

Minutes of Meeting of Board of Trustees
El Paso Independent School District
August 27, 2002
3:00 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 Roark¹
Mr. Joe Rosales
Mr. Richard Telles²
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 3:13 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. William Goodman, Associate Superintendent, Finance.

Public Forum (Item #1)

The following person requested to speak on Open Forum:

1. Mr. Raul Garcia spoke about pulling out the Coke® and Pepsi® vending machines from the Snack Bar at the Education Center.

Consent Agenda (Item #2)

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

- Mr. Wever - Item 2, J., 5., Construction Contract Awards – Wrought Iron Fence – Education Center-Boeing, #02.500 (\$26,962.00)
- Miss Garcia - Item 2, E., Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony, and Canutillo Independent School Districts and El Paso County for 2002-03 School Year
- Item 2, J., Construction Contract Awards
- (5) Wrought Iron Fence – Education Center-Boeing, #02.500 (\$26,962.00)
 - (8) Franklin High School Drainage Improvements, #02.311 (\$91,500.00)

¹ Dr. Roark arrived at 5:03 p.m., during speakers to Item #12.

² Mr. Telles arrived at 3:35 p.m., during the presentation on Item #18.

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 for 2002-03 School Year (Item #2, E.)

Miss Garcia questioned the reference to the TAAS (Texas Assessment of Academic Skills) in the interlocal agreement. Mr. John Doran, Associate Superintendent, High Schools, advised that the reference should be to the TAKS (Texas Assessment of Knowledge and Skills) and that the correction had been made to the contract.

Questions on Construction Contract Awards (Item #2, J.)

Wrought Iron Fence – Education Center-Boeing, 302.500 (\$26,962.00) (Item #2, J., 5.)

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, responding to questions about installing a wrought iron fence, advised that the guidelines of the El Paso Airport Board stipulate that only a decorative fence, such as wrought iron, may be installed along Boeing Drive. He stated that the fence will separate the EPISD employee/visitor parking lot from Region 19 Education Service Center and that it will improve vehicle security.

Franklin High School Drainage Improvements, #02.311 (\$91,500.000) (Item #1, J., 8.)

Responding to questions about whether the drainage problems at Franklin are the responsibility of the contractor or architect, it was reported that neither have accepted responsibility. However, the Administration believes it would be best to proceed with the corrective work before further damage or deterioration is incurred. Mr. Hector Martinez, Associate Superintendent, Operations, advised that the administration is working with legal counsel and that a full report and recommendation on further action to be taken will come back to the Board.

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

A. Approval of Minutes

1. May 6, 2002, Board's Compensation Committee Meeting; May 14, 2002, Board Policy Committee Meeting; and May 21, 2002, Board's Employee Health/Insurance Committee Meeting
2. May 7, 2002; May 14, 2002; May 21, 2002; and May 28, 2002, Meetings of the Board of Trustees

The Board approved the minutes of the May 6, 2002, Board's Compensation Committee meeting; the May 14, 2002, Board Policy Committee meeting; the May 21, 2002, Board's Employee Health/Insurance Committee meeting; and the May 7, 2002; May 14, 2002; May 21, 2002; and May 28, 2002, meetings of the Board of Trustees.

B. Approval of Continuation of American Heart Association Activities in EPISD

The Board waived Board Policy FJ (Local) Gifts and Solicitations, for the American Heart Association to conduct the "Jump Rope for Heart" and "Hoops for Heart" fund raising projects at the schools and that the Heart Power Curriculum Kits be allowed to be distributed to the schools for the 2002-03 school year.

C. Revisions to Board Policy DHC (Local), Employee Standards of Conduct: Sexual Harassment/Sexual Abuse

The Board approved revisions to Board Policy DHC (Local), Employee Standards of Conduct: Sexual Harassment/Sexual Abuse, as presented (copy attached to the permanent file of these minutes).

D. Approval of Technology and Media Services Contract Agreement with Region 19 Education Service Center (\$155,020.00)

The Board approved the contract agreement with Region 19 Education Service Center to provide technology and media services from September 1, 2002, through August 31, 2003, for a fee of \$2.50 per student in average daily attendance or \$155,020.00.

E. Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony, and Canutillo Independent School Districts and El Paso County for 2002-03 School Year

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 2002-03 fiscal year, with the EPISD receiving \$59.00 per day from the County for each mandatory expelled student, pursuant to the terms thereof.

F. Approval of Interlocal Governmental Agreement Between the El Paso Independent School District and Region 19 Education Service Center for Services Under the McKinney Homeless Assistance Program (\$104,404.00) (Ref. Item No. 2, G.)

The Board approved the interlocal agreement between the EPISD and Region 19 Education Service Center for tutoring and other services to be provided for homeless children under the McKinney Homeless Assistance Program effective through August 31, 2003, with the EPISD reimbursing Region 19 for an amount not to exceed \$104,404.00.

G. Approval of Budget Amendment – McKinney Homeless Assistance Program Grant (\$104,404.00) (Ref. Item No. 2, F.)

The Board approved the budget amendment to the 2001-02 fiscal year to set up the budget for the McKinney Homeless Assistance Program Grant in the amount of \$104,404.00. Marsha Lawler, Executive Director of External Funding, requested this amendment in a memo dated July 31, 2002.

H. Approval of Interlocal Agreement to Participate in Cooperative Purchase Program with Region 19 Education Service Center, Purchase Order No. 246850 (\$400.00)

The Board approved the District's continued participation in the Cooperative Purchasing Program with Region 19 Education Service Center for the period of September 1, 2002, through August 31, 2003, and Purchase Order No. 246850 in the amount of \$400.00 to cover administrative costs incurred in processing the general purpose bids.

I. Bids and Purchase Orders Requiring Board Approval

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

1. Automatic Paper Cutter Bid #88-02 (\$61,990.00) was awarded to Del Norte Printing Equipment, the low bidder, in the amount of \$61,990.00 with net terms, subject to the approval of the 2002-03 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
2. Cafeteria Stool Table Bid #89-02 (\$25,160.00) was awarded to Indeco Sales, Inc., the low bidder, in the amount of \$25,160.00 (copy of bid tabulation attached to the permanent file of these minutes).
3. Franklin High School Marquee Sign Bid #92-02 (\$21,984.00) was awarded to Superior Sign & Lighting, the low bidder, in the amount of \$21,984.00 (copy of bid tabulation attached to the permanent file of these minutes).
4. Equipment for JETS (Job Embedded Trainees) Participants, Purchase Order No. 245983 (\$14,074.76), was approved for purchase from Technology Resource Center, the lowest quote, in the amount of \$14,074.76 (copy of purchase order attached to the permanent file of these minutes).
5. Annual Support for CIMS III Software, Purchase Order No. 246682 (\$35,986.20), was approved from National Computer Systems, the sole source, in the amount of \$35,986.20, subject to the approval of the 2002-03 preliminary budget (copy of purchase order attached to the permanent file of these minutes).
6. Student Administrative Systems Software Updates and Maintenance Service, Purchase Order No. 246683 (\$123,147.00), (reference RFP #30-98), was approved from National Computer Systems in the amount of \$123,147.00, subject to the approval of the 2002-03 preliminary budget (copy of purchase order attached to the permanent file of these minutes).
7. Commodities Storage and Delivery Service, Purchase Order No. 246684 (\$236,220.00), was approved from Professional Food Systems in the estimated annual amount of \$236,220.00, subject to the approval of the 2002-03 preliminary budget (copy of purchase order attached to the permanent file of these minutes).
8. Top Soil Addition for Newman Elementary School, Purchase Order No. 246721 (\$13,800.00), was approved for purchase from Prime Irrigation, the lowest quote, in the amount of \$13,800.00 (copy of purchase order attached to the permanent file of these minutes).

J. 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. Districtwide Fire Alarm System Upgrades, Phase 7, #97.399.03 (\$473,577.00), was awarded to El Paso A.R.C. Electric, Inc. in the amount of \$473,577.00.
2. Kitchen HVAC Upgrade – Whitaker Elementary School, #00.795 (\$35,443.00), was awarded to Thermodyn Contractors, Inc. in the amount of \$35,443.00.
3. Evaporative Cooling Renovation – Administrative Area, Lee Elementary School, #00.863 (\$48,925.00), was awarded to Thermodyn Contractors, Inc. in the amount of \$48,925.00.
4. Choir Room & Storage Modifications – Coronado High School, #02.350.02 (\$40,889.00), was awarded to Matyear Construction Co. in the amount of \$40,889.00.
5. Wrought Iron Fence – Education Center-Boeing, #02.500 (\$26,962.00), was awarded to Silverton Construction Co., Inc. in the amount of \$26,962.00.
6. Districtwide Elevator Repairs, #02.808 (\$66,508.82), was awarded to ThyssenKrupp Elevator Corporation in the amount of \$66,508.82.
7. Districtwide Drainage Improvements – Collins, Rusk, and White Elementary Schools, #02.922.02 (\$148,760.00), was awarded to Silverton Construction Co., Inc. in the amount of \$148,760.00.
8. Franklin High School Drainage Improvements, #02.311 (\$91,500.00), was awarded to Rio Grande Valley, Inc. in the amount of \$91,500.00.

K. Maintenance Service Contract Award – Kitchen Exhaust Ventilation Systems, #03.420 (\$37,345.00)

The Board approved the award of Maintenance and Service Contract #03.420, Kitchen Exhaust Ventilation Systems, to Protech Fire & Safety LLC, for the provision of inspection and/or maintenance services in the amount of \$37,345.00, subject to the review and approval of the District's attorney.

L. Professional Services Contract Awards

The Board approved the award of the following professional services contracts, subject to the review and approval of the District's attorney, to the recommended consulting firms for the preparation of plans, specifications, bid documents and other additional program elements as may be required for the construction and installation of the projects described for the designated Basic Services Fee, 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.

1. Districtwide Asbestos Management Services, #02.2518 (approx. \$125,000.00), to Raba-Kistner Consultants (SW), Inc. in the estimated amount of \$125,000.00.
2. Districtwide Asbestos Management Services, #02.519 (approx. \$125,000.00), to Engineering and Fire Investigations in the estimated amount of \$125,000.00.

Student Transfer Tuition Waiver and Residency Status Appeal – J. L. J. (Item #18)

Ms. Gloria Boyer, Director, Pupil Services, provided information on the transfer and tuition waiver request from Agustin and Paulina Del Campo for their nephew, J. L. J., a U.S. citizen who resides in Juarez, Mexico, with his parents, to attend Hornedo Middle School. Ms. Boyer reviewed the Responsible Person Affidavit and Residency Affidavit completed by Mrs. Del Campo. Ms. Boyer advised that because J. L. J. still resided with his parents in Juárez when the affidavits were filled out, the request was denied. Mr. and Mrs. Del Campo, who

reside in El Paso, offered to have J. L. J. live with them during the week so that he can attend Hornedo and requested a waiver of the out-of-state tuition.

Arrival of Board Member

Mr. Telles arrived at 3:35 p.m., and was present for any subsequent action by the Board of Trustees.

Mr. Del Campo provided information on his perception of the student transfer request process and what his wife experienced when she attempted to enroll J. L. J. in school. He requested that his nephew be allowed to attend school in the EPISD tuition free.

Mr. Safi advised that if the actual residency of the student were in the EPISD, the student would be allowed occasional trips outside the boundaries of the District without changing the student's residency. He stated that the issue is whether the student has established an actual residency within the EPISD.

It was moved by Mr. Telles and seconded by Mr. Wever that the Board reject the administration's finding of non-residency and approve the tuition waiver request for J. L. J. to attend Hornedo Middle School. Upon the vote, the motion carried with Mr. Mena voting against the motion.

Approval of Financial Advisory Agreement with First Southwest Company (Item #14)

It was moved by Mr. Mena and seconded by Miss Garcia that the Board authorize the Superintendent to sign the Financial Advisory Agreement with First Southwest Company to continue as the District's financial advisor for a period of five years, with one year annual renewals following the fifth-year anniversary date.

Mr. Hector Zavaleta, Assistant Vice President, First Southwest Company, reviewed his company's history with the EPISD and provided information on the new fee structure included in the agreement.

It was moved by Mr. Telles that the debate be closed and an immediate vote be taken on the pending question.

Upon the vote, the main motion carried unanimously.

Approval of 21st Century Community Learning Center Grant Award for Bliss Elementary School (\$122,467.00) (Item #6)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the 21st Century Community Learning Center grant award for Bliss Elementary School to increase the academic achievement of at-risk students in the amount of \$122,467.00.

Approval of Memorandum of Agreement with the Paso del Norte Health Foundation for "Que Sabrosa Vida" Grant (\$12,000.00) (Ref. Item No. 15, B.) (Item #7)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the Memorandum of Agreement with the Paso del Norte Health Foundation for the "Que Sabrosa Vida" grant award which will help parents identify healthier eating practices in the amount of \$12,000.00.

Approval of Agreement with City of El Paso for After-School Youth Outreach/Recreational Program at Alamo and Aoy Elementary Schools and Guillen Middle School (\$54,000.00) (Item #8)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the agreement with the City of El Paso for an after-school Youth Outreach/Recreational Program at Alamo and Aoy Elementary Schools and Guillen Middle School in the amount of \$18,000.00 per school for a total amount of \$54,000.00.

Presentation on Year 2001 (Year 4) E-Rate Statement of Work #2 – Fiber Network Exclusive Internet Access (Item #9)

Mr. John Milota, Project Executive, IBM Global Services, provided information on Statement of Work (SOW) #2, Fiber Network Exclusive Internet Access, which was completed on June 30, 2002. He reviewed the scope of work, schedule, and financial status of the project. He also provided an explanation for the funding reduction and for under-spending.

Approval of Additional Video Peripheral Components for Year 2001 (Year 4) E-Rate Statement of Work #7, Video Solutions and Installation Services (Item #10)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the purchase of equipment for the completion of Year 2001 (Year 4) E-Rate Statement of Work #7, Video Solution and Installation Services, from IBM Global Services in the amount of \$106,000.00, with funding to be obtained from the Year 2001 (Year 4) E-Rate contingency fund previously established by the Board and subject to the review and approval of the District's attorney.

Approval of Addendum to IBM Global Services Customer Agreement for Year 2002 E-Rate (Item #11)

Mr. John Milota, Project Executive, IBM Global Services, reviewed Addendum 2 to the customer agreement and the differences between this addendum and Addendum 1.

It was moved by Dr. Finke, seconded by Mr. Mena, and carried unanimously that the Board approve "Addendum 2 to Customer Agreement for January 2002 SOWs (Statements of Work)" with IBM Global Services for the provision of services in connection with Year 2002 E-Rate funding, with each individual SOW to be brought back to the Board for approval.

Approval of Budget Amendments (Item #15)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the following amendments to the 2001-02 fiscal year budget:

- A. 21st Century Community Learning Center (\$13,000.00). The purpose of this item is to amend the 21st Century Community Learning Center budget in the amount of \$13,000.00. Mark Mendoza, Principal at Bliss Elementary School, requested this amendment in a memo dated June 12, 2002.
2. Paso del Norte Health Foundation "Que Sabrosa Vida" (\$12,000.00) (Ref. Item No. 7). The purpose of this item is to set up the budget for the Paso del Norte Health Foundation "Que Sabrosa Vida" grant in the amount of \$12,000.00. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated August 5, 2002.

3. 2001-02 Fiscal Year Final Budget Amendment (\$2,026,000.00). The purpose of this item is to amend the Regional Support 895 budget in the amount of \$2,026,000.00. This amendment is to avoid deficits in some functions at year-end.

Bid and Purchase Orders Requiring Board Approval (Item #16)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the following bid and purchase orders be approved to the recommended vendors in the amounts indicated. Mr. Rosales was not present for the vote.

- A. High Speed/High Volume Optical/Digital Duplicator Bid #73-02 (\$124,059.60, five-year total \$620,298.00) was awarded to Xerox Corporation, the lowest bidder, in the amount of \$620,298.00 for a five-year lease/purchase and maintenance agreement to be expensed in each budget year subject to approval of each year's funding, with the 2002-03 fiscal year amount to be in the amount of \$124,059.60 (copy of bid tabulation attached to the permanent file of these minutes).
- B. Computers for NovaNET™ Lab at Chapin High School, Purchase Order No. 245982 (\$15,138.88), were approved for purchase from Dell Marketing LP in the amount of \$15,138.88 (copy of purchase order attached to the permanent file of these minutes).
- C. Apple Wireless Mobile Lab for Johnson Elementary School, Purchase Order No. 246402 (\$19,499.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$19,499.00 (copy of purchase order attached to the permanent file of these minutes).
- D. Renewal of NovaNET™ System, Purchase Order No. 246685 (\$371,465.00), was approved to NovaNET Learning, Inc. in the amount of \$371,465.00, subject to the approval of the 2002-03 preliminary budget (copy of purchase order attached to the permanent file of these minutes).

Approval of Change Orders (Item #17)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the change orders to the following firms be approved for the amounts indicated. Mr. Rosales was not present for the vote.

- A. Change Order No. 2 – Title IX OCR, Girls' Athletic Improvements, #02.014.02 (\$15,670.53), to Blair-Hall Co., Inc., subject to the review and approval of the District's attorney, for the construction modifications/revisions requested by the administration in the amount of \$15,670.53.
- B. Change Order No. 1 – Districtwide Boiler Replacement, #01.116 (\$13,146.94), to Thermodyn Contractors, Inc., subject to the review and approval of the District's attorney, for the construction modifications/revisions requested by the contractor in the amount of \$13,146.94.

Award of Excess Workers' Compensation and Employers' Liability Insurance Portions of Workers' Compensation Administrative Services RFP #72-02 (Item #13)

It was moved by Mr. Mena and seconded by Mr. Telles that the Board approve the award of the Excess Workers' Compensation and Employers' Liability Insurance portions of Workers' Compensation Administrative Services RFP #72-02 to Midwest Employers Casualty Insurance

Company, through Alamo Insurance Group, Inc., for an annual premium of \$52,823.00 effective September 1, 2002, through August 31, 2003.

Responding to a question from Mr. Mena, Mr. Pat Graham, G. P. Graham & Associates, the District's Insurance Consultant, provided information on past service by Alamo Insurance Group, Inc. He suggested that the District issue an agent of record letter and recommended Rogers & Belding Insurance Agency, Inc.

Mr. Mena amended his motion that the award be subject to obtaining an agent of record letter and bringing it back to the Board's Employee Health/Insurance Committee within two weeks.

The amended motion reads as follows:

that the Board approve the award of the Excess Workers' Compensation and Employers' Liability Insurance portions of Workers' Compensation Administrative Services RFP #72-02 to Midwest Employers Casualty Insurance Company, through Alamo Insurance Group, Inc., for an annual premium of \$52,823.00 effective September 1, 2002, through August 31, 2003, subject to an agent of record letter being obtained and brought back to the Board's Employee Health/Insurance Committee within two weeks.

Discussion continued on Rogers & Belding being the only other insurance agency that has provided bids on the District's liability coverage; the practice followed by insurance companies in submitting quotes; and the need for a licensed agent of record that has knowledge of the industry.

Mr. Mena again amended his motion that the award go to Rogers & Belding Insurance Agency, Inc. Mr. Rosales seconded the amendment.

The amended motion reads as follows:

that the Board approve the award of the Excess Workers' Compensation and Employers' Liability Insurance portions of Workers' Compensation Administrative Services RFP #72-02 to Midwest Employers Casualty Insurance Company, through Rogers & Belding Insurance Agency, Inc., for an annual premium of \$52,823.00 effective September 1, 2002, through August 31, 2003, subject an agent of record letter being obtained and brought back to the Board's Employee Health/Insurance Committee within two weeks.

Meeting Closed

The meeting was recessed at 4:30 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Education Code for consultation with legal counsel for legal advice related to the RFP (request for proposals) process for Excess Workers' Compensation and Employers' Liability Insurance.

The closed meeting started at 4:32 p.m. The closed meeting ended at 4:43 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 4:45 p.m.

Mr. Mena withdrew his motion, as amended, and Mr. Rosales withdrew his second.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the award of the Excess Workers' Compensation and Employers' Liability Insurance portions of Workers' Compensation Administrative Services RFP #72-02 to Midwest Employers Casualty Insurance Company, through Alamo Insurance Group, Inc., for the shortest period to which the insurance company will agree, preferably approximately 90 days, at an annualized premium of \$52,823.00 effective September 1, 2002, through not later than August 31, 2003.

Award of Voluntary Accident/Sickness Disability [Income Protection] Insurance Plans Portion of Supplemental Insurance RFP #48-02 (Item #12)

The following people requested to speak to this item:

1. Ms. Laura Melotte, nurse at Bowie High School, spoke in support of retaining Washington National as the disability/income protection insurance carrier.
2. Ms. Martha Maldonado, spoke on behalf of herself and other teachers in support of retaining Washington National as the disability/income protection insurance carrier.
3. Ms. Terry Sanderson, Washington National Insurance Company, spoke about the services the firm provides the District's employees; the benefits she felt the employees will lose if the disability/income protection coverage is awarded to another company; and the local service provided by Washington National.
4. Mr. Dennis Shaver, Washington National Insurance Company, spoke about Washington National's financial situation being separate from Conseco.

It was moved by Mr. Wever and seconded by Dr. Finke that the Board approve the award of the Voluntary Accident/Sickness Disability (Income Protection) Insurance Plans portion of Supplemental Insurance RFP #48-02 to Washington National Insurance Company, subject to the contract being brought back to the Board for approval at a future meeting.

Mr. Robert Warrenton, representative of UNUM Provident Insurance Company, provided information on the benefit differences between the plans offered by UNUM and Washington National and UNUM's experience in disability coverage.

Arrival of Board Member

Dr. Roark arrived at 5:03 p.m., and was present to vote in any subsequent action by the Board of Trustees.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, provided information on the administration's rationale for recommending UNUM Provident for the disability/income protection insurance coverage.

It was moved by Mr. Mena that the debate be closed and an immediate vote be taken on the pending question. Upon the vote, the motion carried with Mr. Wever and Miss Garcia voting against the motion.

Upon the vote on the main motion, the motion failed with only Mr. Wever voting in favor of the motion.

It was moved by Mr. Mena and seconded by Mr. Telles that the Board approve the award of the Voluntary Accident/Sickness Disability (Income Protection) Insurance Plans portion of Supplemental Insurance RFP #48-02 to UNUM Life Insurance Company, subject to the contract being brought back to the Board for approval at a future meeting.

It was moved by Dr. Roark and seconded by Mr. Wever to amend the motion that employees that currently hold a Washington National policy be permitted to keep that policy and that any new policies will automatically be issued to UNUM. Upon the vote on the amendment, the motion failed with Mr. Wever and Dr. Roark voting in favor of the motion, and Mr. Mena, Mr. Rosales, Mr. Telles, Dr. Finke, and Miss Garcia voting against the motion.

Upon the vote on the main motion, the motion carried with Dr. Roark and Mr. Wever voting against the motion.

Adoption of Preliminary Budget for Fiscal Year 2002-03 (Operating, Debt Service, and Food Service Budgets) (Item #3)

Dr. Anzaldua reviewed the review process of developing the 2002-03 Preliminary Budget and advised that August 31, 2002, is the deadline for adopting a budget and the tax rate.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board adopt the 2002-03 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).

Adoption of 2002-03 Property Tax Rate (Item #4)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board adopt the tax rate on \$100 valuation for the District for tax year 2002 as follows: \$1.490479 for purposes of maintenance and operation and \$0.081100 for the payment of principal and interest on the debt of the District, for a total tax rate of \$1.571579.

Discussion and Possible Action on Establishing a Working Committee Related to SETS (Secondary Education Transition Study) Memorandum of Agreement with Ft. Bliss and Other School Districts and Military Installations (Item #5)

Dr. Roark discussed the SETS (Secondary Education Transition Study) program, which was developed in cooperation with military installations to address transitioning students in military families and stated that the program would have a positive effect on all transitioning students. He suggested establishing a working committee that will enhance the partnership between EPISD and Ft. Bliss.

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board request the administration to develop a process, in cooperation with Ft. Bliss, to establish formal working committees that will meet on a regular basis, beginning with the military child as the prototype and then extending it to all transitioning students.

Public Forum (Item #1)

The following people requested to speak on Open Forum:

1. Ms. Magdalena Hernandez spoke on behalf of South El Paso and concerns about the treatment of the Superintendent.

2. Mr. Juan Bernal, President, Guerrero Elementary School PTA, spoke about the Board policy that will not allow promotions within a campus and requested that the policy be revised.
3. Ms. Ada Gonzalez spoke about the Board supporting the administration and Dr. Anzaldua and the Superintendent's resignation.

Meeting Closed (Item #19)

The meeting was recessed at 6:22 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

- A. Personnel Appointments – Assistant Principal, Andress High School (2 positions)
- B. Superintendent's Employment Contract, Possible Agreed Amendment Thereof, and Separation/Voluntary Exit Agreement
- C. Consultation with School District Attorney – Richard Bowen v. El Paso Independent School District, et al.; In the United States District Court, Western District of Texas; Cause No. EP-02-CA-0177-DB
- D. Sale of Real Property – Blue Flame Building

The closed meeting started at 6:26 p.m. The closed meeting ended at 7:11 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:11 p.m.

Personnel Appointments – Assistant Principal, Andress High School (2 positions) (Item #19, A.)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Eric Cress, teacher at Franklin High School, and Marc Escareno, Assistant Principal at Stanton Elementary School, to the two Assistant Principal positions at Andress High School.

Consultation with School District Attorney – Richard Bowen v. El Paso Independent School District, et al.; In the United States District Court, Western District of Texas; Cause No. EP-02-CA-1077-DB (Item #19, C.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the Board reject the settlement offer from the plaintiff in this case.

Sale of Real Property – Blue Flame Building (Item #19, D.)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board direct the administration to re-bid the Blue Flame Building and that it be brought back to the Board of Trustees at a future meeting.

Meeting Closed (Item #19)

The meeting was again recessed at 7:16 p.m. to a closed meeting by Mr. Wever under the authority previously cited.

The closed meeting started at 7:16 p.m. The closed meeting ended at 11:20 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 11:20 p.m.

Superintendent's Employment Contract, Possible Agreed Amendment Thereof, and Separation/Voluntary Exit Agreement (Item #19, B.)

It was moved by Dr. Finke and seconded by Mr. Mena that the Board approve of a proposed separation agreement with the Superintendent, as discussed by the Board's legal counsel and the Superintendent's legal counsel, providing for the mutually agreed reassignment of the Superintendent to an Associate Superintendent position, with an agreed resignation date of November 30, 2002, plus a lump sum payment to the Superintendent to be made in January 2003, in an amount not to exceed one year's salary and benefits, in exchange for a cooperation agreement and other considerations, including a hold harmless agreement whereby the Superintendent agrees to refund any amount that the Commissioner may determine may result in any loss of state aid, all subject to and to be effective upon mutual approval of definitive documents finalizing the agreement, to be presented to the Board of Trustees at a special meeting to be held on Tuesday, September 3, 2002. Upon the vote, the motion carried with Mr. Mena, Mr. Wever, Dr. Finke, and Dr. Roark voting in favor of the motion; Miss Garcia and Mr. Rosales voting against the motion; and Mr. Telles voting "present."

Meeting Adjourned

The meeting was adjourned at 11:27 p.m.

Date Approved: December 10, 2002