

**MINUTES OF REGULAR SCHOOL BOARD MEETING
DULCE INDEPENDENT SCHOOLS**

February 26, 2019

(Rescheduled from February 19, 2019)

I. CALL MEETING TO ORDER

A. Mr. Levi Pesata, Board President called the meeting to order at 4:10 pm in the Boardroom of the former Administration Building, Dulce, New Mexico. Mr. Pesata stated for the record this meeting was rescheduled from February 19, 2019.

B. The Pledge of Allegiance and Salute to the State Flag of New Mexico was recited by the Dulce Elementary Students.

Elementary School Student Presentation-Jicarilla Language Teacher, Ina Montoya presented to the Board the newly restructured Jicarilla Language Program design. Mrs. Montoya's students introduced themselves to the Board and talked about what they are learning in Jicarilla Language Class. Rocky Eddy, (retired teacher) introduced himself to the Board.

Middle School Student Presentation-Mr. Condrey's 7th & 8th grade students presented their "It Takes A Village" presentation. (Strategies on test taking)

Lisa Martinez's, 6 grade teacher, presents their PBL (Project Based Learning) "sometimes it takes a child to raise a village" an advertisement campaign consisting of a video (commercial), radio and social media to inform people know what's going on at the Middle School.

II. ASCERTAIN QUORUM AND APPROVE AGENDA (A)

Board President, Levi Pesata stated his concern about a new development with a Board Member not residing in the district and this is considered an automatic vacancy on the Board. Mr. Pesata's concern is, should this individual's name be called during roll call. Mr. Pesata presented the Board with a document stating this law, is when a person moves out of the district this vacancy automatically kicks in. Mr. Pesata asked the Board for input on how to handle this. LaVonna James asked if there was notice given to the district by this Board Member, Mr. Pesata stated, what triggered this is this individual handed out business cards to Representative Derrick Lente and Senator Benny Shendo. Wesley Vigil stated this law was passed last year when the election process was changed. Mr. Pesata stated his recommendation would be, to recess until Friday at 1:00 pm and have a short work session to decide on this. Mr. Pesata stated he needed to contact legal to get clarification on this because the law states that once the board member moves out of the district this kicks in automatically and we have the date the board member moved out, she has her house for sale, it's been verified she has a residence in Albuquerque.

LaVonna James stated this requires board action. Mr. Pesata responded this does not need board action, this kicks in automatically because it's the law. LaVonna James stated, we need proof that this individual does not reside in the district. We need to do this the proper way the district does not need another legal battle. Mr. Pesata stated he would try to get Joe Guillen or another member from NMSBA or one of the lawyers here on Friday because they are the ones that wrote this letter.

Wesley stated for his part he was present in Santa Fe when she presented her business card to Representative Lente and Senator Shendo and Representative Lente did question Ms. Gomez on why she's living in Albuquerque and still a board member. Her place in Lumberton is for sale, no vehicle traffic to her house and has not been plowed out.

LaVonna James stated her concern is, this is second hand information for now and we need to get confirmation and the correct information from legal and the Board should call for a Special Board Meeting and put this item on the agenda for discussion.

Phillip Salazar stated, he would prefer to review the law and verify the information. Levi Pesata and Wesley Vigil, stated they want to follow the law on this matter. It clearly states, if a board member moves out of the District, this is considered as an immediate vacancy.

Levi Pesata stated because of this law he will not include Darlene Gomez on the roll call. Wesley Vigil stated we have a quorum, and to avoid any type of conflict of interest, we can still have roll call and Darlene will be absent. Levi Pesata instructed recorder Patty Eaton to call roll call but not to mention Darlene Gomez's name on the roll call. Mrs. Eaton then called roll call not mentioning Darlene Gomez's name.

A Special Board Meeting was scheduled for Tuesday, March 05, 2019 at 4:00 pm to discuss this residency issue.

MEMBERS PRESENT: Members present at roll call: Phillip Salazar-Vice-President; LaVonna James-Secretary; Levi Pesata-President Board President.

Darlene Gomez's name not mentioned

MEMBERS ABSENT Darlene Gomez, excused absence
(approved correction to the Board Meeting Minutes 3-19-2019)

ADMINISTRATION PRESENT: Pam Montoya-Superintendent; James Cammon-Elementary Principal; Carole Gomez-Business Manager; Robert Cooke- Middle School Principal; Manuel Valdez-High School Principal; Samantha Archer-Middle School Assistant Principal; Katie Cachucha-SPED Coordinator; Cindy Julian-Elementary Assistant Principal; Patty Eaton-HR Coordinator (Board Recorder)

TEACHERS PRESENT: Ina Montoya, Becky Martinez, Scott Condrey, Lisa Martinez

OTHER STAFF PRESENT:

OTHERS PRESENT: Ferlinda Pesata; Treston Tafoya; Claudette Torivio; David Montoya; Ouray Muskrat

LaVonna James mentioned to Mr. Pesata she would like to table item # XI until the next regular board meeting because there is no documentation in the packet namely the Superintendent Evaluation and Contract Renewal. Mr. Levi Pesata, stated he would direct the Superintendent to give the Board the goals which were set at the work session and the goals she's been working on and this will be her evaluation because the Board did not set the goals and timelines for her, as a Board. Mr. Pesata informed the Board the goals were set at the work session and only Phillip, Wesley and himself were present from the Board. LaVonna James stated again, she would like to table these items on the Agenda because this information is not in the packet. Levi Pesata replied we are not going to table it, you will have the information before the Board reconvenes on Friday.

Recommendation made by Superintendent Montoya to approve the agenda as presented. At this time Phillip Salazar asked Levi Pesata for a short recess because he's concerned these items are not on this agenda and if we continue on with this meeting on Friday and

this information is not in the packet it's null and void because we can't get information after we approve the Agenda. LaVonna James asked Superintendent Montoya for the goals that were approved at a Board Meeting which she was not present so she wants to see the minutes for that meeting. Mr. Pesata stated this will have to be a Special Meeting. After some more discussion on this matter, Superintendent Montoya made the recommendation to approve the agenda to reflect a special board meeting has been scheduled for March 05, 2019 at 4:00 pm to reflect item # XI Board Issues/Concerns or Information: Superintendent Evaluation, Contract Renewal and Set Salary and to address HB 98 School Board Vacancy. Motion made by Wesley Vigil to approve the Agenda to reflect a special board meeting has been scheduled for March 05, 2019 at 4:00 pm to reflect item # XI Board Issues and Concerns or Information: Superintendent Evaluation, Contract Renewal and Set Salary and to address HB 98 School Board Vacancy; seconded by Phillip Salazar. Motion carried.

III. LIMITED PUBLIC PARTICIPATION FORUM (I)

None

IV. SUPERINTENDENT'S REPORT (I)

1. Superintendent, Montoya presented her report to the Board, she began by giving the Board an update on the MRI. Mrs. Montoya stated for the record, the MRI designation is going to go away and that will come here within the next couple of weeks when the Secretary of Education comes to visit Dulce Independent Schools and also for the record Dulce Elementary School will not be closing. Superintendent Montoya reported, on February 21, 2019, herself and several Board Members met with NM PED Deputy Secretary, Katarina Sandoval and Deputy Secretary Kara Roybal. Superintendent Montoya stated this was an intense meeting which indicated what our next steps would be and as a result of this initial meeting we are supposed to have another meeting with PED, scheduled for March 05, 2019 to include Katarina Sandoval, Kara Roybal, DeAlva Calabaza and Daphne Little Bear. They are coming to support and guide us. Mrs. Polaco will be assisting us this week to get this tribal education status report 5 indicators complete. Superintendent Montoya informed the Board, that on January 25th, she along with other administrative staff had the opportunity to meet with the Secretary of Ed. Dr. Karen Trujillo.

Current updates:

- Transitioning away from PARCC Testing
- Transitioning away from NM Teach Punitive Evaluation re: how teachers are evaluated.
- A-F School Grades are going away
- Indian Education Fund update
- The votes have been canvassed from the February 05, 2018 Special Tax Election
- Superintendent updated the Board on the HMM Intervention Program. LaVonna James asked Mrs. Montoya for the summary report, stating she has not yet received her report from HMM.
- Update on facilities priorities

Wesley Vigil, stated his concern about some of the staff reports are very vague and wants to see improvements on future reports to include more details and information. Mr. Vigil wants to see a detailed quarterly maintenance report and a facilities master plan for the district. LaVonna James stated she has the same concern and maybe we should reinstate the work session. The work sessions will begin at the March regular board meeting.

- Update on the Fire Marshall Report, Superintendent Montoya invited the Board to come to her office to review the finding from the Fire Marshall Report
- Update on staffing & enrollment
- Update on teacher, principals, administrators and non-certifies evaluations
- Next REC 1 meeting will be held in Zuni
- Reminder about the Spring Budget Workshop coming up March 27-29, 2019 in Albuquerque
- CBA negotiations for the next school year will begin
- Calendar Committee has been working on the new school year calendar
- Discipline matrix is in the process of being updated for the next school year
- Update on paperless archiving
- Update on DIS Housing
- Superintendent Montoya, also informed the Board, NMAA made a quick visit to the District the day before

2. Recognition Awards

Superintendent Montoya recognized two teachers who received the Los Alamos Award for Excellence in Teaching Award,

Superintendent Montoya presented Becky Martinez with a plaque in recognition for an award she received in December 2017 from the Los Alamos National Lab for Outstanding and Excellence in Teaching award.

Loyola Bird was the other recipient, she was unavailable. She will receive her recognition plaque at next month's board meeting.

V. REPORT FROM STAFF AND STUDENTS (I)

VI. APPROVAL OF MINUTES (A)

1. Approval of the January 23, 2019 Regular Board Meeting Minutes

Superintendent Montoya made the recommendation to approve the January 23, 2019 Regular Board Meeting Minutes as presented, Motion made by Phillip Salazar to approve the January 23, 2019 Regular Board Meeting Minutes as presented; seconded by Wesley Vigil. Motion carried.

At this time, Levi Pesata stated the Board Meeting will be in recess until Friday, March 01, 2019 at 1:00 pm to allow for Board Members and staff to support the DIS HS Girls basketball team in the District Basketball game.

LaVonna James made the motion to recess the Board meeting until Friday, March 01, 2019 at 1:00 p.m. Seconded by Wesley Vigil.

Meeting recessed at 6:15 p.m.

The regular board meeting reconvened at 1:05 pm, Friday, March 01, 2019.

Darlene Gomez, stated she would like the record to reflect, on February 19, 2019 she advised Superintendent Montoya that she had a scheduling conflict and would probably not be able to make it to the February 26, 2019 Board Meeting and may have to call in and was told by the Superintendent Montoya this would be ok, Superintendent Montoya replied, she did not say it was ok, she said she would relay this information to the Board Chair, Darlene responded, "and

this would be ok". On February 26, 2019, she called at 1:00 and spoke with Superintendent Montoya and was told by Superintendent Montoya that Yvette was not in but she would be able to call into the Board Meeting which was scheduled for 4:00 later on this day. Darlene informed the board she waited and did not get a call back, she said she sent a text message to LaVonna James and Phillip Salazar to inform them she was waiting to get the call and at this time she was informed that Levi Pesata and Wesley Vigil stated she was no longer a part of this Board which they do not have the authority to do. Darlene Gomez stated she is a member of this Board, she does meet the residency requirements and what Mr. Pesata and Mr. Vigil did is illegal this is beyond the scope as board members and they can be held personally liable for slander and what they did is against the law and they can be sued individually and for the record Ms. Gomez stated she is a member of this school board and she meets the residency requirements. Also, regarding what Mr. Pesata said about the quorum, that he wants to keep the same quorum from the last meeting, Mr. Phillip Salazar is not here. Mr. Levi responded, "let the record reflect Phillip called in sick and we will take that for the record even though it was not part of the Agenda"

Board Members present: Levi Pesata-Board President; LaVonna James-Secretary; Darlene Gomez-Member; Wesley Vigil- Member

Board Members Absent: Phillip Salazar-Vice President
Board President, Levi Pesata wanted it noted for the record, Phillip Salazar called in sick to Board Administrative Secretary, Yvette Mares

VII. FINANCIAL REPORTS: (I/A)

1. Consolidated Board Report (I)

Business Manager, Carole Gomez presented the Consolidated Board Report's for January 2019 for information purposes. LaVonna James asked Carole to please provide a report with the breakdown on legal services from the beginning of the fiscal year and also to include the breakdown for ancillary services function 22.

2. January 2019 Disbursement Report (A)

Business Manager, Carole Gomez presented the January 2019 Disbursement Report. Superintendent Montoya made the recommendation to approve the January 2019 Disbursement Report as presented. Motion made by Wesley to approve the January Disbursement Report as presented; seconded by LaVonna James. Motion carried.

3. Monthly Maintenance Transfers Report (A)

Business Manager, Carole Gomez presented the Monthly Maintenance Transfers Report for January 2019. Superintendent Montoya made the recommendation to approve the Monthly Maintenance Transfers Report with the following change, remove all of the NM Healthy Schools # 24130. Motion made by Wesley Vigil to approve the Monthly Maintenance Transfers Report for January 2019 with the recommended change; seconded by Darlene Gomez. Motion carried.

4. Impact Aid Application (A)

Carole Gomez, Business Manager presented the Impact Aid application for Board approval. Superintendent Montoya made the recommendation to approve Impact Aid Application as presented. Motion made by LaVonna James to approve the Impact Aid application as presented; seconded by Darlene Gomez. Motion carried.

5. December 2018 Quarterly Report (I)

Business Manager, Carole Gomez presented the December 2018 Quarterly Report for information purposes only. No areas of concern.

VIII. PURCHASES (I/A)

None at this time

IX. OLD BUSINESS (I/A)

1. School Board Policies Review/Reminder

Levi Pesata asked Yvette Mares where are we regarding School Board Policies. Yvette responded and informed the Board they have not met to approve the Advisories which is the first step in this process. Levi Pesata asked Superintendent to contact CES and get hold of the individual who can work with us on this and schedule a date and time so we can schedule a work session to get the first phase out of the way and then we can proceed with rest of the policies.

X. NEW BUSINESS (I/A)

1. Rural Low Income Application Page

LaVonna James stated she wants to table this item until the next regular board meeting because there is no information in the packet

2. Application K3+

Nothing to present on this item. No action taken

3. Independent Contractor Agreement

Superintendent Montoya presented the Independent Contractor Agreement for approval. Superintendent Montoya made the recommendation to approve the Independent Contractor Agreement for White Sands Drug & Alcohol Compliance as presented. Motion made by Darlene Gomez to approve the Independent Contractor Agreement for White Sands Drug & Alcohol Compliance as presented; seconded by LaVonna James. Motion carried.

LaVonna James stated she had a concern about our 060 employee using the school vehicle. She stated she lives down the street from him and noticed the school vehicle at his residence. Superintendent Montoya responded and said yes he's allowed to run errands in the school vehicle but as far as him going to his residence, she would address that.

LaVonna James inquired about her request to add reorganization of the Board. Mr. Pesata replied, we can add that to the March regular board meeting. Darlene Gomez asked why they are not allowed to add reorganization of the board to the upcoming special board meeting because the request is within the deadline. Levi Pesata replied he would prefer to address this during the March regular board meeting because this requires a lot of discussion. Darlene Gomez made a request to Levi Pesata, that he allow legal to talk to her if they are going to be discussing her and the residency requirements. LaVonna James, asked do we have a legal memorandum? LaVonna James asked for the record to reflect the Board was not presented with documentation aside from an untitled document which we cannot verify and the person who presented the information had no other

back up documentation to support their accusation about residency that this individual does not meet the residency requirements.

Levi Pesata responded, the lawyers will talk about that when we have our meeting.

XI. BOARD ISSUES AND CONCERNS (I/A)

- Superintendent Evaluation
- Contract Renewal
- Set Salary

This item tabled until the March 05, 2019 Special Board Meeting

XII. EXECUTIVE SESSION/LIMITED PERSONNEL MATTERS IN ACCORDANCE WITH SECTION 10-15-1 (H) (2) OF THE OPEN MEETING ACT (1)

- Superintendent Personnel Matters

The Board did not go into Executive Session during this meeting

XIII. ADJOURNMENT (A)

Levi Pesata call the meeting adjourned at 1:55 pm.


Levi Pesata, Board President


LaVonna James, Secretary