

Minutes of Meeting of Board of Trustees
El Paso Independent School District
July 13, 2004
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 5:05 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. James Damm, EPISD Consultant for Finance. Ms. Elizabeth Montes, Executive Director, K-12 Curriculum, gave the Thought for the Day.

Ms. Margaret Gallardo, Director, Communications, introduced Mr. Armando Nava, Jr., the new Chief, EPISD Police Services, and announced that Ms. Terri Jordan, former Principal at Franklin High school, is the new Executive Director, Technology and Information Systems.

1. Recognition of July 2004 Partner of the Month

KiKi's Mexican Restaurant was recognized.

2. Recognition of Four-Year Academic Award Winners

Twenty students were recognized for being among the top five of their class all four years of high school. (A list of students is attached to the permanent file of these minutes.)

3. Public School Finance System Resolution

Dr. Roark read the resolution into the record.

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the Public School Finance Resolution, which supports a fair and equitable funding system for Texas students, as recommended by The Equity Center (copy attached to the permanent file of these minutes).

4. Public Forum

There were no speakers on Public Forum.

5. Consent Agenda

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

Miss Garcia - Items G., 1. and 2.

Dr. O'Donnell - Item A., 2.
Item B.
Item C.

Questions on Item G., 1., Purchase Requiring Board Approval – Additional Expenditure Request on Existing Bid – Calculator Bid #29-04

Miss Garcia inquired about the status of calculators that were ordered in the past and the selection of items ordered on an all-or-none basis. Mr. Terry Freiburg, Director, Purchasing, provided information on the distribution of the calculators. Ms. Vodene Schultz, Math Facilitator, K-12 Curriculum, reviewed the timeline for the allocation of calculators in the District's high schools and middle schools and stated that distribution will now begin in the elementary schools. There was discussion on the calculations of two items ordered on an all-or-none basis and the quantities that determined the low bid.

Responding to an inquiry from Dr. Roark, Ms. Rita Tellez, Program Assistant, Secondary Math, K-12 Curriculum, advised that information on the loss, theft, or breakage of calculators was available and would be provided to the Board.

Questions on Item G., 2., Purchase Requiring Board Approval – Police Vehicle Bid #63-04 (\$106,659.80)

Miss Garcia inquired about the vehicles being purchased after the three-year lease period. Mr. Terry Freiburg, Director, Purchasing, advised that at the end of the third year, the District would pay the buy-out amount owed on each vehicle. Chief Armando Nava, EPISD Police Services, provided information on the advantages of this lease/purchase option.

Dr. Roark requested information on the local car dealerships that were provided a copy of the bid. Mr. Freiburg reviewed the bids mailed out and the bids downloaded from the District's web page. There was discussion on the vendor list, the need to keep the list current, and vendors having the responsibility of pursuing the District's bids/contracts.

Questions on Item A., 2., Revisions to Board Policies – BE (Local), Board Meetings

Dr. O'Donnell commented on the deadline for submitting items for regular and special Board meetings. Mr. Tafoya stated that the current timeline allows staff to assemble and distribute complete and informative agenda packets.

Following discussion, Dr. O'Donnell suggested changing the deadline to noon of the Friday before the Tuesday of a Board meeting, which would be noon of the fourth calendar day before the regular meeting.

Questions on Item B., Revision and Renaming of Board Policy DGA (Local) to Employee Rights and Privileges: Freedom of Association

Dr. O'Donnell inquired about the possibility of quantifying the language in subheading Bulletin Board related to "personal attack" and the issue of freedom of speech. Mr. Safi clarified the definition of "bulletin board" and the restrictions that can be placed on its use, the authority assigned to the site administrator, and the availability of an appeal process.

Questions on Item I., Job Order Contract Extensions

Responding to an inquiry from Dr. O'Donnell, Mr. Hector Martinez, Associate Superintendent, Operations, advised that these items are extensions to existing contracts.

It was moved by Mr. Cordova, seconded by Mr. Dodge, 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. A., 2., Revisions to Board Policies – BE (Local), Board Meetings.

A. Revisions to Board Policies

1. BBD (Local), Board Members: Training and Orientation (copy attached to the permanent file of these minutes).
- B. Revision and Renaming of Board Policy DGA (Local) to Employee Rights and Privileges: Freedom of Association (copy attached to the permanent file of these minutes).
- C. Extension of Consultant Agreement with James Damm for Services as EPISD Consultant to Finance Division (additional \$20,000.00) through September 30, 2004.
- D. Subcontractual Agreement with El Paso Center for Children, Inc. for the Family Preservation Council's "El Paso Families: Together and Safe" Project at Alta Vista Elementary School (\$41,999.00)

The Board approved the amendment to this subcontract agreement to extend this project for the 2004-05 fiscal year for the provision of a summer enrichment program and family field trips, arts and crafts classes, aerobics classes, and computer classes, with \$31,499.25 being reimbursable funds and \$10,499.75 being the EPISD's in-kind contribution.

E. Budget Amendments

1. Crockett Elementary School (\$1,000.00). This item is to allow the administration to cover a deficit in the part-time temporary account.
 2. Kohlberg Elementary School (\$1,190.00). This item is to allow the administration to cover a deficit in the field trip account.
 3. Budget Increase Due to Lawsuit Settlement (\$200,000.00). This item will allow the Superintendent and Facilities Department to pay for legal fees for the remainder of the 2003-04 fiscal year.
- F. Commodity Food Processing Through West Texas Food Service Cooperative (approx. \$370,966.20), referencing the West Texas Food Service Cooperative Commodity Processing Bid, was awarded as follows: Advance Foods Co., Inc., charbroil patty, \$93,611.70; Alpha Foods Company, cheese pizza kit, \$115,200.00; Oak Valley Farms, turkey roast, ground turkey, turkey breast, and turkey bacon, pastrami, etc., \$35,305.80; Michael Foods, Inc., grilled egg patty, \$6,134.40; Nardone Bros. Baking Co., Inc., cheese pizza-wedge, \$26,055.00; The JM Smucker Company, PBJ (peanut butter and jelly) sandwich, \$10,800.00; and Gold Kist, Inc., breaded chicken nugget and breaded chicken, \$20,859.30 (copy of bid tabulation attached to the permanent file of these minutes).

G. Purchase Requiring Board Approval

1. Additional Expenditure Request on Existing Bid – Calculator Bid #29-04 (\$90,000.00) was approved to D & H Distributing Co. in the amount of \$45,000.00 and Wholesale Electronic Supply in the amount of \$45,000.00, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
2. Police Vehicle Bid #63-04 (\$106,659.80)

The Board waived the technicality of Lawrence Marshall Ford, Mercury LP, the low bidder, for submitting a bid after the specified opening time and that the bid be awarded to Lawrence Marshall Ford, Mercury LP on a three-year lease/purchase, to be expensed in each budget year subject to each year's funding, with the 2004-05 fiscal year amount being \$35,551.60 (copy of bid tabulation attached to the permanent file of these minutes).

H. Demand Service Contract Extension – Districtwide Electrical System Repairs, #03.451.03 (\$103,852.00), with El Paso Rio Electric, Inc. for the period of September 1, 2004, through August 31, 2005, or until the value of the contract is reached, subject to the approval of the 2004-05 preliminary budget.

I. Job Order Contract Extensions as follows for the period of September 1, 2004, through August 31, 2005, or until the value of the contract is reached, subject to the approval of the 2004-05 preliminary budget:

1. Districtwide Reproduction/Printing Services, #04.430.01 (\$33,237.50), with El Paso Reprographics.
2. Districtwide Portable Building Relocation, #04.438.02 (\$100,000.00), with "R" Little Enterprises, Inc.
3. Districtwide Electrical System Repairs, #04.484.02 (\$104,000.00), with El Paso Rio Electric, Inc.

J. Maintenance and Service Agreement Contract Extensions as follows for the period of September 1, 2004, through August 31, 2005, or until the value of the contract is reached, subject to the approval of the 2004-05 preliminary budget:

1. Kitchen Fire Suppression Systems, #04.410.02 (\$29,976.95), with Protech Fire & Safety.
2. Kitchen Exhaust Ventilation Systems, #04.420.02 (\$66,895.26), with Protech Fire & Safety.
3. Districtwide Pest Control, #04.425.02 (\$62,732.00), with Orkin Pest Control.
4. Compactor Rental, Service and Disposal, #04.426.02 (\$340,473.90), with El Paso Disposal, LP.
5. Garbage Removal and Disposal, #04.433.02 (\$340,473.90), with El Paso Disposal, LP.
6. Portable Fire Extinguishers, #04.453.02 (\$26,551.50), with Protech Fire & Safety.
7. Districtwide Grease Trap Maintenance, #03.411.03 (\$85,775.00), with Bio Remedies.
8. Districtwide Elevator Maintenance, #03.412.03 (\$98,824.00), with ThyssenKrupp Elevator.
9. Districtwide Stadium Lighting System Maintenance, #03.417.03 (\$22,886.00), with Kendrick Electric.

10. Districtwide Water Treatment Systems, #03.418.03 (\$143,533.00), with El Paso Corrosion, Inc.
11. Districtwide Weed & Lawn Services, #03.482.03 (\$87,700.00), with Lester Humphrey Pest Control.
- K. Construction Contract Award – Districtwide Roofing Projects, Phase 4, Part 2 (Coronado High School), #02.369 (\$205,900.00), subject to the review and approval of the District's attorney, to Matyear Construction Co., Inc.
- L. Professional Services Contract Award – Building Addition Project No. 8 (Dr. Green, Guerrero, Putnam, and Vilas Elementary Schools), #04.850 (approx. \$179,500.00), was awarded to Wright & Dalbin Architects, Inc., subject to the review and approval of the District's attorney, for the preparation of plans, specifications, bid documents and other additional program elements as may be required.

5. Consent Agenda

A., 2. Revisions to Board Policies – BE (Local), Board Meetings

It was moved by Ms. Colquitt-Muñoz and seconded by Mr. Cordova that Board Policy BE (Local) be approved as modified for the deadline to submit items for the agenda to be noon of the Friday before the Tuesday of a regular Board meeting

Motion Amended

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the motion be amended that the new agenda deadline include special Board meetings.

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

6. Proposed Addition of Names of Original Members of Company E, 141st Regiment, 36th Division to the Chapin High School Memorial to Company E

Mr. Luis Villalobos, Executive Director, Accountability and Administrative Relations, provided a history of Company E and stated that the names currently on the memorial at Chapin High School were the soldiers who served in combat with Captain John L. Chapin. He reported that other members of the original Company E trained along side those honored at Chapin but were assigned to other units. Mr. Villalobos stated that the administration recommends that the names of the original Company E members who were not deployed with the unit to Europe be included in a memorial and that a committee be formed to designate the form and location for the display of these names in the Chapin High School rotunda.

The following person requested to speak to this item:

1. Ms. Norma de la Rosa, speaking on behalf of her grandfather, Martin Luna, and other members of Company E, provided a history of the unit and requested that all names be included in the rotunda at Chapin High School in order to recognize all who served under Capt. Chapin.

Mr. Dodge commented on recognizing the service of these 45 individuals in an appropriate but separate way from those memorialized in the Chapin High School rotunda. Mr. Cordova expressed his desire to honor these original members of Company E.

It was moved by Mr. Cordova and seconded by Miss Garcia that the Board approve including the names of the original members of Company E, 141st Regiment, 36th Division to the Company E Memorial at Chapin High School.

There was discussion on the intent of the original nominating committee in the commission of the rotunda memorial and commissioning a plaque with the names of all original Company E members.

Upon the vote, the motion carried unanimously.

7. Teachers' Use of Personal Appliances in the Classrooms

Dr. Roark expressed a concern that prohibiting teachers from having personal appliances such as microwaves, refrigerators, and coffee pots in their classrooms in order to conserve energy would undermine faculty motivation. He requested discussion among the Trustees regarding this issue.

The following person requested to speak to this item:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about schools having teachers' lounges with refrigerators and microwave ovens, teachers with personal appliances wanting to keep them in their classrooms, and most teachers agreeing that personal appliances should be removed from classrooms and administrators' offices.

Mr. Dodge commented on the need to be energy conscience but was not in favor of a blanket prohibition of personal appliances. He suggested flexibility on this issue and that a decision be made by individual campus administrators.

Mr. Tafoya was in agreement with leaving this decision to the discretion of each campus and provided information on a proposed validation of campuses that use less energy, which would allow them to benefit from savings realized from reduced utility costs.

In response to Dr. O'Donnell, Mr. Hector Martinez, Associate Superintendent, Operations, stated that it was not possible to determine energy consumption for personal appliances because they are not metered separately. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that a survey on appliances remaining in classrooms was near completion and that a monthly energy report would be provided to each campus beginning in the fall 2004.

8. Increase for Out-of-State and In-State Monthly Tuition Rates

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the increased 2004-05 student tuition rates as follows: \$423.00 for Grades 1-12 county transfers; \$786.00 for Grades 1-12 out-of-state or 21 years of age or older as of September 1; \$157.00 per course for fewer than five courses; and \$80.00 for Child Development Laboratory.

9. Request for Waiver from TEA – Early Release (Flexible Schedule) for Wiggs Middle School for 2004-05 School Year

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve this request to request a waiver for an exemption of the seven-hour day every Wednesday for the 2004-05 school year for the purpose of staff development and teacher collaboration.

10. Consideration and Adoption of an Order Authorizing the Issuance and Sale of El Paso Independent School District Variable Rate Unlimited Tax School Building Bonds, Series 2004B; Approving the Official Statement, the Purchase Contract, and the Standby Purchase Agreement; Levying a Tax and Providing for the Security and Payment Thereof; Appointing a Paying Agent/Registrar, a Remarketing Agent and a Tender Agent with Respect to the Bonds; and Enacting Other Provisions Relating Thereto

Mr. Hector Zavaleta, First Southwest Company, provided information on the Variable Rate bond sale. He reviewed the Variable Rate bond features; floating rate modes; professionals involved in Variable Rate bonds; a graph illustrating the historical short-term interest rates; the interest rate for the initial term of July 27 through October 7, 2004; and a comparison of Fixed and Variable Rate bond structures.

It was moved by Mr. Cordova and seconded by Dr. O'Donnell that the Board approve the Order authorizing the issuance and sale of EPISD Variable Rate Unlimited Tax School Building Bonds, Series 2004B; approving the Official Statement, the purchase contract, and the standby purchase agreement; levying a tax and providing for the security and payment thereof; appointing a Paying Agent with respect to the bonds; and enacting other provisions relating thereto.

In response to an inquiry from Dr. Roark, Mr. Zavaleta reviewed the options available to the District if there were a drastic increase in interest rates during the life of the bond.

Upon the vote, the motion carried with Dr. Roark voting "present."

Item Withdrawn

It was announced that item no. 11, Memorandum of Agreement By and Among the Housing Authority of the City of El Paso, Texas, and the EPISD for Mariachi Program for Guillen Middle School Students, had been withdrawn from the agenda.

12. Sole Source Instructional Materials and Training Purchases

- A. Marilyn Burns Math Solutions Institute from Marilyn Burns Education Associates (\$69,740.00)

It was moved by Mr. Dodge and seconded by Ms. Colquitt-Muñoz that the Board approve the registration fees for EPISD teachers to attend the Marilyn Burns Education Associates Math Solutions® Institute from this sole source vendor.

Dr. O'Donnell requested information on the District's history with this vendor, and Ms. Vodene Schultz, Facilitator, Elementary Math, reviewed the program's success in the District.

Upon the vote, the motion carried unanimously.

- B. Additional Expenditure for Wilson Reading System® and Foundations™/Wilson Language Basics from Wilson Language Training Corporation (WLTC) (approx. \$45,000.00)

Dr. Roark expressed concerns with the evaluation report that was provided as backup for this item and the preference that was indicated for the program from ISM Teaching Systems, Inc.

Ms. Gail Stone, Facilitator, Elementary Reading/Language Arts, advised that the report was an evaluation of the pilot program and provided information on the problems that occurred implementing the program at the pilot schools during the 2002-03 school year.

There was discussion on why the program was not continued as a pilot; the Dyslexia Task Force's recommendation to implement the Wilson program; providing services to Spanish-speaking students; and the rationale for selecting Wilson when teachers' comments on teacher training and student outcomes were more negative.

Ms. Janet Flores, teacher, Guerrero Elementary School, provided information on her experience with teaching the Wilson program, the diligence that is required by the teacher, and the resulting benefits to the students, including bilingual students. Ms. Stone provided a comparison of Wilson to the program from ISM Teaching Systems, Inc.

It was moved by Mr. Cordova and seconded by Ms. Colquitt-Muñoz that the additional expenditure be approved from Wilson Language Training Corporation, the sole source, subject to the approval of the 2004-05 preliminary budget.

Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, provided information on the 2002-03 data used in the evaluation report and the recommendation to extend the program being based on data from 2003-04, for which no evaluation was conducted. There was further discussion on the schools involved in the pilot program and the assessment process for the 2004-05 school year. Responding to Mr. Dodge, Ms. Stone clarified the average overall gain/loss by program represented in Appendix "B." Mr. Tafoya commented on teachers having the student data and R&E compiling that data for use as the benchmark.

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

Upon the vote on the main motion, the motion carried unanimously. Dr. O'Donnell was not present for the vote.

13. Purchase of PowerPlay™ Video Conferencing Carts from BNI Solutions LLC during 2004-05 School Year (\$436,542.93)

Responding to an inquiry from Dr. Roark, Mr. Charles Geach, Administrator, Instructional Technology, provided information on the campuses still lacking a video conferencing cart. He stated that the timeframe for these campuses depends on the availability of funding from a source other than for campuses with high free- and reduced-lunch populations.

It was moved by Mr. Mena and seconded by Mr. Cordova that the Board approve this sole source purchase.

Mr. Geach reviewed how the carts are used at the various campuses. There was discussion on locating funds for carts for the remaining schools, the state considering grants for technology application, and providing demonstrations to schools on the effectiveness of the carts.

Upon the vote, the motion carried unanimously.

14. Interlocal Purchasing Agreement Between the EPISD and Ysleta Independent School District

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve this interlocal purchasing agreement to participate in joint procurement efforts for various goods and services with automatic renewals each year unless either party gives at least 60 days written notice of nonrenewal before the end of the current year's term.

15. Purchases Requiring Board Approval

A. Office/School Supply Bid #49-04 (\$194,481.18)

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that this bid be awarded as follows, with Item #7 being awarded to Standard Stationery Supply Co., Item #34 being awarded to Clipmall Stationery, and Item #52 being awarded to School Specialty, Inc., pursuant to the tie-breaking procedures: AFP Industries, Inc., Items 42, 53-55, and 58, \$14,570.40, net 30; Clipmall Stationery, Items 30, 31, 33, and 34, \$1,811.40, net 30; Corporate Express, Items 15 and 17, \$3,100.80, net 30; El Paso Office Products, Item 51, \$5,280.00, net 30; Elgin School Supply, Items 18 and 25, \$3,803.04, net 30; Executive Office Products, Items 11 and 21, \$4,200.00, net 30; Office Depot, Items 5, 13, and 60, \$19,942.00, net 30; Pyramid School Supply, Items 6, 8, 19, 39, 43, 46-48, 56, 57, and 62, \$40,267.68, net 30; Quill Corporation, Items 3, 4, 26, and 29, \$8,952.24, net 30; School Specialty, Inc., Items 40, 50, and 52, \$1,898.04, net 30; Springer's, Item 28, \$1,216.80, net 30; and Standard Stationery Supply Co., Items 1, 2, 7, 9, 10, 12, 14, 20, 22-24, 27, 32, 35-38, 41, 44, 45, 49, 59, and 61, \$89,438.78 (copy of bid tabulation attached to the permanent file of these minutes).

B. P. E. Equipment and Supplies Bid #58-04 (\$53,190.49)

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that this bid be awarded as follows, with Item #7 being awarded to Sportime, pursuant to the tie-breaking procedure: Baden Sports, Item 9, \$286.56, net 30; BBI Tennis Group, Item 21, \$7,278.60, net 30; Bill Fritz Sports Corp., Item 23, \$1,398.24, net 30; Cannon Sports, Inc., Items 6, 22, 25, 28, 29, 31, 32, 40, 42-45, 55, and 56, \$2,644.44, net 30; Flaghouse, Inc., Items 17, 18, 30, and 48, \$2,794.62, net 30; Gopher Sport, Item 3, 4, 16, 34, 46, 50, and 51, \$18,960.16, net 30; Sport Supply Group, Items 1, 2, 5, 10-13, 15, 20, 24, 26, 33, 35-39, 41, 53, 54, and 57, \$7,328.76, net 30; Sportime, Items 7, 8, 14, 19, 27, 47, and 49, \$11,554.71, net 30; and Sport-O-Graham, Item 52, \$944.40, net 30 (copy of bid tabulation attached to the permanent file of these minutes).

16. Resolution Authorizing Tax Resale of .046 Acre (more or less) Out of Lots 31 and 32, Block 7, East El Paso Addition, an Addition to the City of El Paso, Texas

Ms. Carmen Perez, attorney, Delgado Acosta Spencer Linebarger Heard & Perez, LLP, provided information on the property under foreclosure for nonpayment of taxes, the taxes owed on the property, the appraisal from the Central Appraisal District, and the offer to purchase the property. She stated that under the tax code, all taxing entities must approve the offer, with the authority to accept or decline the offer.

It was moved by Mr. Cordova and seconded by Mr. Dodge that the Board approve this resolution and approve the Superintendent authorizing the City of El Paso to execute a tax resale deed on behalf of all the taxing entities, subject to the review and approval of the District's attorney. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Item Withdrawn

It was announced that item no. 17, A., Final Payments for Construction Contracts Exceeding \$100,000.00 - San Juan Park Project – Hawkins Elementary School, #02.532 (\$16,250.89, total cost \$688,348.30), had been withdrawn from the agenda.

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

- B. Districtwide Running Track Replacement, Phase 1 – Jefferson High School, #02.365.01 (\$27,175.85, total cost \$543,516.94)

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board approve this final payment to EPCON Inc., Contractors and Engineers, subject to the review and approval of the District's attorney.

18. Procurement/Delivery Methods for Construction Contracts Exceeding \$15,000.00

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the procurement/delivery methods for the solicitation of the following construction projects, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

- A. The competitive bid process for Brick Wall Repair – Hart Elementary School, #03.811
B. The job order contract process for Districtwide Boiler Hearing System Repairs, #05.447
C. The job order contract process for Districtwide HVAC System Repairs, #05.448

Meeting Closed

The meeting was recessed at 8:10 p.m. to a closed meeting by Mr. Mena under Sections 771.071, 771.074, 771.082, and 771.0821 of the Texas Government Code as follows:

19. Closed Meeting

A. Personnel Appointments

1. Principal, Franklin High School
2. Principal, Lincoln Middle School
3. Principal, MacArthur Middle School
4. Principal, Beall Elementary School
5. Director, Administrative Services, Technology and Information Systems
6. Director, External Funding

B. Consultation with School District Attorney Regarding Pending Litigation

1. Betty C. Grinstead v. El Paso Independent School District (Self-Insured); In the County Court at Law No. Five, El Paso County, Texas; Docket No. 2002-087
2. Jorge Artalejo, Plaintiff vs. Sal Mena, President, Board of Trustees, El Paso Independent School District and Charles L. Tafoya, Superintendent, El Paso Independent School District, Defendants; In the 34th Judicial District Court, El Paso County, Texas; Cause o. 2004-2138

The closed meeting started at 8:22 p.m. The closed meeting ended at 8:45 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:45 p.m.

19. The action was as follows:

A. Personnel Appointments

1. Principal, Franklin High School

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Carla D. Gasway, Assistant Principal at Franklin High School, to the position of Principal, Franklin High School.

2. Principal, Lincoln Middle School

It was moved by Dr. O'Donnell, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Sandy L. Whitney to the position of Principal, Lincoln Middle School.

3. Principal, MacArthur Middle School

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board accept the Superintendent's recommendation to appoint J. Steven Clay, Principal at Travis Elementary School, to the position of Principal, MacArthur Middle School.

4. Principal, Beall Elementary School

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Alberto Reyes, Assistant Principal at Johnson Elementary School, to the position of Principal, Beall Elementary School.

5. Director, Administrative Services, Technology and Information Systems

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Louis Mona, Administrator, Application Development, to the position of Director, Administrative Services, Technology and Information Services.

6. Director, External Funding

It was moved by Mr. Dodge and seconded by Mr. Cordova that the Board accept the Superintendent's recommendation to appoint Diana Pena, Team Leader, Elementary Schools Division, to the position of Director, External Funding. Upon the vote, the motion carried with Miss Garcia voting against the motion.

B. Consultation with School District Attorney Regarding Pending Litigation

1. Betty C. Grinstead v. El Paso Independent School District (Self-Insured); In the County Court at Law No. Five, El Paso County, Texas; Docket No. 2002-087

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board authorize legal counsel, administration, and the District's TPA (third party administrator) to negotiate a settlement in this case within the parameters of prior settlement negotiations as discussed with the Board.

2. Jorge Artalejo, Plaintiff vs. Sal Mena, President, Board of Trustees, El Paso Independent School District and Charles L. Tafoya, Superintendent, El Paso Independent School District, Defendants; In the 34th Judicial District Court, El Paso County, Texas; Cause No. 2004-2138

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize the law firm Mounce, Green, Myers, Safi & Galatzan, PC to represent all of the defendants in this case if, as, and when they are served.

Adoption of an Action by Unanimous Consent

At Dr. Roark's request, Mr. Mena inquired if there was any objection to Dr. Roark changing his vote to an "aye" on item no. 10, Consideration and Adoption of an Order Authorizing the Issuance and Sale of El Paso Independent School District Variable Rate Unlimited Tax School Building Bonds, Series 2004B; Approving the Official Statement, the Purchase Contract, and the Standby Purchase Agreement; Levying a Tax and Providing for the Security and Payment Thereof; Appointing a Paying Agent/Registrar, a Remarketing Agent and a Tender Agent with Respect to the Bonds; and Enacting Other Provisions Relating Thereto. There being no objection, Dr. Roark's vote on item no. 10 was changed to an "aye."

Meeting Adjourned

The meeting was adjourned at 8:50 p.m.

Date Approved: September 14, 2004