

No. _____



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC Board Minutes

SUBMITTED BY: Karen Winch OF: Board Secretary

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: July 23, 2008

RECOMMENDATION:

It is recommended that the United ISD Board of Trustees take action to approve Board Meeting minutes:

June 18, 2008 - Regular Board Meeting

July 8, 2008 - Special Called Meeting

RATIONALE:

State law requires the Board to prepare and keep minutes of its open meeting.

Govt. Code §551.021. The minutes are public records available for public inspection and copying upon request to the Superintendent or his designee. Govt. Code § 551.022

BUDGETARY INFORMATION

No Budget Impact

BOARD POLICY REFERENCE AND COMPLIANCE:

This is in compliance and in accordance with Board Policy BE and BE (LOCAL).

Regular Meeting
The State of Texas
United Independent School District
The County of Webb

June 18, 2008

In Attendance

Roberto J. Santos, Superintendent of Schools

Board of Trustees

John M. Bruce – President
Ricardo Molina – Vice President
Juan Molina – Secretary
Pat Campos – Parliamentarian
Francisco "Pancho" Gonzalez -arrived 6:54 p.m.
William "Bill" Johnson – Member
Juan Roberto Ramirez – Member

A Regular meeting of the Board of Trustees of United ISD was held Wednesday, June 18, 2008, beginning at 6:35 P.M. in the United ISD -Student Activity Complex, Fine Arts Building, 5208 Santa Claudia Lane, Laredo TX 78043.

I. Roll Call, Establish Quorum, Call to Order

II. Pledge of Allegiance

III. An announcement was made by the Board President calling the meeting of the United Independent School District to order. The record showed that a quorum of Board Members was present, that the meeting was duly called, and that notice of the meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

IV. Recognitions

The Board of Trustees and Superintendent Santos congratulated the following students and staff on their accomplishments. Mr. Roberto Cruz, Director of Athletics, then introduced the athletes. He said Mr. Santos had received a letter from Mark Cousins from UIL commending our students on their performance. Mr. Cruz said that the United athletes were the only competitors who, before the game, shook the hands of all including the umpires. The team coaches were then recognized by the Board as well as the parents of the athletes.

Luis Pollorena was named All-State tournament player.

Coach Gomez spoke to the Board of his pride for the students and their behavior and accomplishments.

A. United High School's Baseball Team – 29-5A State Semi-Finalists

Ms. Juanita Lozano, Executive Director of Secondary Education, introduced Col. Carroll and his staff congratulating the unit on their award. They would be recognized next meeting as the unit was currently out of town.

B. Air Force Junior ROTC – TX – 911 – at United High School Distinguished Unit Award for Academic Year 2007-2008

Ms. Ann Macdonald, Executive Director of Elementary Education, recognized Ms. Leonor Narvaez from Kazen Elementary for receiving the TAMIU Award for Educator Excellence.

C. Juanita Vela – Region I ESC Special Education Director of the Year

Mr. Bruce then called for a five minute recess at 6:53 p.m. so the students honored could exit the auditorium. The Board returned to open session at 6:54 p.m.

V. Public Comments: Comments are limited to three minutes per speaker. The Board Parliamentarian will be the timekeeper and will inform the speaker when they have one (1) remaining minute. No more than three (3) persons will be allowed to speak on any side of an issue. Should there be more than three (3) people who wish to speak on a particular issue they need to select not more than three (3) representatives to speak for them. Comments must address items listed on the agenda. The presiding officer or designee shall determine whether a person who wishes to address the Board has attempted to solve a matter administratively. If not, the person shall be directed to the appropriate policy, as noted in BED (LOCAL), to seek resolution before bringing the matter to the Board at a subsequent meeting.

Pursuant to 551.042 of the Texas Government Code, no Board Member or Administrator may respond to a member of the public, unless such response is a recitation of District policy or a statement of specific factual information.

Juan Flores. Mr. Flores said he would be speaking on agenda items VI-B and VII-D. He said he and others from the Cut-the-Fat organization were there to protest the UISD \$1.6 million purchase of the property on 4410 Hwy. 359 that was owned by 4-Minerals. Mr. Flores said UISD did not follow state bidding procedures and enter into a Lease Purchase Agreement without bidding out the property as required by law. He said the sole source affidavit was dated two months after the Board approved the purchase. He commented that other vendors in the community did not have an opportunity to bid on the lease which might have resulted in a cost-savings for the District. In addition, the donation of the ten acres included in the lease purchase agreement was not sufficient justification for the purchase because ten acres in the area can be purchased for much less than the \$1.6 million. Mr. Flores said the 2003 bond was changed when Col. Santos Benavides was designated as an administrative facility. Mr. Flores said that the campus was clearly slated for the purpose of the administrative building in the 2003 bond. He commented that when the new high school was completed the old United High School will be converted into a middle school and Col. Santos will be vacated as well as a large part of the old United High School. He concluded by saying it does not make financial sense to purchase the property on Hwy. 359 when there will be available space that was clearly identified for that purpose in the 2003 bond.

Marcia Jovel. Ms. Jovel introduced herself as a taxpayer and asked if the Board was taking the taxpayers for granted or did they think the taxpayers were stupid. She said the Board was spending thousands of dollars in campaigns and newspaper ads claiming the money was for children. She said the Board should not pay thousands of dollars for a PR person to convince taxpayers that they should keep paying for their outrageous expenses. Also, Ms. Jovel asked what Ms. "F" had on the Board members that they would allow her to continue working at UISD. Ms. Jovel asked if they were trying to sweep something under the rug. She said if there was an honest campaign to serve the community that was fair. Ms. Jovel asked if the money that UISD has gives the Board a false sense said it was time they went back to their roots and that they should remember that they were public servants. Ms. Jovel said school board members need to realize there are people losing their homes and here they(the Board) was spending so much money on the land. She said they were watching the Board and what they were doing.

Ms. Jovel said the Board thinks everyone in Laredo is losing their sensibility. She said not all of them are little people. She said when they are voted out, they will also be little people. She added that their picture next to the Bishop does not give them status and that is hypocritical. She said she is serving God and all his children in any capacity.

Rose Cruz. Ms. Cruz said she wanted to make a correction to the minutes from 5.21.08. She said the minutes are the official summation. She said the correction needed to be made that she said Mr. Santos and Mr. Ramirez (4-R Minerals) met at the building (on HWY. 359) a month before Mr. Ramirez bought the property. She asked that the minutes not be approved before the correction was made as it could be considered a falsification of a government record if the Board approved the minutes knowing they were incorrect.

Ms. Cruz commented that she wanted to thank Ms. Vela (Juanita Vela – Executive Director of Special Education) for working with her in a collaborative manner. She said she created win-win situations for students. Ms. Cruz said the Board would be deciding who would be the next Special Education Director and asked that they not promote anyone who had less than five years experience with the District since we have some good staff.

On the discretionary funds, Ms. Cruz asked if TEA (Texas Education Agency) would consider it micro-management when principals have to contact board members for supplies and books.

Hilario Cavazos. Mr. Cavazos said he was grateful that we have public comments. However, when people have to speak on an item on the agenda, he said some people would like to speak on items not on the agenda. He complimented the Board on the downloadable agenda and compared the UISD agenda to the more lengthy agenda at LISD. He said that on the budget, he knows the budget was not on the agenda, but he asked for the opportunity to speak on the salaries as we need a pay raise. He said there were some concerns they needed to talk about.

Rene de la Vina. Mr. De la Vina asked that the Board change the Public Comments back to the way they used to be. He said if taxpayers have concerns, they have a right to come up to speak as long as they are not disrespectful. He said if the speakers were disrespectful to a Board member then the Board could ban them from the Public Comments. He asked the Board to reconsider it as this was really censorship. He said that both he and Mr. Hilario Cavazos were board members at the college, and they don't censor anything. He said there is nothing to hide and asked what was the big secret?

Mr. De la Vina again mentioned how much the cost of living and gas prices have gone up, and that we need to bring up the salaries for all employees to meet the costs of insurance, gas, and groceries.

In conclusion, Mr. De la Vina said the last idea is that he asked that when it comes to sports, with all the money for uniforms and trips out of town, he asked why can't the Special Education teachers take their students out of town? He said he felt it was discrimination when they don't have the same privileges as the football players and UIL participants.

Mr. Cruz, UISD General Counsel, said he wanted to respond publically to the issue on 4-R Minerals. told the Board that the District received approval for the lease purchase contract. With respect to the possible purchase of land from 4R Minerals, He read the following statement.

I want to ensure the public that UISD has met all of its' legal obligations, as mandated by applicable law. Regarding the issue of obtaining approval from the Attorney General's office for the lease-purchase contract executed between the District and 4R Minerals, it is incorrect to state, as has been done, that the District must obtain the approval from the AG's office. The lease in question does not fall under the Public Property Finance Act; this Act applies to financed contracts for the acquisition or improvements to land where payments are made in advance toward the purchase price and interest is being paid. UISD has neither made advance payments for the purchase price nor paid any interest on the subject lease, The rent paid by UISD under this lease is just that, rent for the current and temporary use of the property. These rent payments do not qualify as interest because UISD is using the premises in exchange for the rent paid to the owner. In short, the lease between UISD and 4R Minerals is not a financing lease, but rather a true lease, which does not require Attorney General Office approval.

Regarding why UISD does not have to competitively procure the subject property: the acquisition, whether by lease or purchase, of land and facilities on such land is a sole source acquisition, which is not subject to a competitive procurement process. While Section 44.031(a) of the Texas Education Code generally requires a competitive process for expenditures over \$25,000, Section 44.031(j) of the Texas Education Code specifically excludes from a competitive process acquisitions of sole source purchases,. Acquisition of land and land improvements is a sole source purchase because land and its improvements are unique in that there is no other property which is identical or similar in size, condition, location, access, value, use restrictions and appearance, among other variables. In our situation, given the uniqueness of a 25,000 square feet property, that has 140 parking spaces, that can adequately house 150 District employees, and has other unique attributes no other property in our District can match, the acquisition of this property fits the sole source exception to competitive procurement.

In short, I want to stress that the District will continue to proceed with due diligence and continue to do everything in its power to ensure that the District complies with all applicable laws and avoids wasteful spending of taxpayer funds.

VI. Closed Session: The Board adjourned into Closed Session at 7:13 p.m. pursuant to the following sections of the Texas Open Meetings Act:

A. 551.071 Consultation with Board's Attorney

551.074 Discussion of Personnel or to Hear Complaints Against Personnel

1. Level III Grievance of David Saldivar

2. Superintendent's Duties and Responsibilities

3. Internal Auditor's Duties and Responsibilities

4. Conduct Internal Auditor's Annual Evaluation

5. Consider Appointment of Executive Director of Special Education

C. 551.072 Discussion on the Purchase, Exchange, Lease, or Value of Real Property

Discussion of Proposals for Sale and/or Acquisition of Real Property

- 1. Report on Status of exercise of purchase option pursuant to Lease Purchase Contract with 4-R Minerals, LTD., pertaining To Hwy. 359 office building described as Lot One (1), and Two (2), Block One (1), James Haynes Industrial Park, Unit One (1) in Webb County, Texas which property is located in The City of Laredo Texas and commonly referred to as 4410 Highway 359.**

The Board returned from Closed Session at 8:47 p.m. Mr. Gonzalez returned from Closed Session at 8:48 p.m.

VII. Reconvened from Closed Session, the Board took action on the following items, as necessary, as discussed in Closed Session.

A. Action regarding Level III Grievance of David Saldivar

Motion: Mr. President, I move to deny the Level III grievance of David Saldivar

Moved by: Johnson

Seconded by: Ramirez

Discussion: None

In Favor: Unanimous (Mr. Gonzalez was not present for the vote.)

B. Approval of Internal Auditor's Annual Evaluation

Motion: So move.

Moved by: Campos

Seconded by: Ramirez

Discussion: None

In Favor: Unanimous (Mr. Gonzalez was not present for the vote.)

C. Appointment of Executive Director of Special Education

Mr. Santos: Mr. Bruce and members of the Board, my recommendation for the Executive Director of Special Ed is Ms. Martha Moke.

Motion: So move.
Moved by: R. Molina
Seconded by: Ramirez
Discussion: None
In Favor: Unanimous (Mr. Gonzalez returned for the vote.)

D. Consideration and Possible Action with respect to the exercise of purchase option pursuant to Lease Purchase Contract with 4-R Minerals, LTD., pertaining To Hwy. 359 office building described as Lot One (1), and Two (2), Block One (1), James Haynes Industrial Park, Unit One (1) in Webb County, Texas which property is located in the City of Laredo Texas

Mr. Cruz advised the Board that there was no recommendation at this time with respect to item VII-D.

VIII. Consent Agenda

Mr. Johnson said the Business and Instructional Committees met the previous week and recommended the approval of the following items.

- A. Approval of Monthly Disbursements**
- B. Approval of Budget Amendments**
- C. Approval of Submission of Certified Estimated 2008 Debt Collections**
- D. Approval to Designate Normal Farabough to Calculate the 2008 Tax Rate**
- E. Approval of Awarding Bids, Proposals, and Qualifications**
- F. Approval of Board Travel for the Month of July 2008**
- G. Approval / Action re: Renewal of District Health Insurance Program**
- H. Approval for Request from Mr. John Bruce for use of Board of Trustees Discretionary Funds for Malakoff Elementary - \$15,000, Col. Santos Benavides Elementary - \$10,000; Borchers Elementary - \$10,000; and Matias de Llano Elementary - \$15,000.**
- I. Approval for Request from Ms. Pat Campos for use of Board of Trustees Discretionary Funds for Gutierrez Elementary \$11,000; Killam Elementary \$8,000; STEP - \$6000, and Clark Middle School - \$4000.**
- J. Approval of Boundary Changes for 2008-2009 for Borchers and Malakoff Elementary**

K. Approval of Boundary Changes for 2008-2009 for Clark Middle School and United Middle School

L. Approval of Resolution – Hazardous Bus Routes

M. Second Reading of Policy DFBB (LOCAL) – Term Contracts – Non-Renewal

N. Second Reading of Policy DGBA (LOCAL) – Personnel – Management Relations – Employee Complaints and Grievances

O. Second Reading of Policy DHE (LOCAL) – Employee Standards of Conduct – Employee Searches and Alcohol/Drug Testing

P. Second Reading of Policy DP (LOCAL) – Personnel Positions

Q. Second Reading of Policy FNCA (LOCAL) – Student Conduct - Dress Code

Moved by: Johnson
Seconded by: R. Molina
Discussion: None
In Favor: Unanimous

X. Items for Individual Consideration

A. Board Minutes

- 1. Regular Meeting –5-21-08**
- 2. Board Workshop – 5-28-08**

Mr. Cruz advised the Board that the minutes for the regular board meeting on 5-21-08 will be approved with the correction noted by Rose Cruz as mentioned during Public Comments.

Motion: So move.

Moved by: Ramirez
Seconded by: R. Molina
Discussion: None
In Favor: Johnson, Ramirez, J. Molina, R. Molina
Bruce , Gonzalez, Campos abstained as they had not been present at the 5-21-08 meeting.

B. Donations

Mr. Santos read the donations into the record totaling \$38,425.00 and thanked those for their generous donations.

Motion: So move.

Moved by: Ramirez
Seconded by: R. Molina
Discussion: None
In Favor: Unanimous

C. First Reading of Policy DC (LOCAL) Employment Practices

No action required of first reading.

**D. Approval of 2008-2009 Student Code of Conduct and Student Handbook
(Bus Rider Handbook and Technology Use Guidelines)**

Motion: So move.

Moved by: Ramirez
Seconded by: Gonzalez
Discussion:

Mr. Johnson asked Mr. Cruz if there was a way to make a statute for vehicles parked in our parking lots so that we have the right to search any vehicle. Mr. Cruz responded that it was FNF Local Policy. He said school officials may search lockers or vehicles parked on district property if there is reasonable cause to suspect it contains articles or materials prohibited by school district policy. He said the District shall specifically need reasonable cause which is lower than probable cause.

Mr. Johnson said any vehicle that does not have a UISD tag can't we search? Mr. Cruz said there would still have to be reasonable cause. Mr. Johnson said students are not allowed to go to their cars after they arrive on campus, but he feels it is not being enforced. The second concern he had was that we spend a lot of money on the dress code, and he doesn't believe it is being enforced and that is administration's responsibility. Mr. Johnson said it is not fair to the students who are abiding by the dress code to see others who are not. He said the Board needs to look at it and strengthen the punishment.

Mr. Cruz commented that right now an infraction of the dress code is a Level I minor offense for a first offense. The policy they would be looking at this evening would allow administration to evaluate continued violations which could result in a DAP placement. Mr. Cruz said if the Board wants to establish a "three strikes and you're out," then they can.

Mr. R. Molina says it must be addressed to administration. And also a sign should be placed at the entrance to the campus saying any vehicle can be searched.

Mr. Gonzalez asked if we could not send the student directly to STEP if they have no previous offenses. Mr. Cruz said if anyone is suspected of being under the influence, the parent can take them for a lab test. If it is negative, then they would not have to have the consequences. Mr. Gonzalez said everyone has been very compassionate toward the needs of the children, but that he doesn't agree that first time offenders are sent to STEP. Mr. Gonzalez said he didn't want to put a child in the wrong setting citing a case of a student who had a bottle of liquor that belonged to the father.

Mr. Cruz said in the Student Code of Conduct, it does say administrators need to take several factors into consideration including seriousness of offense, age, a disability that may impair with the student's ability to understand the seriousness of the conduct , potential effect on the school environment, student's attitude, and statutory requirements.

Ms. Cavazos said a hearing officer would take the issues into account before issuing punishment.

Ms. Campos said she feels the punishment is not being given equally to the students in the north and south. She said a child in the north had possession of heroin and was only given thirty days and students in the south were given more for a lesser offense.

Mr. Bruce asked about altercations and fights. He said there had been an incident where a student who started the hitting and beating another student was hurt. The parents came to the school and wanted to press assault charges, but the police would not charge him. He said it is up to the administrators to give punishment fairly.

Mr. J. Molina said he thought there should be enforcement by the administration. He said it should be known if they are not enforcing and should be part of their evaluation. Mr. Santos responded that they will go to campus principals and explain this.

Mr. Johnson said that in addition, one of the complaints he continues to receive is that staff does not dress appropriately. Mr. Cruz said in DH Regulation there are standards for the staff. He said the policy the Board adopted is much more stringent than what other school districts have. Again, he said it was up to administration to enforce the policy.

In Favor: Unanimous

Mr. Bruce addressed the Board and people present saying that the Board has made a substantial difference in the district. He said last month the report came out for a remarkable achievement in scores. He said he knows that one of his family members is undergoing a difficult time in order to focus on his job and his family. He said he will not seek re-election. He encouraged every voter to support candidates who have the District at heart and not those who only have negative attitudes. He said he will work diligently for the next few months that will support the District's needs while being responsible to the District's taxpayers

XI. Adjournment

There being no further business before the Board of Trustees, the Regular Meeting of June 18, 2008 was adjourned at 9:13 p.m.

John M. Bruce – President

Juan A. Molina, Jr. - Secretary

Special Called Meeting
The State of Texas
United Independent School District
The County of Webb

July 8, 2008

In attendance

Roberto J. Santos, Superintendent of Schools

Board of Trustees

John M. Bruce – President - absent
Ricardo Molina – Vice President – arrived during closed session
Juan Molina – Secretary
Pat Campos – Parliamentarian - absent
Francisco "Pancho" Gonzalez
William "Bill" Johnson – Member
Juan Roberto Ramirez – Member

I. Roll Call, Establish Quorum, Call to Order

II. Mr. Bruce, Board President, made an announcement calling the meeting of the United Independent School District to order at 6:08 p.m. The record showed that a quorum of Board Members was present, that the meeting was duly called, and that notice of the meeting was posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

III. Closed Session: The Board adjourned into closed session at 6:09 p.m. pursuant to the following sections of the Texas Open Meetings Act:

A. 551.071 Consultation with Board's attorney

551.074 Discussion of Personnel or to Hear Complaints Against Personnel

1. Consider Appointment of Principal for Lyndon B. Johnson High School

The Board returned from Closed Session at 6:35 p.m.

IV. Action Item:

A. Appointment of Principal for Lyndon B. Johnson High School

Mr. Santos advised the Board that his recommendation for the principal at L. B. J. High School was Elva Margarita Martinez.

Motion: So move.

Moved by: R. Molina
Seconded by: Johnson
Discussion: None
In Favor: Johnson, J. Molina, R. Molina, Ramirez
Opposed: Gonzalez

VII. Adjournment

There being no further business before the Board, the Special Called meeting of July 8, 2008 was adjourned at 6:37 p.m.

John M. Bruce, President

Juan Antonio Molina, Jr. - Secretary