

Minutes of the Regular Meeting

The Board of Trustees Commerce ISD

A regular meeting of the Board of Trustees of the Commerce Independent School District was held on November 16, 2015 at 6 p.m. in the Commerce ISD Administration Building, 3315 Washington St., Commerce, Texas. President Ted Oats called the meeting to order, extended a warm welcome and announced that a quorum was present. The meeting had been posted for the time and manner required by law.

Board members present were President Oats, Mr. Michael Beane, Dr. LaVelle Hendricks, Ms. Etta Herring, Ms. Kathleen Hooten and Mr. Gabe Wittkopf. Mr. Randy Starks was absent.

Invocation and Pledge of Allegiance...

The invocation was led by Dr. Hendricks and Commerce Elementary School student representatives led the pledges to the U.S. flag and the Texas flag.

Recognition

The CHS Tiger Band was recognized for advancing to area, the first time in seven years. Drum majors Jackson Singleton and Zane Belcher, along with Assistant Director Elizabeth Bialecki and stand-in band director Greg Monroe, represented the band. CHS Band Director Dave Polk was away due to illness.

Action on Items Discussed in Executive Session

Mr. Beane made a motion to accept the resignation of Commerce High School teacher Emily Watson. Dr. Hendricks seconded the motion. The motion carried unanimously.

Citizen's Comments...

None

Commerce Elementary School Report

Principal Diane Stegall introduced her staff and showed a video highlights events at her school.

Consent Agenda

Dr. Hendricks made a motion to approve the minutes of the regular meeting on October 19, 2015, the financial statement and investment summary for October 2015. Mr. Beane seconded the motion. The motion carried unanimously.

Consider Approval of District and Campus Improvement Plans

Carol Petty, Federal Program Coordinator, highlighted features of the District Improvement Plan including the dual credit tuition for high school students meeting criteria. The District paid \$22,000 to Texas A&M University-Commerce for 148 courses this semester.

Mr. Beane made a motion to accept the DIP and CIP as presented. Mr. Wittkopf seconded the motion. The motion carried unanimously.

Consider and Possible Approval of Resolution Regarding A&M Commerce STEM Laboratory Academy and Issuing Statement of Impact for Generation Twenty-One Chapter Application

Superintendent Blake Cooper explained how the proposed university charter school would be detrimental to the District and encouraged the Board to approve the proposed resolution opposing it and send the statement of impact to the Texas Education Agency. After discussion, the Board asked if A&M-Commerce Dan Jones could be invited to a special Board meeting to offer his point of view in support of the charter school.

Dr. Hendricks made a motion to table the resolution and statement of impact in opposition to the A&M Commerce STEM Laboratory Academy and asked that Dr. Jones be invited to speak and answer the Board's questions at a special meeting. Mr. Wittkopf seconded the motion. The motion carried unanimously.

Consider and Possible Approval of Resolution Determining Prevailing Wage Rates for the Miscellaneous Energy and Water Improvements—Chapter 2258, Texas Government Code

Mr. Cooper introduced documents setting prevailing wage rates for trade workers in the proposed energy project. Mr. Wittkopf made a motion to approve the resolution as presented. Mr. Beane seconded the motion. The motion carried unanimously.

Consider and Possible Approval of a Resolution Approving Energy Savings Performance Contract with Schneider Electric Buildings America

Mr. Cooper said that a contract with Schneider Electric was clearing final stages of agreement and recommended the Board approve a resolution to allow President Oats to sign the contract when it was agreed upon by all parties.

Mrs. Hooten made a motion to approve the resolution as presented. Dr. Hendricks seconded the motion. The motion carried unanimously.

Consider and Possible Approval of a Resolution Regarding the Financing of an Energy Project

Mr. Cooper recommended the Board approve the resolution with Government Capital Corp. to finance the energy savings performance project. Financing of the \$4,560,426 would be divided into 2015 and 2016, funding \$1,500,000 and \$3,060,426, respectively.

Mr. Beane made a motion to approve the resolution as presented. Dr. Hendricks seconded the motion. The motion carried unanimously.

Consider Approval of Request to Submit TEA Expedited Waiver for State Testing Days

Mr. Cooper presented the request noting that the District has been using the schedule for the past several years as allowed by the TEA waiver process. Mr. Wittkopf made a motion to approve the resolution as presented requesting a waiver for this year and two more school years. Mrs. Hooten seconded the motion. The motion carried unanimously.

Review and Discuss Plans for Office of Civil Rights Compliance

Mr. Cooper told the Board that the District was on track meeting the requirements within the timeline set by the OCR. Signage was installed as required in the agreement.

Consider Candidate for Board of Directors of Delta County Appraisal District and Execute Resolution

Mr. Oats recommended that the Board cast all of its votes for Allen Beeler for the Delta County Appraisal District Board of Directors. Mr. Wittkopf made a motion to cast all 32 votes for Allen Beeler and execute a resolution stating the same. Mr. Beane seconded the motion. The motion carried unanimously.

Consider Candidate for Board of Directors of Hunt County Appraisal District and Execute Resolution

Mr. Cooper recommended the Board cast its votes for John Sands, a community member who currently serves on the board. Mr. Wittkopf made a motion to cast all 469 votes for John Sands and execute a resolution stating the same. Mrs. Hooten seconded the motion. The motion carried unanimously.

Consider Approval of TASB Local Policy Update 103 affecting Local Policies

BF(LOCAL): BOARD POLICIES; CAA(LOCAL): FISCAL MANAGEMENT GOALS AND OBJECTIVES - FINANCIAL ETHICS; CB(LOCAL): STATE AND FEDERAL REVENUE SOURCES; CBB(LOCAL): STATE AND FEDERAL REVENUE SOURCES – FEDERAL; CKE(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT – SECURITY PERSONNEL; CO(LOCAL): FOOD SERVICES MANAGEMENT, DBD(LOCAL): EMPLOYMENT REQUIREMENTS AND RESTRICTIONS - CONFLICT OF INTEREST; DH(LOCAL): EMPLOYEE STANDARDS OF CONDUCT; DIA(LOCAL): EMPLOYEE WELFARE - FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION; FEA(LOCAL): ATTENDANCE - COMPULSORY ATTENDANCE; FEC(LOCAL): ATTENDANCE - ATTENDANCE FOR CREDIT; GKA(LOCAL): COMMUNITY RELATIONS - CONDUCT ON SCHOOL PREMISES; GRA(LOCAL): RELATIONS WITH GOVERNMENTAL ENTITIES - STATE AND LOCAL GOVERNMENTAL AUTHORITIES

Mr. Cooper presented policies as defined by TASB Local Update 103. Dr. Hendricks made a motion to approve TASB Local Update 103 as presented. Mr. Wittkopf seconded the motion. The motion carried unanimously.

Informational Reports

Mr. Cooper noted that enrollment was up 13 students to 1616, a number not reached since the 2009-2010 school year.

Mr. Cooper stated that ACW and CMS were 100 percent highly qualified while CES was 96.15 percent and Commerce High School was 94.85 percent. Each campus has one teacher who is not highly qualified. The District as a whole was 97.75 percent highly qualified.

The District-sponsored technology camp, EdCamPalooza, was held November 7 with over 100 attendees, according to Director of Technology Al Shipp.

Christmas Parade is scheduled for December 5. Mrs Hooten encouraged Board members and administrators to ride in the parade as a group.

Mr. Cooper stated that the Winter Arts Festival would be held on December 10. Principals gave the Board an update on campus events.

The next Board meeting is scheduled for 7 p.m., Thursday, December 17, 2015, with executive session at 6 p.m.

Consider Approval of the 2014-2015 CISD Financial Audit from Rutherford, Taylor and Company, PC, Greenville, Texas

Mr. Mike Taylor from Rutherford, Taylor and Company, PC, presented the auditor's report for the last school in which the district received an unqualified opinion, the best possible opinion.

A motion was made to approve the audit as presented by Mrs. Hooten. Mr. Beane seconded the motion. The motion was approved unanimously.

Board Comments

None.

Adjournment...

Mrs. Hooten made a motion to adjourn the meeting and Mr. Beane seconded the motion. Mr. Oats stated that the meeting was adjourned.



Ted Oats, President
CISD Board of Trustees



Kathleen Hooten, Secretary
CISD Board of Trustees

**RESOLUTION OF THE BOARD OF TRUSTEES OF
COMMERCE INDEPENDENT SCHOOL DISTRICT
DETERMINATION OF PREVAILING WAGE RATE
MISCELLANEOUS ENERGY AND WATER IMPROVEMENTS**

WHEREAS, the Commerce Independent School District (the "District" or "CISD") is commencing miscellaneous energy and water improvements at various sites in the District (the "Improvements"); and


WHEREAS, Chapter 2258 of the Texas Government Code requires the Board of Trustees ("Board") of CISD to determine the general prevailing wage rate in the locality where the Improvements will be constructed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMERCE INDEPENDENT SCHOOL DISTRICT AS FOLLOWS:

1. It is found that the foregoing recitals are true and correct and are hereby adopted as findings of fact by the Board of Trustees of Commerce Independent School District.
2. The CISD Board of Trustees further determines that the prevailing wage rate in Commerce ISD for the Improvements is as determined by the United States Department of Labor in its Wage Rate General Decision # TX150335 for Hunt County, Texas and dated March 6, 2015.
3. The CISD Board of Trustees further determines that the prevailing wage rate for the Improvements for legal holiday and overtime work is the rate of one and one-half times the prevailing wage rate determined above.
4. This Resolution shall take effect immediately.

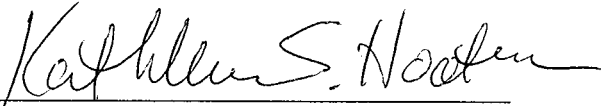
PASSED and ADOPTED the 16th day of November, 2015, by the Board of Trustees of the Commerce Independent School District by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0



Ted Oats, President, Board of Trustees

ATTEST:



Kathleen Hooten, Secretary, Board of Trustees

A RESOLUTION REGARDING THE FINANCING OF AN
"ENERGY CONSERVATION PROJECT"

WHEREAS, Commerce Independent School District [the "District"] desires to enter into one or more Public Property Finance Act Contracts with Government Capital Corporation ["GCC"] for the purpose of financing an "Energy Conservation Project" in a total principal amount not to exceed \$5,000,000.00; and

WHEREAS, the District desires to designate the Finance Contract(s) as a "qualified tax exempt obligation" of the District for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMERCE INDEPENDENT SCHOOL DISTRICT:

Section 1. That the District will enter into one or more Public Property Finance Act Contracts [the "Finance Contract(s)"] with GCC for the purpose of financing an "Energy Conservation Project".


Section 2. That Finance Contract No. 7227 is to be issued during the calendar year 2015 in a total principal amount not to exceed \$1,500,000.00 and is designated by the District as a "qualified tax exempt obligation" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 3. That any Finance Contract No. 7300 is to be issued during the calendar year 2016 in a total principal amount not to exceed \$3,500,000.00 and shall be designated by the District as a "qualified tax exempt obligation" for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 4. That the Superintendent of Schools for the District is hereby designated as an authorized signer of the Finance Contract(s) by and between the Commerce Independent School District and GCC and is hereby delegated the authority to execute the Finance Contract(s) and any other documents necessary for the transactions necessary for the financing of the aforementioned "Energy Conservation Project".

PASSED AND APPROVED by the Board of the Commerce Independent School District in a lawfully called and conducted public meeting on the 16th day of November, 2015.

District: Commerce Independent School District



Ted Oats, Board President

ATTEST:


Kathleen Hooten, Board Secretary

**RESOLUTION OF THE BOARD OF TRUSTEES OF
COMMERCE INDEPENDENT SCHOOL DISTRICT
APPROVING ENERGY SAVINGS PERFORMANCE CONTRACT**

WHEREAS, the Commerce Independent School District (the "District" or "CISD") has been considering entering into an energy savings performance contract with Schneider Electric Buildings Americas, Inc. ("Schneider") as allowed under Texas Education Code § 44.901 for the installation of miscellaneous energy and water improvements at various sites in the District (the "Improvements");

WHEREAS, the CISD Superintendent has attempted to negotiate the terms and conditions of the contract with Schneider; and

WHEREAS, a contract with Schneider Electric Buildings Americas, Inc. (the "Contract"), has been presented to the Board for its review on November 16, 2015 at a duly noticed and called Board meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMERCE INDEPENDENT SCHOOL DISTRICT AS FOLLOWS:

1. It is found that the foregoing recitals are true and correct and are hereby adopted as findings of fact by the Board of Trustees of Commerce Independent School District.
2. It is hereby determined that the District should enter into an energy savings performance contract as allowed under Texas Education Code § 44.901 with Schneider Electric Buildings Americas, Inc.
3. The Contract with Schneider described in the preambles above and attached hereto is hereby approved, subject to such changes and alterations to the terms and provisions of the Contract as the Authorized Person determines to be advisable.
4. The Authorized Person listed in Paragraph #6 below is hereby delegated the authority and is otherwise authorized to negotiate the final terms and conditions of the Contract, through the Superintendent of Schools, the general counsel for CISD, or otherwise, and is further delegated the authority and is otherwise authorized to make such changes and alterations to the Contract provisions as the Authorized Person shall determine to be advisable.
5. The Authorized Person listed in Paragraph #6 below is further delegated the authority and is otherwise authorized to execute, acknowledge, and deliver the final version of the Contract to Schneider in the name and on behalf of the District and the Board of Trustees,.
6. For the purpose of this resolution, the following person, or the person holding the following position or office, is the "Authorized Person" duly authorized to enter into the transaction and to execute the Contract in the name and on behalf of the District and the CISD Board of Trustees:

Name

Title

a. Ted Oats

President, CISD Board of Trustees

7. This Resolution shall take effect immediately.

PASSED and ADOPTED the 16th day of November, 2015, by the Board of Trustees of the Commerce Independent School District by the following vote:

AYES: 6
NOES: 0
ABSENT: 1
ABSTAIN: 0



Ted Oats, President, Board of Trustees

ATTEST:



Kathleen Hooten, Secretary, Board of Trustees

RESOLUTION

BE IT RESOLVED that on this the 16th day of November, 2015, the Commerce Independent School District, Board of Trustees voted to cast the District's 32 allocated votes for Allen Beeler to serve a two-year term on the Board of Directors for the Delta County Appraisal District.

IT IS, THEREFORE, recommended by the Commerce ISD Board of Trustees that the official Ballot reflect 32 votes for Allen Beeler for the upcoming election of the Board of Directors for the Delta County Appraisal District.

Commerce Independent School District

By: 
Ted Oats, President
Commerce ISD Board of Trustees

Attest:


Kathleen Hooten, Secretary
Commerce ISD Board of Trustees

RESOLUTION

BE IT RESOLVED that on this the 16th day of November, 2015, the Commerce Independent School District, Board of Trustees voted to cast the District's 469 allocated votes for John Sands to serve a two-year term on the Board of Directors for the Hunt County Appraisal District.

IT IS, THEREFORE, recommended by the Commerce ISD Board of Trustees that the official Ballot reflect 469 votes for John Sands for the upcoming election of the Board of Directors for the Hunt County Appraisal District.

Commerce Independent School District

By: _____


Ted Oats, President
Commerce ISD Board of Trustees

Attest:


Kathleen Hooten, Secretary
Commerce ISD Board of Trustees