

# AGENDA

## SPECIAL MEETING OF THE BOARD OF EDUCATION FORT STOCKTON INDEPENDENT SCHOOL DISTRICT

MONDAY, JANUARY 9, 2023 – 5:45 PM  
BOARD ROOM – 101 W DIVISION – FORT STOCKTON, TEXAS

The Board may deliberate or act on any of the subjects listed on the following agenda. The President may change the order of items listed for the convenience of the Board. The Board may enter into a closed meeting to seek the advice and counsel of its attorney at any time during the meeting under the authority of Texas Government Code Chapter 551.071 regarding any item listed on the agenda of this meeting or in order for the attorney to provide legal assistance or advice to the Board.

### 1. CALL TO ORDER

- A. Establishment of Quorum Billy Espino, President
- B. Roll Call Anastacio Dominguez, Secretary
- C. This meeting has been duly called and notice of this meeting has been posted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.
- D. Pledges of Allegiance Flo Garcia, Vice President
- E. Invocation Dr. Gabriel Zamora, Superintendent

### 2. OPEN FORUM AND PUBLIC COMMENTS

### 3. STAFF REPORTS

- A. Superintendent
- B. Business Manager

### 4. CONSENT AGENDA

The Board has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote per category. Items may be withdrawn for individual consideration. The remaining items will be adopted by one vote per category. Items withdrawn for separate discussion will be acted upon individually.

- A. Minutes – Approval of minutes of Regular/Special board meetings of December 12, 2022

### 5. ACTION ITEMS

The Board may elect to Consider, Discuss, Table, Approve and/or Take Action on any of the items under this section.

- A. Architect for 2022 Bond Projects
- B. District Financial Audit 2022
- C. Procurement of Construction Services for 2022 Bond Projects
- D. Superintendent Contract

**6. CLOSED SESSION**

In accordance with the Texas Open Meetings Act (Subchapters D and E of Chapter 551 of the Texas Government Code), the board will now enter into a closed meeting to deliberate subjects listed on this agenda authorized by Subchapter D. Any final action, decision, or vote on a subject deliberated in the closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.

- A. Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee (551.074)
- B. Superintendent's Evaluation (551.074)
- C. Superintendent Contract (551.074)
- D. Consultation with attorney (551.071)

**9. OPEN SESSION** – Reconvene to take any necessary action as a result of Closed Session

**10. FUTURE MEETINGS** – Discuss Possible Agenda Items and set Regular and/or Special Board Meetings

**11. NEWS MEDIA** – Clarification of Agenda Items for News Media

**12. ADJOURNMENT**

**This notice was posted in accordance with the law and FSISD Policy BE (Legal/Local) on January 6, 2023.**

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF EDUCATION  
FORT STOCKTON INDEPENDENT SCHOOL DISTRICT**

December 12, 2022  
6:00 pm

President Billy Espino called the meeting to order at 6:00 pm.

Anastacio Dominguez established a quorum with the following members: Anastacio Dominguez, Billy Espino, Flo Garcia, Freddie Martinez, Andy Rivera, Sandy Rivera, and Ursula Sanchez.

Billy Espino announced that the meeting was duly called and that notice of the meeting was posted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

Flo Garcia led the pledges to the flags, and Superintendent Gabriel Zamora gave the invocation.

**OPEN FORUM AND PUBLIC COMMENT**

**STAFF REPORTS**

Ember Renteria recognized student election workers for the district Elizabeth Bislar, Josiah Carrasco, Daeja Dominguez, Leilani Enriquez, Lesly Flores, Asael Guerrero, Ector Martinez, Jaslyn Pacheco, Aaliyah Ramirez, Carlina Saucedo. Each principal recognized Student of the Month, nominated and selected by the campus staff, and presented certificates to the students. Each principal explained the criteria used to nominate and choose the students: High School - Elizabeth Bislar (November) and Alisa Bustos (December); Middle School - Amelia Ryan Ingram (November) and Edaina Sanchez (December); Intermediate - Gessiah Corral (November) and Piper Arias (December); Alamo - Isaiah Rodriguez (November) and Tatiana Melendez (December); and Apache - Joshua Barbosa (November) and Cali Terrazas (December).

Flo Garcia praised the community and Fort Stockton ISD Maintenance Team for their hard work and efforts in cleaning up the Fort Stockton High School Ag Barn.

**PUBLIC HEARINGS**

The forum for public comments was opened at 6:25 pm.

There were no public comments regarding the Resolution designating "DHI Power Reinvestment Zone" pursuant to Chapter 312 of the Texas Tax Code and the Application for Value Limitation Agreement for DHI Power, LLC, Comptroller Application #1960.

There were no public comments regarding the Application for Agreement for Limitation on Appraised Value of Property for School District Maintenance and Operations Taxes from St. Gall Solar LLC, Application #1895. St. Gall Representative Randy Sowell thanked the board for the opportunity to work with Fort Stockton ISD.

The forum for public comments was closed at 6:28 pm.

At 7:07 pm, the forum was opened for a public hearing regarding the Financial Integrity Rating System of Texas (FIRST) and closed at 7:13 pm.

## **CONSENT AGENDA**

Motion made by Flo Garcia, seconded by Ursula Sanchez, and carried unanimously to approve the consent agenda, including the minutes of the special and regular meeting of October 24, 2022, and November 15, 2022, and the check register for the October and November Check Register.

## **DISCUSSION AND INFORMATION**

Police Chief Robert Lujan gave his quarterly report to the school board members.

Superintendent Dr. Gabriel Zamora presented the Special Education Legal Framework update to the school board members.

Superintendent Dr. Gabriel Zamora distributed the district superintendent evaluation packet to the school board members.

Superintendent Dr. Gabriel Zamora presented the acknowledgment of the conflict of interest policy in connection with the application for agreement for limitation on the appraised value of the property for school district maintenance and operation s taxes from DHI Power, LLC, Comptroller Application #1960. The school board members reported no conflict of interest.

Superintendent Dr. Gabriel Zamora presented the acknowledgment of the conflict of interest policy in connection with the application for agreement for limitation on the appraised value of the property for school district maintenance and operation s taxes from St. Gall Solar LLC, Comptroller Application #1895. The school board members reported no conflict of interest.

## **ACTION ITEMS**

Motion made by Anastasio Dominguez, seconded by Flo Garcia, and carried unanimously to adopt and accept the resolution designating "DHI Power Reinvestment Zone" pursuant to Chapter 312 of the Texas Tax Code.

Motion made by Anastasio Dominguez, seconded by Andy Rivera, and carried unanimously to adopt the Board Findings pursuant to Chapter 313 of the Texas Property Tax Code regarding the Application for Value Limitation Agreement from DHI Power, LLC, Comptroller Application #1960.

Motion made by Flo Garcia, seconded by Sandra Rivera, and carried unanimously to approve the agreement under the Texas Economic Development Act for a Limitation on Appraised Value of Property for School District Maintenance and Operation Taxes with DHI Power, LLC, Comptroller Application #1960.

Motion made by Andy Rivera, seconded by Anastasio Dominguez, and carried unanimously to adopt the Board Findings pursuant to Chapter 313 of the Texas Property Tax Code regarding the Application for Value Limitation Agreement from St. Gall Solar, Comptroller Application #1895.

Motion made by Andy Rivera, seconded by Flo Garcia, and carried unanimously to approve the agreement under the Texas Economic Development Act for a Limitation on Appraised Value of Property for School District Maintenance and Operation Taxes with St. Gall Solar, Comptroller Application #1895.

Motion made by Andy Rivera, seconded by Flo Garcia, and carried unanimously to approve the budget amendments.

Motion made by Flo Garcia, seconded by Andy Rivera, and carried unanimously to approve the Resolution to Appoint Representatives to Board of Directors: Pecos County Appraisal District.

Motion made by Andy Rivera, seconded by Ursula Sanchez, and carried unanimously to approve the Memorandum of Understanding Texas Tech University Health Science Center El Paso & FSISD (telehealth).

Motion made by Flo Garcia, seconded by Ursula Sanchez, and carried unanimously to approve the Contract with Ben Carson Scholars Fund and other entities to establish a Ben Carson Reading Room at Apache Elementary School.

Motion made by Anastacio Dominguez, seconded by Flo Garcia, and carried unanimously to accept donations: Specific Purpose. \$15000 from Amistad Motors Athletic and 500 books from Assistant Superintendent Ron Cline.

Motion made by Andy Rivera, seconded by Freddie Martinez, and carried unanimously to approve the 2022-2023 DIP (District Improvement Plan) and CIPs (Campus Improvement Plans).

Motion made by Andy Rivera and seconded by Flo Garcia and carried unanimously to table the approval of the Security Access Control of ISD Facilities Quotes.

Motion made by Andy Rivera, seconded by Freddie Martinez, and carried unanimously to approve the updated list of staff members authorized to serve as Guardians for Fort Stockton ISD.

Motion made by Andy Rivera, seconded by Freddie Martinez, and carried unanimously to approve the 2021-2022 FIRST Rating Report.

## **CLOSED SESSION**

In accordance with the Texas Open Meetings Act (Subchapters D and E of Chapter 551 of the Texas Government Code), the board entered into a closed meeting to discuss personnel (551.074) and consult with an attorney (551.071).

The session was closed at 7:13 pm and reconvened at 7:32 pm.

## **PERSONNEL**

The school board reviewed the personnel activity report as provided.

### **Professional Employment:**

Anissa Sanchez	Teacher – Middle School – Social Studies
Dan Stephen Taylor	Teacher – Intermediate – Special Education

### **Other Employments:**

Esther Gonzalez Campos	Food Production Staff – Food Services
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### **Resignations:**

Irene Hernandez	Teacher – Intermediate – Science
Yadira Garcia Valverde	Food Production Staff – Food Services

**Retirements:**

Mario Gonzalez  
Sophia Martinez

Grounds Maintenance – Operations  
Custodian – Apache

The next regular meeting will be **on January 23, 2023.**

The meeting adjourned at 7:34 pm.

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Presiding Officer

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Attesting Officer



**AGENDA ITEM:**

Architect for 2022 Bond Projects

**MEETING DATE:**

January 9, 2023

- Action
- Information
- Discussion

**BACKGROUND:**

The school district must select an Architect that will provide services for projects that will take place based on the results of the 2022 Bond election. The portfolio has been provided to the school board digitally and can be visited at following link:

[https://issuu.com/vlkarchitects/docs/vlk\\_general\\_intro\\_packet?fr=sODc0ZjM1NzE4NzQ](https://issuu.com/vlkarchitects/docs/vlk_general_intro_packet?fr=sODc0ZjM1NzE4NzQ)

**FISCAL IMPLICATIONS:**

Cost of project design and consultations.

**RECOMMENDATION:**

VLK Architects

**MOTION:**

I move that we select VLK Architects based on demonstrated competence and qualifications as the architect for the 2022 Bond Projects, and that we authorize the Superintendent to negotiate and execute a contract for their services.



# FORT STOCKTON INDEPENDENT SCHOOL DISTRICT

<b>Agenda Item:</b> <b>Consider approval of the 2021-2022 Financial Audit</b>	<b>Meeting Date:</b> <b>January 9, 2023</b>
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- Action
- Information
- Discussion

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## BACKGROUND:

Our Auditing firm, Eckert & Company, LLP has completed the District's audit for the year ending August 31, 2022. A copy of the audit report is included in your packet. I will try to answer any questions you may have. If there are questions I cannot answer, I will ask Mr. Mike Oliphant, the lead auditor, to attend our February Board Meeting.

Following is a letter containing information that is required to be communicated to the Board along with the Schools FIRST questionnaire. This form must be submitted to TEA along with a copy of the approved audit before January 28, 2023.

FSISD received a clean audit.

## FISCAL IMPLICATIONS

RECOMMENDATION: I recommend approving the 2021-2022 Financial Audit.

SUGGESTED MOTION: I move to approve the 2021-2022 Financial Audit.



# Eckert & Company

CERTIFIED PUBLIC ACCOUNTANTS

A Limited Liability Partnership

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Members of  
American Institute of CPAs  
Texas Society of CPAs

December 5, 2022

Board of Trustees  
Fort Stockton Independent School District  
101 West Division  
Fort Stockton, TX 79735

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Fort Stockton Independent School District for the year ended August 31, 2022, and have issued our report thereon dated December 5, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated January 24, 2022. Professional standards also require that we communicate to you the following information related to our audit.

## Significant Audit Findings

### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the District are described in Section I. of the notes to the financial statements. The provisions of Governmental Accounting Standards Board Statement No. 87, *Leases*, were adopted during the year ended August 31, 2022. The application of other existing policies was not changed. We noted no transactions entered into by the District during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the District's financial statements were:

The allowance for uncollectible taxes, which is based on historical experience, and the estimated useful lives of depreciable assets, which are based on projections of the productive lives of the assets. We evaluated the key factors and assumptions used to develop these estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated December 5, 2022.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the District's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the District's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the management's discussion and analysis, budgetary comparison information, and net pension liability and contributions information and net OPEB liability and contributions information for the Teacher Retirement System of Texas, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI, and we do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the required TEA schedules and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the information and use of management and the Board of Trustees of the Fort Stockton Independent School District and is not intended to be and should not be used by anyone other than these specified parties.

*Eckert & Company, LLP*

SCHOOLS FIRST QUESTIONNAIRE

FORT STOCKTON INDEPENDENT SCHOOL DISTRICT

Fiscal Year 2022

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SF1	Was there an unmodified opinion in the Annual Financial Report on the financial statements as a whole?	Yes
SF2	Were there any disclosures in the Annual Financial Report and/or other sources of information concerning nonpayment of any terms of any debt agreement?	No
SF3	Did the school district make timely payments to the Teachers Retirement System (TRS), Texas Workforce Commission (TWC), Internal Revenue Service (IRS), and other government agencies? (If there was a warrant hold not cleared in 30 days, then not timely.)	Yes
SF4	Was the school district issued a warrant hold? (Yes even if cleared within 30 days.)	No
SF5	Did the Annual Financial Report disclose any instances of material weaknesses in internal controls over financial reporting and compliance for local, state or federal funds?	No
SF6	Was there any disclosure in the Annual Financial Report of material noncompliance for grants, contracts, and laws related to local, state, or federal funds?	No
SF7	Did the school district post the required financial information on its website in accordance with Government Code, Local Government Code, Texas Education Code, Texas Administrative Code and other statutes, laws and rules in effect at the fiscal year end?	Yes
SF8	Did the school board members discuss the school district's property values at a board meeting within 120 days before the school district adopted its budget?	Yes
SF9	Total accumulated accretion on CABs included in government-wide financial statements at fiscal year end.	



**FORT STOCKTON**  
INDEPENDENT SCHOOL DISTRICT

**AGENDA ITEM:**

Procurement of construction services for 2022 Bond Projects

**MEETING DATE:**

January 9, 2023

- Action
- Information
- Discussion

**BACKGROUND:**

ISD attorneys have provided assistance with drafting a Resolution in order to facilitate the procurement of construction services.

**FISCAL IMPLICATIONS:**

Cost of construction projects from approved 2022 Bond

**RECOMMENDATION:**

Approve the Resolution

**MOTION:**

I move that we adopt the proposed resolution regarding the procurement of the 2022 Bond Projects

**RESOLUTION**

**FORT STOCKTON INDEPENDENT SCHOOL DISTRICT**

\_\_\_\_\_  
January 9, 2023

STATE OF TEXAS                    §  
  §  
COUNTY OF PECOS               §

WHEREAS, the Texas Government Code § 2269.056 provides that the board of trustees of a school that is considering a construction contract using a method other than competitive bidding must, before advertising, determine which method provides the best value for the school; and

WHEREAS, the Fort Stockton Independent School District (the “District”) is currently considering a construction project relating to the Bond 2022 Major Renovations and Bond 2022 New Construction (the “Project”) which will require the designation and use of a method specified by Texas Government Code Chapter 2269; and

WHEREAS, the Board of Trustees is of the opinion that Construction Manager-At-Risk method of delivery provides the best value for the District on the construction program under consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES that,

1. The above-stated method of delivery is determined to provide the best value for the District on the Project.
2. The Board delegates to the Superintendent the authority to publish the appropriate procurement instrument and to advertise and solicit responses thereto, to rank the proposals in consultation with the Architect for presentation to and final approval by the Board.
3. The prevailing wage rate schedule for Pecos County as determined by the United States Department of Labor in accordance with the Davis-Bacon Act is adopted as the prevailing wage rate schedule for the project.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF TRUSTEES on the \_\_\_\_  
day of \_\_\_\_\_, 2023.

FORT STOCKTON INDEPENDENT SCHOOL DISTRICT

\_\_\_\_\_

By: \_\_\_\_\_  
President, Board of Trustees

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_  
Secretary, Board of Trustees



**AGENDA ITEM:**

Superintendent Contract

**MEETING DATE:**

January 9, 2023

- Action
- Information
- Discussion

**BACKGROUND:**

The Superintendent has worked for FSISD for 18 months. January is when most superintendent contracts are revisited by school districts.

**FISCAL IMPLICATIONS:**

Cost of superintendent compensation. Superintendent manages and supervises all areas of district.

**RECOMMENDATION:**

Recommend school board consult with attorney and establish parameters for contract negotiations.

**MOTION:**

No action necessary (INFO): Board President Billy Espino will work with legal team and superintendent to negotiate the specifics of a new contract using parameters agreed upon by trustees. New contract, if any, must be approved at a future board meeting.