

STATE OF TEXAS

(Minutes conducted via electronic voting)

COUNTY OF CAMERON

BE IT REMEMBERED, that on the **19th day of December, 2023**, the Board of Trustees of the Brownsville Independent School District met in the **Special Called Board Meeting** at the Administration Building, 1900 Price Road, Brownsville, Texas, for the purpose of transacting any and all business that came before the Board and with the following to wit:

PRESENT:

Jessica Gonzalez	President
Daniella Lopez Valdez	Vice-President
Denise Garza	Secretary
Carlos Elizondo	Member
Eddie Garcia	Member
Frank Ortiz	Member
Minerva Peña	Member

ABSENT:

None

ALSO PRESENT:

Dr. Jesus H. Chavez	Interim Superintendent of Schools
Nick Maddox	Attorney for the Board

ALSO ABSENT:

None

WHEREUPON, a quorum being present and it appearing before the Board, it is hereby so found that notice of this **Special Called Board Meeting** has been duly given in the manner and for the length of time as prescribed by law. The meeting was called to order and declared ready for the transaction of business with the following to wit:

- I. Special Called Board Meeting to order by Ms. Jessica Gonzalez, Board President at 5:30 p.m.**
- II. Moment of Silence led by Dr. Jesus H. Chavez, Interim Superintendent of Schools.**
- III. Pledge of Allegiance led by Ms. Jessica Gonzalez, Board President.**
- IV. Roll Call. Ms. Jessica Gonzalez, Board President stated that all Board Members were present.**
- V. Recommend approving the agenda of the Special Called Board Meeting of Tuesday, December 19, 2023, with any corrections/deletions.**

Motion made by Eddie Garcia, seconded by Denise Garza to recommend approving the agenda of the Special Called Board Meeting of Tuesday December 19, 2023 with no corrections as stated by administration.

The following vote was recorded

Yea: Mr. Elizondo, Ms. Lopez, Ms. Garza, Mr. Garcia, Mr. Ortiz, Ms. Gonzalez

Nay:

Abstain: Ms. Peña

Motion Carried: 6-0-1

VI. PUBLIC COMMENT:

Angelica Villarreal – Ms. Villarreal stated, there, hi, hello everyone, Interim Superintendent, hello, School Board, hello, I have 5 minutes, I've never had 5 minutes before, I'm in awe. Anyway, its good to be back, its good to see you all, Happy Holidays, hope everybody is okay and that your families do well, that you have time to spend with them and have a blessed time with them cause there is nothing more important than family. I'm here today because I saw something and I was kind of taken aback and I just didn't know what to think. You know, you have a member of the School Board that you want off the School Board and I couldn't understand that. You know, I had the opportunity yesterday to sit in a sergeant's office in the Sheriff's Department just to sit and chat for a while and I felt the weight of that office and that position that, you know, you have to have integrity, loyalty, high moral standards, high ethics, be ready to serve the public above and beyond what you thought was possible. Be strong, assured and have faith that everything would go right, that's a very heavy burden to carry as a sergeant in the Sheriffs Department. But, while I was doing that, I was thinking wow, there's one member, here, sitting in the Board as a Board Member that had that duty and that is Minerva Peña. So, I do not understand why you want to take someone off the Board who had such a high standing in the community and showed her loyalty and public service even before she came here. I know that I have addressed many issues with her and its not just about saying, well, you know, what, I'm gonna look into it, yeah, that's great, look into it. But then I would hear crickets, I wouldn't hear back and it wasn't once and it want twice and it wasn't three times and it wasn't by one Board Member or two, nothing happened. But I knew that I could call Ms. Peña and she would take care of the problem. As Board Members, you're supposed to listen but you are also supposed to act upon what is told to you and have the courtesy to call back and say, you know what, this is what I did and many of you failed. I was surprised with Eddie Garcia, he followed through with the lesson plans and I hope you continue sir, I told you that, face to face, shaking your hand and I hold you to that, I will hold your feet to the fire, these teachers need help. But I do not understand how you want to take somebody with such integrity out of the School Board, this is probably gonna cost the district money. Our schools, let me tell you about Perez Elementary, it rains more under the covered walkways than it does out in the open. Yes or no Mr. Elizondo, you walked the campus with me? And you'd rather spend money on getting Ms. Peña out than keeping our kids dry, really? What is the priority, what is the priority? I thought you were here for our children, where do our children come in? This thing of minority and majority, it's got to stop, the community is looking at you and I hope that everybody is looking at these Board meetings and going, you know what, we've asked for raises, I was told, Angie, don't leave, we are gonna give you raises. Guess what, it didn't happen, I'm glad I left. Look at these Board meetings, the people that have the power here are the ones, the citizens, right here, that are gonna go out and vote and the citizens that are watching me there. Go out and vote, go out and vote, thank you.

Veronica Borrego – Ms. Borrego stated, good evening Board President Gonzalez, Board Members, Superintendent Dr. Chavez and all watching this evening. My name is Veronica Borrego and I am an Educational Diagnostician with the district and the president of AOB, the Association of Brownsville Educators, the largest, longest serving and only chartered association in BPSD. Tonight, I stand before you to share some reflections on what we believe constitutes an effective Board Member, particularly in the context of the Board position on this agenda. A Board Member should have good communication. The importance of open and honest communication cannot be overstated, this extends, not only to communication among yourselves, but also with all stakeholders and the broader community, all while maintaining the utmost confidentiality. A Board Member should be able to collaborate. Collaboration is the cornerstone of a successful Board. This should be a space where diverse opinions are not only welcomed but respected, recognize that disagreements are inevitable but do not shy away from them. Instead, commit to resolving conflicts effectively, fostering an environment where differing perspectives can coexist and ultimately propel the district forward. A Board Member should be inquisitive. Asking questions is a powerful tool for a Board Member. Genuine inquiries about how you can contribute to the betterment of the district, its staff and most importantly its students should guide your engagement. A Board Member should embrace strategic thinking and networking as essential components for the district's growth. Establish partnerships within the community, listen attentively to diverse perspectives and remain open to constructive criticism. A Board Member should serve as an ambassador for the district, they should not seek to advance personal agendas, but ensure that the needs of the district, its staff and students are met. They should be selfless in their actions and decisions, recognizing the weight of responsibility bestowed upon them. A Board Member should be passionate. Passion is a driving force that can be contagious, it incites creativity, innovation and a commitment to action. As Board Members, let passion guide your decisions inspiring positive change within the district. A Board Member should have integrity. They should be transparent, honest and have strong moral principles and moral uprightness. As you deliberate on the Board vacancy, consider these principles, the decisions you make today will further shape the future of our district, impacting the lives of our students', staff, and the vitality of our community. With the Holiday season upon us, I encourage all employees to engage in some well-deserved self-care. Spend quality time with your loved ones, recharge and return with renewed vigor. On behalf of AOB, I extend our warmest wishes for a wonderful and safe Holiday season, thank you for your time, attention and dedication to the wellbeing of our district and have a wonderful evening.

Adan Salas – Mr. Salas stated, good afternoon, my name is Adan Salas, I'm a (inaudible) community consultants, nonprofit organizations and I've lived here in Brownsville all my life. And I, just make it short, I voted for the majority of you up here right now, not all of them, but I'm impressed, the ones that I did not vote for, how, good job they are doing. I just want to take this time to let the Board know that I believe in you all and that you are gonna make the right decision. And I hope that its ethical and legal decision that you all make, I trust in you all that you will make right decision to keep Minerva Peña, that's all I really got to say, thank you.

Iza Nieto – Ms. Nieto stated, good evening Board Members, Dr. Chavez, my name is Ms. Nieto, I'm a school counselor, Sharp Elementary, this is my 25th year at the, with BPSD. I just wanted to say, two roles, two roles of the many that Board Members have. The Board sees itself primarily as a policy setting body and delegates the administration of schools to the superintendent. In addition, the Board provides oversight and represents the desires, expectations of the stakeholders. We are the stakeholders, the people that voted for the Board are the stakeholders, the students, the teachers, the community, the people here, the people watching. And the desires and the expectations of the

stakeholders is to keep Minerva Peña as a Board Members. Unfortunately, our previous superintendent created such a divide, it created them against them, this against that and then in some of the meetings before he left, he wanted to have a Teambuilding Training, I think that's a little bit too late. Unfortunately, you know, it created what we have here in BISD which is classrooms that are overfilled, you can walk thru the classrooms or come to visit the schools and you will see and you would hear teachers letting you know how they are over filled, they are over worked and you know, nothing was pretty much done. We want to keep Minerva Peña because she advocates for the students and the employees of this district for the last 15 years. She listens to our community by meeting with her stakeholders or she answers her emails, you know, all the time, any messages we send her, she's there, she's listening. She supports the community and the district events, she is attending softball, baseball, football, I mean, everywhere you go, she's attending, you know, schools, she's visiting schools. She's been a care partner at our school for so many years at Resaca and then at Sharp Elementary. And she asks those hard questions that the superintendent proposes and that's the reason why we want to let her go and that is so wrong. That's what she needs to do, is to provide those hard questions, she's one, and many of you have done it also, but she's been a very big advocate and the superintendent is able to say, you know what, this is this, this is that and she asks for those questions and that's the reason why we want to let her go. It doesn't have to be, we don't have to let her go, but we are having this Board meeting, Special Called Board meeting because she speaks out and she's an advocate for us and its so sad and unfair. And I wish it wasn't happening because, like I said, she's wonderful. And that's what I just wanted to say November is coming when we are going to vote again and many people are watching, people are listening, people will be sharing information and they know what's going on, who's who, what's what and I'm sorry Dr. Chavez, you're here, you know, with all this mess that was created between both parties, but unfortunately, we really don't want to let Ms. Peña go. I just wanted to express that, so, thank you for your attention, have a Merry Christmas and a Happy New Year.

The Board may deliberate or take action regarding the following agenda items.

Board Policy BE (Local) and Robert's Rules limits debate to two opportunities. A Trustee may debate a motion for three minutes on the first speaking opportunity and two minutes on the second opportunity.

VII. Discussion and possible action to declare Board Trustee vacancy.

Ms. Jessica Gonzalez, Board President asked, before we move forward, can we have Nick Maddox, our Legal Counsel kind of explain to us why it is that we are here? *Mr. Nick Maddox, Legal Counsel stated, yes, madame President, Members of the Board of Trustees, I will try to keep this brief because it's been, I believe over 3 years of history, I know lawyers like to talk to much. So, my understanding is this started in November of 2020, which is before my time as Board Counsel and before my firm's time here serving Brownsville ISD. My understanding at that time is there was an election and.* Mr. Carlos Elizondo, Board Member interjected, Ms. President, real quick, just a real quick, just for clarification. Ms. Gonzalez stated, hold on Maddox, yes sir. Mr. Elizondo asked, do you have 5 minutes as well? *Mr. Maddox asked, madame President, do I have minutes as well?* Ms. Gonzalez replied, no, you can take however time you need so you can explain why it is that we are here, its important that everybody understands the right reason that we are here. *Mr. Maddox asked, does that answer your question sir?* Mr. Elizondo replied, of course it does. *Mr. Maddox stated, thank you.* Ms. Gonzalez echoed, thank you, okay, go ahead. *Mr. Maddox stated, so in 2020, Ms. Minerva Peña had an election, its my understanding that she lost that election, what that does, as a matter of law, under the elections code, is it causes a hold over position. This is actually a Texas Constitutional issue and not a statutory one, although it is codified and what that means is, there's no vacuum in power, says the Texas Constitution. So, every seat in Texas is like a rental*

house, there's an occupant there that will either eventually leave by resignation, by losing an election or by potentially death, right. And so, it contemplates every seat eventually being empty, however, the concern was, by our Constitutional drafters was that what if the seats are all empty. And so, they came up with hold over doctrine which means that the last person to hold that seat continues to hold that seat, even if they've resigned, even if they lost an election and, in some cases, even post death, until the next individual is sworn into that seat. So, for local governments, here in this district, the moment that Ms. Peña lost her election, the seat became vacant and the hold over doctrine became active. There was a challenge to that loss and Ms. Peña went and challenged that in a court of law through what was an appeal and she exhausted that entire legal process. That took the better part of 3 years, this Board, at the local level, has always, from the date of that election, had the option to fill that vacancy under 11.060 of the election code by either appointment or special election or if the timeline is long enough, they can wait until a general election, it just depends on the timeline. My understanding is this district, while the legal proceedings were going on, decided to respect the position, respect the Trustee in that position and take no action until those legal proceedings were concluded. Because, while it's a local elections issue, its also, at the time, was a judicial one. It's also my understanding, this month, there is finality on the judicial issues at hand, the judges have ruled, this was appealed to the Texas Supreme Court, the Texas Supreme Court refused to hear this and therefore the trial court ruling stands. My understanding of that ruling in reviewing it and speaking with the lawyers on that case, just to be clear, Brownsville ISD was not a party to these legal proceedings, the school district will not and cannot and should not be involved in that. We're simply bystanders waiting to be told by a judicial order what we can and cannot do. That judicial order came down and again, there's finality there, so, now that the judicial challenges are done, the option that has always been before the Board about this vacant position in the hold over position has now become a local question and that's why we are here today. It's to review our position as a school district and as a Board with our open vacant position, with our hold over position and decide what the Board wants to do with it. And so, the first item on the agenda is to declare the Board Trustee vacancy, this is a formality, I think it's an important one, because you are local governance here and the local government needs to recognize that vacancy. The vacancy already exists, by judicial order, which is final, it cannot be appealed, already went up to the Texas Supreme Court and by the nature of the elections code. So, its done, it is vacant and it is hold over, but the first item here is to just simply acknowledge that and recognize that as a Board. Any questions? Ms. Denise Garza, Board Member stated, motion to approve. Mr. Elizondo stated, I have questions. Mr. Maddox stated, sure. Ms. Gonzalez stated, I'm going to second, but, so we can start discussion, go ahead. Mr. Elizondo asked, do I have 5 minutes as well? Ms. Gonzalez replied, yes. Mr. Elizondo stated, the public has a lot to digest and. Ms. Gonzalez stated, Roberts Rules of Order. Mr. Elizondo asked, oh, Roberts Rules of Order apply now? Mr. Gonzalez replied, they have for the past few months Mr. Elizondo. Mr. Elizondo asked, it didn't for the attorney, right? But that's okay, no worries. Ms. Gonzalez stated, thank you. Mr. Elizondo stated, go ahead start my time now sir. Mr. Maddox stated, I already did. Mr. Elizondo asked, just real quick, where in policy does it say that there is a vacancy that was? Mr. Maddox replied, its in the B, it's throughout the B series which is local governance in your policy. Mr. Elizondo asked, would that be BBC Local, Legal? Mr. Maddox replied, that's one of them. Mr. Elizondo asked, you want to read it? Mr. Maddox replied, I don't. Mr. Elizondo stated, you should. Mr. Maddox stated, okay, I've read it before, do you mean out loud right now? Mr. Elizondo stated, most definitely, yes. Mr. Maddox asked, is there a particular? Mr. Elizondo interjected, no, hold on, there's still more to that. We also are governed by TASB, right? Mr. Maddox stated, no. Mr. Elizondo asked, no, TASB does not apply. Mr. Maddox replied, TASB is not a governing entity. Mr. Elizondo asked, the recommendations don't apply either? Mr. Maddox stated, they're recommendations. Mr. Elizondo stated, okay, let me read to you a recommendation by TASB. Mr. Maddox stated, okay. Mr. Elizondo stated, it says, number 16, may School Board remove one of its Members? Do you know the answer? Mr. Maddox stated, its contextual. Mr. Elizondo stated, it says no. Mr. Maddox stated, that's

because the Board doesn't have the authority to remove a Board Member who's lawfully sitting. Mr. Elizondo stated, let me repeat myself, it says no. *Mr. Maddox stated, okay.* Mr. Elizondo asked, it also says Texas law does not provide for recall of Trustees, were you aware of that? *Mr. Maddox replied, I am.* Mr. Elizondo asked, okay, and Trustees themselves may not remove a fellow Trustee from office, were you aware of that as well? *Mr. Maddox replied, of course.* Mr. Elizondo asked, were you aware of Garcia versus Angelini, 412? *Mr. Maddox replied, not song and verse but generally.* Mr. Elizondo stated, you should read it, it's pretty interesting and it's also Texas Civil Appellate Isla 1967. *Mr. Maddox stated, (inaudible).* Mr. Elizondo continued, a School Member may be removed from office in a quo warrant proceeding initiated by the County or District Attorney. Mr. Maddox stated, they can be. Mr. Elizondo asked, aware of that one too? *Mr. Maddox replied, I am.* Mr. Elizondo stated, it's also Texas Civil Practice right, in remediation, Code 66.001. *Mr. Maddox interjected, Remedies Code not mediation.* Mr. Elizondo stated, I'm not an attorney, that's what you get paid for. And also, a Board Member may also be removed through a proceeding for removal initiated by petition to the proper district court, grounds for such removal include incompetency and official misconduct which was not done here. *Mr. Maddox interjected, also in policy, also doesn't apply here.* Mr. Elizondo stated, also, in government code, excuse me sir, I will tell you when you talk, okay, when you can talk. *Mr. Maddox stated, okay.* Mr. Elizondo asked, Texas local government code, Chapter 87, see TASB policy BBC Legal, which is something that we follow, correct? *Mr. Maddox asked, can I talk?* Mr. Elizondo replied, you can now. *Mr. Maddox stated, yes sir.* Mr. Elizondo asked, so, under that, you are saying that there's still a vacancy? *Mr. Maddox replied, yes sir.* Mr. Elizondo asked, under your interpretation? *Mr. Maddox replied, no, the judicial interpretation.* Mr. Elizondo asked, well what was it, you want to read it, what the order was? *Mr. Maddox asked, the judges order? I don't have the order in front of me.* Mr. Elizondo stated, you should, don't you think that's important? *Mr. Maddox stated, I have reviewed it.* Mr. Elizondo stated, but that's your opinion sir, would you want to read it to the public? Like Ms. Jessica Gonzalez says, it's important for the public to know. *Mr. Maddox stated, the judicial order is a public document sir, I don't have it in front of me to read it for you.* Mr. Elizondo stated, I'm not asking you if its public, I said, it would be important for you to read it out to the public. *Mr. Maddox stated, I have read that document.* Mr. Elizondo stated, in front of the public sir. *Mr. Maddox stated, I don't speak for the public, that's your job.* Mr. Elizondo stated, that's what I'm asking you to do. *Mr. Maddox stated, I don't have it in front of me sir, I can't read something I don't have.* Mr. Elizondo asked, so you came unprepared to this meeting? *Mr. Maddox replied, no sir.* Mr. Elizondo asked, so you have it then? *Mr. Maddox replied, I have reviewed it as is my job.* Mr. Elizondo asked, do you have it? *Mr. Maddox replied, I think I've been clear that I do not have it.* Mr. Elizondo stated, so you came unprepared to a meeting. *Mr. Maddox stated, that's your opinion sir.* Mr. Elizondo stated, yes, it is. Ms. Minerva Peña, Board Member interjected, question. Ms. Gonzalez stated, Ms. Peña. Ms. Peña asked, okay sir, just some clarifications, I noticed that you said that Ms. Peña lost the November election and you kept saying, she lost the November election. At no point did you say, there was a recount and Ms. Peña won the election when the recount came which was, I was given credit for 9 votes. They found 15 votes that were left out of the machine in my name and some other, the opponents that were with me in that race, they had their ballots doubled. So, when I asked them, what are you gonna do with the other six votes, cause they found 15 and they didn't give me credit for that, it really boggled my mind, what was their intention. And then when I see the lawsuit come up, then I figured out what was happening. Another thing, the judge only ordered sir, a new election, nowhere in that did the judge order to vacate the seat. So, where are you reading that the judge ordered to vacate the seat, because I read that and it was not in there. So, can you tell me which one you read because the judge's order was just for a new election, not to vacate the seat so I could continue here in this position until the election in May. And please forgive me and I'm going to step on toes and I always apologize, it is heartbreaking that the district was sued, or I was sued for a new election and the district is going to have to pay over 80 thousand dollars, the money that we could have given to our students. And then we have to do it again in

November, that's heartbreaking to me, but that's just how I feel. But in the order sir, it just said a new election will be, was granted, it did not say that I had to vacate the seat. So, under the hold over, I could be allowed to stay here and continue my seat because of the fact that I'm waiting for the new election. Am I correct in my way of thinking Mr.? *Mr. Maddox stated, you are correct, as a hold over, you could stay, yes ma'am.* Ms. Peña stated, I really appreciate you for that, thank you. Ms. Gonzalez stated, Mr. Ortiz. Mr. Frank Ortiz, Board Member stated, in listening to your explanations, it really concerns me that some very pertinent information that needs to be discussed and let out to us and to the community, it's not coming out. For instance, I agree with Ms. Peña, at no point in time did the judge order to vacate that seat. You also indicated that, and I'm going to repeat it just the way she did, that she lost the election, at no, at no point, was it told to the community that when a recount was done, she came out as the winner. So, I would just want to make sure that we give out the correct information sir, whenever we are, you know, dealing with situations like this. Ms. Gonzalez stated, we have a first and a second, ready. Mr. Elizondo interjected, I have a rebuttal. Ms. Gonzalez stated, oh, go ahead, I'm sorry, go ahead. Mr. Elizondo asked, and Ms. Peña when, she was reading hold over doctrine, that's in our policy correct, BBC Local? Let me just read it to you. Hold over doctrine, all public officers shall continue to perform the duties of their offices until their successor shall be duly qualified, in example, sworn. Until a vacancy created by a Board Members resignation is filled by a successor, the Board Member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A hold over Board Member may not vote on the appointment of his or her successor. And this is probably your language because I'll probably get it wrong, Texas Constitution, Article 16, Section 17, Attorney General, I don't know what OPS means but I'm sure you do. *Mr. Maddox stated, opinion.* Mr. Elizondo continued, JM636 1997. That's in our policy, that's our hold over doctrine, correct? *Mr. Maddox stated, that's your local policy document, yes sir.* Mr. Elizondo stated, yes, right, right. And so, the Board is being asked to create a vacancy, yet there is no state law or policy which gives the Board the authority to create a vacant or vacancy. The Board does not even have the authority to remove a Board Member both Texas Election Code 221.015 and our BBC Legal policy which is state law which addresses this specific situation where the Texas hold over statute. The Board is being asked to create a vacancy yet there is no state law or policy which gives the Board the authority to create a vacancy. Our policy BBC Legal specifies how a vacancy is created and an election contest does not create a vacancy. The Board does not even have the authority to remove a Board Member both Texas Election Code 221.015 and our BBC Legal policy, which is state law, addresses our specific situation with the Texas hold over statute. Board Counsel, you know better than that. *Mr. Maddox stated, I disagree with your analysis entirely.* Mr. Elizondo stated, sure you do, cause I'm not on the majority, but I understand, thank you. *Mr. Maddox stated, the law is the law on this one sir.* Ms. Gonzalez stated, Ms. Lopez Valdez. Ms. Daniella Lopez Valdez, Board Member stated, Legal Counsel, maybe you can help me with this, but ultimately, after, or this case was declared, or this election was declared void by not just one but three courts, it went all the way to the Texas Supreme Court. *Mr. Maddox interjected, that is correct, yes ma'am, it's my understanding.* Ms. Lopez Valdez stated, and ultimately, the judge declared this null and void and no parties of the Board participated in this, this was a completely independent of BISD in our knowledge. So, ultimately, when an election is declared void, our responsibility is to make sure we put an independent party in that position, is that correct? *Mr. Maddox stated, the Board is able to, pursuant to Elections code, appoint or to call a special election or depending on the timeline, to wait until a general election to fill that position, yes ma'am.* Ms. Lopez Valdez stated, so this has absolutely nothing to do with BISD, what we are doing is just upholding what three courts, including the highest in the state has told us to do, pretty much. *Mr. Maddox stated, gotcha.* Ms. Gonzalez stated, Ms. Garza. Ms. Denis Garza, Board Member stated, thank you and I would like to piggy back off of Ms. Lopez Valdez, we're pretty much just following and abiding by the court order, that's why we're here today and its our duty to the community and the rule of law to act accordingly. So, this is a court order, this has nothing to do, because we weren't part of this law suit, so, we are just abiding by the courts

ruling that had been in place for 3 and a half years, correct? *Mr. Maddox stated, yes ma'am.* Mr. Elizondo asked, what was the court order they keep specifying in? *Mr. Maddox replied, you are out of time sir.* Mr. Gonzalez stated, Mr. Ortiz. Mr. Elizondo asked, what was the court order? Ms. Gonzalez stated, Ms. Ortiz. Mr. Ortiz stated, once again. Mr. Elizondo interjected, Timothy Maddox. Ms. Gonzalez interjected, Mr. Elizondo, its Mr. Ortiz turn. Mr. Ortiz stated, once again Legal, there was just stated, a little while ago that this case went to Texas Supreme Court and it was heard there but you just told us that it was sent back, the Texas Supreme Court did not even look at it, they sent it back, is that correct? *Mr. Maddox stated, they looked at it to make a determination as to whether they would hear it or not, they determined they would not hear it and it was remanded.* Mr. Ortiz stated, I just want to make that point clear again, I keep on hearing misinformation. Ms. Gonzalez stated, Ms. Peña, a rebuttal. Ms. Peña stated, yes, my rebuttal is, you mentioned that the court order, they keep mentioning, my colleagues say, the court order said we do this, the court order never stated that I had to be removed and vacate the position prior to the election, it just ordered a new election, am I correct that that is not in the court order? *Mr. Maddox stated, you're correct that its silent on that, it's a local, it's a local governance decision which is why its before the Board today.* Ms. Peña stated, and this is why I'm asking my Board Members not to do this to me, because its your personal decision, it's the Christmas Holidays, put yourselves in my shoes. It's Christmas Holidays and it causing a lot of turmoil and discomfort to people and we stand up here and we all sit and know, we are Christians and believers of God, to do something that is going to be harmful to the community and to the person you are doing it to, I'm asking you to please reconsider. Because I, in fact, you could even appoint me to continue in this seat until the election and that's what I'm asking you to do. Because I'm just here to serve and do my best and I know at times I've stepped on toes and I've always apologized and I mean it sincerely when I do because I am very passionate in what I do. The court order did not mandate that you remove me, it something that the school district and School Board Members have a choice to do and I'm asking you to please not do that. Because especially during the Holidays and I sure wish you would have waited until 2024, in January to let us all have a nice, blessed Christmas Holiday with our family and friends and community and not have them worry about this. So, I am asking you to please let me continue this position and you have the authority to do that and I am asking you to please do that, thank you. Ms. Gonzalez stated, we have. Mr. Eddie Garcia, Board Member interjected, I just want to say that the elections code was waived, you now, until this proceedings were concluded, I think that has happened and its time to move forward, this is not a recall, this is something that the courts have found that that election was null and void and I think its time to move forward as a Board and a decision has been made and there's a first and a second so I call the motion. Ms. Gonzalez asked, Ms. Pat, you ready? **Ms. Pat C. Perez, Administrative Assistant to the Board of Trustees stated, please vote, motion passes, 4 yes, 3 no.**

Motion made by Denise Garza, seconded by Jessica Gonzalez, to recommend approval to declare Board of Trustee Vacancy (Position 6).

The following vote was recorded

Yea:	Ms. Lopez Valdez, Ms. Garza, Mr. Garcia, Ms. Gonzalez
Nay:	Mr. Elizondo, Mr. Ortiz, Ms. Pena
Abstain:	

Motion Carried: 4-3-0

VIII. Discussion and possible action to fill Board Trustee vacancy by appointment pursuant to Texas Education Code 11.060.

Ms. Jessica Gonzalez, Board President stated, next up, discussion on possible action to fill Board Trustee vacancy by appointment pursuant to Education Code 11.060. Ms. Denise Garza, Board Member stated, I motion to fill Board Trustee vacancy by appointing, this individual has no idea that they are going to be named, Mr. Tim Ramirez, pursuant to the Texas Education Code 11.060. Ms. Gonzalez stated, second. Mr. Eddie Garcia, Board Member stated, I was going to second that, but of course, that is if he accepts the nomination. Mr. Tim Ramirez, Private Citizen stated, absolutely. Mr. Garcia stated, being that he has accepted. Ms. Gonzalez stated, please vote, there is no discussion. **Ms. Pat C. Perez, Administrative Assistant to the Board of Trustees stated, please vote.** Ms. Minerva Peña, Board Member stated, and please, just want to state, I think the world of you Mr. Tim and I'm voting no because I don't want to give up my position, its nothing against you, please know that. **Ms. Perez stated, Mr. Elizondo.** Mr. Carlos Elizondo, Board Member asked, do you want me to vote no Mr. Maddox? *Mr. Nick Maddox, Legal Counsel replied, I have no opinion on that sir.* Mr. Elizondo stated, I know. **Ms. Perez stated, motion passes, 5 yes, 1 no and 1 abstention.**

Motion made by Denise Garza, seconded by Jessica Gonzalez, to recommend approval to fill Board Trustee vacancy by appointing Mr. Tim Ramirez as pursuant to Texas Education Code 11.060

The following vote was recorded

Yea:	Ms. Lopez Valdez, Ms. Garza, Mr. Garcia, Mr. Ortiz, Ms. Gonzalez
Nay:	Ms. Pena
Abstain:	Mr. Elizondo

Motion Carried: 5-1-1

IX. Administer the Oath of Office, if required.

Ms. Jessica Gonzalez, Board President stated, next up is to administer the Oath of Office, if we can have Mr. Tim Ramirez and we do have Judge Cordova here present to administer the Oath of Office. **(Judge Cordova proceeded to administer the Oath of Office and upon conclusion, the following transpired.)** Ms. Denise Garza, Board Member stated, thank you Mr. Ramirez for accepting, I know you were clueless, but, I admire how you've been out there in our community always pushing for our students and not just our students but I know your collaboration through TSC with the Mariachi Association and that is why I felt and when I threw your name out, I felt you were a great candidate for this position to fulfill the remainder of this, what's left of this seat until May 4th. So, God bless you and I wish you and your family the best because we have a lot of work to do together. Mr. Tim Ramirez, Board Member stated, I'm very honored and. Ms. Gonzalez stated, closer to the mic Tim, closer to the mic. Mr. Ramirez added, thank you very much, I'm touched, I was not expecting it, really wasn't and I'm still dazed. But anyway, I was a student for, with BISD for 12 years and a teacher for 35 years and been a strong advocate, continued, after I retired from BISD, continued to be a strong advocate for our students and the abused in the situation with CASA and working with Rotary and Mariachi Association. I'm just out there doing the best that I can, I love it and I'm very honored and I'm going to do the best for our students and for the employees and thank you once again. Ms. Gonzalez stated, thank you Tim, congratulations to you and your family.

X. Adjournment.

Ms. Jessica Gonzalez, Board President stated, I will make a motion to adjourn. Ms. Minerva Peña interjected, I need to say something please, before I leave. Ms. Gonzalez stated, Ms. Peña, go ahead. Ms. Peña stated, I want to thank everyone, I'm going to still continue to serve this community, still go to the events, I'm very in shock that we had a judge here ready to swear someone in, which means the decision was made prior to this meeting. I do want to tell people, we need to pay attention because the government, we suffer with the people that get into office because we don't pay attention, I'm asking you for your vote in May and make sure that every time you go out and vote you vote for the best people to do the job and not have anybody come in and do things behind our backs and act like it didn't happen. I thank you and I will continue to serve this community because all of you know, all of you can serve, you don't need a title to make a difference in this community that we love and adore. So, thank you, have a very Merry Christmas and may we have an abundantly blessed 2024, new school year, thank you again for all time. **Ms. Pat C. Perez, Administrative Assistant to the Board of Trustees asked, may I have a second?** Ms. Gonzalez stated, we have a motion. Ms. Daniella Lopez Valdez, Board Member stated, second.

Motion was made by Jessica Gonzalez, seconded by Daniella Lopez Valdez and unanimously carried to approve to adjourn the meeting at 6:11 P.M. (7-0-0)

➤ **There being no further business appearing before the Board, the meeting was adjourned.**

(HANDOUTS ADDED TO OFFICIAL MINUTES)

**(AUDIO/VIDEO TAPES OF THE OPEN MEETING AND THE WRITTEN CERTIFIED AGENDA
OF THE CLOSED MEETING ARE ON FILE)**

Approved by:

Jessica Gonzalez, President of the Board

Date

Attested by:

Denise Garza, Secretary of the Board

Date

Notes: Font style designation

Board of Trustees

Administration

Board Attorney

Staff Attorney

Speaker/Presenter

(Minutes presented at Rescheduled Regular Board Meeting held on June 11, 2024)