# TULOSO-MIDWAY INDEPENDENT SCHOOL DISTRICT

**Administration Building - 9760 La Branch - Corpus Christi, Texas 78410**

**BOARD OF TRUSTEES**

## Minutes



**Tuesday, October 19, 2021**

## Special Called Board Meeting 1:00 p.m.

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***ESTABLISH QUORUM/CALL TO ORDER:*** Paul Mostella, Felix Landin, Ben Benavides, Jan Mostella, Stephen Hoelscher, Kim Boone, John Samaniego

***PLEDGE OF ALLEGIANCE***: Jan Mostella

***"I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."***

***"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."***

***BOARD MISSION STATEMENT:*** Kim Boone

***Tuloso-Midway Independent School District educates every student to be a lifelong learner, a person of integrity, and a positive contributor to society.***

***PUBLIC COMMENTS/OPEN FORUM***:

**Board President/Presiding Officer's Introduction to "Public Comment" at Board Meeting—SPECIAL CALLED/COMMITTEE BOARD MEETINGS for AGENDA ITEMS only**

The next items on the agenda is Public Comment. Before we begin, I will remind our audience members of the Board's procedures for handling public comments as found in Board Policy BED(Local). Because this is not a regular Board meeting, public comments are available to members of the public who wish to address a meeting item are limited to discussion of items on tonight's agenda.

Anyone who wants to speak during public comment must sign up prior to the start of the meeting and list the agenda item subject they want to discuss. Each public comment speaker will be allowed a maximum of 3 minutes to address the Board. Any public testimony speaker who is speaking through a translator, will receive up to 5 minutes to address the Board. If you have signed up for an item not on tonight's agenda or being speaking on a non-agenda item, you will be disqualified from speaking at tonight's meeting and may speak at the next Regular Board meeting or anytime the subject is listed on a Board meeting agenda.

The public addressing tonight's agenda items allows all speakers who have signed up before the start of the meeting to address the Board regarding an item on tonight's agenda. Please keep your comments or criticisms civil and courteous. Please also avoid using profanity and refrain from making personal attacks on others during your opportunity to speak. Last, we ask that you not discuss students who are not your own child. Yelling, inappropriate, uncivil or discriminatory comments will not be permitted.

I also caution you that your public comments should not complain about individual school employees by name or position or, other than your own child, identify students, pursuant to Tex. Gov't Code 551.074, 551.0821 and 551.082 As presiding officer, I am obligated to determine whether a person addressing the Board has attempted to administratively resolve any complaints or grievances about which they want to address the Board that involve District

officers or employees. In the event your comment, in the judgment of the presiding officer, constitutes a complaint or charge against an employee or officer, it may be necessary for me to interrupt and ask you to stop and direct you to proceed with the school district's formal grievance procedures or to have the item heard in Executive Session depending on the nature of the complaint.

If a speaker is seeking Board resolution of a specific complaint, that concern should be addressed through the District's grievance process which can be found online and include Policies DGBA, FNG and GF. Grievance forms can be obtained at any campus administration office, or in the central administration offices.

Thank you, our first speaker is:

*Cindie Gonzales:*
Today she hopes that the well being of the district as the top priority while in closed session. Put TMISD as your top priority.

*Sylvia Henderson:*
Glad she came to the meeting to ask the board and happy about the upcoming facility studies and possibilities of new building in the district. She is still concerned about the current traffic issues in the district. Intermediate parking lot takes 30 to 40 minutes to get out of the campus. She is asking that the district fix those issues before we build more buildings. She stated that the district needs to address the issue and currently nothing is being done. Area is growing. Need to fix the issues that we have right now.

***CLOSED SESSION:*** The Board will convene in closed meeting as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, et seq. for possible: **Time:** 1:09 p.m.

- Pursuant to Texas Government Code Section 551.074 discussion regarding the Superintendent's employment status, the investigation report of the Superintendent's job performance, the possible reinstatement of the Superintendent, the possible placement of the Superintendent on administrative leave with or without pay, a possible resignation agreement, and the possible proposed termination of the Superintendent's employment contract.

- Pursuant to Texas Government Code Section 551.071 consultation with attorney regarding legal issues related to the Superintendent's employment status, the investigation report of the Superintendent's job performance, the possible reinstatement of the Superintendent, the possible placement of the Superintendent on administrative leave with or without pay, a possible resignation agreement, and the possible proposed termination of the Superintendent's employment contract.

If a closed session item requires action, the Board shall take such action upon reconvening in open session (§551.102). A **Certified Agenda of Closed Session** is maintained (§551.103), and items are posted and disclosed in accordance with the law (§551.104).

***RECONVENE FROM CLOSED MEETING***: **Time:** 2:45 p.m.

***ACTION RESULTING FROM CLOSED SESSION DELIBERATION***

- Possible Public hearing pursuant to Texas Local Government Code Section 180.007 regarding a proposed superintendent resignation agreement.

Paul Mostella: Board, the next item on the agenda is a public hearing pursuant to Texas Local Government Code Section 180.007 which requires a public hearing to be held if any payment is made to an employee or former employee that exceeds to contract amount owed to an employee or former employee. As such, this item has been properly posted and a sign in sheet has been provided for the public to speak, if they so desire.



There is an agenda item today that the Board will consider a Voluntary Separation Agreement and Release with Superintendent, Dr. Rick Fernandez, who currently is under contract with the district until June 2023. Dr. Fernandez has made an offer to relinquish all of his contract rights with the District and resign effective January 31, 2022 in exchange for a total amount of $159,713.33. The following information is provided:

1. Public Purpose: If the Board approves the Voluntary Separation Agreement and Release, this payment will be offered to end the contractual relationship with the Superintendent and seek other leadership for the District which serves a public purpose for the District.
2. Proposed Payment to be made: If the Board approves the Voluntary Separation Agreement and Release, a payment of $159,713.33 will be made to the Superintendent in accordance with the Voluntary Separation Agreement and Release.
3. Source of Proposed Payment: General Funds of the Tuloso-Midway ISD.
4. Assurance of Control: If the Board approves the Voluntary Separation Agreement and Release, the Agreement will set out the exact terms and the Agreement is subject to review under the Texas Public Information Act.

Call for Speakers: (no one signed up)

Public Hearing Sign In Sheet

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- Discussion and possible action regarding the Superintendent's employment status, the investigation report of the Superintendent's job performance, the possible reinstatement of the Superintendent, the possible placement of the Superintendent on administrative leave with or without pay, a possible resignation agreement, and the possible proposed termination of the Superintendent's employment contract.

Paul Mostella:
I move that we approve the voluntary separation agreement and release as discussed in closed session concerning the Superintendent Rick Fernandez's employment contract.

***Motion:*** Paul Mostella
***Second by:*** John Samaniego
***Vote:*** 4:3 (Stephen Hoelscher, Jan Mostella, Kim Boone opposed)

***FUTURE MEETING(S)***

1. Monday, October 18, 2021-Regular Board Meeting

***ADJOURNMENT:*** **Time:** 2:49 p.m.



***Motion***: Ben Benavides
***Second by:*** Felix Landin
***Vote:*** 6:0 (Kim Boone abstained)

Presiding Officer

Board Secretary