

**MINUTES OF REGULAR SCHOOL BOARD MEETING
DULCE INDEPENDENT SCHOOLS
March 19, 2019**

I. CALL MEETING TO ORDER

A. Mr. Levi Pesata, Board President called the meeting to order at 5:11 pm in the Boardroom of the former Administration Building, Dulce, New Mexico.

The work session began at 3:00 pm. No action was taken.

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

C. High School Presentation-Mrs. Jobe, High School Art Teacher displayed and presented wonderful artwork done by her students.

D. Presentation award to Loyola Bird. Ms. Bird was not present to receive her award. LaVonna James will present Loyola Bird with her award on Thursday, March 21, 2019.

II. ASCERTAIN QUORUM AND APPROVE AGENDA (A)

MEMBERS PRESENT: Members present at roll call: Levi Pesata-Board President; Phillip Salazar-Vice-President; LaVonna James-Secretary; Darlene Gomez-Board Member; Wesley Vigil-Board Member

MEMBERS ABSENT

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; Melissa Polaco-Federal Programs/Testing Coordinator; Cindy Julian-Elementary Assistant Principal; Mark Marez-Security; Patty Eaton-HR Coordinator; Joseph Atencio-Facilities Manager; Kirt Vicenti-Transportation Director; Yvette Mares-Recorder;

TEACHERS PRESENT: Shawna Garcia-MS PE, Nancy Jobe-HS Art Teacher

OTHER STAFF PRESENT: Bryon Callado-060 Office Aide; Jacob Herbster-Transportation

OTHERS PRESENT: Ferlinda Pesata; Treston Tafoya; David Montoya; Bernice Muskrat, Jennifer Muskrat, Joshua Baeza, Clifton Maria, Edward Velarde, Carole Helms, Jacquelyn Archuleta Staehlin, Diana Vigil, Stephanie Vigil

LaVonna James made a request to remove b and c from item IV. Financial Reports, Monthly Maintenance Transfers Report because there is nothing written in this area and to strike HB-98 School Board Member under item # IX. Old Business because there was no back-up documentation in the packet for the Board to review. Motion to strike HB-98 School Board Member under item IX. OLD BUSINESS made by LaVonna James. Seconded by Darlene Gomez. Motion carried. Wesley Vigil voted against. After discussion with legal counsel regarding compliance with the open meetings act, points of order, agenda preparation and public notice. Superintendent Montoya made the recommendation to approve the agenda with the change to strike HB-98 School Board Member under item IX. Old Business from the agenda. Motion made by Darlene Gomez to approve the Agenda with the recommended changes; seconded by Phillip Salazar. Wesley Vigil abstained.

III. LIMITED PUBLIC PARTICIPATION FORUM (I)

None

IV. SUPERINTENDENT'S REPORT (I)

Superintendent Montoya presented her report to the Board, she informed the Board she had to make a change to bullet # 1 regarding the Deputy Secretary site which will occur the first week of April. The reason for the visit is to review the sections of the MRI plan and to move forward with the plan. Also to review any licensure issues we may have.

Superintendent Montoya updated the Board on:

- TESR, which impacts the release of our Indian Education Funds
- MRI instructional strategies
- Core curriculum
- Update on assessments
- Student Testing-progress and areas needing improvement
- Update on the budget/staff projections
- NMSBA Legislative Highlights
- HMH Intervention Program
- Enrollment
- Staffing/recruiting
- REC Governing meeting schedule
- CBA-Grievance status
- Calendar committee update
- Teacher/staff evaluation
- Impact aid
- Upcoming professional development

Wesley Vigil commended the Superintendent on the progress and the hard work she has accomplished in the last year.

Darlene Gomez inquired about a press release thorough out the state to showcase all the good things going on in our schools. Superintendent invited Darlene Gomez to assist her with this press release. Phillip Salazar urged the Board to focus on the kids and work together.

V. REPORT FROM STAFF AND STUDENTS (I)

Staff reports were given during the work session at 3:00 pm

VI. APPROVAL OF MINUTES (A)

Approval of the February 26, and March 01 (reconvened) Regular Board Meeting Minutes.

Superintendent Montoya made the recommendation to approve the February 26th and the reconvened March 01, 2019 meeting with the following changes:

Darlene Gomez listed as an excused absence board member

On page 7 change word from a to at

On page 5 under VII. Financial Reports-January 2019 Disbursement Reports include the first motion. Motion made by Phillip Salazar to approve the Agenda with the recommended changes; seconded by LaVonna James. Motion carried.

Wesley Vigil asked to be excused from the meeting at 6:30 pm.

VII. FINANCIAL REPORTS: (I/A)

1. Consolidated Board Report (I)

Business Manager, Carole Gomez presented the Consolidated Board Report's for February 2019 for information purposes. Carole Gomez informed the Board our audit has not been approved yet. Ms. Gomez also informed the Board our SEG payment was \$178,000.00 less than last year, probably because we received more impact aid funding this year than we have received in the past. Levi Pesata asked Ms. Gomez when can we expect to see funds from the SB-9 and the HB-33 Special Tax Election. Ms. Gomez responded not till 2020. Jacob Herbster addressed the Board at this time to update on the status of the Districts route and activity busses.

2. February 2019 Disbursement Report (A)

Business Manager, Carole Gomez presented the February 2019 Disbursement Report. Superintendent Montoya made the recommendation to approve the February 2019 Disbursement Report as presented. Motion made by Phillip Salazar to approve the February 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 February 2019. Superintendent Montoya made the recommendation to approve the Monthly Maintenance Transfers Report as presented. Motion made by Phillip Salazar to approve the Monthly Maintenance Transfers Report as presented; seconded by Darlene Gomez. Motion carried.

VIII. PURCHASES (I/A)

None at this time

IX. OLD BUSINESS (I/A)

1. HB-98 School Board Member
Motion made to strike HB-98 School Board Member from the Agenda during the approval of the Agenda.

X. NEW BUSINESS (I/A)

1. Out of State Travel Request

Shawna Garcia presented two out of state travel requests

- Close up trip to Washington DC and New York-May 04--11, 2019
- Student Council trip to Hot Springs, Arkansas June 17--23, 2019

Superintendent Montoya asked Shawna to provide her with a spread sheet showing dates, times, names of students and chaperones for accountability purposes.

Superintendent Montoya made the recommendation to approve the out of town travel requests as presented with Mrs. Garcia providing a spreadsheet showing the breakdown for each trip for accountability purposes. Motion made by Phillip Salazar to approve the out of state travel request as presented; seconded by Darlene Gomez. Motion carried.

2. RLIS Assurance Page

Melissa Polaco presented the Assurance Page for Rural and Low Income Schools (RLIS) agreement in the amount of \$23,629.00. Superintendent Montoya made the recommendation to approve the RLIS Assurance Page as presented. Phillip Salazar made the motion to approve the RLIS Assurance Page as presented; Seconded by LaVonna James. Motion carried.

XI. BOARD ISSUES AND CONCERNS (I/A)

1. Reorganization of the Board (I/A)

Darlene Gomez stated at this time she nominates LaVonna James for President of the School Board. No other nominations for Board President. LaVonna James accepted the nomination. Levi stated Lavonna is the only nominee for President she will be selected by acclimation. LaVonna James opened up the floor for nominations for Vice-President. Levi Pesata voted for Phillip Salazar for Vice-President. Darlene Gomez voted to keep Phillip Salazar as the Vice President. At this time Darlene asked legal counsel if a motion needed to be done instead of acclimation. Ms. Gomez stated she would prefer to have a vote instead of acclimation to have a record of the vote. Levi Pesata stated all those in favor of LaVonna James for President raise your hand. Levi Pesata, Phillip Salazar, Darlene Gomez and LaVonna James raised their hands. LaVonna James stated all those in favor of Phillip Salazar for Vice President raise your hand. Levi Pesata, Phillip Salazar, LaVonna James and Darlene Gomez raised their hands. LaVonna James stated nominations are now open for Secretary of the School Board. Levi Pesata nominated Darlene Gomez, LaVonna James stated all those in favor of Darlene Gomez for Secretary raise your hand. Levi Pesata, Phillip Salazar, Darlene Gomez and LaVonna James raised their hands. LaVonna inquired about the changing of signatures, Carole Gomez stated she would start this process tomorrow. Legal counsel suggested in case there is a delay in this process, for LaVonna James to mention the Vice-President will carry out the duties until the paperwork is signed. LaVonna James mentioned the Vice-President will carry out the duties until the paperwork is signed. At this time LaVonna James stated, the item for reorganization of the Board is closed.

2. Attorney Review (I)

LaVonna James informed the Board the reason why the attorney review was requested is because she is concerned with the high cost we are spending on legal counsel for SY 2018/2019. LaVonna James presented a chart she created for all the legal fees beginning in 2014. Phillip Salazar gave the break down starting from the year 2014 showing the fees paid for legal counsel. Jacquelyn Archuleta Staehlin and Carole Helms-legal counsel explained the policy on school board attorney and why they have billed the District the fees they have especially with the issues facing the District including the MRI. LaVonna James replied she realizes we are having a rough year but is concerned with the lack of communication and would like to see a summary from legal counsel on how they

are billing the District. LaVonna James asked Carole Helms, are you the School Board Attorney or are you the Superintendent attorney? Ms. Helms replied, our legal counsel that works for a school district works for the school board and your School Board Policy states that. We do work with the Superintendent on a day in/day out basis on legal issues that arise in the district but represent and advise the School Board.

3. Open Meetings Act (I)

Ferlinda Pesata inquired about a meeting that was held on March 05, 2019, Mrs. Pesata stated this meeting was not legal. Mrs. Pesata stated the meeting was postponed by the previous Board President and yet, LaVonna James, Phillip Salazar and Darlene Gomez had a meeting which was illegal a violation of the open meetings act. At this time, Jennifer Muskrat asked for permission to speak, she stated she saw an article that was published in the Chieftain about a meeting that was going to be held here. Jennifer Muskrat said she came here to the meeting and saw an undated notice in the window and she has pictures. She stated there was nothing illegal about it. There was a quorum the door was open and she just came to listen and see what's happening. The floor now recognized Bernice Muskrat, Ms. Muskrat stated there was a failure to give adequate notice and failure and duty to act.

David Montoya, stated he came to the meeting and the door was closed and Bernice Muskrat had to open the door for him. Bernice Muskrat interrupted Mr. Montoya stating this is not what happened, Mr. Montoya informed Bernice Muskrat he now has the floor and when did get in he took pictures and he informed the three board members they were violating the open meetings act and was told by Darlene Gomez they were not violating they were just discussing stuff. David stated the three of them should have not been sitting together because this constitutes a quorum and there was a sign posted on the door stating the meeting had been cancelled.

Ms. James stated this item is closed for floor discussion and asked if the Board had any concerns. Darlene Gomez, stated as a Board Member, according to the open meetings act everything was followed. Superintendent Montoya, requested to see approved minutes for this meeting. Darlene Gomez responded, she has the minutes and she agreed with that.

Carole Helms responded, it's not unusual to cancel board meetings and the appropriate thing to do is to post a notice on the door.

4. IT Services (I)

Joshua Baeza, Harmonix employee was present to address the Board on any concerns they had regarding IT Services. Darlene Gomez stated she wanted it on the record the Board had requested an RFP for IT Services last year and it was not done so they are requesting an RFP for IT Services this year. A meeting was set up between Darlene Gomez, Joshua Baeza, Superintendent Montoya and Bart Owen for the following day to discuss any concerns they may have. Darlene Gomez mentioned she would be at the IT office at 10:00 the following day.

5. Access to School Board Attorney (I)

Legal counsel, Carole Helms stated she has a policy on accessing board counsel # B-1250 a policies services policy. Ms. Helms stated she did bring a draft with her which she wants to share with the Board and the Superintendent for them to consider adopting. Darlene Gomez, stated for the record, the issue is when you request to speak to legal counsel and you're not allowed.

Bob Cooke, pointed out to the Board, the Board Policies have not been approved since 2013 that he knows of.

The floor recognized Bernice Muskrat, explains policies governing statutes. Both parties have the right to be present and both parties have the right to point out. Bernice proceeds to talk about conflict of interest and mentions Levis name and the Superintendent. Both Superintendent Montoya and Levi Pesata at this time state this is a personnel matter and cannot be discussed here. LaVonna James has called the meeting to order and asked that names are not mentioned. LaVonna James closed this item for discussion.

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

LaVonna James stated the following

Pursuant to Section 10-15-1(H) (I) of the New Mexico Open Meetings Act, I moved that we vote to close the open meeting to discuss the following matters identified on the agenda.

A. Superintendent Evaluation

Each Board Member was polled; Darlene Gomez voted yes, LaVonna James voted yes, Phillip Salazar voted yes, Levi Pesata voted yes.

Executive session began at 7:54 pm

The meeting reconvened at 8:49 pm

At this time LaVonna James stated the matters discussed in executive session of this meeting were limited to those specified in the motion for closure and no action was taken. Darlene Gomez, LaVonna James, Phillip Salazar and Levi Pesata all voted in the affirmative.

XIII. ADJOURNMENT (A)

Levi Pesata made the motion to adjourn the Board Meeting at 8:51 pm; seconded by Phillip Salazar. Motion carried. Meeting adjourned at 8:51 pm.



LaVonna James, Board President



Darlene Gomez, Secretary