

**MINUTES OF SPECIAL SCHOOL BOARD MEETING
DULCE INDEPENDENT SCHOOLS
April 05, 2019**

I. CALL MEETING TO ORDER

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

Board President, LaVonna James called the meeting to order at 1:07 p.m. in the boardroom of the former administration building, Dulce, New Mexico.

MEMBERS PRESENT: LaVonna James-President, Phillip Salazar-Vice President, Levi Pesata-Member, Darlene Gomez-Secretary was present telephonically

MEMBERS ABSENT

AT ROLL CALL: Wesley Vigil-Member

ADMINISTRATION PRESENT: Manuel Valdez-High School Principal was the designee for Superintendent Pam Montoya, Yvette Mares-Administrative Secretary

TEACHERS PRESENT:

OTHER STAFF PRESENT: Mark Marez-District Safety & Security, Uriah Billy-District Safety & Security

VISITORS PRESENT: Heather Gomez-Jicarilla Chieftain, Ferlinda Pesata, Diana Vigil, Annette TeCube

II. ASCERTAIN QUORUM AND APPROVE AGENDA (A)

Phillip Salazar made the motion to approve the Agenda as presented; seconded by Levi Pesata. Motion carried.

III. SUPERINTENDENT EVALUATION TOOL (A)

LaVonna James explained the evaluation tool presented for the Superintendents evaluation stating the rating scale of #1 Unsatisfactory, #2. Minimal Satisfactory, #3. Satisfactory, #4. Above Satisfactory #5. Excellent. Levi Pesata stated he has concerns about this tool because this instrument is not complete and the goals that were approved for the Superintendent by three board members was not included in the evaluation. LaVonna stated we need to approve this form today because we are late with the evaluation process and this is the standard form from the NM administrative code and this is the form the Board is going to use.

Darlene Gomez stated she agrees this is the proper tool to use and in agreement with using this tool as well.

At this time Ferlinda Pesata asked for permission to speak from the floor, LaVonna responded we do not have public participation on the Agenda so we are not allowing any public participation today and discussion will be among the Board Members at this time.

Levi Pesata stated his concern that this evaluation form is not complete and suggested she meet with the Superintendent to develop one document, have the Board look at it during a work session, do a consent agenda during a regular meeting and approve the form. Mr. Pesata also stated his concern that things need to be done correctly because this could cause major problems with liability against the Board and he's only trying to help her. LaVonna James responded, the Board had time to review this form. It was emailed to the Board prior to the meeting and did not get any responses regarding this evaluation.

Darlene Gomez moved for the Board to accept the evaluation as presented. Mr. Pesata stated the Board can choose to do what they want but he wants his comments recorded because they will have to answer for any liability issues. LaVonna James asked for a motion to approve the evaluation tool and the section of the NAC. Darlene Gomez moved to use the evaluation tool as presented with the rating scale of 1-5 according to the state statute. Phillip Salazar clarified stating NM Administrative Code title 6 chapter 69.3.8 Evaluations of the Administrator Performance. Phillip Salazar seconded the motion. President James polled the Board at this time. Darlene Gomez-yes, Phillip Salazar-yes, LaVonna James-yes, Levi Pesata-no, One opposed no abstention's the motion has passed by majority vote.

IV. ANNOUNCEMENT-DEADLINE TO COMPLETE EVALUATION (I/A)

LaVonna James asked for input from the Board on how long will it take them to complete the evaluation, Levi Pesata stated this would have to be done at the next board meeting because the Superintendent would have to be present. LaVonna James asked for the Board to complete their comments and responses to compile a summary report to present to the Superintendent. Levi Pesata asked Mr. Valdez for his input on this matter. Mr. Valdez said the Board can compile the report and then meet with the Superintendent in closed session to discuss it. LaVonna James stated, we will gather everyone's evaluation for the next meeting. Darlene Gomez recommended that everyone complete the form by next Wednesday April 10th. Levi Pesata stated if they are not going to have a consent agenda, for the record the Board needs to be clear that this is for the report and not the actual position. Mr. Pesata suggested LaVonna contact the lawyers get their advise. LaVonna James stated she has contacted the lawyers and was advised they could compile each board members evaluation and prepare a report for the Board to present to the Superintendent. Levi Pesata "stated this is not the proper procedure, you need to sit with the Superintendent to do what you have to write on the evaluation, that's the law". At this time LaVonna James asked Mr. Valdez if this is how it's supposed to be done. Mr. Valdez responded the way he's seen evaluations done is the evaluation form is given to the Board Members they compile it and then they meet with the Superintendent and go over it. After more discussion on this process,

LaVonna James read out loud the Dulce School Board Policy on Evaluation of Superintendent (C-0600 CBI).

Levi Pesata, stated for the record one more time, any evaluation has to include goals, and if those goals are not reflected in this instrument, this instrument is not valid. Mr. Pesata suggested LaVonna James talk to the NM School Board Association and the school lawyer to make sure everything is correct. LaVonna James said she was provided the evaluation tool by the attorney. Levi stated he is not trying to be difficult he is just trying to protect the Board from any liability. At this time Darlene Gomez made the motion go move forward with the Superintendent evaluation. After discussion on when the Board could complete the form. Phillip Salazar made the motion, Friday April 12, 2019 deadline to complete the evaluation; seconded by Darlene Gomez. Motion to amend the previous motion by Phillip Salazar to set the deadline for evaluation responses is Friday, April 12, 2019 at 12:00 pm; seconded by Darlene Gomez. Motion carried unanimously.

LaVonna James stated the evaluations will be submitted to Yvette Mares in sealed envelopes and then Ms. Mares will put these sealed envelopes in a bigger sealed envelope and then issue to LaVonna James.

V. LEGAL SERVICES (I/A)

Phillip Salazar stated he had issues with Cuddy McCarthy Law Firm because of the cost to the District stating this money could be used on the kids instead and stated he would recommend terminating the contract with the Cuddy Law Firm and bring in the Ortiz Zamora Law and keep Walsh Gallegos as our school attorneys. Levi Pesata replied he does not agree with this process, attorneys cost money, and we have to look at the contract first look for extenuating circumstances make sure we are not putting ourselves in a position for law suit. At this time LaVonna James recessed the meeting at 1:36 pm because of the lost phone connection with Darlene Gomez. Meeting back in session at 1:37 pm, Darlene Gomez back on the phone. Levi Pesata had the floor he stated we currently have two law firms on contract and we better take a look at both contracts look at the conditions in each contract because this might end up costing the district more money and put the Board in a liable position. Mr. Pesata also cautioned the Board to do the RFP process to hire a law firm. Phillip Salazar responded according to legal services, the Board does have the authority to pull the contract at any time if we are not happy with the law firm and we do not have to go to RFP because this vendor will not reach the \$60,000.00 threshold. Darlene Gomez stated she is in agreement with Phillip and moved to approve that Dulce Independent Schools hire the Ortiz-Zamora as our legal service provider for under \$60,000.00. LaVonna James-concerned the cost for legal services has sky rocketed doubled from last year but still below the \$60,000.00 threshold. After discussion on the RFP process, LaVonna asked for a motion on Legal Services. Levi Pesata stated he could not go with this and the Board is putting themselves in a bad situation. At this time LaVonna James recessed the meeting at 1:45 because the phone connection was lost again with Darlene Gomez. Meeting back in session at 1:46 pm. Darlene Gomez back on the phone. LaVonna James had to remind the group again that Public Participation is not on the Agenda despite individuals requesting permission to speak from the floor. LaVonna James

asked the Board if they want to make a motion at this time, Levi Pesata stated his concern that the Board is being premature in selecting someone they don't even know. Darlene Gomez made the motion for the Dulce School Board to hire Ortiz-Zamora as a legal service provider for the Dulce Independent School District, LaVonna James asked Ms. Gomez if she had a motion on Cuddy Law Firm. Ms. Gomez moved to immediately terminate the legal service contract with Cuddy McCarthy Law Firm. LaVonna asked for a second motion at this time. Levi Pesata asked for permission to discuss at this time, he stated with the two law firms we currently have on contract Cuddy & McCarthy and Walsh and Gallegos, and we are not happy with their services we better get rid of both and then consider another firm because if not there is something terribly wrong with this process. Darlene Gomez stated no one has made a motion to terminate the Walsh and Gallegos contract, Levi responded well you have a personal connection with Walsh we all know it. LaVonna reminded the group that Darlene has made the motion and asked for a second; Phillip Salazar seconded the motion, at this time LaVonna James polled the Board. Darlene Gomez-yes, Levi Pesata-No, Mr. Phillip Salazar-yes, LaVonna James-Yes. LaVonna James-motion has carried by majority vote to hire Ortiz-Zamora as the new legal services provider and to remove Cuddy McCarthy as legal services provider for Dulce Independent School District and this decision will not require an RFP because the amount will be under the \$60,000.00.

Phillip Salazar-asked the Board President, LaVonna James for permission to invite both Mr. Ortiz and Mr. Zamora to the April 16, 2019 Regular Board Meeting. Ok'd by LaVonna James

Levi Pesata-For the record, this process is being done backwards, you don't hire somebody and then have them come in and ask them what services they can provide and also this is a perfect example of a rolling quorum between these three. LaVonna James-we have attended law seminars and work shops offered by the School Board Association and have had workshops with the law firms Ortiz & Zamora and Cuddy McCarthy and Walsh Gallegos they have provided information and covered topics that need to be covered and I feel we can establish a working relationship with Ortiz & Zamora. At this time LaVonna James thanked everyone for their concern and input on this matter.

VI. ADJOURNMENT (A)

Phillip Salazar made the motion to adjourn the Special Board meeting at 1:53 p.m. Seconded by Darlene Gomez. Levi Pesata abstained.

Meeting adjourned at 1:53 pm.



LaVonna James, Board President



Darlene Gomez, Secretary