

**AT A REGULAR MEETING AND PUBLIC HEARING ON AMENDMENT NO. 3 TO AGREEMENT FOR LIMITATION ON APPRAISED VALUE BETWEEN THE DISTRICT AND NACERO TX 1, LLC, TEXAS COMPTROLLER APPLICATION NUMBER 1568, PURSUANT TO CHAPTER 313 OF THE TEXAS TAX CODE, AS STATUTE EXISTED IMMEDIATELY BEFORE ITS EXPIRATION PURSUANT TO SECTION 313.171(a) OF THE BOARD OF TRUSTEES OF ECTOR COUNTY INDEPENDENT SCHOOL DISTRICT WILL BE HELD NOVEMBER 14, 2023, BEGINNING AT 6:00 P.M. IN THE ADMINISTRATION BUILDING BOARD ROOM, 802 NORTH SAM HOUSTON, ODESSA, ECTOR COUNTY, TEXAS, WITH THE FOLLOWING MEMBERS:**

**Present:**

Tammy Hawkins  
Dawn Miller  
Christopher Stanley  
Wayne Woodall

**Absent:**

Delma Abalos  
Dr. Steve Brown  
Bob Thayer

**School Officials:** Dr. Scott Muri, Mike Adkins, Dr. Lilia Nanez, Deborah Ottmers, Dr. Keeley Boyer, Dr. Anthony Sorola, Alicia Syverson, Dr. Kellie Wilks

**Others:** Tatiana Dennis, Yolanda Gordan, Estela Vejil, Susie Chasco, Maria Melendez, Tammy Belman, Olga Robledo, Jerry Mahan, Betsabe Salcido, Melissa Lopez, Micah Arrott, Jennifer Valencia, A.J. Valencia, Roger Tovar, Jieun Pando, Anthony Garcia, Mauricio Marquez, Taylor Roy, Sara Moore, Jessica Gore, Ryan Merritt, Lisa Wills, Tracey Borchardt, Rita Lopez, Mary Franco

**26496** **Meeting Called to Order:** Christopher Stanley, Board President, called the Board of Trustees Meeting to order at 6:00 p.m.

**26497** **Verification of Compliance with Open Meeting Law:** Christopher Stanley, Board President, verified that the provisions of Section 551.001 of the Texas Government Code have been met in connection with public notice of this meeting.

**26498** **Pledge of Allegiance to United States and Texas Flags:** The United States and Texas flag pledges were led by Pease Elementary Second Grade Students Abel Flynn and Avyel Leyva.

**26499** **Invocation:** The Invocation was led by Reverend Clydel Chapman, Northside Baptist Church

**26500** **Special Presentations:**

**United Way Campaign Top Fundraisers:** On an annual basis ECISD hosts a campaign for the United Way of Odessa. This year our District campaign raised a little more than \$63,000. The following Campuses and Department were recognized as the top 2023 United Way Campaign fundraisers:

Top Department – Technology Services - \$6,135  
Top Elementary School – Buice Elementary- \$1,938  
Top Middle School – Crockett MS - \$6,000  
Top Secondary School – Odessa High School - \$12,733

**Announcement of Aetna Workplace Well-being Award to ECISD Benefits Department:** Earlier in the school year, ECISD received an Above and Beyond Silver level Aetna Workplace Well-being Award. This award recognizes the district's strong commitment to providing workplace well-being resources, programs and support for employees.

ECISD supports employees with a broad range of resources for total well-being; financial well-being seminars, exercise times called Wellness Wednesdays, flu shot clinics, employee counseling sessions, stress management webinars and mammogram events in the spring. The ECISD Benefits Department also sends a quarterly newsletter to all employees.

In 2022, ECISD opened a Health & Wellness Center for employees and eligible dependents. In addition to primary care for illnesses and ailments, the center offers health evaluations, adult immunizations, annual physicals, diabetes management, mental health support and telehealth services.

**26501** **Opening Remarks by Superintendent:** In his opening comments, Superintendent Dr. Scott Muri walked through a few quick results from last year's SAT School Day scores showing improvements for ECISD students – English/Reading/Writing increased from 476 to 479, which is seven points higher than the state score (472); Math increased from 447 to 458, which is six points higher than the state score (452); and the Mean score rose from 923 to 936, which is twelve points higher than the state score (924).

**26502** **Public Comment:** Individuals who wish to participate during the portion of the meeting designated for public comment shall sign up with the presiding officer or designee before the meeting begins as specified in the Board's procedures on public comment and shall indicate the agenda item on which they wish to address the Board. *BED(LOCAL)*

There was no public comment.

### **Public Hearing**

**26503** **Public Hearing on Amendment No. 3 to Agreement for Limitation on Appraised Value between the District and Nacero TX 1 LLC, Texas Comptroller Application Number 1568, Pursuant to Chapter 313 of the Texas Tax Code, as that Statute Existed Immediately before its Expiration Pursuant to Section 313.171(a):** Trustees held a public hearing on Amendment No. 3 to Agreement for Limitation on Appraised Value between the District and Nacero TX 1 LLC, Texas Comptroller Application Number 1568, Pursuant to Chapter 313 of the Texas Tax Code, as that Statute Existed Immediately before its Expiration Pursuant to Section 313.171(a).

The Nacero project now has been designated as a "Clean Energy Project," which allows it to add 3 more years to its Qualifying Time Period. As you may recall, Amendment No. 2 delayed the start of the Limitation Period, which created three gap years following the end of the Qualifying Time Period (i.e., 2024, 2025, and 2026). With the new designation as a clean energy project, these gap years can

be part of the Qualifying Time Period, provide additional time for Nacero to make the minimum \$100 million qualified investment and therefore keep the Agreement from terminating at the end of this year due to lack of investment. Recall that Nacero was not able to get delivery of certain equipment and could not begin construction due to issues arising from the pandemic. Further, the original application noted 258 new Qualifying Jobs would be created. But they can meet the minimum requirement with only 25 new Qualifying Jobs. Therefore, the company is seeking to amend the number of both new Qualifying Jobs and new Non-Qualifying Jobs to 25 and zero, respectively. Nacero still intends to have the same number of employees as originally planned, but not reaching the designated number of qualifying jobs could cause significant penalties and perhaps even cause the Agreement to be terminated by the Comptroller. To be safe, Nacero is asking to reduce the number of qualifying jobs to the statutory minimum. This practice is not uncommon among other applicants and is approved by the Comptroller. Since the Findings of Fact addressed the number of jobs when the original Agreement was approved, the Board must approve the reduction by amending the Resolution and Findings of Fact.

No public comment.

**26504** **Discussion and Possible Action on an Amendment to Resolution and Findings of Fact Approving the Application of Nacero TX 1 LLC for Appraised Value Limitation on Qualified Property, Application Number 1568, Pursuant to Chapter 313 of the Texas Tax Code, as that Statute Existed Immediately before its Expiration Pursuant to Section 313.171(a):** Moved by Hawkins, seconded by Miller that the Board approve the Amendment to the Resolution and Findings of Fact dated June 15, 2021, as presented, relating to the number of jobs set out in Amended Application After Execution No. 3 of Nacero TX 1 LLC for Appraised Value Limitation on Qualified Property; that such Amendment to the Resolution and Findings, as presented, be executed by the Board President Christopher Stanley, and made a part of the minutes of this meeting and the minutes for the meeting of June 15, 2021; and that Nacero TX 1 LLC's Amended Application be approved, all in accordance with Chapter 313 of the Texas Tax Code, as that statute existed immediately before its expiration pursuant to Section 313.171(a)" as presented.

Motion unanimously approved.

**26505** **Discussion and Possible Action on an Amendment No. 3 to Agreement for Limitation on Appraised Value between the District and Nacero TX 1 LLC, Texas Comptroller Application Number 1568, Pursuant to Chapter 313 of the Texas Tax Code, as that Statute Existed Immediately before its Expiration Pursuant to Section 313.171(a):** Moved by Hawkins, seconded by Miller that the Board approve the Amendment No. 3 to Agreement for Limitation on Appraised Value between the District and Nacero TX 1 LLC, as presented, thereby modifying the Agreement for Limitation on Appraised Value dated June 15, 2021, Texas Comptroller Application Number 1568, and authorize the Board President Christopher Stanley, to execute the Amendment No. 3 on behalf of the District and authorize the Superintendent, or his designee, to take such other action as

may be required under Chapter 313 of the Texas Tax Code, as that statute existed immediately before its expiration pursuant to Section 313.171(a), or the Comptroller's related rules" as presented.

Motion unanimously approved.

### Action Items

**26506** **Discuss and Consider Adopting an Order Canvassing Bond Election Returns:** The order canvassing Bond 2023 Election returns, was moved to a special meeting on Thursday morning due to the election results not yet being available from the Ector County Elections office. *A special board meeting is scheduled for 10:00 a.m. Thursday, November 16, for this item.*

No action taken.

**26507** **Discussion of and Request for Approval of Purchases over \$50,000:** Moved by Hawkins, seconded by Woodall to approve the Purchases over \$50,000 as presented.

Motion unanimously approved.

**26508** **Discussion of and Request for Approval of 2023-2024 Budget Amendment #4:** Moved by Woodall, seconded by Miller to approve the 2023-2024 Budget Amendment #4 as presented.

Motion unanimously approved.

**26509** **Discussion of and Request for Approval of Annual Financial Report:** Moved by Miller, seconded by Woodall to approve the Annual Financial Report as presented. Every school district is required to prepare annual financial statements, have them audited by an external public accounting firm, and submit them to the state. The auditor, Whitley Penn, issued an Unmodified Opinion meaning a clean report with no internal control findings related to the financial report and no findings related to compliance. In short, a very good report on the District's finances. The financial report shows the largest areas of school district expenditures by function in the general fund are Instruction (59%) and Plant Maintenance & Operations (10%).

Motion unanimously approved.

**26510** **Discussion of and Request for Approval of Bond Reimbursement Resolution:** Moved by Hawkins, seconded by Woodall to approve the Bond Reimbursement Resolution as presented. This resolution allows the district to use money from the general fund to make payments on bond projects, then reimburse the district's general fund once bonds are sold and funds are received. This will allow the district to begin work on voter-approved bond projects sooner, without having to wait until bond are sold.

Motion unanimously approved.

**26511** **Discussion of and Request for Approval of Ector County Appraisal District Board Members**: Moved by Miller, seconded by Hawkins to approve the Ector County Appraisal District Board Members as voted by ballot. Appointees will serve a two (2) year term 2024-2025 beginning on January 1, 2024.

Angelica Feliz Abalos  
Robert Chavez  
Dorothy Jackson  
Austin Keith  
Mari Willis

Motion unanimously approved.

**26512** **Discussion of and Request for Approval to Submit a Grant to the Office of the Governor for ALERRT Training for ECISD Peace Officers**: Moved by Woodall, seconded by Hawkins to approve to submit a Grant to the Office of the Governor for ALERRT Training for ECISD Peace Officers as presented. This grant will help pay overtime and travel expenses related to the required ALERRT Advanced Law Enforcement Rapid Response Training.

Motion unanimously approved.

**26513** **Discussion of and Request for Approval of a Resolution to Designate Additional Nonbusiness Days Under Texas Public Information Act (TPIA) for Year 2023**: Moved by Miller, seconded by Woodall to approve Resolution to Designate Additional Nonbusiness Days Under Texas Public Information Act (TPIA) for Year 2023 as presented. This resolution designates November 20, 21 and 22, as well as December 20, 21, 22, 27, 28, and 29 as nonbusiness days under the Texas Public Information Act (TPIA). This is a change in the law that went into effect after the legislative session ended. Except for specified national and state holidays and other identified days, government entities now must designate up to 10 days as “nonbusiness” days for calculating deadlines for TPIA request. These are days the entity expects to be closed or operating with reduced staff. This must be done for each calendar year.

Motion unanimously approved.

**26514** **Consent Agenda**: Moved by Hawkins, seconded by Woodall to approve Consent Agenda as presented.

- A. Request for Approval of Minutes of Meetings
- B. Request for Approval of Bills for Payment
- C. Request for Approval of Quarterly Investment Report
- D. Request for Approval of Odessa High School Performing Arts Students Out-of-State Travel to New York, NY
- E. Request for Approval of Walsh, Gallegos, Treviño, Russo & Kyle P.C. Special Education Legal Services Retainer Agreement for Ector County ISD

- F. Request for Approval of Medical Director Services Agreement between Ector County ISD and Texas Tech University Health Sciences Center, School of Medicine, department of Family Medicine

Motion unanimously approved.

**Report/Discussion Items**

**26515** **Bond 2023 Update:** Superintendent Dr. Scott Muri presented this item for discussion. Voters approved Proposition A by a 57% - 43% margin, for school projects totaling more than \$424 million. Superintendent Dr. Muri reminded board members this is the largest school bond in ECISD's history, and comes 11 years after the last successful bond (\$129.75 million). He thanked the bond committee that worked for five months to create the proposal, he thanked the action committee that campaigned on behalf of the propositions, he thanked employees for taking on the role of spokespeople for it, and he thanked the community for taking the time to cast a vote and support the district in this manner. He said the timeline will be for five years, and work is starting now to prioritize projects, work out a schedule for buying bonds, and finalize contracts for property (S. Tripp for the new middle school and E. Murphy for the new CTE Center). He talked about forming a Bond Oversight Committee; by December 5 each Trustee will nominate a list of community members to serve in this role, then Trustees will vote to select 10 people to make up that oversight committee for the next five years as the bond projects are begun and completed. In addition, a webpage will be set up to allow all of our community to keep track of the progress of the work.

No action required.

**26516** **Possible Request for Approval to Move to Closed Meeting - Personnel Matters - Section 551.074 of the Texas Government Code [Board will deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public employees of the District; or hear a complaint or charge against an officer or employee.] Consultations with Attorney – Section 551.071 of the Texas Open Meetings Act [The Board will meet in Closed Session in Consultation with the Board's Attorney Regarding all Matters as Authorized by Law.]:**

There was no closed session.

**26517** **Information Items:** The Board of Trustees were provided with the following information items: Financials, Purchasing Report, and October 2023 Routine Personnel Report.

**26518** **Closing Remarks by the Superintendent:** There were no closing remarks.

**26519** **Adjournment:** Board President Christopher Stanley adjourned the Board meeting at 7:18 p.m.

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**Regular Board Meeting**  
**November 14, 2023**

**7**

**Board President**  
*Christopher Stanley*

**Board Secretary**  
*Tammy Hawkins*