

Minutes of Meeting of Board of Trustees
El Paso Independent School District
August 26, 2003
5:00 p.m.
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President
Dr. Lorraine O'Donnell, Vice President
Mr. Carlos Cordova, Secretary
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Vacancy: Trustee District 1

The meeting was called to order at 5:04 p.m. by Mr. Mena. The Pledge of Allegiance was led by Dr. William Wachtel, Senior Researcher, Finance. A moment of silence was observed in remembrance of Mr. Richard Telles, recently deceased Board member and District 1 Trustee. Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, gave the Thought for the Day.

1. Public Forum

The following person requested to speak on Open Forum:

1. Mr. Dan McGlasson, Football Chapter of the Texas Association of Sport Officials-El Paso, expressed his appreciation for the opportunity to officiate at EPISD football games and provided information on how his organization handles complaints against its officials.

2. Public Meeting to Discuss Preliminary Budget for Fiscal Year 2003-04 and Proposed 2003-04 Proposed Property Tax Rate

Mr. James Damm, EPISD Consultant for Finance, provided an overview of the 2003-04 preliminary budget. He reviewed the budget preparation timeline and advised that the total proposed operating budget is \$394,189,495.00. He reviewed the percentage of funds by function and major class objects; major cost cutting measures; the proposed tax rate of \$1.5711; a summary of the 2003-04 budget including revenues and expenditures; and proposed measures to address the deficit Food Services budget.

The following people requested to speak to this item:

1. Mr. Raul Garcia expressed a concern about alleged possible cuts to the Maintenance & Grounds budget.
2. Mr. Gerald Cheek, member of the Budget Review Committee, spoke in support of the proposed budget.

3. Consent Agenda

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

Mr. Mena - Item A.
Dr. O'Donnell - Item C.

Mr. Dodge - Item C., E., and G.
Item H., 4.
Item J., 2., 3., and 4.

Comments on Item A., Continuation of American Heart Association Activities in EPISD

Mr. Mena acknowledged Mr. Aubrey Cherry, School Site Chairman, AHA, and former EPISD administrator.

Questions on Item C., Extension of Agreement with Prestige Consulting Services for the Provision of Strategic Planning Project Follow-On and Technical Support Services (\$30,600.00)

Responding to a question from Dr. O'Donnell, Mr. Tafoya explained that the contract with Prestige Consulting was issued two years earlier and had been carried forward. Additional services were provided and an additional cost was incurred, which needed to be brought to the Board, along with a contract extension. The Board was now being asked to approve these items.

Questions on Item E., Extension of Workers' Compensation Administrative Services RFP #72-02 (Third Party Administration Services and Cost Containment Services) and 60-Day Renewal of Policy for Excess Employers' Liability Insurance Under RFP #72-02

Mr. Dodge inquired about estimated costs being provided rather than exact amounts. Mr. Kyle Jeglum, Assistant Director, Risk Management/Workers' Compensation, explained that estimated costs were being provided because it is not known how many claims will be incurred.

Questions on Item G., EPISD's Continued Participation in the Texas Building and Procurement Commission Bid #714-A1 Copier Rental Program (approx. \$828,949.97)

Mr. Dodge requested information on the difference between this item and the high speed copiers recently approved by the Board. Mr. Terry Freiburg, Director of Purchasing, advised that this item was for copier rentals and that the high speed/high volume copiers approved on August 12, 2003, were on a lease contract, which is more cost effective method for that type equipment.

Questions on Item H., 4., Purchases Requiring Board Approval - Apple Computers and Laptops for High School Journalism Departments, Purchase Order Nos. 273809 - 273812 (\$16,750.00)

Mr. Dodge inquired about Apple computers being approved for other high schools at a previous meeting, and it was explained that that item was the first of a number of computer purchases that will bring the equipment all high school journalism classes up to date.

Questions on Items J., 2, Job Order Contract Awards - Districtwide Boiler Heating System Repairs, #04.447 (\$125,000.00); and Item J., 3., Districtwide HVAC System Repairs, #04.448 (\$140,000.00)

Responding to an question from Mr. Dodge, Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that Airworks Service Company had had this contract for the last three years.

Questions on Item J., 4., Job Order Contract Awards - Districtwide Electrical System Repairs, #04.484 (\$104,000.00)

Mr. Dodge inquired about El Paso Rio Electric, Inc., and Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the vendor has satisfactorily responded to solicitations for proposals for other large projects.

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

A. Continuation of American Heart Association Activities in EPISD

The Board waived Board Policy FJ (Local) for the American Heart Association to conduct the "Jump Rope for Heart" and "Hoops for Heart" fund raising projects at the schools and to allow the Heart Power Curriculum Kits to be distributed to the schools for the 2003-04 school year.

B. Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony, and Canutillo Independent School Districts and El Paso County for 2003-04 School Year for the establishment and operation of a JJAEP for the 2003-04 fiscal year, with EPISD receiving \$59.00 per day from the County for each mandatory expelled student, pursuant to the terms thereof.

C. Extension of Agreement with Prestige Consulting Services for the Provision of Strategic Planning Project Follow-On and Technical Support Services (\$30,600.00)

D. Renewal of Educators Legal Liability (E&O) and General Liability Policy RFP #05-02 (\$191,978.00)

The Board approved the renewal of the Educators Legal Liability (Errors & Omissions) insurance policy in the estimated amount of \$102,492.00, and the renewal of the General Liability insurance policy in the amount of \$89,486.00, RFP #05-02, as underwritten by Texas Association of Public Schools, through Rogers and Belding Insurance Agency as broker, for the period of September 1, 2003, through August 31, 2004.

E. Extension of Workers' Compensation Administrative Services RFP #72-02 (Third Party Administration Services and Cost Containment Services) and 60-Day Renewal of Policy for Excess Employers' Liability Insurance Under RFP #72-02

The Board approved the first extension for (1) Workers' Compensation third party administrator (TPA) services to Ward North America in the estimated amount of \$339,200.00 per year and (2) Workers' Compensation cost containment services to Argus Services Corporation in the estimated amount of \$156,000.00, both effective September 1, 2003, through August 31, 2004; and a 60-day renewal of Excess Workers' Compensation and Employers' Liability Insurance to Midwest Employers Casualty Insurance Company, through Alamo Insurance Group, Inc., for coverage from September 1, 2003, through October 31, 2003, for the estimated premium of \$8,804.00, all under Workers' Compensation Administrative Services RFP #72-03.

F. Budget Amendments

1. Teacher Retirement System "On-Behalf" Payments Adjustment (\$1,200,000.00). This item is to adjust the Teacher Retirement System (TRS) "On-Behalf" budget for fiscal year 2003 to more accurately reflect the actual activity for the fiscal year.

2. 2002-03 Fiscal Year Final Budget Amendment (\$4,800,000.00). This item is to avoid deficits in some functions at year-end.
- G. EPISD's Continued Participation in the Texas Building and Procurement Commission Bid #714-A1 Copier Rental Program (approx. \$828,949.97) for the 2003-04 fiscal year, with the selection of copier to be made by each school or unit, subject to the approval of the 2003-04 preliminary budget.
- H. Purchases Requiring Board Approval
1. Office/School Paper Bid #69-03 (\$35,434.00) was awarded as follows: AFP Industries, Items 3-8, \$18,988.90, net 30; Bye-Mo'r, Inc., Item 9, \$3,469.20, net 30; Office Depot, Item 10, \$7,820.00, net 30; and Xpedx, Items 1 and 2, \$5,156.00, 2 percent 10, net 30, subject to the approval of the 2003-04 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 2. Propane Fuel for School Buses Bid #75-03 (approx. \$494,000.00) was awarded to Supro Energy Company with net terms and the option to extend for an additional 24 months, 12 months at a time, subject to the approval of the 2003-04 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
 3. Computers for Franklin High School, Purchase Order No. 273617 (\$28,770.12), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
 4. Apple Computers and Laptops for High School Journalism Departments, Purchase Order Nos. 273809 - 273812 (\$16,750.00), from Apple Computer, the sole source, for Irvin and Franklin High Schools, Purchase Order No. 273809, in the amount of \$7,096.00; El Paso High School, Purchase Order No. 273810, in the amount of \$2,484.00; Bowie High School, Purchase Order No. 273811, in the amount of \$4,046.00; and Coronado High School, Purchase Order No. 273812, in the amount of \$3,124.00 (copy of purchase orders attached to the permanent file of these minutes).
- I. Construction Contract Awards were made as follows, subject to the review and approval of the District's attorney:
1. Stadium Light Pole Upgrades - Austin High School, #03.733 (\$92,160.00), to Kendrick Electric Co.
 2. Highland Annex Parking Lot Improvements, #03.735 (\$53,975.00), to Southwest Growth Corporation.
- J. Job Order Contract Awards were made as follows, subject to the review and approval of the District's attorney:
1. Administration Centers Telephone Moves, Adds, Changes (MACs) and Repairs, #04.429 (\$75,000.00), to Innovative Phone Services (IPS).
 2. Districtwide Boiler Heating System Repairs, #04.447 (\$125,000.00), to Airworks Service Company.
 3. Districtwide HVAC System Repairs, #04.448 (\$140,000.00), to Airworks Service Company.
 4. Districtwide Electrical System Repairs, #04.484 (\$104,000.00), to El Paso Rio Electric, Inc.

- K. Maintenance and Service Contract Award – Districtwide Pest Control, #04.425 (\$62,732.00), to Orkin Pest Control, subject to the review and approval of the District's attorney and the approval of the 2003-04 preliminary budget.
 - L. Professional Services Contract Award – Districtwide Boiler Replacement 2004 – Crockett and Roberts Elementary Schools; Guillen and Lincoln Middle Schools; and Jefferson High School, #03.749 (\$40,000.00), to Bath Engineering Corporation, subject to the review and approval of the District's attorney, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services the owner cannot provide.
 - M. May – July 2003 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.
4. Adoption of Preliminary Budget for Fiscal Year 2003-04 (Operating, Debt Service, and Food Service Budgets) and A. Clarification of 2003-04 Compensation Proposal

Mr. James Damm, EPISD Consultant for Finance, recommended that the August 22, 2003, memo, "Implementation of the 2003-04 Compensation Plan," which had been forwarded to the Board members, be entered into the record as the compensation implementation plan. Mr. Damm clarified that daily and hourly employees over the maximum of their pay scale would receive an increase equal to 1.5 percent of the midpoint.

There was discussion on employees on the daily pay scale who would receive compensation increases in excess of \$10,000.00; those daily employees being below the minimum of their pay scale; parity adjustments beyond the minimum being capped at \$4,000.00; the three-year payout period for employees with parity adjustments beyond the \$4,000.00 cap; and employee classifications not being changed.

It was moved by Mr. Dodge and seconded by Dr. O'Donnell that the Board adopt the 2003-04 Preliminary Budget in the amounts shown by fund and function as presented by the administration (copy of the sheets attached to the permanent file of these minutes). Upon the vote, the motion carried with Dr. Roark voting against the motion.

Mr. Damm recommended that Athletic Trainers be given a ten-day extension on their contracts for the 2003-04 school year at the appropriate rate, and that their job description alignment within the organization be addressed through the El Paso Consultation Association.

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that Athletic Trainers be given a ten-day extension on their contracts and that their job descriptions be handled through the El Paso Consultation Association.

5. Adoption of 2003-04 Property Tax Rate

It was moved by Mr. Cordova, seconded by Mr. Mena, and carried unanimously that the Board adopt the tax rate on \$100 valuation for the District for tax year 2003 as follows: \$1.50 for purposes of maintenance and operation and \$0.0711 for the payment of principal and interest on the debt of the District, for a total tax rate of \$1.5711. Miss Garcia and Dr. Roark were not present for the vote.

6. 2002-03 District Improvement Plan

Ms. Elizabeth Montes, Executive Director, K-12 Instruction, provided information on the approval of the 2002-03 District Improvement Plan (DIP) being delayed and advised that the Plan was created last year by the "then" members of the Districtwide Educational Improvement Council (DEIC) and implemented. However, the Plan was never formally approved by the Board of Trustees.

It was moved by Mr. Dodge and seconded by Miss Garcia that the Board approve the District Improvement Plan for the 2002-03 school year. Upon the vote, the motion carried with Dr. Roark voting "present."

Meeting Recessed

The meeting was recessed at 6:55 p.m. The meeting was reconvened at 7:13 p.m.

7. Interlocal Agreement Between EPISD and Region 19 Education Service Center for Services Under the McKinney-Vento Homeless Assistance Program (\$149,966.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve this interlocal agreement for tutoring and other services for homeless children effective September 1, 2003, through August 31, 2004, with the EPISD reimbursing Region 19 for an amount not to exceed \$149,966.00.

8. Contract Between El Paso Independent School District and Communities in Schools (CIS)-El Paso, Inc. - Crockett and Lamar Elementary Schools; Guillen, Henderson, Lincoln, Magoffin, and Wiggs Middle Schools; Andress, Austin, Bowie, El Paso, and Irvin High Schools; Delta Academy; Telles Academy, and Sunland Park Mall Academy (\$455,000.00)

The following person requested to speak to this item:

1. Ms. Marina Ontiveros, a representative of the Educational Committee of the Golden Hills Association, spoke about services that CIS had provided at Wiggs Middle School and requested that funding be provided to continue this program at Wiggs.

Mr. Tafoya commented that each individual school has funds and may provide the CIS program through the recommendation of the Campus Improvement Team (CIT), if it is determined that the program should be funded at that school. Wiggs Middle School opted not to participate in the CIS program this year but to continue with three other intervention programs currently in place at the school.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the contract with Communities in Schools-El Paso, Inc. for the provision of a professional social worker at the listed schools, subject to the following additional provisions: (1) the results of background checks on all service providers in the schools to be furnished to the District within a 90-day period and (2) the evaluation schedule called for in the contract to be modified so that the Board receives monthly interim reports on the progress against that evaluation schedule.

9. Gale Group On-Line Database for Campus Libraries (\$46,200.00)

It was moved by Dr. O'Donnell, seconded by Miss Garcia, and carried unanimously that the Board approve the purchase of these sole-source database subscriptions.

10. Award of FICA Alternative Plan IRC 3121 and Section 457(b) Tax Deferred Compensation RFP #83-03

Ms. Elizabeth Bulos, Director, Employee Benefits, stated that RFP #83-03 was issued as a result of House Bill 3459, which imposed a 90-day waiting period for new employees for membership with the TRS (Teacher Retirement System).

Mr. Pat Graham, G. P. Graham, & Associates, provided information on the 457 and IRC 3121 Plans; the factors that led to the recommended selection of Great West Retirement Services; the process over the 90-day period; and the benefit of the 457 Plan to the employees and the District.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the award of RFP #83-03 to Great West Retirement Services, as recommended by the Internal Review Committee and the administration, for the period of September 1, 2003, through August 31, 2004, with the option for four one-year renewals, subject to the administration and legal counsel finalizing any contracts and other plan documents, as needed, to implement the Plan.

11. Sole Source Instructional Materials, Training, and Software Purchases for 2003-04

It was moved by Mr. Cordova and seconded by Mr. Dodge that the Board approve the following sole source purchases in the amounts indicated, with the exception of Accelerated Reader® Educational Software, Item E.

- A. Linguistic Pattern Series™ Training Materials from ISM Teaching Systems, Inc. (approx. \$96,000.00)
- B. Activities Integrating Math & Science (AIMS) Program from AIMS Education Foundation (approx. \$149,000.00)
- C. Staff Development Training for Schools and Administrators from Bureau of Education & Research (BER) (approx. \$99,000.00)
- D. Reading Programs, Materials, and Training by Lexia Learning Systems, Inc.™ and Taylor Associates/Communications, Inc. from McComas & Associates (approx. \$104,000.00)
- E. (Renaissance® Professional Development) Training from Renaissance Learning™, Inc. (approx. \$120,000.00)
- F. Testing Products from Riverside Publishing Company (approx. \$69,000.00)
- G. Mathematics Materials, Manipulative Kits, and Phonics Materials from Saxon™ Publishers, Inc. (approx. \$126,000.00)
- H. Educational Teaching and Software Programs for TAKS (Texas Assessment of Knowledge and Skills) Training from Sleek Software Corporation® (approx. \$35,000.00)
- I. Success for All™ Comprehensive School Reform Model from Success for All® Foundation (approx. \$48,000.00)
- J. Educational Curriculum Materials from Scholastic, Inc. (approx. \$596,000.00)
- K. Testing Material Kits and Components from The Psychological Corp. (approx. \$97,000.00)
- L. Electronic Handheld Dictionaries, Thesauri, and Bilingual Dictionaries from Franklin Electronic Publishers (approx. \$47,000.00)
- M. Educational Curriculum Materials from LeapFrog School House (approx. \$137,000.00)
- N. Everyday Mathematics Program, State-Adopted Textbooks, and Various Reading and Instructional Books from McGraw-Hill Companies (SRA/McGraw-Hill, Wright Group/McGraw-Hill, Glencoe0??McGraw-Hill) (approx. \$577,000.00)
- O. Math, Science, and Reading Materials and Staff Development Workshops from ETA/Cuisenaire® (approx. \$213,000.00)

- P. Violence- and Drug-Free and Healthy Lifestyle Materials from Channing Bete Company™ (approx. \$47,000.00)
 - Q. “Getting to the Heart of the Standards,” No Child Left Behind, and Student Success Initiative Training form The Education Company (approx. \$39,000.00)
 - R. Instructional Materials for Math, Reading and Writing from Curriculum Associates®, Inc. (approx. \$129,000.00)
 - S. Measuring Up to the Texas Essential Knowledge and Skills (TEKS) and Success Strategies for the TAKS (Texas Assessment of Knowledge and Skills) from People’s Publishing Group, Inc. (approx. \$241,000.00)
 - T. Soar to Success: The Reading Intervention Program, Grades 3-8, and Houghton Mifflin Mathematics: Problem Solving for Success, Grades 3-5, from Houghton Mifflin Company (approx. \$397,000.00)
 - U. English and Spanish Books and Instructional Materials from Rigby Education (approx. \$113,000.00)
 - V. Reading and Instructional Books from Sundance Publishing (approx. \$72,000.00)
 - W. Staff Development Training for Elementary School Teachers from Balanced Literacy Institute (approx. \$118,000.00)
 - X. Full Option Science Systems (FOSS), Delta Science Modules (DSM), Science Curriculum Improvement Studies (SCI53+), and Science/Math in a Nutshell Kits from Delta Education (approx. \$142,000.00)
 - Y. discoveragendas™ and FranklinCovey Student Planners from Premier Agendas, Inc. (approx. \$44,000.00)
 - Z. SDE® Seminars and Conferences for Kindergarten – 12 Teachers from Staff Development for Educators (SDE), Inc. (approx. \$62,000.00)
12. Purchase Requiring Board Approval – Baseball, Softball, and Track Equipment and Supplies Bid #62-03 (\$52,588.85)

It was moved by Mr. Cordova, seconded by Dr. Roark, and carried unanimously that this bid be awarded as follows, with Item #51 being awarded to Athletic Supply, pursuant to the tie-breaking procedure: Athlete’s World, Items 1, 10-14, 16, 17, 22-24, 33, 40-42, and 66, \$11,259.02, net 30; Athletic Supply, Items 48, 51, 57, 62, 63, 65, 67, 72, 75, 76, 78, and 81, \$24,030.71 net 30; Chamizal Trading Corp, Item 3, \$1,695.00, net 30; First to the Finish, Items 18, 19, 21, 25-32, 34, 35, 39, 43-46, 53, 56, 59, and 83, \$5,411.65, net 30; Gardenswartz Team Sales, Items 9, 15, 47, 50, 60, 69, 73, and 74, \$3,654.60, net 30; Gill Athletics, Items 38, 55, 71, 79, 80, and 82, \$851.25, net 30; M-F Athletic Co., Items 20, 49, 58, and 77, \$1,486.90, net 30; and Sport Supply/BSN, Items 2, 4-8, 36, 37, 52, 54, 61, 68, 70, and 84-86, \$4,199.72, net 30 (copy of bid tabulation attached to the permanent file of these minutes).

13. Final Payment for Construction Contracts Exceeding \$100,000.00 – PFFCO (Public Property Finance Contractual Obligations) Projects, Phase 1 – Crockett, Hawkins, Hughey, Lamar, and Logan Elementary Schools; Ross Middle School; and Austin High School, #9.523.02 (\$51,593.85, total cost \$1,031,876.96)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the final payment to Dantex Construction Co., subject to the review and approval of the District's attorney.

Item Withdrawn

It was announced that item no. 14, A., Grievance Hearing – George White, Teacher, Roberts Elementary School, had been withdrawn from the agenda.

Meeting Closed

The meeting was recessed at 8:15 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

14. Closed Meeting

B. Proposed Termination of Probationary Contract Teacher

C. Consultation with School District Attorney Regarding Pending Litigation

1. Lillian W. Crouch, Plaintiff, v. El Paso Independent School District, Defendant; In the 327th Judicial District Court, El Paso County, Texas; Cause No. 2002-5419
2. Eva Guajardo, Plaintiff v. El Paso Independent School District, Defendant; In the County Court at Law No. 3, El Paso County, Texas; Cause No. 2002-3232
3. El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendants; In the 210th Judicial District Court, El Paso County, Texas; Cause No. 2001-3315
4. Robert Olivas vs. Chase Bank of Texas, et al.; In the El Paso County Court at Law No. 3; Cause No. 2001-3645 and Workers' Compensation Subrogation Interest of the EPISD
5. Dianne Jones, Manuel Mendoza, Mark Mendoza, Efren Yturralde, and Elco Ramos, Plaintiffs vs. El Paso Independent School District, Defendant; In the 41st Judicial District Court, El Paso County, Texas; Cause No. 2000-2704; and Grievance - Elco Ramos, Principal, Houston Elementary School

The closed meeting started at 8:23 p.m. The closed meeting ended at 9:10 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:10 p.m.

14. The action as a result of items discussed in closed meeting was as follows:

B. Proposed Termination of Probationary Contract Teacher

It was moved by Mr. Dodge, seconded by Mr. Mena, and carried unanimously that the Board authorize the Superintendent to give Patricia Hedrick notice of the proposed termination of her probationary contract of employment.

C., 1. Consultation with School District Attorney Regarding Pending Litigation - Lillian W. Crouch, Plaintiff, v. El Paso Independent School District, Defendant; In the 327th Judicial District Court, El Paso County, Texas; Cause No. 2002-5419

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board reject the settlement offer in this case and authorize the administration to mediate the matter.

- C., 2. Consultation with School District Attorney Regarding Pending Litigation - Eva Guajardo, Plaintiff v. El Paso Independent School District, Defendant; In the County Court at Law No. 3, El Paso County, Texas; Cause No. 2002-3232

It was moved by Mr. Cordova, seconded by Mr. Mena, and carried unanimously that the Board accept the negotiated settlement offer of \$7,000.00 for the release of all claims against the District in this case.

- C., 4. Consultation with School District Attorney Regarding Pending Litigation - Robert Olivas vs. Chase Bank of Texas, et al.; In the El Paso County, Texas Court at Law No. 3; Cause No. 2001-3645 and Workers' Compensation Subrogation Interest of the EPISD

It was moved by Dr. O'Donnell, seconded by Mr. Mena, and carried unanimously that the Board accept Mr. Olivas' offer to settle the District's subrogation interest, subject to the release of any claims he may have against the District.

- C., 5. Consultation with School District Attorney Regarding Pending Litigation - Dianne Jones, Manuel Mendoza, Mark Mendoza, Efren Yturalde, and Elco Ramos, Plaintiffs vs. El Paso Independent School District, Defendant; In the 41st Judicial District Court, El Paso County, Texas; Cause No. 2000-2704; and Grievance - Elco Ramos, Principal, Houston Elementary School

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the negotiated settlement agreement with Elco Ramos to withdraw his grievance and dismiss his portion of the pending lawsuit be approved by the Board of Trustees, subject to review and approval of final settlement and dismissal documentation by the District's legal counsel.

Meeting Adjourned

The meeting was adjourned at 9:13 p.m.

Date Approved: September 23, 2003