  
Education Center-Boeing

Present: Dr. Charles Roark, President  
Ms. Ada Gonzalez, Vice President<sup>1</sup>  
Mr. Richard Telles, Secretary  
Dr. Gene Finke  
Miss Leonor Garcia  
Mr. Joe Rosales  
Mr. Dan Weaver  
Dr. Gilberto Anzaldua, Superintendent  
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:01 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Terry Freiburg, Director of Purchasing,

Recognition of EPISD 1999-2000 Texas Successful Schools Award Recipients (Item #1)

Collins and Fannin Elementary Schools were recognized by the Board of Trustees for having received financial awards from the 1999-2000 Texas Successful Schools Award System. Each school received a framed certificate from the Board on behalf of the Texas Education Agency in recognition of having shown the greatest amount of improvement in achieving education goals during the 1998-99 school year.

Recognition of Board of Trustees and Superintendent for Support of Children with Disabilities (Item #2)

The Board of Trustees and the Superintendent were recognized by the EPISD's Special Education Unit for their continued awareness and support of children with disabilities. A silver ribbon pin was presented to each Trustee and the Superintendent.

Awards to March Employees of the Month (Item #3)

Mr. Jamey Osborne, Technology Training Specialist, Technology and Information Systems, was recognized by the Board of Trustees as March's Certified Employee of the Month; and Ms. Mary Barajas, Secretary, Communications and Business Partnerships, was recognized as March's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

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<sup>1</sup> Ms. Gonzalez arrived at 5:22 p.m., during the reading of the resolution on Item #4.

Resolution Supporting Phasing-In of Newly-Drawn Single-Member Trustee Districts After Redistricting (Item #4)

Dr. Roark reported on a request he received from the Texas Association of School Boards (TASB) regarding the phasing-in of single-member Trustee districts after redistricting occurs. TASB was requesting that school districts support state legislation addressing this issue. The resolution supports pending state legislation and an amendment to other legislation that does not currently provide for the phase-in of school boards with single-member districts. Dr. Roark read the resolution into the record (copy attached to the permanent file of these minutes).

Arrival of Board Member

Ms. Gonzalez arrived at 5:22 p.m. and was present for any subsequent action by the Board of Trustees.

Dr. Finke inquired about how the EPISD Trustees would be affected by the phase-in. Mr. Safi provided information on the current law which requires the redistricting of Trustee districts if the population of the most populous district is at least 10 percent more than the population of the least populous district, based on census figures. He stated that if this occurs as a result of the 2000 census, then all seven Trustee districts will be up for election in the May 2003 election, which will include the four Trustees that are elected in May 2001. If the legislature supports the language in the resolution and legislation is passed, then each Trustee will serve out the four-year term for which the Trustee is elected.

It was moved by Dr. Finke, seconded by Miss Garcia, and carried unanimously that the Board adopt this Resolution which supports state legislation allowing school boards with single-member districts the option of phasing in newly-drawn districts after redistricting as the terms of the incumbent Trustees expire, and the amendment of other pending legislation to include a phase-in provision for all Texas school districts with single-member districts.

Public Forum (Item #5)

The following people requested to speak on Open Forum:

1. Mr. Raul Garcia spoke about a letter he wrote requesting that an item be placed on the agenda and requested a meeting with the Superintendent regarding problems at one of the schools.
2. Mr. Jose Sierra, Vice President, El Paso Canine Coalition, spoke about the National Narcotic Detector Dog Association's (NNDDA) National Conference for 2001; requested that District students be allowed to attend portions of the conference; and invited the Board of Trustees and Superintendent to attend the conference on April 1 – 6, 2001.

Items Withdrawn

It was announced that item no. 6, B., 1., Bids Requiring Board Approval – Printer Ribbon & Toner Cartridge Bid #1-01 (\$43,928.66), and item no. 6, C., February Report of JJAEP Placements not Appealed to the Board of Trustees, had been withdrawn from the agenda.

Consent Agenda (Item #5)

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

Dr. Finke - Item 6, A., Approval of Minutes of February 6, 2001; February 13, 2001; and February 27, 2001, Meetings of the Board of Trustees

Questions on Approval of Minutes of February 6, 2001; February 13, 2001; and February 27, 2001, Meetings of the Board of Trustees (Item #6, A.)

Dr. Finke referred to the minutes of the February 27, 2001, Board meeting and inquired about the districtwide exclusive beverage services contract being brought back to the Board on March 13, 2001, and the special study sessions on centralized curriculum that were to be held with the Board prior to April 2001. Dr. Anzaldua advised that details related to the districtwide exclusive beverage services contract were still being finalized, and the item should be ready to be brought back to the Board at the second meeting in April 2001. The administration should be prepared to schedule the study sessions on centralized curriculum during April 2001.

It was moved by Mr. Telles, seconded by Mr. Wever, 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 of February 6, 2001; February 13, 2001; and February 27, 2001, Meetings of the Board of Trustees

The Board approved the minutes of the February 6, 2001; February 13, 2001; and February 27, 2001, meetings of the Board of Trustees.

B. Bids Requiring Board Approval

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

2. Award Jackets, Sweaters, and Letters Bid #10-01 (approx. \$41,227.50) was awarded to Champion Fashion in the estimated amount of \$40,134.00 and Neff Company in the estimated amount of \$1,093.50, for a total estimated amount of \$41,227.50, with the option to extend for 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).
3. Offset Paper Bid #11-01 (\$54,028.80) was awarded to Xpedx, the low bidder, in the amount of \$54,028.80 with 1 percent terms and a \$2.00 per cwt. escalation clause, if applicable, with verification of a paper industry price increase, and with \$36,019.20 of the total amount being subject to the approval of the 2001-02 budget (copy of bid tabulation attached to the permanent file of these minutes).

4. School Furniture Bid #12-01 (\$68,574.40) was awarded to the following vendors in the amounts indicated: Automated Office & Industrial, Item 33, \$3,050.00, net; Business Interiors, Items 2, 3, 5, 20, and 23, \$14,531.40, net; Corporate Express, Items 12 and 13, \$1,691.20, net; US Office Products, Item 21, \$2,870.00, net; and Virco Mfg. Co., Items 1, 4, 6-12, and 14-19, \$46,431.80, net, for a total amount of 68,574.40 (copy of bid tabulation attached to the permanent file of these minutes).

Approval of *Failure Free* Reading Program and Verbal Masters Materials for Advanced Reading Centers Supported by the Ninth Grade Success Initiative Grant Funding (\$49,169.12) (Item #7)

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the *Failure Free* reading program and Verbal Masters materials for Advanced Reading Centers using Ninth Grade Success Initiative Grant funding be approved for purchase from Failure Free Reading, the sole source, in the amount of \$49,169.12 (copy of materials list attached to the permanent file of these minutes).

Approval of Implementation of University of Kansas Center for Research on Learning Strategic Instruction Model (SIM) to Serve EPISD Children with Disabilities (\$113,008.00) (Item #8)

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that the Board approve (1) the implementation of the University of Kansas Center for Research on Learning Strategic Instruction Model (SIM) to address accessibility and improve supplementary aids and instructional services to EPISD children with disabilities in the regular education classroom for school years 2000-01 through 2003-04, which includes the purchase of instructional materials, the certification of EPISD trainers, and the hiring of consultants from the University of Kansas Center for Research on Learning, the sole source, in the amount of \$34,928.00 for fiscal year 2000-01; (2) the purchase of instructional materials from Edge Enterprises, Inc., the sole source, in the amount of \$21,945.00 for fiscal year 2000-01; and (3) the expenses for substitutes for staff development, stipends, and travel for fiscal year 2000-01 and the funding of two lead teachers for the SIM Model in the 2001-02 budget in the amount of \$56,135.00, for a total expenditure of \$113,008.00.

Discussion and Possible Action on Revisions to Board Policies (Item #9)

A. FFA (Local), Student Welfare: Health Requirements and Services

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that this revision authorizes the peer review process for nurses and conforms to Chapter 303 of the Texas Occupations Code and applicable rules promulgated by the Board of Nurse Examiners of the State of Texas.

There was discussion on the requirements to form the peer review committee and its formation by the organization's governing body; concerns about abiding by the law prior to adopting a Board policy; provisions regarding the peer review committee being contained in the EPISD Health Services Guide which was developed in 1996-97; the composition of the peer review committee; and the guidelines for the peer review committee being set by the Nurse Practice Act.

Mr. Safi provided information on the provisions of the Texas Occupations Code that deals with the nursing peer review. He reviewed the definition of "nursing peer review committee," the entities to which it applies, and the minimum due process requirements for nursing peer review committees. He stated that the revisions to FFA (Local) will provide the Board of Trustees a standing authorization to the Superintendent (or designee) to establish a nursing peer review committee and peer review plan that conforms to Chapter 303 of the Texas Occupations Code and the rules adopted by the Board of Nurse Examiners.

It was moved by Mr. Telles, seconded by Ms. Gonzalez, and carried unanimously that the revisions to Board Policy FFA (Local), Student Welfare: Health Requirements and Services, be approved as presented (copy attached to the permanent file of these minutes).

B. FNCH (Local), Student Rights and Responsibilities: Sexual Harassment/Sexual Abuse

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that the revisions to this policy include a modification of the calendar in the complaint process and the addition of sections titled "Sexual Harassment/Abuse by Employees" and "Reports to Lawful Authorities," which are being added at the recommendation of the Texas Association of School Boards (TASB) Policy Services Division.

Dr. Roark expressed concerns with some of the terminology used in various portions of the policy, such as "substantiated charge" and "romantic relationships," and recommended that all references to harassment or abuse be prefaced with the word "alleged." He also questioned the term "limited disclosure," which is referenced in the "Investigations" section, and he inquired to whom the disclosure would be made.

It was moved by Mr. Rosales, seconded by Mr. Telles, and carried unanimously that action on the recommended revisions to Board Policy FNCJ (Local), Student Rights and Responsibilities: Sexual Harassment/Sexual Abuse, be postponed until the next regularly scheduled Board meeting.

Presentation of Fiscal Year 2002 Budgeting Process (Item #10)

Mr. Joe Loya, Associate Superintendent, Finance, provided information on the process for the development and implementation of the budget for fiscal year 2002. He reviewed philosophical changes, which will include a focus on programs and an orientation to District goals, and added that all District stakeholders will participate in the process. The budget will be decentralized and will focus on site-based decision making. Mr. Loya outlined the management of the budget, which includes compliance; an increase in per capita funding; carry-forward amounts; encumbrances; the use of lapsed salaries, with 50 percent to be used at the campus level; and the decentralization of Special Revenues.

Mr. Loya reported that anticipated revenues total approximately \$333.6 million, which includes increases of approximately \$2.6 million in property taxes, based on the 2000 certified property tax appraisal, and \$11.2 million in state and federal revenues, for an estimated increase in total revenues of approximately \$13.1 million.

Mr. Loya stated that the base budget for 2002 is currently \$328.6 million, based on no tax increase. He reviewed the costs anticipated for “non-negotiable items,” which include utilities, workers’ compensation, per capita increases, and deferred maintenance. He provided preliminary costs associated with negotiable needs, which include salaries; additional staffing (assistant principals, nurses, and business agents); extracurricular activities in band and cheerleading; and athletic and health insurance. He advised that projected expenditures, which total approximately \$350.7 million, leaves a negative balance of approximately \$17 million. There was discussion on formula money from the state and possible sources to compensate for the \$17 million shortfall.

#### Discussion and Possible Action on Change Order to Chapin High School (Item #11)

Dr. Anzaldua stated that the Board postponed this item from its March 13, 2001, meeting and directed staff to work with all parties involved in order to resolve the issue of this change order to Chapin High School. He advised that the original amount of the change order was \$182,107.00 and that the amount has been reduced to \$121,404.00. Dr. Anzaldua advised that the administration recommends that the Board approve the negotiated change order amount.

It was moved by Ms. Gonzalez and seconded by Mr. Wever that the Board approve Change Order No. 6 to Banes General Contractors, Inc., subject to the review and approval of the District’s attorney, for hydronic piping system modifications at Chapin High School in the amount of \$121,404.00.

There was discussion on the negotiation results achieved by the administration; the possibility of revising the language in the contracts regarding changes to orders; a possible precedent being set for future unauthorized design changes; and the District guarding against similar situations in the future.

The following person requested to speak to this item:

1. Mr. Mark Schumacher, Banes General Contractors, Inc. declined the opportunity to speak when called.

Upon the vote, the motion carried with Dr. Finke, Mr. Rosales, Ms. Gonzalez, Miss Garcia, and Mr. Wever voting in favor of the motion and Mr. Telles and Dr. Roark voting against the motion.

#### Apple Laptop Computers for Newman Elementary School, Purchase Order No. 209238 (\$5,685.00) (Item #12, B.)

Mr. Wever questioned ordering three laptop computers when seven iMac computers could be purchased for the same amount of money and expressed concerns about the laptops being available for students to check-out and take home. Ms. Lucy Fischer, Principal, Newman Elementary School, advised that the laptops are for at-risk students who need additional time to finish work not completed during the computer lab period. She stated that classroom space is limited at Newman School and the laptops will provide the portability needed for these students to work with mentors in study areas where electrical outlets are not available.

There was discussion on the advantages of having computers available for use in the students' homes; three laptops not being enough for all at-risk students at Newman School; and a report being provided to the Board on how the laptop computers are used and the results that are achieved.

It was moved by Ms. Gonzalez and seconded by Dr. Finke that Apple laptop computers for Newman Elementary School, Purchase Order No. 209238, be approved for purchase from Apple Computer, the sole source, in the amount of \$5,685.00 and that the Board be provided a report on the use and condition of the computers at a future date. Upon the vote, the motion carried with Mr. Telles voting against the motion.

Bid and Purchase Orders Requiring Board Approval (Item #12)

Questions on Apple Computers for Buildings and Grounds Maintenance Department, Purchase Order No. 209597 (\$6,251.00) (Item #12, C.)

Mr. Wever questioned the purchase of iMacs for the Buildings and Grounds Maintenance Department. Mr. Nicholas Corona, Executive Director, Facilities, Maintenance and Construction, provided the rationale for purchasing seven additional computers and reviewed the personnel that will use the computers, the software that will be used, and the work that will be accomplished.

It was moved by Ms. Gonzalez and seconded by Miss Garcia that the following bid and purchase orders be approved to the recommended vendors in the amounts indicated. Upon the vote, the motion carried with Mr. Telles and Mr. Wever voting against the motion.

- A. Music Instruments Bid #13-01 (\$55,825.40) was awarded to the following vendors in the amounts indicated, with Item #3 being awarded to Interstate Music Supply, pursuant to the tie-breaking procedure: Brook Mays Music, Items 6, 8, 12, and 17, \$20,105.00, net; Capshaw Olivas, Item 18, \$2,295.00, net; Interstate Music Supply, Items 3, 5, 7, 10, 11, 13, and 14, \$18,107.00, net; Kurland-Salzman Music, Items 1, 2, 4, and 16, \$5,925.40, net; and West Manor Music, Items 9 and 15, \$9,393.00, net, for a total amount of \$55,825.40 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Apple Computers for Buildings and Grounds Maintenance Department, Purchase Order No. 209597 (\$6,251.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$6,251.00 (copy of purchase order attached to the permanent file of these minutes).
- D. PC Computers for Bonham Elementary School, Purchase Order No. 209309 (\$6,763.08), were approved for purchase from Dell Marketing, LP, the lowest quote, in the amount of \$6,763.08 (copy of purchase order attached to the permanent file of these minutes).
- E. PCs for Pre-Engineering Lab at Chapin High School, Purchase Order No. 210245 (\$33,332.86), were approved for purchase from Dell Marketing, LP, the lowest quote, in the amount of \$33,332.86 (copy of purchase order attached to the permanent file of these minutes).

- F. Printers for the Ninth Grade Initiative, Purchase Order No. 209274 (\$33,702.59), were approved for purchase from ICHI Corporation, the lowest quote, in the amount of \$33,702.59 (copy of purchase order attached to the permanent file of these minutes).
- G. Printers for Irvin High School, Purchase Order No. 209913 (\$13,187.97), were approved for purchase from ICHI Corporation, the lowest quote, in the amount of \$13,187.97 (copy of purchase order attached to the permanent file of these minutes).

Discussion and Possible Action on Board's Strategic Planning Committee and the Strategic Planning Process (Item #15)

Dr. Roark advised that Ms. Gonzalez, Chairperson for the Strategic Planning Committee, is not seeking reelection to the EPISD Board of Trustees and that the Board needs to address the issue of appointing a new chairperson. He stated that because he will not be continuing as Board President after the May 5 election, he would volunteer to serve as chairperson.

Discussion followed on the Strategic Planning Committee being a committee of the whole Board; one Board member acting as the contact person for the Strategic Planning Process; and Dr. Finke possibly being appointed as the committee chairperson. Ms. Gonzalez advised that as the current Strategic Planning Committee chairperson, she recommended that Dr. Roark serve as the chairperson.

Mr. Gilbert Moreno, EPISD's Strategic Planning Consultant, updated the Board on activities that have taken place in preparing an approach to address specific requirements of the strategic planning process. He stated that a report will be presented to the Superintendent's Cabinet on April 2, 2001, and to the Board of Trustees at a workshop scheduled for April 3, 2001. Mr. Moreno advised that he agrees that there should be one contact person from the Board.

Dr. Anzaldúa provided information on the time frame for appointments to the Strategic Planning Committee and the anticipated number and frequency of meetings. He stated that committee membership should be a cross section of the community. Mr. Moreno advised that during the Board workshop, he will address specific time lines and community involvement.

It was moved by Dr. Finke, seconded by Mr. Wever, and carried unanimously that the Strategic Planning Committee be a committee of the whole and that the chair of the committee be Dr. Charles Roark.

Departure of Board Member

Ms. Gonzalez departed the meeting at 7:45 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Closed (Item #13)

The meeting was recessed at 7:45 p.m. to a closed meeting by Dr. Roark under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Appeal of JJAEP Placement – A. R.



**B. Superintendent's Personnel Recommendations**

- I. Issuing Probationary Contracts for Teachers and Librarians
- II. Issuing Probationary Contracts for Teachers and Librarians Who Have Removed Certificate Deficiencies
- III. Proposed Termination of Probationary Contracts for Certified Teachers
- IV. Issuing Continuing Contracts
- V. Proposed Termination of Continuing Contract for Certified Teachers
- VI. Issuing Probationary Contracts for Certified Professional Personnel
- VII. Issuing Term Contracts for Certified Professional Personnel
- VIII. Proposed Nonrenewal of Term Contracts for Certified Professional Administrators
- IX. Issuing Contracts for Noncertified Professional Personnel
- X. Proposed Nonrenewals of Contracts for Noncertified Professional Personnel

**C. Consultation with School District Attorney Regarding Contemplated or Pending Litigation**

- 1. Jerry Boyer, President, El Paso Classroom Teachers Association, et al. vs. El Paso Independent School District , et al.; In the 346<sup>th</sup> District Court, El Paso County, Texas; Cause No. 2000-3533
- 2. Jose Sanchez, Jose Viera, Juan Balli v. El Paso Independent School District; EEOC Charge Nos. 361 99 0882, 361 99 0883, and 361 99 0885
- 3. Leonard Amburn, Plaintiff vs. El Paso Independent School District, Defendant; In the United States District Court, Western District of Texas, El Paso Division; No. EP-00-CA-0162-DB

The closed meeting was opened at 7:55 p.m. The closed meeting ended at 8:22 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:23 p.m.

Appeal of JJAEP Placement – A. R. (Item #13, A.)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board support the administration in the JJAEP placement of A. R., but because A. R. has maintained his grades and attendance, he is to be returned to the regular classroom at another campus with the understanding that if he has another disciplinary infraction, he will be placed back in JJAEP through May 24, 2001.

Meeting Closed

The meeting was again recessed at 8:28 p.m. to a closed meeting under the authority previously cited. The closed meeting was opened at 8:30 p.m. The closed meeting ended at 9:42 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:43 p.m.

### Superintendent's Personnel Recommendations (Item #13, B.)

It was moved by Mr. Rosales, seconded by Dr. Finke, and carried unanimously that the Board accept the Superintendent's written personnel recommendations, as follows:

#### I. Issuing Probationary Contracts for Teachers and Librarians

The Board accepted the Superintendent's recommendation that classroom teachers and librarians who have been employed for less than three successive school years and who have not been employed as teachers or librarians in public education for at least five of the last eight years prior to employment with the District be issued the next regular Probationary Contract in accordance with Board Policy DCA (Legal), Employment Practices: Probationary Contracts.

#### II. Issuing Probationary Contracts for Teachers and Librarians Who Have Removed Certificate Deficiencies

The Board accepted the Superintendent's recommendation that qualifying classroom teachers and librarians who have teaching certificate deficiencies be issued Probationary Contracts contingent upon removal of the certificate deficiencies.

#### IV. Issuing Continuing Contracts

The Board accepted the Superintendent's recommendation that classroom teachers and librarians who have been employed for three consecutive years under Probationary Contracts, or who have been employed as teachers or librarians in public education for at least five of the last eight years prior to employment with the District, and who have completed all requirements for certification in their teaching fields, be issued Continuing Contracts in accordance with Board Policy DCC (Legal), Employment Practices: Continuing Contracts.

#### V. Proposed Termination of Continuing Contract for Certified Teachers

The Board accepted the Superintendent's recommendation that Luis Moreno, who is employed under a continuing contract, be given notice of the proposed termination of his continuing employment contract. This proposed termination is deemed by the Superintendent to be for good cause, which is defined as the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts in this state.

#### VI. Issuing Probationary Contracts for Certified Professional Personnel

The Board accepted the Superintendent's recommendation that full-time professional employees, other than classroom teachers and librarians, who are required to hold a valid certificate or permit issued by the Texas Education Agency or the State Board for Educator Certification for their assignment, and nurses, and who have been employed for less than three successive school years with the District and have not been employed in public education for at least five of the last eight years prior to employment with the District, be offered the next appropriate One-Year Probationary Contract in accordance with Board Policy DCB (Legal), Employment Practices: Term Contracts.

VII. Issuing Term Contracts for Certified Professional Personnel

The Board accepted the Superintendent's recommendation that full-time professional employees, other than classroom teachers and librarians, who are required to hold a valid certificate or permit issued by the Texas Education Agency or the State Board of Educator Certification for their assignment, and nurses, and who have been employed for three consecutive years with the District, or who have been employed in public education for at least five of the last eight years, prior to employment with the District, or who are currently employed by the District under a Term Contract, be offered the appropriate One-Year Term Contract in accordance with Board Policy DCB (Legal), Employment Practices: Term Contracts, with the exception of those persons identified in item no. VIII.

VIII. Proposed Nonrenewal of Term Contracts for Certified Professional Administrators

The Board accepted the Superintendent's recommendation that the following professional employees who are employed under a One-Year Term Contract be given notice of the proposed nonrenewal of their contracts at the end of the 2000-01 school year. These employees' current term contracts, if not renewed, will expire on June 30, 2001. This recommended action is deemed in the best interest of the District for reasons as stated in Board Policy DFBB (Local), Term Contracts: Nonrenewal, specifically, reason #8, Reduction in Force.

Emily K. Barksdale  
Nancy L. Evans  
Marjorie L. Hampton  
Eugenio Hinojosa  
Barbara Miller-Cager  
Esther C. Natera  
Diana Peña  
Sylvia T. Quinata  
Maria C. Ramirez  
Kathleen A. Seufert  
Carol A. Wallace

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Jerry Boyer, President, El Paso Classroom Teachers Association, et al. vs. El Paso Independent School District, et al.; In the 346<sup>th</sup> District Court, El Paso County, Texas; Cause No. 2000-3533 (Item #13, C., 1.) and Status and Possible Action on Scheduling of El Paso Consultation Association Election (Item #14)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board defer the employee representation election and that the current El Paso Consultation Association remain in place, until further notice, and that the Superintendent and legal counsel be requested to engage in further negotiations on a proposed settlement of this case.

Leonard Amburn, Plaintiff vs. El Paso Independent School District, Defendant; In the United States District Court, Western District of Texas, El Paso Division; No. EP-00-CA-0162-DB (Item #13, C., 3.)

It was moved by Mr. Rosales, seconded by Mr. Telles, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to make a counter offer of \$30,000.00 for attorney's fees in this case.

Discussion and Possible Action on Board/Administration Retreat Tentatively Scheduled for Saturday, March 31, 2001 (Item #16)

Dr. Anzaldua commented that he had received communication from Board members regarding a Board/Administration Retreat scheduled for March 31, 2001. Several Board members have schedule conflicts and many feel that due to the upcoming May 5 school board election, it would be best to hold the retreat after the election. For these reasons, Dr. Anzaldua recommended postponing the retreat.

It was the consensus of the Board that the Board/Administration Retreat be delayed until some time after the May 5 election.

Discussion and Possible Action Regarding Certification of Unopposed Candidate for Trustee District 5 and Proposed Declaration that Unopposed Candidate for Trustee District 5 is Elected to Office (Item #17)

Because this item relates to Dr. Roark, as President, Dr. Roark relinquished the chair to Mr. Telles and recused himself from discussion of the item.

Mr. Safi provided information on the Election Code which addresses the issue of an unopposed candidate for a single-member district, with no one registering as a write-in candidate. He advised that when a certification has been made, the Board of Trustees can declare that candidate as being elected. Mr. Safi reported that if approved, the *Order Declaring Unopposed Candidate Elected to the Office of Trustee for Position (District) 5* will be posted at each polling place on election day. He added that Ms. Helen Jamison, Administrator, County Elections Department, advised that the District would realize an approximate \$3,000.00 savings on election costs. Mr. Safi stated that the Order is drawn up for signature by Dr. Roark, as Board President, and attested by Mr. Telles, Board Secretary. He advised that if Dr. Roark preferred, Ms. Gonzalez, as Board Vice President, may sign the Order in lieu of the Board President.

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board declare that Dr. Charles Roark is elected to the office of Trustee District 5 and adopt the *Order Declaring Unopposed Candidate Elected to the Office of Trustee for Position (District) 5* as prepared.

Dr. Roark returned to the chair.

Meeting Adjourned

The meeting was adjourned at 9:56 p.m.

Date Approved: April 24, 2001