



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC _____ Board Minutes for the Month of September 2015 _____

SUBMITTED BY: _____ Alejandra Salinas _____ **OF:** _____ Board Secretary _____

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____ **OCTOBER 22, 2015** _____

RECOMMENDATION:

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

1. Regular Board Meeting – September 16, 2015
2. Special Called Meeting – September 21, 2015

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

September 16, 2015

In Attendance

Roberto J. Santos, Superintendent of Schools

Board of Trustees

Javier Montemayor - President – PRESENT
Juan Roberto Ramirez – Vice President – PRESENT
Ricardo "Rick" Rodriguez – Secretary – PRESENT
Ricardo Molina, Sr. – Parliamentarian – PRESENT
Aliza Flores Oliveros – Member –PRESENT
Judd Gilpin – Member – PRESENT
Ramiro Veliz, III – Member – ABSENT

A Regular Board Meeting of the Board of Trustees of United I.S.D. was held on Wednesday, September 16, 2015 United ISD – Student Activity Complex, Fine Arts Building, 5208 Santa Claudia Lane, Laredo, TX 78043.

- I. **Pledge of Allegiance**
- II. **An announcement was made by the Board President, Javier Montemayor, calling the meeting of the United Independent School District to order at 6:02 p.m. The record showed that a quorum of Board members was present, that the meeting had been duly called, and that notice of the meeting had been posted in accordance with the Texas Open Meeting Act, Texas Government Code Chapter 551.**
- III. **Board Announcements - NONE**
- IV. **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. When a speaker comes to the podium, please indicate what agenda item you will be addressing. Furthermore, please refrain from mentioning any employee's name and any complaint about any employee's duties or responsibilities should be channeled through the appropriate grievance policy. Additionally, pursuant to board policies BED (LEGAL) and BED (LOCAL), drifting from the stated topic or becoming disruptive shall result in a warning from the board president. A second violation will result in forfeiture of your allotted time and removal from the board meeting. Disruptions include speaking on behalf of or against a person running for political office, promotion of a for-profit organization, or advertisement of products or services to the Board.**

Mr. Jose Ovando – Mr. Ovando stated his public comments were for the second section. Mr. Juan Cruz stated this is the only time they have for public comments. Mr. Javier Montemayor stated that he had three minutes to speak and Mr.

Ricardo Molina would notify him when he has one minute left. Mr. Jose Ovando stated that he was protesting because the agenda specifically states section IX-A is a Public Hearing and that is the section he wanted to speak on and asked the board to abide by this.

Mr. Juan Cruz clarified that the public hearing is on the Enrique Garza matter and asked if that is what he wanted to comment on. Mr. Jose Ovando replied yes.

V. Recognitions

- A. USD POLICE OFFICER – LIFE SAVING ACT IN AN EMERGENCY SITUATION
- B. TASB MEDIA HONOR ROLL
- C. USD TAX OFFICE – HIGH TAX COLLECTION RATE OF OVER 98%
- D. USD INSTRUCTIONAL TELEVISION DEPARTMENT – NSPRA VIDEO AWARDS
- E. TRAUTMANN MIDDLE SCHOOL BAND – TEXAS MUSIC EDUCATORS ASSOCIATION HONOR BAND COMPETITION

VI. Consent Agenda Items

- A. Approval of Monthly Disbursements
- B. Tax Roll Adjustment for 2014-2015
- C. Resolution to Approve the 2015 Appraisal Roll as the 2015 USD Tax Roll
- D. Approval of Internal Audit Plan 2015-2016
- E. Resolution Adopting Employee Health Care Incentive for the 2015-2016 School/Work Year
- F. Approval of a Resolution Approving Project Scope Amendment and Intention to Reimburse Certain Expenditures with Borrowing Proceeds
- G. Approval of Cooperative Program Contract Related Fees Report for the 2014-2015 Fiscal Year
- H. Approval of Awarding Bids, Proposals and Qualifications
- I. Approval of Maximum Class Size Waivers for 2015-2016 School Year
- J. Approval of Requests from Board Members in re: Use of Board of Trustees Discretionary Funds for Various Projects/Campuses

Mr. Javier Montemayor made a motion to approve items VI-A thru VI-J which were discussed at the Committee meetings held on September 8th.

Motion: So Move

Moved by: Javier Montemayor

Seconded by: Ricardo Molina

Discussion: *Mr. Eduardo Zuniga presented the following additional requests:*

- *Los Obispos MS – \$3,000.00 for student incentives – Ricardo Molina*
- *Cherish Center - \$2,141.19 for laminating machine – Juan Roberto Ramirez*

- Los Obispos MS – \$5,000.00 for library books and equipment – Ramiro Veliz, III
 - Antonio Gonzalez MS - \$2,400.00 for staff luncheon to discuss accountability – Ricardo Rodriguez
 - Police Dept. - \$2,500.00/evidence tracking system and \$2,500.00/back packs – Ricardo Molina
 - Alexander HS - \$3,200.00 for iTunes cards raffle for perfect attendance – Aliza Flores Oliveros
 - Alexander HS - \$50.00 for basketball banner – Aliza Flores Oliveros
 - United MS - \$50.00 for cheerleaders banner – Aliza Flores Oliveros
 - District-wide request - \$2,000.00 for t-shirts for students attending Pillar Anti Bullying event – Aliza Flores Oliveros
 - Clark Middle School - \$3,688.00 for transportation expenses for band to perform at Spurs Game – Javier Montemayor
 - LBJ HS – \$3,000.00 for student incentives – Ricardo Molina
- In Favor: Unanimous

MOTION PASSES

VII. Items for Individual Consideration

A. Approval of Board Minutes for the Month of August 2015.

Motion: So Move

Moved by: Juan Roberto Ramirez

Seconded by: Ricardo Molina

Discussion: None

In Favor: Unanimous

MOTION PASSES

B. Approval of Donations

Mr. Roberto Santos read the donations into the minutes for a total of \$6,882.04

Motion: So Move

Moved by: Juan Roberto Ramirez

Seconded by: Ricardo Molina

Discussion: None

In Favor: Unanimous

MOTION PASSES

C. Nomination of Candidates to the Board of Directors of the Webb County Appraisal District

Ms. Aliza Oliveros nominated Judd Gilpin. Mr. Ricardo Molina seconded.

Mr. Javier Montemayor asked who the current candidates are.

Mr. Roberto Santos stated the current members are Judd Gilpin and Juan Roberto Ramirez.

Mr. Javier Montemayor asked Mr. Juan Cruz to elaborate on how the candidates get selected.

Mr. Juan Cruz stated they are nominated and if they want to nominate the same two board members they could do that now.

Mr. Judd Gilpin nominated Mr. Juan Roberto Ramirez. Mr. Ricardo Molina seconded.

Ms. Norma Farabough informed the board that they have 2,253 votes that will be cast at the next board meeting and it takes 834 to guarantee one seat so they would have 585 votes left over once the two board members are appointed.

Mr. Montemayor asked if there would be another position available.

Ms. Farabough stated yes there may be a possible position, it's the top 5 vote getters and as they have it now the next one in line would be Laredo Community College and then Laredo ISD depending on whether the City of Laredo or Webb County gave any of their votes to either one of those.

Mr. Juan Cruz asked if UISD usually gives their votes to one of the entities.

Ms. Norma Farabough responded that in the past couple of years we have divided the votes equally between the two candidates we nominated.

Mr. Javier Montemayor asked for clarification and asked if each taxing entity appoints an individual to sit on this committee.

Ms. Farabough responded yes that is correct and explained that the procedure is that they are nominated and every two years we go through the process, we put in our nominations, all the districts put in their candidates and then we cast the votes. It is the top five and there is a possibility that if the city or the county did not give any votes to LISD then it would fall to us with those additional votes or to Laredo Community College.

Ms. Aliza Flores Oliveros asked if it's not unusual or if its practice for a taxing entity to nominate one of their board members.

Ms. Farabough replied yes if they're eligible.

Mr. Judd Gilpin stated that historically they have had a member from LISD, a member from the county, a member from the city and two from UISD.

Ms. Farabough explained that statistically that is how it's been going but in this case the levy for Laredo Community College is a little bit higher than LISD so they have more votes that they can cast so it is a possibility that we would have a board member for the appraisal district from LCC as opposed to LISD depending on how the votes are cast.

Mr. Judd Gilpin stated that unless we give some of our votes to LISD.

Mr. Montemayor asked if they could give any of their votes to UISD and Ms. Farabough replied yes and explained that anybody can transfer their votes to any of the candidates on the ballot.

Ms. Farabough said she will present the list of the candidates that were nominated by each of the entities at the next board meeting and will cast the votes at that time. She also stated they can nominate up to five candidates.

Ms. Oliveros asked if they could decide at a later time.

Ms. Farabough explained that because of the time frame we would have to make the nomination tonight and at the next board meeting cast the votes.

Mr. Montemayor asked to recuse himself because of his employment.

Mr. Montemayor clarified they have a motion and a second for the two nominations

Motion: So Move

Moved by: Aliza Flores Oliveros / Judd Gilpin

Seconded by: Ricardo Molina

Discussion: None

In Favor: Judd Gilpin, Aliza Flores Oliveros, Ricardo Molina, Juan Roberto Ramirez, Ricardo Rodriguez

Abstained: Javier Montemayor

MOTION PASSES

- D. Discussion and Possible Action to Approve a Perfect Attendance Exception Program for the District School Bus Monitors and Food Services Personnel

Mr. David Garcia explained that at the last board meeting the board considered and approved making an exception to allow Bus Drivers to have five days of personal absences and not interfere with the perfect attendance process. He stated that this agenda item is to include the Bus Monitors and Food Services personnel for this particular plan.

Mr. Ricardo Rodriguez made a motion to approve.

Motion: So Move

Moved by: Ricardo Rodriguez

Seconded by: Aliza Flores Oliveros

Discussion: Mr. Javier Montemayor asked what impact it had on the budget.

Mr. David Garcia stated he did not have that information readily available but will provide them with that information and clarified that in order for employees to qualify for this process, they must have at least 30 days of accrued leave in their bucket. He mentioned they have about 140 employees who qualify.

Mr. Ricardo Rodriguez clarified that this would have no impact on the budget. These five days are days that they have available in their bucket and they can take five without it affecting their perfect attendance process.

Mr. David Garcia clarified that if approved, it goes back to the beginning of the work calendar.

Mr. Santos clarified that they needed to have the 30 days already accumulated by the day in August that we started.

Mr. Juan Cruz stated that any financial impact information will be sent to them by Friday.

In Favor: Unanimous

MOTION PASSES

VIII. Closed Session: Board adjourned into closed session at 6:37 p.m. pursuant to the following sessions of the Texas Open Meetings Act

- A. 551.071 Consultation with Board's Attorney
1. Consultation with Legal Counsel regarding status of CKE (Regulation) and 2012 Settlement Agreement in the matter of M.D. b/n/f L.D., D.S. b/n/f J.L.S., and C.P. b/n/f G.L. v United ISD
- B. 551.071 Consultation with Board's Attorney
- 551.074 Discussion of Personnel or to Hear Complaints Against Personnel
- 551.082 School Children; School District Employees; Disciplinary Matter or Complaint
1. Consultation with legal counsel re: offer of settlement in the matter of Enrique Garza v United ISD

2. Consultation with legal counsel regarding rescission of proposal nonrenewal of Santa Cestou's term contract
3. Level Three (3) Grievance of RF

IX. Reconvened from Closed Session at 7:05 p.m., the Board will take appropriate action on items, if necessary, as discussed in Closed Session

- A. Public Hearing: Public Hearing Regarding Settlement and Compensation Payment to Enrique Garza and Opportunity for Members of the Public to Comment in Accordance with the Texas Local Government Code Section 180.007

Mr. Juan Cruz made a recommendation to table the Public Hearing regarding Settlement and Compensation Payment to Enrique Garza

Motion: So Move

Moved by: Judd Gilpin
Seconded by: Ricardo Molina
Discussion: None
In Favor: Unanimous

MOTION PASSES

- B. Action Re: Approval in Accordance with Texas Local Government Code Section 180.007 of the Settlement and Compensation Payment to Enrique Garza

Mr. Juan Cruz made a recommendation to reject the Settlement offer made by Enrique Garza and counter as discussed in Closed Session

Motion: So Move

Moved by: Ricardo Rodriguez
Seconded by: Ricardo Molina
Discussion: None
In Favor: Unanimous

MOTION PASSES

- C. Action to rescind the proposed nonrenewal of Santa Cestou's term contract

Mr. Juan Cruz made a recommendation to rescind the proposed nonrenewal of Santa Cestou's contract as discussed in closed session

Motion: So Move

Moved by: Ricardo Molina
Seconded by: Juan Roberto Ramirez
Discussion: None
In Favor: Unanimous

MOTION PASSES

D. Action re: Level (3) Grievance of RF

No Action Taken

X. Adjournment

There being no further business before the Board of Trustees, the Regular Meeting of September 16, 2015, was adjourned at 7:07 p.m.

Motion: So Move

Moved by: Juan Roberto Ramirez

Seconded by: Ricardo Rodriguez

Discussion: None

In Favor: Unanimous

Javier Montemayor, President

Ricardo "Rick" Rodriguez, Secretary

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

September 21, 2015

In Attendance

Roberto J. Santos
Superintendent of Schools

Board of Trustees

Javier Montemayor, Jr. – President – ABSENT
Juan Roberto Ramirez – Vice President - PRESENT
Ricardo "Rick" Rodriguez – Secretary – PRESENT
Ricardo Molina, Sr. – Parliamentarian – PRESENT
Aliza Flores-Oliveros – Member – PRESENT
Ramiro Veliz, III – Member – ABSENT
Judd Gilpin – Member – PRESENT

A Special Called Meeting of the Board of Trustees of United I.S.D. was held on Monday, September 21, 2015, beginning at 6:00 p.m. in the United ISD Boardroom, 201 Lindenwood Dr., Laredo, TX 78045.

- I. **Roll Call, Establish Quorum, Call to Order**
- II. **An announcement was made by the Board President, Javier Montemayor, calling the meeting of the United Independent School District to order at 6:05 p.m. The record showed that a quorum of Board members was present, that the meeting had been duly called, and that notice of the meeting had been posted in accordance with the Texas Open Meeting Act, Texas Government Code Chapter 551.**
- III. **Closed Session: Board will adjourn into closed session pursuant to the following sections of the Texas Open Meetings Act**

The Board adjourned into closed session at 6:06 p.m.

- A. 551.071 Consultation with Board's Attorney
551.074 Discussion of Personnel or to Hear Complaints against Personnel
 1. Consultation with legal counsel re: offer of settlement in the matter of Enrique Garza v United ISD
- B. 551.071 Consultation with Board's Attorney
551.074 Discussion of Personnel or to Hear Complaints against Personnel
551.0821 School Board: Personally Identifiable Information about Public School Student
 1. Discussion re: Level III Grievance of R.F.

Mr. Juan Cruz requested for everybody to step out of the room for the Closed Session.

Ms. R.F. stated that according to the Texas Public Information Act, she does have the right for an open hearing and requested an open hearing. She also stated that according to the grievance policies which is highlighted in green or yellow, it states that she does have a right to an open hearing.

Mr. Juan Cruz clarified that this is actually in the Texas Open Meetings Act and stated the two reasons why this is being held in closed session is that, number one, it is a complaint against an employee of the District which they requested a closed session and it deals with personal identifiable information of a student so for that reason this will be held in closed session.

Ms. R.F. stated that her case has nothing to do with children.

Mr. Judd Gilpin requested clarification on the request that was made.

Mr. Juan Cruz responded that a request was made to have it in open session by the grievant and the people who are the subject of the grievance, which is three district employees, requested that this matter be held in closed session.

IV. Reconvened from Closed Session, the Board will take appropriate action on items, if necessary, as discussed in Closed Session

The Board returned from closed session at 7:07 p.m.

The Board moved on to the Public Hearing.

- A. Action re: Approval in Accordance with Texas Local Government Code Section 180.007 of the Settlement and Compensation Payment to Enrique Garza

Mr. Juan Cruz stated that the recommendation is that the UISD Board of Trustees approve the compensation payment to Mr. Enrique Garza of \$5,000.00 which will be paid to Mr. Garza no later than October 30, 2015 in a total lump sum amount with Mr. Garza being responsible for all legally required taxes which said payment is being made for the public purpose of settling the contractual employment relationship between the school district and Mr. Garza in an amicable cost effective manner which is in the best interest of the school district and the funds for this payment will come from the general fund.

Mr. Judd Gilpin moved to approve in accordance with counsel's recommendation.

Motion: So move

Motion by: Judd Gilpin

Seconded by: Aliza Flores Oliveros

Discussion: None

In Favor: Unanimous

Opposed: None

MOTION PASSES

- B. Public Hearing: Public Hearing regarding Settlement and Compensation Payment to Enrique Garza and opportunity for members of the public to comment in accordance with the Texas Local Government Code Section 180.007

Mr. Juan Cruz stated that UISD Board of Trustees is considering a settlement agreement with Mr. Enrique Garza pursuant to the Settlement and Compensation. A payment to Mr. Garza of \$5,000.00 will be paid to Mr. Garza no later than October 30th, 2015 in a total lump sum payment. Mr. Garza will be responsible for all legally required taxes. This agreement and payment is made for the public purpose of settling the contractual employment relationship between the school district and Mr. Garza in an amicable, cost

effective manner that is in the best interest of the school district. The funds for this payment will come from the general fund.

Mr. Jose Ovando stated that in regards to the settlement agreement which is listed as 180.007 of the Settlement Compensation Payment, he looked it up and it states that notice must be given of the hearing in accordance with the notice of the public meeting under sub chapter C, section C, the governing body of a political subdivision must state the following at the public hearing which he stated they are not complying with right now. He continued by quoting that the reason the payment in excess of the contractual amount is being offered and asked why it is being offered and not being stated. Mr. Ovando gave another example and stated that when Mr. Santos contract was renewed, it specifically states that you have to be specific as to what you are going to discuss with the contract, and it says it on the FNG as well, and that was not discussed. He commented that they are skipping a lot of things they are not supposed to and they are not following them and asked why and stated that is all he had to say.

Mr. Juan Cruz clarified that the amount is being stated and that the contractual relationship is being ended, it is for a cost effective matter, it is for the purpose of settling a contractual dispute and said that everything that is being required under 180.007 is technically complied with legally by the UISD.

C. Action re: Level III Grievance of R.F.

Mr. Judd Gilpin moved to partially grant the remedies as discussed in closed session.

Motion: So move

Motion by: Judd Gilpin
Seconded by: Ricardo Molina
Discussion: None
In Favor: Unanimous
Opposed: None

MOTION PASSES

IV. Adjournment

Motion: So Move

Motion by: Ricardo Molina
Seconded by: Aliza Flores Oliveros
Discussion: None
In Favor: Unanimous
Opposed:

There being no further business before the Board, the Special Called Meeting of September 21, 2015, was adjourned at 7:11 p.m.

Javier Montemayor, President

Ricardo "Rick" Rodriguez, Secretary