



Brownsville Independent School District

Board Of Trustees

Regular Board Meeting
September 15, 2009
5:30 P.M.

Administration Building
1900 Price Road
Brownsville, Texas 78521-2417

A G E N D A

NOTE: The Board of Trustees may go into Closed/Executive Session to deliberate any item on this agenda as authorized by the Texas Open Meetings Act, Texas Government Code Chapter 551.

- I.** Meeting Called to Order.
- II.** Moment of Silence.
- III.** Pledge of Allegiance.
- IV.** Roll Call:
- V.** Recommend approving the **agenda** of the **Regular Board Meeting of September 15, 2009**, with any corrections/deletions.
- VI.** Recommend approving the **minutes** of the **Regular Board Meeting of August 12, 2009**, with any corrections.
- VII.** Recommend approving the **Consent Agenda**.
- VIII. Superintendent's Report**
 - A. Conference Presentations:**
 1. Presentation on monthly report from the BISD Bond Oversight Committee. Bond Oversight Committee Meeting was held on September 3, 2009.
 2. Presentation of the Brownsville Independent School District Financial Report for the period ended July 31, 2009.

3. Presentation on reporting of fees paid to cooperatives, including membership, management, and transaction fees for fiscal year 2008-2009.
4. Presentation on proposed vehicle purchases District-wide for fiscal year 2009-2010.
5. Presentation on notification of contingency fund change orders.
6. Review and discuss on status of In-House Attorney for BISD include status and number of applicants. **(Board Member Request)**
7. Presentation by administration on the total cost to the district for advertising in local publications with a breakdown by department, school, etc. and to which vendor the advertising dollars are being spent for the years 2007-2008 and 2008-2009 school years. **(Board Member Request)**
8. Presentation by administration on the district's health care plan cost to the district for the years 2003-Present. **(Board Member Request)**
9. Presentation by administration on stipends afforded to Bilingual Teachers, including but not limited to the amount of eligible teachers, district policy regarding eligibility to receive said stipends and the total cost to the district. **(Board Member Request)**

B. Standing Board Agenda Items:

10. Board Calendars.

IX. PUBLIC AUDIENCE:

If you wish to address the Board of Trustees during the Public Audience portion of today's meeting, please print your name on the form provided. According to BISD Policy BED (Local), only those persons (on the list) who request to speak shall be heard. The speaker shall limit remarks to five minutes. The Board shall allot no more than 30 minutes for the Public Audience portion of the meeting. Complaints and concerns for which other resolution channels are provided shall be directed through those channels. These complaints include complaints on the following subjects: employee complaints, termination of employment, student complaints, removal to alternative education program, and expulsion. If the Board President determines that a person has not attempted to resolve a matter administratively, the person shall be directed to the appropriate policy for attempted resolution before bringing the matter to the Board. Complaints against specific employees or officers of BISD shall be heard in Closed Meeting, as authorized by the Texas Government Code Title 5-Section: 551.074 (1) and (2). If your topic concerns complaints against specific employees or officers, please note this on the sign-up sheet. You must make your points on issues in a constructive and courteous fashion pursuant to Robert's Rules of Order.

X. Closed Meeting: as pursuant to the Texas Government Code Section: 551.074 & 551.082

A. Level III Board Review and Grievance:

11. Level III Grievance – Noel H. Solis - #003/09-10
12. Level III Grievance – Rosa Sosa - #004-09/10

(Board Reconvenes After Closed Meeting)

13. Board action on Level III Grievance – Noel H. Solis - #003/09-10
14. Board action on Level III Grievance – Rosa Sosa - #004-09/10

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

XI. General Function:

A. Recommend approval of the following General Function Items:

15. Recommend approval of Resolution #012/09-10 for the 2009-2010 Tax Roll in the amount of \$53,382,448.08.
16. Recommend approval of Resolution #014/09-10 supporting the 2010 Census.
17. Recommend approval to purchase Credit By Examination and Credit By Acceleration Tests from Texas Tech University, Lubbock, Texas, in the amount of \$60,000.00 from budgeted Categorical Funds for the 2009-2010 school year. Items to be purchased are subject to the District's needs and funding.
18. Recommend approval of Change Order #08 to amend the Owner/Contractor agreement with W. Murray Thompson Construction Co., Inc., San Benito, Texas, for the Classroom and Library Wing Addition to Villa Nueva Elementary School and the Classroom Wing Addition to Hudson Elementary School.
19. Recommend approval of Change Order #011 to amend the Owner/Contractor agreement with American Contracting USA, Inc. Combes, Texas, for the Re-roofing Project at Hanna High School, Faulk and Stell Middle Schools, and El Jardin Elementary School.
20. Recommend approval to authorize administration to accept the Classroom Wing Addition to Perez Elementary School as substantially complete.
21. Recommend approval of the revised 2009-2010 Teacher Hiring Schedule.
22. Authorize administration to solicit a Request for Qualifications for Audit Services of the BISD Self-Funded Group Health Plan TPA – HealthSmart Benefit Solutions (formerly known as AAG-American Administrative Group) for the Plan Years 2007-2008 and 2008-2009.
23. Recommend approval of Resolution #015-09/10 relating to establishing the Brownsville Independent School District's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing and equipping school district buildings from the proceeds of obligations to be issued by the Brownsville Independent School District Public Facility Corporation for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.
24. Recommend approval of the Certificate of Secretary to record the presentation, discussion, motions, and vote as shown in the official minutes of the Board for the meeting which the resolution relating to establishing the Brownsville Independent School District's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing and

equipping of school district buildings from the proceeds of obligations to be issued by the Brownsville Independent School District Facility Corporation for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date was approved.

25. Recommend approval of Resolution #016/09-10 authorizing the publication of notice of intent to enter into a contract for the acquisition, improvement, and construction of a school district building and the acquisition of land necessary therefore; and appointing a financial advisor and bond counsel for the possible issuance of obligations designed as “Brownsville Independent School District Public Facility Corporation Lease Revenue Bonds, Series 2009”, and other matters incident and related thereto; and providing an effective date was approved.
26. Recommend approval of the Certificate of Secretary to record the presentation, discussion, motions, and vote as shown in the official minutes of the Board for the meeting which the resolution authorizing the publication of notice of intent to enter into a contract for the acquisition, improvement, and construction of a school district building and the acquisition of land necessary therefore; and appointing a financial advisor and bond counsel for the possible issuance of obligations designated as “Brownsville Independent School District Public Facility Corporation Lease Revenue Bonds, Series 2009”, and other matters incident and related thereto; and providing an effective date was approved.
27. Discussion, consideration and possible action on the review of the current Law Firm Walsh Anderson representing BISD. **(Board Member Request)**
28. Review, discuss and possible action, attorney, invoice fees, billing and contracted services from Denton Navarro Law Firm. **(Board Member Request)**
29. Review, discuss and possible action to stop all transactions of signing up BISD employees with Mutual Insurance. Continue on a month to month with Health Smart until the investigation and/or review of non factual numbers and deceptive information given to the Board and received from Consultant Gary Looney. **(Board Member Request)**
30. Discussion, consideration and possible action about removing B.I.S.D. main office parking lot restrictions. **(Board Member Request)**
31. Discussion, consideration and possible action on District’s lead auditors concern of invoices paid by Special Services with no documentation to account for services rendered. **(Board Member Request)**
32. Discussion, consideration and possible action to form a new insurance committee comprised of members from the health care industry, employees and members of our community to aid the district in seeking alternatives to the current preferred provider organization system to achieve the maximum health care costs savings to our district. **(Board Member Request)**
33. Review and discussion possible action and/or recommendation to BISD Administration on the requirements for hiring the investigator and/or company that will be hired for the Insurance Investigation. Add and review certain criteria for the RFP in order to get a professional and ethical report. **(Board Member Request)**

B. Recommend approval of the following Payment:

34. Recommend that the Board approve payment of \$2,206.69 to Mr. Don Wittig, Certified Hearing Examiner.
35. Recommend approval to pay Gomez Mendez Saenz, Inc. \$24,300.00; Plagar Engineering, LLC \$6,701.52; Central Air and Heating Service, Inc. \$72,874.50; D. Wilson Construction co. \$2,036,852.90; JDS Construction Co., Inc. \$255,681.10; Pederson Construction Company, Incorporated \$79,821.85; Scoggins Construction Co., Inc. \$1,586,397.40; Texas Descon L.P. \$339,319.00; Texas Precisionaire \$54,500.00; W. Murray Thompson Construction Co., Inc. \$14,038.00 for a grand total of \$4,470,486.27 to be paid from Capital Project Funds 631, 632, 633 and 634.
36. Recommend approval to pay Gomez Mendez Saenz, Inc. \$616.95; Clean Air Solutions \$10,019.65; Raba-Kistner Consultants, Inc. \$700.54; Texas Descon, L.P. \$491,602.00; for a grand total of \$502,939.14 to be paid from Local Maintenance Fund 199.
37. Recommend approval to pay Valley Speech Language & Learning Center, Brownsville, TX for consultant and contracted services from categorical and local funds in the amount not to exceed \$55,000 for the 2009-2010 school year. Services to be rendered are subject to the District's needs and funding.
38. Recommend that the Board approve payment of \$6,519.25 to the law firm of Jones Galligan, Key & Lozano, L.L.P.
39. Recommend that the Board approve payment of \$498.75 to the law firm of Jones, Galligan, Key & Lozano, L.L.P.

C. Recommend approval of the following Budget Amendments:

40. Recommend approval of Budget Amendment #052 in the amount of \$695,085.00 for Fund 274 GEAR UP Grant. (New Funding)
41. Recommend approval of Budget Amendment #053 in the amount of \$62,487.00 for Fund 289 Homeless Education Disaster Recovery Program. (New Funding)
42. Recommend approval of Budget Amendment #054 in the amount of \$1,715,000.00 for Fund 426 TEEG Cycle 3 Grant. (New Funding)
43. Recommend approval of Budget Amendment #055 in the amount of \$138,364.00 for Fund 244 – Career and Technical Education Basic Grant. (Additional Funding)
44. Recommend approval of Budget Amendment #056 in the amount of \$986,836.00 for Fund 265 – Texas 21st Century Community Learning Centers. (New Funding)
45. Recommend approval of Budget Amendment #057 in the amount of \$6,000.00 for Fund 497 Communities Foundation of Texas. (New Funding)

D. Recommend approval of the following Contracts/Agreements:

46. Recommend to renew the support for Student Accounting System with the Pentamation software support agreement in the amount of \$120,933.73 from Local Maintenance Funds for the 2009-2010 school year.
47. Recommend approval to enter into contractual agreement with Brownsville Housing Authority in the amount not to exceed \$50,000.00 from 21st Century grant funds for the 2009-2010 school year. Services to be rendered subject to the District's needs and funding.
48. Recommend approval of Resolution to apply to the Lower Rio Grande Development Council, McAllen, Texas for one Regional solid Waste Grant on behalf of the Brownsville Independent School District.
49. Recommend approval of the Brownsville ISD and the Communities Foundation of Texas, Texas High School Project Grant Agreement #10-D-024791 for the Brownsville Early College High School, in the amount of \$6,000.00 for the 2009-2010 school year.
50. Recommend approval of Brownsville ISD and UT – Pan American, Edinburg, TX, GEAR UP Interlocal Cooperative Contract for all five High Schools, in the amount of \$695,085.00 for the 2009-2010 school year. Services to be rendered and items to be purchased subject to the District's needs and funding.

E. Recommend approval of the following Bids/Proposals/Purchases:

51. Recommend approval to accept the negotiated fee for RFQ #09-066 Civil Engineering Services for Plagar Engineering, LLC, for the Central Annex/Adult Education Parking Lot Project in the amount not to exceed \$17,200.00, to be paid from Local Maintenance Fund 199.

XII. CLOSED MEETING: as pursuant to the Texas Government Code Section: 551.071, 551.072, 551.074, 551.082, and 551.084.

A. PERSONNEL MATTERS:

52. Presentation of **Retirements/Resignations.**
53. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Teachers.** Subject to receipt of all outstanding documentation.
54. Recommend approval of **term-chapter 21 contractual personnel** for the 2009-2010 school year – **Teacher.** Subject to receipt of all outstanding documentation.
55. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Assistant Principal.** Subject to receipt of all outstanding documentation.
56. Recommend approval of **probationary contractual personnel** for the 2009-2010 school year – **Nurse.** Subject to receipt of all outstanding documentation.
57. Recommend approval of **term - chapter 21 contractual personnel** for the 2009-2010 school year – **Counselor.** Subject to receipt of all outstanding documentation.

58. Recommend approval of **term - chapter 21 contractual personnel** for the 2009-2010 school year – **Curriculum Specialist – Language Arts PK-12**. Subject to receipt of all outstanding documentation.
59. Recommend approval of **term - chapter 21 contractual personnel** for the 2009-2010 school year – **Dean of Instruction**. Subject to receipt of all outstanding documentation.
60. Recommend approval of **term – non chapter 21 contractual** personnel for the 2009-2010 school year – **Energy Manager**. Subject to receipt of all outstanding documentation.

B. Consultation with Attorney:

61. Consultation with attorney regarding pending or threatened litigation matters.

C. Real Property:

62. Discussion of possible acquisition or sale of Real Property.

(BOARD RECONVENES AFTER CLOSED MEETING)

A53–60. Recommend approval on personnel matters discussed in Closed Meeting.

B61. Recommend approval on litigation matters discussed in Closed Meeting.

C62. Recommend approval of acquisition or sale of Real Property discussed in Closed Meeting.

XIII. Announcement(s):

63. **Next scheduled Board Meeting** of the Board of Trustees is on **October 6, 2009**, at the Administration Building at 5:30 p.m.

XIV. Adjournment: