

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
August 28, 2001  
5:00 p.m.  
Education Center-Boeing

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

The meeting was called to order at 5:13 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Hector Martinez, Associate Superintendent of Operations.

Finalization of Contract for Consulting and Actuarial Services Regarding District Employee Health Benefit Plans (Item #11)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the finalization of the contract for Consulting and Actuarial Services regarding the District Employee Health Benefit Plans be postponed for two weeks and referred to the Board's Employee Health/Insurance Committee.

Public Forum (Item #1)

The following people requested to speak on Open Forum:

1. Mr. Gerald Cheek spoke about accountability and the principal selection process.
2. Ms. Lourdes Johnson, school nurse at Hillside Elementary School, spoke about the CIT (Campus Improvement Team) not being part of the interview process for the new principal at Hillside.
3. Ms. Terry Ochoa spoke about letters from some the faculty and staff at Hillside Elementary School regarding concerns about the selection process for the principal at Hillside.

---

<sup>1</sup> Mr. Telles departed the meeting at 8:17 p.m., prior to discussion on Item #5.

## Consent Agenda (Item #2)

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

Mr. Safi - Item 2, B., Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony and Canutillo Independent School Districts and El Paso County

Dr. Roark and  
Mr. Wever - Item 2, E., 1. – 17. Professional Services Contract Awards

Mr. Mena - Item 2, I., 1., RFPs, Bids and Purchase Order Requiring Board Approval – Option to Extend Existing RFPs  
a., Workers' Compensation 3<sup>rd</sup> Party Claims Administration RFP #43-99 (approx. \$169,600.00)  
b., Excess Workers' Compensation Insurance RFP #83-99 (\$26,266.00)

### Questions on Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony and Canutillo Independent School Districts and El Paso County (Item #2, B.)

Mr. Safi advised that recommended revisions had been incorporated into the Interlocal Agreement.

### Questions on Professional Services Contract Award (Item #2, E., 1. – 17.)

Mr. Wever stated that he had legal questions regarding the awards on the Professional Service Contracts and requested that the Board recess to Closed Session in order to receive legal advice from the District's attorney.

### Meeting Closed

The meeting was recessed at 5:27 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Government code for legal advice regarding the professional service contract awards.

The closed meeting started at 5:30 p.m. The closed meeting ended at 5:50 p.m.

### Meeting Opened

The meeting was reassembled in Open Session at 5:52 p.m.

### Questions on Professional Service Contract Awards – Northeast Regional Tennis Center Parking Lot, #02.727 (approx. \$9,600.00) (Item #2, E., 3.)

Dr. Roark inquired about the legality of the District contracting with another entity to handle the construction contract processes necessary for the El Paso Tennis facility parking lot. Mr. Safi advised that if District funds or property are involved, the District must observe all competitive bidding laws included in the Texas Education Code.

Professional Services Contract Awards (Item #2, E.)

1. Hillside Elementary School – IAQ (Indoor Air Quality) Improvements, #02.658 (approx. \$40,000.00)
2. Education Center Boeing – Chiller Replacement, #02.698 (approx. \$24,000.00)
3. Northeast Regional Tennis Center Parking Lot, #02.727 (approx. \$9,600.00)
4. Districtwide Drainage Improvements – Collins, Logan, Rusk, and White Elementary Schools; and Burges High School, #02.922 (approx. \$48,000.00)
5. Districtwide ADA Handicap Accessibility, #02.923 (approx. \$33,400.00)
6. Districtwide ADA/504 Compliance, #02.925 (approx. \$33,400.00)
7. Portable Classrooms, #02.925 (approx. \$65,000.00)
8. Districtwide Priority 1 Critical Maintenance, Phase 1, #02.929 (approx. \$92,406.40)
9. Districtwide 2001 Roof Replacement – Dowell, Park, and Polk Elementary Schools; and Austin, Burges, and Coronado High Schools, Phase 1, #02.931 (approx. \$86,320.00)
10. Districtwide Elevator Code Deficiencies, #02.581 (approx. \$20,000.00)
11. Districtwide 2001 Roof Replacement – Alta Vista, Clardy, Cooley, Hart, and Johnson Elementary Schools; Guillen Middle School; El Paso High School; and Center for Career and Technology Education, Phase 2, #02.964 (approx. \$87,200.00)
12. Districtwide Priority 1 Critical Maintenance, Phase 2, #02.971 (approx. \$92,406.40)
13. Districtwide Priority 1 Critical Maintenance, Phase 3, #02.972 (approx. \$92,406.40)
14. Districtwide Evaporative Cooler Replacement, Phase 3, #02.973 (\$15,000.00)
15. Districtwide Asbestos Management Services, #02.580 (\$200,000.00)
16. AHERA (Asbestos Hazard Emergency Response Act)/TDH (Texas Department of Health) Asbestos Compliance Services, #02.583 (\$50,000.00)
17. Districtwide Asbestos Management Services, #02.936 (\$200,000.00)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that item no. 2, E., Professional Services Contract Awards, 1. through 17., be postponed for one week.

Questions on RFPs, Bids and Purchase Order Requiring Board Approval – Option to Extend Existing RFPs - Workers' Compensation 3<sup>rd</sup> Party Claims Administration RFP #43-99 (approx. \$169,600.00) (Item #2, I., 1., a.) and Excess Workers' Compensation Insurance RFP #83-99 (\$26,266.00) (Item #2, I., 1., b.)

Responding to a question from Mr. Mena, Ms. Elizabeth Bulos, Director, Employee Benefits, provided information on the administration's recommendation for the extensions on the two Workers' Compensation contracts. She advised that Ward North America provides Third Party Administration (TPA) services and that Alamo Insurance Group handles the Excess Workers' Compensation. Ms. Bulos said that administration is requesting a six-month extension of the current TPA contract so a comprehensive review can be conducted to identify the needs of the District, review the terms of the existing contracts, and examine the current performance of each of the contractors. She stated that this will allow for a more competitive comprehensive RFP (request for proposals) process. She stated that final recommendations will be presented to the Board for approval early in 2002 for coverage effective March 1, 2002.

There was discussion on the Workers' Compensation TPA contract having a final 12-month extension and the administration only requesting a 6-month extension; the proposed audit of the Workers' Compensation program (item no. 5 on the agenda) providing more information; the safety consulting services and safety manual provided by Alamo Insurance Group, Inc.; the status on hiring a Safety Officer for the District; and providing data on the safety measures recommended by the District's consultants and a copy of the safety manual to the Board.

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

A. Approval of Recommendation on Appeal of Employee Medical Claims Denied by District's Utilization Review/Management Company

The Board approved the recommendation of the administration and the Board Insurance Advisory Committee to declare the medical claims in case #2001-02 as eligible expenses under the EPISD Health Care Trust Medical Plan and pay for the hospital run-in claim from the family of a deceased EPISD employee from 1996 which, at the time, was denied by the District's Utilization Review/Management Company because the hospital stay had not been precertified through the Review Committee.

B. Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony and Canutillo Independent School Districts and El Paso County

The Board approved the JJAEP Interlocal Agreement between the El Paso, Anthony, and Canutillo Independent School Districts and the County of El Paso for the establishment and operation of a juvenile justice alternative education program for the 2001-02 fiscal year, with the EPISD receiving \$59.00 per day from the County for each mandatory expelled student, pursuant to the terms thereof.

C. Construction Contract Awards

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

1. Title IX OCR (Office of Civil Rights) Athletic Improvements & Softball Field Revisions, Phase 1, #01.014.01 (\$384,254.00) was awarded to Lomeli & Sons Landscaping, Inc. in the amount of \$384,254.00, provided that the portion of the contract covering work at City-owned softball fields in the amount of \$78,204.00 is subject to the execution of an Interlocal Agreement between the EPISD and the City of El Paso.
2. Districtwide Dishwasher Replacement – Dowell, Mesita, Putnam, and Rivera Elementary Schools; and Canyon Hills Middle School, #01.396 (\$80,785.00) was awarded to National Restaurant Supply Co., Inc. in the amount of \$80,785.00.

3. Kohlberg Elementary School – Modular Restroom, #01.752 (\$79,111.00) was awarded to F. T. James Construction Co., Inc. in the amount of \$79,111.00.

D. Demand Service Contract Award – Districtwide Plumbing System Repairs, #02.452 (\$107,800.00)

The Board approved the award of Demand Service Contract #02.452, Districtwide Plumbing System Repairs, subject to the review and approval of the District's attorney, to Action Mechanical, Inc. for an annual amount of \$107,800.00.

F. Approval of Budget Amendments

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

1. 21<sup>st</sup> Century Community Learning Center – Bliss Elementary School (\$119,880.00). The purpose of this item is to set up the 21<sup>st</sup> Century Community Learning Center – Bliss Elementary School Program budget in the amount of \$119,880.00. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated July 31, 2001. The U. S. Department of Education approved this grant on July 5, 2001.
2. Pregnancy, Education, and Parenting (PEP) Program (\$76,667.00). The purpose of this item is to set up the Pregnancy, Education, and Parenting (PEP) Program budget in the amount of \$76,667.00. Rosa Gandara, Director, Career and Technology Education, requested this amendment in a memo dated August 15, 2001. Region 20 Education Service Center approved the grant on May 29, 2001.
3. Investment Capital Fund for Roosevelt Elementary School (\$23,270.00). The purpose of this item is to set up the Investment Capital Fund for Roosevelt School Program budget in the amount of \$23,270.00. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated July 23, 2001. The Texas Education Agency approved this grant on June 21, 2001.

G. Continuation for Participation in the Texas GSC (General Services Commission) Bid #713-A1 Copier Rental Program by EPISD (approx. \$757,427.88)

The Board approved the District's continued participation in the Texas General Services Commission (GSC) Bid #713-A1, Copier Rental Program, for the 2001-02 fiscal year for an estimated total amount of \$757,427.88, with the selection of copier to be made by each school or unit.

H. Approval of Lease Payments for High Speed/High Volume Copiers (Ref. RFP #23-99) (\$141,206.52)

The Board approved the lease payments for high speed/high volume copiers (reference RFP #23-99) to Xerox Corporation in the estimated annual amount of \$141,206.52.

## I. RFPs, Bids, and Purchase Order Requiring Board Approval

The Board approved the following RFPs, bids, and purchase order to the recommended vendors for the amounts indicated:

1. Option to Extend Existing RFPs
  - a. Workers' Compensation 3<sup>rd</sup> Party Claims Administration Plan RFP #43-99 (approx. \$169,600.00). The Board approved a six-month extension of Workers' Compensation RFP #43-99 with Ward North America as the Third Party Claims Administrator in the amount of \$119,600.00, and Argus Services Corporation as the Compensation Cost Containment Services provider in the estimated amount of \$50,000.00, for an estimated total amount of \$169,600.00, for the period beginning September 1, 2001, and ending February 28, 2002.
  - b. Excess Workers' Compensation Insurance RFP #83-99 (approx. \$26,266.00). The Board approved the option to extend Excess Workers' Compensation Insurance RFP #83-99 to Gulf Insurance Company, through Alamo Insurance Group, Inc., for the estimated annual amount of \$26,266.00, for a period beginning September 1, 2001, and ending August 31, 2002.
2. Instructional Materials Request for Catalog Discount RFP #76-01 (approx. \$365,096.16) was awarded to the vendors listed for future purchases indicated on an "as needed" basis for the 2001-02 fiscal year in an estimated annual amount of \$365,096.16 (copy of vendor list attached to the permanent file of these minutes).
3. Bilingual Instructional Materials Request for Catalog Discount RFP #80-01 (approx. \$332,000.00) was awarded to the vendors listed for future purchases on an "as needed" basis for the 2001-02 fiscal year in an estimated amount of \$332,000.00 (copy of vendor list attached to the permanent file of these minutes).
4. Special Education Instructional Materials Request for Catalog Discount RFP #81-01 (approx. \$286,413.00) was awarded to the vendors listed for future purchases on an "as needed" basis for the 2001-02 fiscal year in an estimated amount of \$286,413.00 (copy of vendor list attached to the permanent file of these minutes).
5. Baseball, Softball, and Track Equipment and Supplies Bid #77-01 (\$50,992.97) was awarded to the following vendors in the amounts indicated: Athlete's World, Items 1, 2, 6-12, 14, 15, 19-25, 30, 35, 42, 45, and 47, \$12,374.65; Athletic Supply, Items 28, 29, 40, 41, 46, and 48-50, \$24,240.36; BSN Sports, Items 26, 27, 36, 38, 39, 43, 44, and 51, \$1,137.47; Chamizal Trading, Items 18 and 37, \$61.25; Gardenswartz Team Sales, Items 3-5, 16, 17, and 31-34, \$12,883.34; and Gopher Sports, Items 52 and 53, \$295.90, for a total amount of \$50,992.97 (copy of bid tabulation attached to the permanent file of these minutes).
6. Commodities Storage and Delivery Service, Purchase Order No. 220622 (\$236,220.00) was approved from Professional Food Systems in the amount of \$236,220.00 (copy of purchase order attached to the permanent file of these minutes).

J. Purchase of Table at El Paso Holocaust Museum 2001 Dinner on October 3, 2001

The Board approved the purchase of a table at the El Paso Holocaust Museum 2001 dinner on October 3, 2001, in the amount of \$1,000.00.

Meeting Closed (Item #10)

The meeting was recessed at 6:14 p.m. to a closed meeting by Mr. Wever under Section 551.074 of the Texas Government Code as follows:

A. Personnel Appointments

1. Principal, Jefferson High School
2. Principal, Hillside Elementary School

The closed meeting started at 6:19 p.m. The closed meeting ended at 7:15 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:16 p.m.

Personnel Appointments – Principal, Jefferson High School (Item #10, A., 1.)

It was moved by Dr. Finke and seconded by Mr. Rosales that the Board accept the Superintendent's recommendation to appoint Carlos Lopez, sales agent for New York Life Insurance and former high school principal with the Fabens ISD, to the position of Principal, Jefferson High School. Upon the vote, the motion failed with Dr. Finke and Mr. Rosales voting in favor of the motion; Dr. Roark, Mr. Telles, Mr. Mena, and Mr. Wever voting against the motion; and Miss Garcia recusing herself from the vote.

Personnel Appointments – Principal, Hillside Elementary School (Item #10, A., 2.)

It was moved by Mr. Rosales and seconded by Dr. Finke that the Board accept the Superintendent's recommendation to appoint Diana Peña, Team Leader in the Elementary Schools Division, to the position of Principal, Hillside Elementary School. Upon the vote, the motion failed with Mr. Rosales and Dr. Finke voting in favor of the motion; Mr. Mena, Mr. Telles, Dr. Roark, and Mr. Wever voting against the motion; and Miss Garcia recusing herself from the vote.

Consider and Take Appropriate Action Regarding a Resolution Authorizing the Issuance of "El Paso Independent School District Maintenance Tax Notes, Series 2001A"; Specifying the Terms and Features of Said Notes; and Resolving Other Matters Incident and Related to the Issuance, Sale, Payment and Delivery of Said Notes, Including the Approval and Execution of a Paying Agent/Registrar Agreement with Respect to the Notes and the Approval and Distribution of an Official Statement Pertaining Thereto (Item #3)

Mr. James Damm, Consultant for Finance, provided information on the strategy to refund the existing PPFCOs (Public Property Finance Contractual Obligations) and to make them callable for a future bond issue. He explained the process followed on the negotiated sale of the tax notes refunding bonds.

Jim Sabonis, Senior Vice President for First Southwest Company, presented information on the analysis of the proposals that were received. He provided an analysis of the bond sale and recommended the Board's approval.

There was discussion on the earliest call date on the bonds being August 2004; the situation that would arise with a successful bond election or if there was no approved bond issue; the impact of the Federal Reserve on the favorable interest rates; and the meaning of the AAA+ rating granted to the District by the two rating agencies.

It was moved by Dr. Finke and seconded by Miss Garcia that the Board approve the issuance of El Paso Independent School District Maintenance Tax Notes, Series 2001A in the principal amount of \$4,120,000.00 and adopt the written resolution authorizing the issuance of such bonds and approving the Official Statement and agreements relating thereto, including the Bond Purchase Agreement with Morgan Stanley and the Paying Agent Agreement. Upon the vote, the motion carried with Dr. Roark voting against the motion. Mr. Mena was not present for the vote.

Consider and Take Appropriate Action Regarding an Order Authorizing the Issuance of "El Paso Independent School District Maintenance Tax Refunding Bonds, Series 2001"; Specifying the Terms and Features of Said Bonds; and Resolving Other Matters Incident and Related to the Issuance, Sale, Payment and Delivery of Said Bonds, Including the Approval and Execution of a Purchase Contract, a Paying Agent/Registrar Agreement, and an Escrow Agreement with Respect Thereto and the Approval and Distribution of an Official Statement Pertaining Thereto; Approving and Authorizing All Other Instruments and Procedures Related Thereto; and Containing Other Provisions Necessary and Incidental to the Purposes Hereof (Item #4)

It was moved by Dr. Finke and seconded by Miss Garcia that the Board approve the issuance of El Paso Independent School District Maintenance Tax Refunding Bonds, Series 2001 in the principal amount of \$18,085,000.00 and adopt the written order authorizing the issuance of such bonds and approving the Official Statement and agreements relating thereto, including the Bond Purchase Agreement with Bear Stearns, the Escrow Agreement, and the Paying Agent Agreement. Upon the vote, the motion carried with Dr. Roark voting against the motion.

#### Meeting Recessed

The meeting was recessed at 7:40 p.m. The meeting was reconvened at 8:17 p.m.

#### Departure of Board Member

Mr. Telles departed the meeting at 8:17 p.m. and was not present to vote in any subsequent action taken by the Board of Trustees.



Discussion and Possible Action on Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent and Co., P.C., District Forensic Auditors, to Review EPISD Workers' Compensation Program (Item #5)

It was moved by Mr. Mena that Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C., the District's forensic investigation auditors, conduct a review of the District's Workers' Compensation Program, subject to a corresponding budget amendment being brought back to the Board for approval at a subsequent meeting when a cost for the review is determined. The motion died for lack of a second.

Dr. Finke commented that a complete audit of the District's Workers' Compensation Program would require excessive man hours by the District's forensic investigation auditors. He recommended that the issue be referred to the Board Investigative Services Committee for review.

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the request that Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C., the District's forensic investigation auditors, conduct a review of the District's Workers' Compensation Program be referred to the Board Investigative Services Committee.

Approval of Contract Agreement with Region 19 Education Service Center for Technology and Media Services (\$143,687.75) (Item #6)

It was moved by Mr. Rosales, seconded by Mr. Mena and carried unanimously that the Board approve the contract agreement with Region 19 Education Service Center to provide technology and media services from September 1, 2001, through August 31, 2002, for a fee of \$2.50 per student in average daily attendance or \$143,687.75.

Approval of Purchase of LAMP Materials and Training from Santillana USA Publishing Company, Inc. (\$38,766.29) (Item #7)

It was moved by Mr. Wever and seconded by Mr. Mena that the Board approve the purchase of LAMP materials and training from Santillana USA Publishing Company, Inc., the sole source, in the amount of \$38,766.29. Upon the vote, the motion carried with Dr. Roark voting against the motion. Mr. Mena was not present for the vote.

Bid and Purchase Orders Requiring Board Approval (Item #8)

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board approve the following bids and purchase orders to the recommended vendors for the amounts indicated. Mr. Mena was not present for the vote.

- A. Medical Supplies Bid #58-01 (\$40,867.72) was awarded to the following vendors for the amounts indicated, with Item #20 being awarded to A-Athletic Medical, pursuant to the tie-breaking procedure: A-Athletic Medical, Items 4, 20, 30, 47 and 48, \$1,227.64, net; Alert Services, Item 2, \$1,872.00, net; Border Healthcare, Items 5, 9, 11, 15, 16, 26, 38, 40, 43, and 45, \$8,002.68, net; Good Shepard Pharmacy, Item 36, \$1,140.00, net; Medco, Items 24, 27, 44, and 46, \$4,136.60, 1 percent/20; Medistat, Item 21, \$24.48, net; Micro Bio-Medics, Items 1, 3, 6, 7, 12, 14, 18, 25, 29, and 33-35, \$14,619.16, net; Moore Medical, Items 10, 17, and 42, \$1,406.76, net; School Health, Items 13, 19, 23, and 41, \$3,279.20, net; West Texas Medical, Items 28, 31, and 39, \$5,012.80, net; and William McGill,

Item 22, \$146.40, net, for a total amount of \$40,867.72 (copy of bid tabulation attached to the permanent file of these minutes).

- B. Printers for TIF (Telecommunications Infrastructure Fund) Grant Recipient Schools – Bradley, Lindbergh, and Putnam Elementary Schools; and Franklin High School, Purchase Order No. 220418 (\$27,151.00) were approved for purchase from MacWarehouse, the lowest quote, in the amount of \$27,151.00 (copy of purchase order attached to the permanent file of these minutes).
- C. Student Administrative Systems Software and Services (Ref. RFP #30-98), Purchase Order No. 330575 (\$123,147.00) was approved for purchase from National Computer Systems in the amount of \$123,147.00 (copy of purchase order attached to the permanent file of these minutes).
- D. Annual Support for CIMS® III Software, Purchase Order No. 220576 (\$35,986.00), was approved for purchase from National Computer Systems in the amount of \$35,986.00 (copy of purchase order attached to the permanent file of these minutes).
- E. NovaNET Computer-Based Educational Network, Purchase Order No. 220608 (\$378,965.00) was approved for purchase from NovaNET Learning, Inc. in the amount of \$378,965.00 (copy of purchase order attached to the permanent file of these minutes).

Public Complaint by David Carr, et al, Regarding Process for Selection of Principals (Item #9)

Dr. Anzaldúa advised that Mr. David Carr had been notified verbally and in writing that the appeal of his public complaint to the Board of Trustees was scheduled for August 28, 2001, but he was not present at the meeting.

Meeting Adjourned

The meeting was adjourned at 8:31 p.m.

Date Approved: October 23, 2001