

# Agenda of Special Meeting

## The Board of Trustees San Elizario ISD

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A Special Meeting of the Board of Trustees of San Elizario ISD will be held August 17, 2022, beginning at 5:30 PM SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849.

Due to health and safety concerns related to the COVID-19 coronavirus, this meeting will be conducted by videoconference and teleconference. At least a quorum of the board will be participating by videoconference in accordance with the provisions of Sections 551.125 or 551.127 of the Texas Government Code that have not been suspended by order of the governor.

Although one or more board members may participate by videoconference call, a quorum of the Board of Trustees will be physically present at this location for purposes of this meeting and in conformance with the Texas Open Meetings Act. All persons in physical attendance must comply with current state and local public health orders, including those regarding face masks/coverings, maintain at least 3 feet of social distance from one another, and remain in compliance with any other state and local public health orders issued in connection with the Covid-19 Pandemic. One or more of the vendors being considered at this meeting may appear through video conference call / Microsoft Teams / Zoom. Any such presentation will be visible and audible to anyone attending the open meeting.

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to [acardonajr@seisd.net](mailto:acardonajr@seisd.net) at any time prior to the board meeting time.

A Board packet can be found at [San Elizario ISD Public View - BoardBook Premier](#)

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to [chcuevas@seisd.net](mailto:chcuevas@seisd.net) at any time prior to the board meeting time.

The open portions of this meeting will be recorded and made available to the public upon request.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the order shown on this meeting notice.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

- 1. GENERAL FUNCTIONS**

Mrs. Sandra Licon, Board President

- A. Call Meeting to Order
- B. Roll Call
- C. Pledge of Allegiance

**D. San Elizario ISD Mission Statement**

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

Mrs. Sandra Licon, Board President

**2. OPEN FORUM** (five minute limit)

**3. NEW BUSINESS / BOARD ACTION ITEMS**

A. Discussion regarding bond proposition project and approval of bond proposition amount

Mr. Norberto Rivas, Chief Financial Officer

B. Discuss and consider adoption of an Order Calling a Special Election for San Elizario Independent School District

Mr. Norberto Rivas, Chief Financial Officer

C. Discussion and possible Board action to approve the Joint Election Services Contract with County of El Paso for the General Election on November 8, 2022 and approval to amend the general fund budget accordingly

Mr. Norberto Rivas, Chief Financial Officer

D. Discussion and possible action to accept resignation of SEISD Board Trustee Martin Chavarria

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Board of Trustees

E. Discussion and possible action to approve of method to fill vacancy by special election or appoint individual for Trustee Place No. 6, to include approval of the applicable process and timeline.

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Dr. Jeannie Meza-Chavez, Superintendent

**4. NEXT MEETING DATE:**

Special Board Meeting: Tuesday, September 13, 2022, at 5:30 p.m.

Special Board Meeting: Monday, September 19, 2022 at 5:30 p.m.

**5. ADJOURNMENT**

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If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

- 551-071 Private consultation with the board's attorney.
- 551-072 Discussing purchases, exchange, leases, or value of real property.
- 551-073 Discussing negotiated contracts for prospective gifts or donations.
- 551-074 Discussing personnel or to hear complaints against personnel
- 551-076 Deliberation regarding security devices
- 551-082 Considering discipline of a public school child, or complaint or charge against personnel
- 551-083 Considering the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups.
- 551-084 Excluding witnesses from a hearing.

Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

8/9/2022

President Licon  
Board President  
San Elizario ISD  
1050 Chicken Ranch Rd  
San Elizario, TX 79849

Dear President Licon, Dr. Meza-Chavez, and Fellow Board Members,

It is with great sorrow that I must communicate my resignation to the Board of Trustees. At the start of 2022, my family and I began spending half our time in Roswell, NM. By March the move became more permanent as there was an increasing need to focus on the well-being of my family. It has been brought to my attention that I will be out of compliance as of September 2022. It has also become clear to me that my physical absence hinders the quality of meetings and compromises my ability to successfully perform the duties of office. Therefor I cannot resume in good faith, knowing there are certainly more qualified individuals at this moment. I am extremely grateful for the learning opportunities and for your warm welcome. I am excited to see the district continue to excel through your leadership, and I hope to take everything I have learned from you as we continue to serve our communities.

Best Regards,



Martin Chavarria



San Elizario ISD  
P.O. Box 920  
San Elizario, TX 79849  
Phone 915.872.3900  
Fax 915.872.3903

## MEMORANDUM

**To:** Members of the Board of Trustees  
**From:** Dr. Jeannie Meza-Chavez, Superintendent  
**Subject:** Method to fill vacancy for Trustee Place No. 6, with the applicable process and timeline.  
**Date:** August 17, 2022

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### HISTORY:

The Superintendent’s office received the resignation of Mr. Martin Chavarria, Board Trustee for Place #6. As a result, the San Elizario ISD Board of Trustees must now consider the method to fill the vacancy. The Board can consider one of the following:

1. Maintain the vacancy until the upcoming May 2023 elections  
Or
2. Fill the vacancy by appointment

If the Board decides to fill by appointment, the following is the tentative timeline recommended for consideration:

### Tentative Dates for Consideration

August 22, 2022 to September 7, 2022: Applications to be accepted.  
September 12, 2022: Board of Trustees to interview and select candidate (virtual or in-person).  
September 14, 2022: Regular Board meeting – Newly selected trustee to be officially sworn in and introduced.

The announcement of the vacancy can be made through the West Texas Courier, social media platforms, campus marquees and on the district website.

### RATIONALE:

Information to address a Board vacancy, can be found in policy BBC (LEGAL) Vacancies and Removal From Office.

### BUDGET:

There is not an impact to the budget.

### ADMINISTRATIVE RECOMMENDATION:

The Administration recommends the Board identify and approve the method to fill the Board vacancy for Trustee Place No. 6 to include the applicable process and timeline.

**Please check one:**     For approval     Report / Information only     Recognition only

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**Note:** If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

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**Resignation**

To be effective, a board member's resignation must be in writing and signed by the board member and delivered to the presiding officer of the board. A board may not refuse to accept a resignation. *Election Code 201.001*

Effective Date

If a board member submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the board or on the eighth day after the date of its receipt by the board, whichever is earlier. *Election Code 201.023*

Holdover Doctrine

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified (i.e., sworn in). Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A holdover board member may not vote on the appointment of his or her successor. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), O-6259 (1945)* [See DBE for more information on nepotism]

**Residency**

A person elected or appointed to serve as a board member must remain a resident of the district throughout the term of office. A board member who ceases to reside in the district vacates the office. *Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (Tex. Civ. App.—Beaumont 1955, no writ); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. Civ. App.—Houston 1959, no writ)* [See BBA]

Single-Member  
District

A trustee vacates the office if the trustee ceases to reside in the district the trustee represents. *Education Code 11.052(g)*

**Filling a Vacancy**

If a vacancy occurs on the board, the remaining board members may fill the vacancy by appointment until the next trustee election, or may order a special election to fill the vacancy. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the date the vacancy occurs. *Education Code 11.060*

BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

Appointment	To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). <i>Election Code 141.001(a)</i> [See BBA]
Special Election	<p>A special election to fill a vacancy shall be conducted in the same manner as the district's general election. <i>Education Code 11.060(c)</i></p> <p>An election to fill a vacancy shall be to fill the unexpired term only. <i>Tex. Const. Art. XVI, Sec. 27</i></p>
<i>Date of Election</i>	A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the required period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. <i>Election Code 41.001(a), .004(a); Atty. Gen. Op. KP-102 (2016)</i> [See BBB]
<i>Ordering Election</i>	<p>If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. <i>Election Code 201.051(a)</i></p> <p>Except as otherwise provided by the Election Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. <i>Election Code 201.052(a)</i></p> <p>If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years. <i>Election Code 41.002, 201.051</i></p>
Officer's Statement and Oath	For requirements regarding the officer's statement and oath of office, see BBBB(LEGAL).
<b>Former Board Member Employment</b>	A trustee may not accept employment with the district until the first anniversary of the date the trustee's membership on a board ends. <i>Education Code 11.063</i>
<b>Involuntary Removal from Office</b>	On his or her own motion or at the request of an individual, the attorney general or the county or district attorney may petition the district court for leave to file an information in the nature of quo warranto. An action in the nature of quo warranto is available if:
Quo Warranto	<ol style="list-style-type: none"><li>1. A person usurps, intrudes into, or unlawfully holds or executes an office; or</li><li>2. A public officer does an act or allows an act that by law causes forfeiture of office.</li></ol>

BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

If the person against whom the information is filed is found guilty as charged, the court:

1. Shall enter judgment removing the person from the office and for the costs of prosecution; and
2. May fine the person for usurping, intruding into, or unlawfully holding and executing the office.

*Civ. Prac. & Rem. Code 66.001–.003*

Removal by Petition  
and Trial

A proceeding for the removal of a board member is begun by filing a written petition for removal in district court of the county in which the board member resides. A resident of the state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file a petition. *Local Gov't Code 87.015*

*Reasons for  
Removal*

A board member may be removed from office for:

1. "Incompetency," which means:
  - a. Gross ignorance of official duties;
  - b. Gross carelessness in the discharge of those duties; or
  - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.
2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a board member entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a board member to perform a duty imposed on the board member by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician.
4. Conviction of a board member by a jury for any felony or for misdemeanor official misconduct. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

*Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, .012(14), .013, .031*

BOARD MEMBERS  
VACANCIES AND REMOVAL FROM OFFICE

BBC  
(LEGAL)

*Removal for  
Purchasing  
Violations*

See CH for information regarding removal for purchasing violations.

**Temporary  
Replacement of  
Board Member on  
Military Active Duty**

A board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the board may appoint a replacement to serve as a temporary board member if the elected or appointed board member will be on active duty for longer than 30 days.

The board member who is temporarily replaced may recommend to the board the name of a person to temporarily fill the office. The board shall appoint the temporary board member to begin service on the date specified in writing by the board member being temporarily replaced as the date the board member will enter active military service.

A temporary board member has all the powers, privileges, and duties of the office as the board member who is temporarily replaced. A temporary board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the board member who is temporarily replaced; or
2. The term of office of the board member who is temporarily replaced.

“Armed forces of the United States” means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

*Tex. Const., Art. XVI, Sec. 72*