

Minutes of Meeting of Board of Trustees
El Paso Independent School District
October 28, 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 5:20 p.m. The Pledge of Allegiance was led by City Council Representative Anthony Cobos. Mr. Tomás Gabaldón, Associate Superintendent, Special Populations, State and Federally Funded Programs, gave the Thought for the Day.

1. Recognition of 2003 Ad Hoc Bond Committee and Active Community Members

The members of the 2003 Ad Hoc Bond Committee were recognized by the Board of Trustees for their commitment to the October 4, 2003, Bond effort. Each was presented an engraved plaque and gift certificate to the Cracker Barrel Restaurant. Active community members were also acknowledged. A list of those recognized is attached to the permanent file of these minutes.

2. Site for New South/Central Elementary School Including Presentation by City Council Member Anthony Cobos

City Council Representative Anthony Cobos presented a proposal to trade the Armijo (Boys' and Girls' Club) Park for the land at Aoy Elementary School for the site of the new South/Central Elementary School, which would require voter approval. He reviewed some of the District's concerns regarding the Armijo site and indicated that he believed the obstacles could be overcome. Rep. Cobos requested that the Board take more time before exercising eminent domain proceedings to acquire property for the new school and that the voters be allowed to decide. Mr. Jack Bumgardner, Executive Director, Boys' and Girls Club, stated that he and his Board were interested in dialoguing with the EPISD.

There was discussion on the funding source for a new Boys' and Girls' Club building; the position of the City of El Paso and the City Parks Advisory Board; joint use of the Armijo facilities; proposed dates for a Citywide election; the proposal possibly delaying the construction of the new South/Central Elementary School; the needs of the school children in this area; and allowable use of Community Development funds.

The following people requested to speak to this item:

1. Mr. Ricky Hernandez spoke about his family's ownership of a warehouse located on property being considered by the District and the misconception that the property was vacant.

2. Mr. Gilberto Mares spoke about his concern in delaying the construction of the new South/Central Elementary School and urged the Board to proceed with the process.

Meeting Closed

The meeting was recessed at 6:19 p.m. to a closed meeting by Mr. Mena under Sections 551.071 and 551.082 of the Texas Government Code as follows:

27. Closed Meeting

- A. Appeal of Placement in Alternative Education Program at Coronado High School – M. E. H.

The closed meeting started at 6:21 p.m. The closed meeting ended at 7:20 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:21 p.m.

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

- a. Appeal of Placement in Alternative Education Program at Coronado High School – M. E. H.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board uphold the administration.

3. Public Forum

There were no speakers on Open Forum.

4. Consent Agenda

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

Dr. Roark - Item J., 6.

Dr. O'Donnell - Item G.
Item H.

Questions on Item G., Juvenile Alternative Education Program (JJAEP) Interlocal Agreements Between the EPISD and Anthony, Canutillo, and Socorro Independent School Districts for 2003-04 School Year

Dr. O'Donnell inquired about the duration of discretionary placements, and it was explained that the placements normally terminate at the end of a semester.

Questions on Item H., Interlocal Agreement with County of El Paso for the Provision of Extended Education Program at the El Paso County Juvenile Probation Department (Delta Academy)

Responding to a question from Dr. O'Donnell regarding the agreement being subject to revision by the District's legal counsel, it was explained that the agreement would receive a final review by legal counsel but that any revisions had already been made.

Questions on Item J., 6., Budget Amendments – Rollover of Funding for Fiscal Year 2003 Purchase Orders (\$2,040,871.00)

Dr. Roark requested clarification, and Mr. James Damm, EPISD Consultant for Finance, explained the administrative function of carrying over purchase orders that were authorized by the Board the previous year in accordance with the 2002-03 budget.

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

A. September 2003 Minutes

1. September 9, 2003, and September 16, 2003, Board Construction Committee Meetings; September 9, 2003, Board School Name Committee Meeting; September 23, 2003, Board's Employee Health/Insurance Committee Meeting; September 30, 2003, Board Finance Committee Meeting; and September 30, 2003, Board Policy Committee Meeting
2. September 6, 2003; September 9, 2003; and September 23, 2003, Meetings of the Board of Trustees

B. Proposed New Board Policy BBFA (Local), Ethics: Conflict of Interest (copy attached to the permanent file of these minutes).

C. Revisions to Board Policy CO (Local), Food Services Management (copy attached to the permanent file of these minutes).

D. Revision to and Recoding of Board Policy FDG (Local), Admissions and Attendance: Released Time to FEF (Local), Attendance: Released Time (copy attached to the permanent file of these minutes).

E. Deletion of Board Policy BDAF (Local), Officers and Officials: Selection and Duties of Chief Tax Officials

F. Approval of Contracts Between EPISD and the Upper Rio Grande Tech-Prep and Youth Consortium for Tech-Prep Grant Funding

1. Center for Career and Technology Education (\$5,000.00)
2. Maxine Silva Magnet High School for Health Care Professions (\$5,000.00)
3. Career and Technology Education Unit (\$5,000.00)

G. Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreements Between the EPISD and Anthony, Canutillo, and Socorro Independent School Districts for 2003-04 School Year

The Board approved these agreements to accept discretionary expelled students from the Anthony, Canutillo, and Socorro ISDs with the EPISD receiving \$7,500.00 from each school district for each discretionary expelled student, pursuant to the terms thereof.

H. Interlocal Agreement with County of El Paso for the Provision of Extended Education Program at the El Paso County Juvenile Probation Department (Delta Academy), with the EPISD to be reimbursed by the County of El Paso in an amount not to exceed \$40,000.00.

- I. Approval of Authorized User Agreement/General Rules and Regulations Contract with El Paso Convention and Performing Arts Center and Contract with Volume Services America for Annual PIE (Partners in Education) Luncheon (approx. \$23,461.20), with hall rental in the amount of \$1,230.00 and catering services in the estimated amount of \$22,231.20.
- J. Budget Amendments
1. Bond Elementary School (\$1,100.00). This item is to fund an intramural program and enhance student achievement.
 2. Clendenin Elementary School (\$1,100.00). This item is fund an after-school intramural program, which allows students to participate in sports-related activities.
 3. Coldwell Elementary School (\$1,200.00). This item is to allow the purchase of additional TAKS (Texas Assessment of Knowledge and Skills) practice materials to enhance student performance.
 4. Crockett Elementary School (\$1,600.00). This item is to fund an intramural program and reimburse employee travel mileage.
 5. Ross Middle School (\$1,100.00). This item is to fund an intramural program for students.
 6. Rollover of Funding for Fiscal Year 2003 Purchase Orders (\$2,040,871.00). This item will allow funds to be rolled back out of the Reserve for Encumbrance Account into the accounts indicated for the current fiscal year.
- K. Purchases Requiring Board Approval
1. Licensed Specialist in School Psychology (LSSP) RFP #74-03 (\$50,000.00) was awarded to Dr. Guido Barrientos and Dr. W. R. Allberg for the 2003-04 school year, with an option to extend two additional years, one year at a time (copy of bid tabulation attached to the permanent file of these minutes).
 2. Xerographic Paper Bid #87-03 (\$390,542.00) was awarded to Weyerhaeuser Co., the low bidder, with an escalation clause allowing a price increase to the extent of an industrywide paper price increase but not to exceed a maximum increase of up to \$2.00 per cwt per quarter (copy of bid tabulation attached to the permanent file of these minutes).
 3. School Furniture Bid #91-03 (\$80,542.20) was awarded as follows: Business Interiors, Items 4 and 19, \$3,105.60, 1 percent 10, net 30; Corporate Express, Items 2, 3, 17, 18, and 22, \$33,611.80, net 30; Harrison Brown Interior Solutions, Item 21, \$2,551.50, net 20; Indeco Sales, Items 1, 6, 9, 11, 12, 14-16, and 20, \$31,953.80, net 30; and Virco Mfg., Items 5, 7, 8, 10, and 13, \$9,319.50, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
- L. Utility Services for EPISD, with the sole source utilities in the El Paso area, subject to the review and approval of the District's attorney.
1. Electricity Services (approx. \$8,000,000.00) with El Paso Electric Company.
 2. Natural Gas Services (approx. \$1,250,000.00) with Texas Gas Services (formerly Southern Union Gas Company).

3. Water and Sewage Processing Services (approx. \$1,350,000.00) with El Paso Water Utilities.

- M. Continuation of TEX-AN 2000 Local Telecommunication Services (approx. \$1,240,000.00), through the General Services Commission for the State of Texas, for Districtwide local telecommunication utility services provided by Southwestern Bell Telephone Co., prior to E-Rate reimbursements, and subject to the review and approval of the District's attorney.

- N. Construction Contract Award – Districtwide Running Track Replacement, Phase 1 – Jefferson High School, #02.365.01 (\$539,400.00), to EPCON Inc., Contractors and Engineers.

5. Coronado High School Orchestra Trip to Italy for 2004 American Celebration of Music During Summer 2004

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve this trip on July 12 - 21, 2004, at no expense to the school district.

6. Appointments to Local Textbook Adoption Committee (LTAC)

It was moved by Miss Garcia, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the recommended appointments for the 2003-04 school year (copy of the list attached to the permanent file of these minutes).

7. Progress Report on Development of 2004-05 EPISD Instructional School Calendar

Mrs. Patty Hughes, DEIC Instructional Calendar Committee Chairperson, reviewed calendar drafts A and B and provided information on the development process. The two drafts are identical for the fall semester with school beginning on August 16, 2004, and the first semester ending prior to the winter holidays. The major difference between the two drafts is the dates for spring break. Mrs. Hughes advised that input on the calendar had been obtained from Fort Bliss and that the drafts, along with a survey, would appear in an upcoming issue of the *AdCom* and on the District's webpage.

8. Employee Conflict of Interest Report and Approval of Employees' Disclosure of Interest in a Business Entity Affidavits

It was moved by Miss Garcia, seconded by Mr. Dodge, and carried unanimously that the Board approve the affidavits as presented.

9. Interlocal Governmental Agreement with City of El Paso for Use of Aquatic Facilities (approx. \$30,000.00)

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board approve this agreement for a period of three years.

10. Letter of Agreement with Region 19 Education Service Center and Memorandum of Understanding with El Paso Community Mental Health and Mental Retardation Center for Non-Educational Community-Based Support Services (\$12,000.00)

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the agreement and MOU as presented. Miss Garcia was not present for the vote.

11. Texas Reading First Initiative for Grades K-3 Grant Award and Grant Specific Vendors for Instructional Materials, Training, and Software Purchases (\$3,383,134.00)

- A. Santillana USA Publishing Company (\$110,000.00)
- B. Harcourt School Publishers (\$651,688.00)
- C. Pearson Learning Group/Modern Curriculum Press (\$428,710.00)
- D. Harcourt Supplemental Publishers/Rigby (\$893,829.00)
- E. The American Education Corporation/Educational Technology Services (\$96,680.00)
- F. Cognitive Concepts™ (\$64,272.00)
- G. Scholastic Inc. (\$90,800.00)
- H. Region 19 Education Service Center (Reading Academies) (\$70,000.00)

Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, provided information on the grant award and reviewed the application process for the funding and the services that will be provided.

There was discussion of sole source vendors; the facilitation and evaluation of the Scholastic RED program; and expectations of the Texas Reading First Initiative.

It was moved by Mr. Cordova and seconded by Dr. O'Donnell that the Board approve the grant award, which includes personnel costs in the amount of \$602,288.00; fringe benefits in the amount of \$95,905.00; equipment costs in the amount of \$4,400.00; general supplies in the amount of \$40,000.00; operating costs in the amount of \$169,809.00; and indirect costs totaling \$74,753.00, and the grant specific vendors as listed in the amounts indicated. Upon the vote, the motion carried with Dr. Roark voting "present."

12. Memorandum of Understanding with Big Brothers Big Sisters of El Paso for Mentoring Program Services at Beall, Bliss, Collins, Crockett, Roberts, Roosevelt, and Vilas Elementary Schools; Bassett, Canyon Hills, Magoffin, Morehead, and Wiggs Middle Schools; and Coronado High School for 2003-04 and 2004-05 (\$140,000.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the MOU for these school-based mentoring program services.

13. U. S. Department of Education Jacob K. Javits Gifted and Talented Students Education (Javits) Program Grant Award for the Connecting Worlds/Mundos Unidos Gifted and Talented Dual Language Immersion Magnet Program (\$2,575,495.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the five-year grant award for Mesita Elementary School, Wiggs Middle School, and El Paso High School.

14. U. S. Department of Justice Homeland Security Overtime Grant Award for Security Training Sessions and Other Law Enforcement Activities (\$89,090.00)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the grant award, with the EPISD's local share being \$29,696.00.

15. U. S. Department of Education Emergency Response and Crisis Management Grant Award to Improve and Strengthen Emergency Response and Crisis Management Plans and Approval of Services from Jane's Information Group (\$463,500.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the grant award with Jane's Information Group, the sole source, to provide school safety books and training in the amount of \$347,700.00.

16. Renewal of Commercial Automobile and Inland Marine Insurance RFP #103-02 (\$242,185.00)

It was moved by Mr. Mena, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the renewal of this RFP (request for proposal) to Texas Political Subdivisions Property/Casualty Joint Self-Insurance Fund, Option 1 (minus uninsured motorist coverage), through Rogers & Belding Insurance Agency, Inc., for commercial automobile insurance coverage for a premium of \$219,256.00, and to Great American Insurance Company, through Rogers & Belding Insurance Agency, Inc., for commercial inland marine insurance coverage, for a premium of \$22,929.00, effective November 1, 2003, through October 1, 2004.

17. Award of Excess Workers' Compensation Insurance RFP #85-03

It was moved by Mr. Mena that an RFP (request for proposals) be issued for Excess Workers' Compensation insurance coverage, that the award to Alamo Insurance Group, Inc. be turned down, and that the insurance be self-funded for 90 days. The motion died for lack of a second.

Mr. Kyle Jeglum, Assistant Director, Risk Management/Workers' Compensation, explained the three options available to the Board and reviewed the pros and cons associated with self-funding. He stated that opting out of the insurance would leave the District bare of any insurance coverage and liable for Workers' Compensation claims up to the statutory maximum administered by Texas Workers' Compensation Commission.

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board not accept the quotes under Excess Workers' Compensation Insurance RFP #85-03 and increase the current self-funding retention of \$500,000.00 for Workers' Compensation claims to the statutory maximum under the Texas Workers' Compensation Commission (TWCC) Act for a 90-day period and that an RFP be issued during this period.

18. Procedure for Board Budget Amendments that Utilize Fund Balance

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve, in concept, the recommended procedure for Board budget amendments that utilize Fund Balance and that it be referred to the Board Policy Committee for development of a conforming Board policy amendment, subject to final approval by the Board at a future meeting.

19. Board Budget Transfer Procedure

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board approve, in concept, the recommended budget transfer procedure and that it be referred to the Board Policy Committee for development of a conforming Board policy amendment, subject to final approval by the Board at a future meeting.

20. Annual Investment Report and Review of Investment Policy

It was moved by Miss Garcia, seconded by Mr. Dodge, and carried unanimously that the Board adopt the Investment Policy Review Resolution with no changes being made to the investment policy or the investment strategies.

21. Authorized Sellers of Investments and Providers of Investment Officer Training

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the list of authorized sellers of investments and providers of investment officer training be approved as presented (copy attached to the permanent file of these minutes).

22. Network Electronics for Completion of Fiber Optic Wide Area Network Under Internal Connections for E-Rate Year 6 CSP #133-02 (\$1,400,000.00)

Mr. Jack Johnston, Executive Director, Technology and Information Systems, provided background information on the construction of fiber optics to the remaining 36 locations not covered under E-Rate Year 4 funding. Because the funding source was designated in the 2003 Bond, the Board's advice was requested in determining the funding source for the purchase, which was needed immediately.

Mr. James Damm, EPISD Consultant for Finance, recommended that the Board authorize temporary funding from the Operating Fund, with a reimbursement resolution to be prepared to cover this and other amounts until the 2003 Bond proceeds are received in January 2004.

It was moved by Mr. Cordova and seconded by Miss Garcia that the Board approve the use of CSP #133-02 for the purchase of Cisco network electronics and installation services from Desert Communications, Inc. for the completion of fiber optic wide area network connectivity to 36 EPISD locations.

Motion Amended

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the motion be amended to be subject to a conforming budget amendment being approved by the Board at a future meeting.

Upon the vote, the motion, as amended, carried unanimously.

23. School License Agreement for Primary and Secondary Education and Addendum with Novell, Inc. for Special Education Pricing on Novell Products

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the agreement and addendum for Novell products, including the Netwear Operating System and Group Wise E-Mail.

24. Technology Goods and Services Under School License Agreement with Novell, Inc. (\$187,728.00)

It was moved by Mr. Cordova, seconded by Mr. Mena, and carried unanimously that the Board approve the purchase of the technology goods and services, as noted in the School License Agreement Annual Fee Worksheet, from this sole source vendor as referenced in the Addendum to the Agreement.

25. Maintenance and Customer Support Services for Districtwide Network Electronic Equipment from Miratek/Amherst Technologies for the Period of July 1, 2003, through June 30, 2004 (\$299,006.00)

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve these services, a.k.a. SmartNET, pursuant to Competitive Sealed Proposal #133-02.

26. Final Payments for Construction Contracts Exceeding \$100,000.00

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the final payment for the following construction contracts in the amounts indicated as recommended by the administration, subject to the review and approval of the District's attorney.

- A. Districtwide Running Track Replacement, Phase 1 – Bowie High School, #02.365 (\$20,132.44, total cost \$402,648.78)
- B. Districtwide Running Track Replacement, Phase 2 – El Paso High School, #02.374 (\$21,087.42, total cost \$421,748.35)
- C. Portable Restroom Buildings – Bond Elementary School, #03.578 (\$5,001.05, total cost \$100,021.00)
- D. 2001 Roof Replacement, Phase 1 – Alta Vista, Bradley, Clardy, Collins, Cooley, Hart, Johnson, and Zavala Elementary Schools; Guillen and Henderson Middle Schools; El Paso High School; and Center for Career and Technology Education, #02.964 (\$68,899.00, total cost \$975,000.00)
- E. Parking Lot Improvements – Kohlberg Elementary School, #03.553 (\$5,411.10, total cost \$117,722.00)

Meeting Closed

The meeting was recessed at 9:45 p.m. to a closed meeting by Mr. Mena under Sections 551.071 and 551.072 of the Texas Government Code as follows:

27. Closed Meeting

- A. Consultation with School District Attorney Regarding Contemplated or Pending Litigation
 - 1. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388
 - 2. Norma Aguirre and Juana Barba v. El Paso Independent School District; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP03CA0192
 - 3. Gregg G. bnf Joyce G., Petitioner vs. El Paso Independent School District, Respondent; Docket No. 148-SE-1013
- B. Property Acquisition for Site for New South/Central Elementary School

The closed meeting started at 9:50 p.m. The closed meeting ended at 10:37 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:40 p.m.

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

- B., 1. Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that negotiations continue and that a report be brought back at the next Board meeting.

- B., 3., Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Gregg G. bnf Joyce G. , Petitioner vs. El Paso Independent School District, Respondent; Docket No. 148-SE-1013

It was moved by Dr. O'Donnell, seconded by Mr. Mena, and carried unanimously that the Board approve the payment of attorneys fees to the attorney for the prevailing parents in the negotiated amount of \$10,676.23.

- C. Property Acquisition for Site for New South/Central Elementary School and Item 2, Site for New South/Central Elementary School Including Presentation by City Council Member Anthony Cobos

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously that the Board adhere to its prior decision designating as the site for the new EPISD South/Central Elementary School that area comprised of Blocks 31 and 49, Campbell Addition, in the City of El Paso, being that area bounded on the north by 8th Avenue, on the east by Campbell Street, on the south by the Border Highway (Loop 375), and on the west by Kansas Street; and that the District's administration and legal counsel be directed to continue their efforts to acquire on behalf of the District the properties located within this designated area, based on the determination of the Board that, all things considered, this is the best site for the new South/Central Elementary School to be built to serve the needs of the elementary school-age children of the attendance areas currently served by Aoy and Roosevelt Elementary Schools.

Meeting Adjourned

The meeting was adjourned at 10:44 p.m.

Date Approved: November 25, 2003