

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
December 9, 2003  
5:00 p.m.  
Education Center-Boeing

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

The meeting was called to order at 5:02 p.m. by Mr. Mena. The Pledge of Allegiance was led by the Honorable Alfredo Chavez, Judge of the 65<sup>th</sup> District Court. Mr. Juan Sandoval, Executive Director, Auxiliary Services, gave the Thought for the Day.

1. Holiday Performance by Cordova Middle School Choir

In anticipation of the holiday season, a musical performance was provided by the Cordova Middle School choir, under the direction of Ms. Genevieve Tejada.

2. Recognition of 2003 EPISD Holiday Greeting Card Designer

Frances Hernandez, a junior at El Paso High School, was recognized by the Board of Trustees as the winner of the 2003 EPISD Holiday Greeting Card Contest. She was presented with a framed replica of the card and an engraved plaque.

3. Awards to November 2003 Employees of the Month

Mr. Steve Marshall, teacher at Coldwell Elementary School, was recognized by the Board of Trustees as November 2003's Certified Employee of the Month; and Mr. Danny Aguilar, microcomputer technician in Technology Information Systems, was recognized as November 2003's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$200.00.

4. Presentation of \$10,000 Check from Texas Gas Service, through ONEOK Foundation Community Investment Program, to EPISD Fund

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, announced a donation to the El Paso Fund from Texas Gas Service, through its ONEOK Foundation Community Investment Program, which invests its charitable contributions in programs that enhance quality of life and economic well being in the communities where ONEOK companies operate and employees work and live.

Mr. Richard Fleager, Vice President, Western Operations, Texas Gas Services; and Ms. Ginny Creveling, Executive Director, and Mr. Pete Parraz, Regional Public Affairs Manager, ONEOK Foundation, presented a check to representatives of the EPISD Fund on behalf of Texas Gas Services to assist the Fund in its support of students and teachers of the District.

5. 2004 Superintendent's Honor Roll Recognition

Twenty-three EPISD schools were recognized for having attained 100 percent membership from their teachers, administrators, and staff during the Parent-Teacher Association (PTA) annual membership drive. (A list of recipients is attached to the permanent file of these minutes.)

6. Establishment of an El Paso County Juvenile Drug Court

Mr. Carlos Martinez, Director, VIPS/PIE, Court Liaison, and Community and Governmental Relations, introduced El Paso District Court judges and representatives from various El Paso law enforcement agencies for a presentation on the establishment of an El Paso County Juvenile Drug Court.

The Honorable Sam Medrano, Jr., Judge of the 409<sup>th</sup> District Court, provided information on the Juvenile Drug Court and the yearlong process of its development. He stated that the Drug Court would begin in January 2004, with a focus on girls 14 to 16 years of age. He commended the EPISD, County Attorney's office, El Paso Police Department, Sheriff's Department, and members of local law firms for the time and support donated toward this program.

The Honorable Alfredo Chavez, Judge of the 65<sup>th</sup> District Court, thanked the Board and the Superintendent for their commitment to the Juvenile Drug Court. Mr. Tafoya thanked staff members who were involved in the development process.

It was moved by Dr. Roark and seconded by Dr. O'Donnell that the Board approve the establishment of an El Paso County Juvenile Drug Court, as proposed by the El Paso County Juvenile Probation Department and the El Paso District Court judges, for the amount of \$85,000.00 in matching funds by the District, subject to a corresponding budget amendment being approved by the Board at a future meeting.

Mr. Jose Rodriguez, County Attorney; Interim Chief Richard Wiles, El Paso Police Department; Deputy Chief Jimmy Apadoca, El Paso Sheriff's Department, representing Sheriff Leo Serna; and Chief Al Alvarez, Juvenile Probation Department, each thanked the Board and the Superintendent for their continued support and commitment.

The Honorable Linda Chew, Judge of the 327<sup>th</sup> District Court; The Honorable Alma Trejo, Judge of the County Criminal Court No. 1; and The Honorable Robert Anchondo, Judge of the County Criminal Court No. 2, expressed their gratitude to the Board and the Superintendent for their participation and support. Ms. Ruth Sutherland, representative of the Office of County Judge, extended the appreciation of the County Judge Dolores Briones.

The following person requested to speak to this item:

1. Mr. Gerald Cheek, President, El Paso Council of PTAs, thank the Board for initiating this pilot program.

Upon the vote, the motion carried unanimously. Dr. Roark was not present for the vote.

7. Public Meeting to Discuss EPISD's 2003 State Financial Accountability Rating Under the Schools Financial Integrity Rating System of Texas (FIRST)

Mr. James Damm, EPISD Consultant for Finance, stated that the State Administrative Code requires that school districts hold a public hearing to announce and receive input on the results of FIRST (Financial Integrity Rating System of Texas) with regard to financial accountability.

Ms. Martha Piekarski, Director, Accounting Services, provided information on the 2003 FIRST, which covers the 2001-02 fiscal year and was developed by the Texas Education Agency as a response to Senate Bill 875 to achieve quality performance in the management of school districts' financial resources. She reviewed the 21 indicators, which are rated by "No" answers, and the EPISD responses to each indicator. Ms. Piekarski advised that EPISD answered "Yes" to all indicators and received a Superior Achievement rating.

There was discussion on how the District's debt ratio as the 2003 Bonds are sold will affect the Debt-Related Expenditures indicator and the status and rating counts for the state.

There were no speakers.

26. City of El Paso Tax Increment Financing District No. 4 and Presentation by Representatives from the City of El Paso

Mr. Adrian Ocegueda, Executive Assistant to the Mayor, stated that the zoning for the proposed TIF (Tax Increment Financing) District property was changed from M1 to C4, which will increase the value of the property effective January 1, 2004. An ordinance was issued to adopt TIF District No. 4 as of December 22, 2003.

Mr. Ocegueda provided an overview of TIF District No. 4 including the TIF cycle, identifying the need for TIF, market considerations, statutory requirements, quantifying blight, and determining blight in El Paso. He provided information on the TIF District proposed retail center project in the old Farah Building and reviewed the TIF District data; blight analysis; preliminary site plan; project overview; TIF District proposed valuation; and property tax revenues for the City and County of El Paso, El Paso Community College (EPCC), and EPISD; and the current status for TIF District No. 4.

The following people requested to speak to this item:

1. Mr. Mike Hutson, attorney representing the owner of Las Palmas Shopping Center, spoke against the TIF District and government subsidizing retail agencies and suggested waiting until 2004 to create a TIF District.
2. Mr. Mark Smith, Director of Governmental Affairs, Hunt ELTP Ltd., spoke against the TIF District and subsidizing retail development with public funds.

8. An Order Authorizing the Issuance and Sale of El Paso Independent School District Unlimited Tax School Building and Refunding Bonds, Series 2004; Levying a Tax and Providing for the Security and Payment Thereof; Approving the Official Statement, Purchase Contract and Escrow Agreement; and Enacting Other Provisions Relating Thereto

Mr. Hector Zavaleta, First Southwest Company, provided information on the implementation of Phase I of the 2003 Bond election and the EPISD's A+ rating from Standard & Poor's and Fitch. He stated that the District sold \$15 million of the 2003 Bond issue and refinanced \$4.82 million, which resulted in debt savings of \$241,306.64. He reviewed outstanding unlimited tax debt and refunding opportunities; fixed interest rate comparison; refunding summary; refunding comparison from 2004 through 2019; timing and implementation of bond issues; new money debt service structure; projected tax rate impact after implementation of Phase I; Series 2004 sources and uses of funds; projected schedule of events; and implementation of the next steps for Phase II.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the Order authorizing the issuance and sale of El Paso Independent School District Unlimited Tax School Building and Refunding bonds, Series 2004 in the par amount of \$19,660,000.00; levying a tax and providing for the security and payment thereof; approving the Official Statement, purchase contract and escrow agreement; and enacting other provisions relating thereto.

9. 2003 Bond Program Budget Amendment, Series 2004 (\$15,000,000.00)

Responding to a concern expressed by Mr. Dodge, Mr. Hector Martinez, Associate Superintendent, Operations, advised that construction documents for the Franklin High School field house, handicapped accessibility, and Title IX issues would be revised and addressed in the final document.

It was moved by Mr. Cordova, seconded by Mr. Mena, and carried unanimously that the Board approve this budget amendment to fund the projects as recommended by the Facilities Department and to begin the assignment of design contracts and scheduling of bid in accordance with the awards approved by the Board on December 2, 2003.

10. Amendment of Budget Available for Transfer Due to 2003 Bond Program

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously that the Board approve the amendment of the budget redirecting approximately \$1,635,000.00 in the 2004 Operating Budget from the payment of principal on Maintenance Tax Notes, PPFCOs (Public Property Finance Contractual Obligations), and Lease Revenue bonds to fund other District projects, with any balance of funds to be returned to the Fund Balance.

11. Public Forum

There were no speakers on Open Forum.

12. Consent Agenda

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

Dr. O'Donnell - Items F., 2., 3., and 8.

Dr. Roark - Item D.  
Item E., 6.  
Item F., 8.

Questions on Item D., Revision and Renaming of FNG (Local), Student Rights and Responsibilities: Student Complaints to Student Rights and Responsibilities: Student and Parent Complaints

Dr. Roark inquired about language in subheading General Provisions requiring that the student or parent meet with the teacher before requesting a conference with the principal. He suggested that parents be "requested" to meet with the teacher.

There was discussion on softening the language with "may," "should attempt," or "encouraged"; and the need to include the teacher in the dialog. It was the consensus of the Board that the language be revised to read "the student or parent will be 'strongly encouraged' to discuss the matter with the teacher."

Questions on Item E., 6., Budget Amendments – ESEA, Title I, Part A – Guillen Middle School (\$23,000.00)

Dr. Roark expressed concern about the amount of time the teachers would be pulled out of class. Ms. Rosa Lovelace, Principal, Guillen Middle School, advised that the training was for inclusion and the AVID program, which would require approximately one and a half days.

Questions on Item F., 8., Purchases Requiring Board Approval – AS/400 Computer Systems Maintenance, Purchase Order No. 280453 (\$45,900.00)

Dr. Roark and Dr. O'Donnell inquired about why the low quote was not selected. Mr. Jack Johnston, Executive Director, Technology and Information Systems, explained that the low quote was submitted by a local vendor, which is a third-party maintenance provider without the ability to provide the District with the updates on a timely basis for hardware or updates to the operating system.

There was discussion on the CISV (catalog information system vendor) approach and the rationale for obtaining a quote from a vendor that could not provide the required services; whether this could be deemed a sole source service; and considering the possibility of issuing an RFP (request for proposals).

Questions on Item F., 2., Purchases Requiring Board Approval – Administrator Classroom Walk-Through & Follow-Up Strategy RFP #106-03 (\$113,520.00)

Dr. O'Donnell commented on the expense associated with this award, the availability of talent within the District to develop a walk-through strategy, and the availability of services from other providers at a lower cost. Ms. Esther Natera, Director, Staff Development, reviewed the feedback from campus administrators and Associate Superintendents on the need for this service and provided information on the pilot of the *Learning 24/7* classroom walk-through model and the rationale for recommending the *Learning 24/7* model.

There was discussion on the development of a classroom walk-through model as part of a collaborative initiative with Socorro, Ysleta, and El Paso ISDs; school districts working more closely with UTEP to expand training at the university level; the recommended model being inclusive of consultant, travel, lodging, etc.; and services funded by Title II being inclusive of area private and parochial schools.

Questions on Item F., 3., Purchases Requiring Board Approval – Cognitive Coaching Services RFP #107-03 (\$24,200.00)

Responding to a question from Dr. O'Donnell, Ms. Esther Natera, Director, Staff Development, advised that the District utilizes trainer-of-trainer models, which includes the cognitive coaching.

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated, with the exception of item no. F., 2., Purchases Requiring Board Approval – Administrator Classroom Walk-Through & Follow-Up Strategy RFP #106-03 (\$113,520.00).

- A. Payment of 2004 TASB Annual Membership Dues (\$11,200.00), including the District's participation in the TASB Legal Assistance Fund for 2004.
- B. Resolution Providing for Election of Trustees by Plurality Vote

- C. Revisions to Board Policies (copies attached to the permanent file of these minutes).
1. BBB (Local), Board Members: Elections
  2. GF (Local), Public Complaints
- D. Revision and Renaming of FNG (Local), Student Rights and Responsibilities: Student Complaints to Student Rights and Responsibilities: Student and Parent Complaints, as modified (copy attached to the permanent file of these minutes).
- E. Budget Amendments
1. Kohlberg Elementary School (\$1,100.00). This item is to fund an intramural program, which will keep students fit, increase their energy, and improve their health.
  2. Travis Elementary School (\$1,910.00). This item is to allow the purchase of general supplies.
  3. Magoffin Middle School (\$7,400.00). This item is to allow the replacement of worn-out and unsafe cafeteria tables.
  4. Morehead Middle School (\$3,600.00). This item is to allow the lease of two copy machines to replace the existing machine that is broken down for several days at a time due to the unavailability of parts.
  5. State Compensatory Education (SCE) – El Paso High School (\$35,000.00). This item is to allow the correct placement of funds in the account for Communities in Schools, which will provide services to students.
  6. ESEA, Title I, Part A – Guillen Middle School (\$23,000.000). This item is to purchase reading materials and provide for professional development.
  7. ESEA, Title I, Part A – Irvin High School (\$10,000.00). This item is to allow the purchase of more books and other reading materials for the library.
  8. ESEA, Title I, Part A – External Funding (\$1,400,000.00). This item is to correct the account code for the Staff Development and Instructional Support Specialist positions.
- F. Purchases Requiring Board Approval
1. Cooperative Janitorial Supplies and Equipment on Region 19 RFP #03-5577 (approx. \$25,000.00) was awarded to Laun-Dry Supply and Sepco Inc., with the option to extend for two additional years, one year at a time, subject to Region 19 extending the RFP (copy of bid tabulation attached to the permanent file of these minutes).
  3. Cognitive Coaching Services RFP #107-03 (\$24,200.00) was awarded to Mentoring Innovations, LLC (copy of bid tabulation attached to the permanent file of these minutes).
  4. Band Uniform Bid #95-03 – Austin High School (approx. \$57,864.06) was awarded to Fruhauf Uniforms, Inc. (copy of bid tabulation attached to the permanent file of these minutes).

5. Math Manipulatives for Elementary Education Bid #98-03 (\$53,016.15) was awarded as follows: AFP Industries, Items 12, 13, and 23, \$11,751.00, net 30; American Teaching Supply, Item 21, \$3,975.00, net 90; Childcraft Education, Item 14, \$1,384.25, net 30; Educator's Outlet, Item 11, \$4,389.00, net 30; ETA/Cuisenaire, Items 5, 7-9, 15, and 18-20, \$5,822.10, net 30; Instructional Materials Group, Items 1-4 and 24, \$20,920.50, net 30; Knowledge Industries, Item 6, \$381.00, net 60; National Educational System, Item 10, \$298.10, net 30; and School Specialty, Inc. Items 16, 17, and 22, \$4,095.20, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
  6. Offset Paper Bid #108-03 (\$63,216.00) was awarded to Xpedx, the lowest bidder, in the amount of \$37,929.60 for the 2003-04 school year and \$25,286.40 for the 2004-05 school year, which is subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
  7. Commercial Kitchen Equipment Bid #109-03 (\$55,208.00) was awarded to Caldarellas, Inc. in the amount of \$13,830.00 and National Restaurant Supply in the amount of \$41,378.00 (copy of bid tabulation attached to the permanent file of these minutes).
  8. AS/400 Computer Systems Maintenance, Purchase Order No. 280453 (\$45,900.00), from Secure Data Corporation (copy of purchase order attached to the permanent file of these minutes).
  9. Programming Fees for Texas State Required PEIMS Coding, Purchase Order No. 281549 (\$31,422.00), from NCS Pearson, Inc., the sole source (copy of purchase order attached to the permanent file of these minutes).
- G. July - November 2003 Report of JJAEP Placements not Appealed to the Board of Trustees. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.
- H. November 2003 Personnel Report (copy attached to the permanent file of these minutes).
13. Appointment of EPISD Trustees to 2004-05 El Paso Central Appraisal District Board of Directors (2 positions)
- It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve this appointment of Mr. Carlos Cordova and Miss Leonor Garcia for the term of January 1, 2004, through December 31, 2005. Miss Garcia was not present for the vote.
14. Approval of Contract Renewals Under EPISD Health Care Trust Medical Plan
- A. SPECTERA (Utilization Review/Utilization Management)
- It was moved by Mr. Mena, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the renewal terms with SPECTERA for the period of January 1, 2004, through December 31, 2004, as presented by the administration, with renewal terms of the SPECTERA Agreement remaining unchanged at \$2.64 per employee per month, for an estimated average annual cost of \$262,583.00.

B. ING/ReliaStar (Stop Loss Coverage)

It was moved by Mr. Mena, seconded by Mr. Dodge, and carried unanimously that the Board approve the renewal terms with ING/ReliaStar for the period of January 1, 2004, through December 31, 2004, as presented by the administration, for an estimated 12 percent increase from the previous plan year or an estimated average annual cost of \$1,324,350.00 and that the Board decline the renewal of Aggregate Stop Loss coverage.

15. Interim EPISD Technology Plan

Mr. Jack Johnston, Executive Director, Technology and Information Systems, stated that revisions had been made to the draft Technology Plan that was presented to the Board on November 25, 2003. He requested the Board's approval so the plan could be submitted to the Texas Education Agency for certification to be used for E-Rate purposes.

Mr. Dodge summarized his suggestions for the Technology Summit that will be held in January 2004.

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve the Interim EPISD Technology Plan for submission to the Texas Education Agency for certification.

Mr. Johnston provided information on the FCC order that denied the 2002 E-Rate funding request. He stated that only eight school districts, including EPISD, were covered under this order, and because of some ambiguity in the FCC's regulations in 2001, they would allow these eight districts the opportunity to re-file their requests. Mr. Johnston reviewed the funding EPISD received in 1998-2001 (Years 1 - 4) and the requests for 2002 and 2003 (Years 5 and 6). He commented on infrastructure needs, changes of eligible products incorporated by the School and Libraries Division (SLD), and ongoing services. Mr. Johnston advised that a recommendation on re-filing for 2002 E-Rate would be brought back to the Board on January 13, 2004.

16. 2003-04 Student Code of Conduct

At the request of Dr. Roark, Mr. Willie Reyes, Assistant Director, Pupil Services, reviewed for the record the significant revisions to the Student Code of Conduct. There was discussion on the document being submitted to the District's attorney for review.

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board approve the 2003-04 Student Code of Conduct, subject to the review and approval of the District's attorney.

17. Grant Applications and Resolutions from the Office of the Governor, Criminal Justice Division

A. Safe and Drug-Free Schools and Communities (SDFSC) Act for At-Risk Students (\$50,000.00)

It was moved by Mr. Mena, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve this resolution and the submission of this grant application.

B. Juvenile Justice and Delinquency Prevention (JJDP) Act for Delta Academy (\$35,000)

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board approve this resolution and the submission of this grant application.

18. Maintenance and Support Agreement with Dynix Corporation for EPISD Library Management Database System and Web-Based Catalog (\$68,819.36)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve this sole source agreement for software licensing and support in the amount of \$53,308.44; server and operating system support in the amount of \$10,395.29; and peripherals, including inventory, equipment, modems and server UPS, in the amount of \$5,115.63.

19. Agreement with The Video Journal of Education & TeachStream for 2003-04 Consultant-Facilitated and Online Professional Development Follow-Up and Expansion of Leadership Training for EPISD Administrators and Purchase of Video Tape Resources (\$28,262.50)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve this agreement for leadership training in the amount of \$27,240.00 and the purchase of videotape resources in the amount of \$1,022.50.

20. Renewal of Letter of Agreement with Region 19 Education Service Center for Subscription License for United Streaming Content for Online Educational Core-Curriculum Digital Video Database (\$34,400.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the renewal of this Interlocal Letter of Agreement for the period of January 1, 2004, through August 31, 2004.

21. Masters Online Paraprofessional Institute Training Series (\$35,000.00)

Dr. Roark requested clarification on the information provided by the administration that this was a sole source provider. Mr. Safi reviewed the relationship of copyrighted or patented services/products to sole source stipulations and the Board's options if there were other services/products available that were the functional equivalent or serve the same purpose.

There was discussion on the services to be provided by this vendor; the pilot project conducted with 22 paraprofessionals; the need for an evaluation report on the pilot project; and participation at the training being voluntary.

It was moved by Miss Garcia, seconded by Mr. Dodge, and carried unanimously that the Board approve the training and registration fees for 100 paraprofessionals to enroll in this institute.

22. Purchase of Ten PowerPlay™ Video Conferencing Solutions and Upgrade of Existing 53 Video Carts and Corresponding Budget Amendment (\$297,337.69)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve this sole source purchase from BNI Solutions in the amount of \$257,587.69 and the upgrade of video carts in the amount of \$39,750.00; and a corresponding budget amendment in the amount of \$180,000.00.

#### Item Withdrawn

It was announced that item no. 23, Contract for Construction Manager-Agent for Program Manager Services for EPISD 2003 Bond Program, had been withdrawn from the agenda.

24. Final Payment for Construction Contract Exceeding \$100,000.00 – Districtwide Fire Alarm System Upgrades, Phase 7 – Beall, Bond, Bradley, and Lee Elementary Schools; and Charles Middle School, #97.399.02 (\$37,684.020, total cost \$376,842.00)

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the final payment to El Paso A.R.C. Electric, subject to the review and approval of the District's attorney.

#### Items Withdrawn

It was announced that item no. 25, A., 1., Appeal of Placements in Alternative Education Program – Raymond Telles Academy – G. M. C., and item no. 25, A., 2., Appeal of Placements in Alternative Education Program – Dr. Lorenzo G. Lafarelle – M. L. C., had been withdrawn from the agenda.

#### Meeting Closed

The meeting was recessed at 9:00 p.m. to a closed meeting by Mr. Mena under 551.071, 551.072, 551.074, and 551.082 of the Texas Government Code as follows:

#### 25. Closed Meeting

B. Superintendent's Contract

C. Consultation with School District Attorney Regarding Pending Litigation

1. El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendants; In the 210<sup>th</sup> Judicial District Court, El Paso County, Texas; Cause No. 2001-3315
2. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs, and Residentes Unidos del Segundo Barrio, Intervenor vs. El Paso Independent School District, Defendant; In the 120<sup>th</sup> Judicial District Court, El Paso County, Texas; Cause No. 2003-1388

The closed meeting started at 9:05 p.m. The closed meeting ended at 10:20 p.m.

#### Meeting Opened

The meeting was reassembled in Open Session at 10:20 p.m.

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

- C., 1. Consultation with School District Attorney Regarding Pending Litigation – El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendants; In the 210<sup>th</sup> Judicial District Court, El Paso County, Texas; Cause No. 2001-3315

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the settlement in the total amount of \$200,000.00 to the District, which includes a payment in the amount of \$25,000.00 to Alvidrez Associates, Inc., for a net payment to EPISD in the amount of \$175,000.00, subject to the final review and approval of the settlement documentation by the Superintendent and legal counsel.

- C., 2. Consultation with School District Attorney Regarding Pending Litigation – Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs, and Residentes Unidos del Segundo Barrio, Intervenor vs. El Paso Independent School District, Defendant; In the 120<sup>th</sup> Judicial District Court, El Paso County, Texas; Cause No. 2003-1388

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board approve the settlement offer from Residentes Unidos del Segundo Barrio, Intervenor, as stipulated in the letter from Texas Rural Legal Aid, Inc. dated December 8, 2003, subject to the review and approval of the settlement documentation by the Superintendent and legal counsel.

- B. Superintendent's Contract

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that the Board approve an amendment to the Superintendent's contract as follows: (1) a two-year extension to the balance of his existing contract to June 30, 2007, and retaining the limitation of any buy-out of the unexpended contract to no more than 12 months; (2) a monthly adjustment in the amount of \$150.00 to be applied to the current auto, phone, incidental-expenses allowance; (3) a consideration to defer future capital gains consistent with the recommendation for all EPISD employees through the sale each year of a portion of his unused Leave; and (4) beginning January 1, 2004, a salary increase equal to \$500.00 for the entire year commensurate with the minimum salary increase approved for all EPISD employees, with the Superintendent's total compensation to be considered again at the time of his summative evaluation, which will occur on or before March 30, 2004.

Meeting Adjourned

The meeting was adjourned at 10:36 p.m.

Date Approved: February 24, 2004