

**El Paso Independent School District
Citizens' Bond Advisory Committee
Virtual Zoom Meeting Minutes
December 17, 2020**

Present:

Ana Elena Allen
Michael Apodaca
Roger Scott Brown
Bob Burns
Norma Chavez
Yolanda Clay

Kelvin Joel Kroeker, P.E.
Toni Lunsford
Ross Moore
Miguel S. Venegas
Russell Wiggs

Not in Attendance:

Alexsandra R Anello
Angelica Bharat
Dan Longoria
Christian Lopez
Paul Masters
Debbie Fetzer (Trexler)

Special Guest:

Vincent Sheffield, EPISD Interim Superintendent

Presenters:

Alan Wiernicki, Chief Quality Officer
Irene Ramirez, Executive Director Facilities & Construction
Jacobs Program Management Team
Rose Lucero, Bond Outreach Coordinator
David Martinez, Compliance and Job Cost Accounting Manager
Mayra Martinez, Chief Internal Auditor
Alice Ramos, Chief Information Officer

1. Call to Order

The video conference meeting was called to order at 5:05 p.m. by Mr. Russell Wiggs, Chair.

Mr. Alan Wiernicki introduced Mr. Vincent Sheffield, Interim Superintendent.

2. Review of Meeting Minutes

Meeting minutes for October 29, 2020, was approved at 5:21 p.m. when quorum was met. Ms. Yolanda Clay made the motion, Mr. Kelvin Kroeker second, all in favor.

3. Projects Managed by EPISD Update

Ms. Irene Ramirez, Executive Director Facilities and Construction, presented an update on the District managed projects.

Active Projects:

- Chapin Running Track Replacement- The project is currently under the final stages of design and coordinating the utilities with Ft. Bliss. Construction is anticipated to begin late summer 2021.
- Crockett ES Phase II Fire Rated Corridors – Phase 1 is approximately 98% complete and Phase 2 more than 45% complete with an anticipated completion of the entire project by the end of January 2021.
- Tennis Court Replacement with Lighting Project – Construction is underway at Bowie and Irvin (resurfacing not a replacement) at approximately 20% complete, and mobilization has begun at Austin. The remaining sites have not yet commenced but will track the progress and update the committee.

Mr. Wiggs asked if the Chapin track would be located on the top level of the property. Ms. Ramirez responded that it would and also include lighting enhancing its use.

Mr. Wiggs added that the Irvin tennis courts were replaced a few years ago and therefore the reason for resurfacing instead of replacing.

Mr. Miguel Venegas asked if the Chapin track cost is expected to be within the allocated budget or would it require additional funding to be approved by the Board. Ms. Ramirez responded that at this point in time she believes there is sufficient funding but added that the bidding climate is unpredictable given the circumstances of work force and material delays. However, Ms. Ramirez will have a better idea once an estimate is received at the end of the final design phase in a couple of months.

4. Projects Managed by Jacobs Update

Ms. Madeleine Sara, Deputy Program Director for Jacobs, presented on the 2016 Bond Program Major Milestones to Date on the completed areas that have been delivered to the District.

Mr. Wiggs requested that photos be provided on the completed areas. Ms. Sara responded that photos of the completed areas will be presented at the February CBAC meeting.

Ms. Sara proceeded with the Schedule Update, reporting that twelve Covid delay claims were received, in which four were rejected and eight would be prepared for Board consideration. The eight claims were for seven schools with Jefferson having a claim for package 1 (school site) and package 2 (Washington Park baseball field). Ms. Sara indicated that in 2021, fifteen schools will be in construction with Dr. Josephine Torres being completed and in early 2022, ten schools would be completed and transitioned back to the District.

Mr. Wiggs asked if Mr. Wiernicki would like to expand on the Covid delays. Mr. Wiernicki stated that although best efforts to accelerate construction with students out of schools had been made, the construction industry suffered Covid impact to labor and material delays. In September, delay claims were submitted to the Board for additional days at Andress and El Paso High. In an effort to avoid submissions to the board over several months, the contractors were requested to submit any related Covid delays to either material or personnel for the period between February 2020 and November 2020 by the end of November 2020. As reported by Ms. Sara, twelve claims were received with four being rejected due to unsubstantial backup. The eight remaining claims will be analyzed and validated within the next 30-60 days. Claims will be finalized and taken to the board for approval. Mr. Wiernicki advised the committee that the schedule will shift due to the Covid delay claims,

Mr. Ross Moore stated that these are not just delays but loss of life.

Mr. Alonzo Parra, Project Controls Specialist for Jacobs, presented the Program Budget through December 15, 2020 to include the Program Contingency.

Jacobs Project Managers presented updates on their assigned projects:

The following projects are assigned to and presented by:

Mr. Jose Carrera (Jacobs Project Manager)

Bobby Joe Hill School— (no question/concerns)

Captain L. Navarrete —(no question/concerns)

Irvin High School – Mr. Moore stated that at the CLU meeting the El Paso Building Trades Council indicated that there are issues with contractors misclassifying workers at Irvin and Archie Duran and had already filed a complaint with the District. Mr. Moore has asked Ms. Leticia Marcum, President of the Building Trades Council, for a summary sheet that will be sent to Mr. Sheffield, Mr. Wiernicki and Mr. Wiggs. Mr. Moore explained that the misclassification consisted of workers being classified as a general worker (lower rate of pay) but performing work of a plumber, which is a higher rate of pay.

The following projects are assigned to and presented by:

Ms. Luz Favela (Jacobs Project Manager)

Dr. Josefina Villamil Tinajero PK-8 – (no question/concerns)

General Douglas MacArthur PK-8 – (no question/concerns)

Charles Q. Murphree PK-8 – (no question/concerns)

The following projects are assigned to and presented by:

Mr. Kyle Csorba (Jacobs Project Manager)

Don Haskins PK-8 – (no questions/concerns)

Burges HS – (no questions/concerns)

El Paso High School – (no questions/concerns)

The following projects are assigned to and were presented by:

Mr. Mauricio Chavez (Jacobs Project Manager)

Dr. Joseph E. Torres ES – (no questions/concerns)

Coach Archie Duran ES – (no questions/concerns)

Andress High School – (no questions/concerns)

Coronado – (no questions/concerns)

The following projects are assigned to and presented by:

Mr. Rogelio Gonzalez (Jacobs Assistant Project Manager)

Coach Wally Hartley PK-8 (P1) – (no questions/concerns)

Coach Wally Hartley PK-8 (P2) Softball Field at Memorial Park – Ms. Ana Elena Allen asked where the external funds came from. Mr. Gonzalez responded that they are proceeds from the sale of property behind Ross Middle School for the City water park.

Austin HS– Mr. Wiggs asked if the performing arts center include a theatre. Mr. Gonzalez responded that it includes a UIL theatre of 350 seats.

Jefferson/Silva (P1) – (no questions/concerns)

Jefferson/Silva (P2) Washington Park Baseball Field – Ms. Allen asked who would be responsible for maintaining the park. Mr. Gonzalez responded that it would be shared, EPISD will maintain during the baseball season and the City would maintain for the rest of the year.

Mr. Wiernicki commented that the collaboration with the City on these projects is further evidence that as governmental entities it is best when collaborations are made by using existing parks (property) owned by the City instead of having to procure and pay for additional real-estate. He also added of the importance of tax payers understanding that when entering into intergovernmental agreements for a facility, it's not only beneficial to the District but for the entire community.

Mr. Miguel Venegas asked if the anticipated program contingency use of \$2.7 million for Jefferson/Silva Washington Park Baseball Field approved by the Board or anticipated to be used. Mr. Gonzalez responded that the \$2.7 million had already been approved by the Board. Mr. Bob Burns asked if that \$2.7 million already part of the actual contract cost/contingency and not in addition. Mr. Gonzalez responded yes it is already included.

Mr. Burns asked Mr. Jason Colley for his top 2-3 overall concerns at this time. Mr. Colley responded his concerns would be the delays due to Covid loss of man power and material delays which has been challenging for all involved. In addition Mr. Burns asked if there are any projects that need help from outside entities. Mr. Colley responded that utilities are a challenge but has received help from Ms. Liza Ramirez-Tobias with EPISD who has been successful on expediting easements, cutting checks and getting them in the queue with the utility companies. He also added how pleased he is on the progress and quality of work from the contractors.

Mr. Wiernicki commented that his concern is that most of the projects were a 24-36 month build with a projected completion in the summer with students moved in by the new school year. Now with any project schedule slip, if a school is completed in August-October, there is a risk of consolidating during the winter break or potentially having a new school empty until the following calendar year. Mr. Burns stated that the District created unnecessary artificial dates of completion to what we are seeing today, how do we make that work, what is the mitigation plan that the District is going to put on the shelf if a school is not delivered on time, what can we do to help mitigate, what plans are we placing for those "if" statements and how we will respond, these plans need to be looked at now rather than later. Mr. Wiernicki stated that a plan will be added to the next meeting. Mr. Wiernicki continued by asking the CBAC members that when a consolidations is delayed, and the community comes up with their own conclusion, that they assist in communicating the facts being provided.

5. Technology Update

Ms. Alice Ramos, Chief Information Officer, presented a brief update on the technology involvement with the 2016 bond projects

Non-Construction Projects – Thirteen projects initiated with three projects pending.

- Access Control – First phase involved the installation of video door stations at all elementary campuses. Phase II is tied with a grant as presented in February 2020, the implementation will be completed by the end of June 2021.
- Wireless Upgrades Implementation was scheduled for this year but due to the pandemic it was not executed. On the other hand, there is the possibility to leverage funding from the e-rate program. If approved, the district will receive a discount up to 85% on the solution purchase, expanding the program districtwide which was originally planned for middle and high schools. The application was submitted and currently awaiting response. If approved, the implementation will begin April 2021.
- Neighborhood Wireless (1250 hotspots distributed) plan was presented to CBAC in February 2020, regarding the purchase of hotspots that would be issued to students upon need. Without prior knowledge of current circumstances it turned out a great direction for the District in supporting more students throughout the District's closure. Technology is currently evaluating if students were able to maximize utilization and looking into future expansion with the remaining funds.

Construction Related for the 2016 School Projects

- IT budgeted allotment initiatives included:
 - The infrastructure phase cabling that meets the 21st century environment requirements/needs
 - Surveillance implementation across the campus which includes infrastructure and equipment solutions (alongside police services)
 - Telecommunication across the building and an important feature is the technology in each classroom with state of the art equipment using interactive flat panels to allow teachers to facilitate instruction engaging/interacting with students.

If budget allows, the following would occur:

- Installation of access controls at the classroom level (same solution used for the exterior doors) for an added layer of security
- Implement digital signage solutions for principals, administration and teachers for showcasing/highlighting student work in a digital format
- Lastly, a small contingency of funds to help campuses augment their existing technology equipment on the campus (i.e. computer labs update or any equipment in need of upgrade)
- Dr. Joseph Torres planned technology expenditures have been completed with \$40k

remaining of the technology allotment for the project which will be reserved as contingency until June 2021, until the building is utilized to determine if any areas overlooked and need overlooked. If there are no items that need to be addressed, technology department will work with campus administration to keep those funds at the campus to augment technology.

Mr. Wiernicki commented that the District had discussions on deciding if the technology work would be done by the general contractor or EPISD technology department. He was glad that under Ms. Ramos leadership the technology department would take the latter, although difficult from a management standpoint. Ms. Ramos was provided control of the allocated technology budget which allowed the customization of surveillance and classroom technology for each individual school's need and a better product for our students.

Mr. Burns asked if there were any issues with the force protection requirements for Captain Gabriel Navarrete in terms of IT. Mr. Wiernicki responded that he is unaware of any and acknowledged the general contractor's contract adheres to all the force protection requirements for the federal government as per the lease agreement. Mr. Burns commented that there are specific force protection specification requirements for access security/surveillance and recommends we pay attention to the installation of them. Mr. Burns wouldn't want to have security stating it does not meet requirements. Ms. Ramos mentioned that they work closely with Police Services on their initiatives and is confident that they comply. Mr. Burns agreed and added that the Ft. Bliss compliance may be different, and confirmation should be made.

6. Community Engagement Update

Ms. Rose Lucero, Bond Outreach Coordinator, presented on the following:

- Social Media Posts from October and November on Instagram, Facebook and Twitter impressions.
 - Coach Wally Hartley October 5, 2020
 - Jefferson/Silva High School October 21, 2020
 - Austin High School October 23, 2020
 - MacArthur/Bonham October 28, 2020
 - Irvin High School November 6, 2020
 - Andress High School November 11, 2020
 - Don Haskins (video) November 24, 2020
- Captain Gabriel Navarrete Middle School Channel 9 one minute segment on December 1, 2020.
- Coming Soon
 - EPISD Bond Newsletter – December 2020
 - Promotional video posts during winter break
 - Coronado Gym week of December 21, 2020
 - Jefferson/Silva week of December 29, 2020
 - Bobby Joe Hill January 2021
 - Dr. Josefina Villamil Tinajero 2021
 - Irvin High School February 2021
 - Dr. Joseph Torres 2021
 - First Impression packages will go out when student return in person
 - Presentation at EPISD Council of PTAs February 2021

7. Strategic Communication Handout

Mr. Wiernicki, Chief Quality Officer, presented the 2016 Bond Program Strategic Communication handout as requested by the committee at a previous CBAC meeting to coordinate consistency on the message being communicated to the public and added that the handout will be update quarterly.

Mr. Burns stated that the handout will be helpful in informing the public. Mr. Burns suggested that the District's top line messages be developed for the purpose of achieving results and be updated periodically to keep the message relevant. This will help committee members in communicating facts to their district.

Mr. Wiggs commented that the committee members are ambassadors of the CBAC for the District.

8. Periodic Financial Reports

Mr. David Martinez, Compliance and Job Cost Accounting Manager, presented the periodic reports as of November 30, 2020.

- Fund Status Report
- Fund Balance Report by Fiscal Year
- Fund Report Managed by the District
- Interest Revenue/Admin Expense

9. Internal Audit Update

Ms. Mayra Martinez, Chief Internal Auditor, presented a brief update to the internal audit plan FY 20/21 related to the 2016 Bond program.

- Correction Action Plans (CAP) Follow-up which administration has implemented CAP activities and considered closed.
 - Bond Construction Costs Audit
 - Bond Construction Costs Audit: Crocket ES Renovations
- Bond Expenditures Audit completed in November. The objective of this audit was to determine whether non-construction bond funded expenditures were properly supported and related to the 2016 Bond in accordance with the Voter Compact. The scope of work covered the period from August 2018 to June 30, 2020. The report is complete/finalized and has been emailed to the CBAC members. Internal Audit is monitoring the implementation of the CAP (monitoring phase). The audit resulted in that most non-construction bond-funded expenditures tested were properly supported and related to the 2016 Bond in accordance with the Voter Compact. We found no evidence of bond funds used for teacher or administrative salaries or other school operating expenses, other than EPISD employees whose responsibilities include 2016 bond-related activities. However, we identified instances of non-compliance with the records retention procedures and the District's process for the destruction of records.
- Compliance with Prevailing Wages Statute is in the early planning stage. The objective and scope will be determined based on the results of our engagement-level risk assessment, due complaints on non-compliance.

Ms. Ramirez stated that on receipt of a complaint, EPISD staff reviews the available information and requests any additional information needed from the contractor/subcontractors involved. When an initial determination is made that there is reason to believe noncompliance with the prevailing wage rate statute has occurred, an agenda item is presented to the Board. Once the Board concurs with the recommendation, a complete extensive review (where we are on some of these complaints) is performed of the additional information requested from the contractor/subcontractor assessing any findings. Subsequently, an agenda item is submitted to the Board to advise them of non-compliance or clarification of compliance.

Mr. Wiggs asked when non-compliance is determined and the employer reimburses the employee, is it taken into consideration when penalized? Ms. Ramirez responded that the contractor is penalized for each instance of noncompliance found up-to the date the contractor provides restitution for the proper wage rate to the employee.

Mr. Moore stated that the problem for the last couple of years is the investigation process and it behooves EPISD to assure that workers are paid the appropriate wage rate for work performed. Mr. Moore added that it was disconcerting that our legal counsel was unaware when contacted by the legal counsel for the Regional Buildings Trade Council.

Mr. Kelvin Kroeker indicated, in his experience, it is not uncommon for an employee flagged for being paid the incorrect wage rate and the contractor taking the steps on paying the employee restitution. Mr. Kroeker asked if the District is looking for patterns/systematic misclassifications that would need to be punished. Ms. Ramirez responded that even if an employee is not paid the appropriate wage rate once, they are subject to the penalty fee.

Mr. Moore stated that the Builders Trade Council indicted that this systematic misclassification is occurring with other Districts and some private sector contractors.

Mr. Wiggs requested that Ms. Ramirez and Mr. Wiernicki share the comments made by Mr. Moore with legal counsel. Mr. Wiernicki responded that counsel is currently reviewing the completed investigation and is waiting for comments.

Ms. Martinez added that Mr. Moore's comments will also be included in the audit process. Recommendations for improvement may be needed. Mr. Moore added that he would connect Ms. Martinez with Ms. Leticia Marcum, President of the Building Trades Council.

Mr. Wiernicki informed the committee of the next scheduled CBAC meeting on February 18, 2021.

Mr. Wiggs adjourn meeting.

Adjournment

The meeting adjourned at 6:34 p.m.

Date Approved by CBAC Secretary: January 19, 2021

Date Approved by Chair: January 19, 2021

Citizen's Bond Advisory Committee Meeting
Attendance Sheet
December 17, 2020



COMMITTEE MEMBERS

VIA VIDEO ZOOM CONFERENCE

Name	Signature
Ana Elena Allen	<i>In Attendance</i>
Alexsandra Rose Annello	
Keny Michael Apodaca	<i>In Attendance</i>
Angelica Bharat	
Scott Brown	<i>In Attendance</i>
Bob Burns	<i>In Attendance</i>
Norma Chavez	<i>In Attendance</i>
Yolanda Clay	<i>In Attendance</i>
Kelvin Joel Kroeker, P.E.	<i>In Attendance</i>
Dan Longoria	
Christian Lopez	
Toni Lunsford	<i>In Attendance</i>
Paul Masters	
Ross Moore	<i>In Attendance</i>
Debbie Fetzer (Trexler)	
Miguel S. Venegas	<i>In Attendance</i>
Russell Wiggs	<i>In Attendance</i>