

**MINUTES OF THE**  
**REGULAR GOVERNING COUNCIL MEETING**  
**DIGITAL ARTS & TECHNOLOGY ACADEMY**

**May 29, 2019**

**I. CALL TO ORDER**

A regular meeting of the DATA Governing Council was called to order on this date at 10:15 a.m. in the DATA Auditorium, 1011 Lambertson Place, N.E., Albuquerque, New Mexico.

**A. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**B. Roll Call: quorum present**

**Council Members Present:**

Mr. Al Sanchez, President  
Ms. Debra Dee  
Mr. Omar Durant  
Ms. Esther Marquez  
Ms. Amy Roble

**Council Members Excused:**

None.

**Staff/Faculty Present:**

Ms. Lisa Myhre, Principal  
Ms. Kris Quisenberry, Human Resources Coordinator  
Ms. Lynette Quintana, Assistant Business Manager  
Ms. Kristin Reeder, DATA School Counselor

**Others Present:**

Mr. Michael Vigil, The Vigil Group  
Mr. Andy Sanchez, Legal Counsel

**C. Adoption of Agenda**

Site Visit was added to the Principal's Report.

Ms. Dee moved approval of the agenda, as amended. Ms. Marquez seconded the motion, which passed unanimously.

**D. Approval of Minutes: April 24, 2019, Special Meeting**

Ms. Dee moved approval of the April 24 meeting, as submitted. Mr. Durant seconded the motion, which passed unanimously.

**II. PUBLIC FORUM**

There were no speakers from the floor.

**III. ACTION/DISCUSSION ITEMS**

**A. Principal's Report**

➤ **School Update**

Ms. Myhre reported that the graduation ceremonies went well. She and Mr. MacDonald are finishing up evaluation reports and looking at design ideas for the middle school with the goal of having an opening in 2020 with about 30 eighth graders. She feels there is a solid plan for the middle school and that DATA should move forward with it as diligently and effectively as possible. She is also looking at funding possibilities, including applying for the state charter school grant, where there is about \$22 million available in federal monies.

➤ **Site Visit**

Ms. Marquez stated that Joe Escobedo had given her his site visit notes and asked her to review them and bring it to the next DATA Governing Council meeting. She said it was not clear to her why she had received the report rather than DATA Administration.

Ms. Myhre stated that she would email Mr. Escobedo and ask him to forward his report to DATA.

**B. Monthly Report**

➤ **Board Self-evaluation**

Chairman Sanchez recommended that board members complete their self-evaluation forms and be prepared for discussion either at a special meeting in June or at the first meeting of the 2020 school year. Dr. Hunemuller's evaluation would be discussed in closed session later in today's meeting.

➤ **Annual Public Meeting Notice Resolution.**

Dr. Hunemuller asked for board approval of this resolution, which is an annual requirement.

**Ms. Dee moved for approval. Ms. Marquez seconded the motion, which passed unanimously.**

**C. Financial Report**

➤ **Regular Financial Overview & BARs**

Mr. Vigil reviewed the monthly cash balance summary, check register reports, and financials for April. Also included were copies of all deposited checks for the month of April.

Mr. Vigil reviewed BARs, and requested approval.

➤ **Requests for Reimbursement (RFRs)**

RFRs were listed in the check register report.

➤ **End of Year Items Needing Approval**

Mr. Vigil asked the Governing Council to authorize him and the Business Manager, with the approval of Dr. Hunemuller, to take action on any final BARs that may come up between now and the end of the fiscal year. School Budget Director David Craig recommended that the Governing Council take this action in the event there were any last-minute awards by the state.

Attorney Andy Sanchez recommended that the Governing Council ratify any such actions after the end of the fiscal year.

**Ms. Dee moved approval of the requested BARs and RFRs, and to authorize Ms. Quintana and Mr. Vigil, with Dr. Hunemuller's approval, to take any final BAR actions,**

with the Governing Council ratifying these actions after the fact. Ms. Roble seconded the motion, which passed unanimously.

#### **IV. NEW BUSINESS**

Dr. Hunemuller stated that attorney Andy Sanchez was present to discuss an email he sent to her discussing issues with respect to the agreement between APS and DATA that was signed when APS purchased the building that DATA has occupied since its inception. She said this is especially critical because the state has cut DATA's lease reimbursement in half, and DATA was already paying more than the amount of the lease reimbursement to APS, which is out of compliance with the law.

Mr. Sanchez summarized the history of this matter. In June 2013, the APS School Board passed a resolution stating that they would acquire the DATA building and then enter into a lease-purchase agreement with DATA, whereby DATA would eventually own the building over a period of time. That August, however, the APS Board modified the resolution, stating that they would acquire the building for APS first, and then just lease it to DATA. He stated that he felt this change was prompted when APS was told it could not serve as middleman to acquire facilities for charter schools. He said the lease agreement appears to say that DATA would purchase the building in some fashion, including helping APS with the \$350,000 debt service. He added, however, that the lease agreement does not comport with state law in any way because it doesn't provide for how DATA would ultimately end up with the building. At this point, its sublease requires DATA to help APS with the debt service, but DATA is just the lessee. The provisions in the sublease addressing repairs to the building are also inconsistent. He said the document was very poorly written and seems not to make much sense.

Mr. Sanchez said the fact is that the DATA building belongs to APS and by definition is a surplus facility because APS is not using the building. He said the Charter School Act requires APS to lease the building because of that, but the lease payments cannot exceed the amount of the lease reimbursement.

Mr. Sanchez stated that he and Mr. Vigil are trying to determine how much money DATA has given to APS over the last six years above and beyond what the rental reimbursement amount was, since the amount could be applied to a number of options the Governing Council might consider.

The Governing Council scheduled a special meeting in July to discuss plans for the building.

#### **V. EXECUTIVE SESSION: 11:15 a.m.**

- A. To discuss the following, as permitted by the Open Meetings Act: limited personnel matters regarding CEO's regular, annual evaluation and legal counsel on other limited personnel matters (section 10-15-1(H)(2,7)).**
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Ms. Dee moved to go into executive session to discuss limited personnel matters regarding the CEO's regular, annual evaluation and legal counsel on other limited personnel matters, as permitted by the Open Meetings Act. Mr. Durant seconded the motion, which passed by unanimous roll call vote, as follows:

**For: Mr. Sanchez, Ms. Roble, Ms. Dee, Mr. Durant, Ms. Marquez.**

The Governing Council was in executive session until 12:20 p.m.

In the open meeting time following the executive session, Chairman Sanchez stated that the only matters discussed in executive session were those stated on the agenda.

One of those personnel matters was Dr. Hunemuller's regular, annual evaluation and discussion of employment for the upcoming school year. Ms. Roble stated that she had recused herself from the discussion and action taken on Dr. Hunemuller's evaluation and contract. This was to avoid any potential conflict of interest in the fact that Dr. Hunemuller sits on her school's board and her boss is evaluated by Dr. Hunemuller.

Mr. Sanchez stated that the board had decided to rehire Dr. Hunemuller for the 2019-20 school year.

**VI. NEXT MEETING DATE**

- A. Thursday, July 11, 2019, at 10:15 a.m.**

**VII. ADJOURNMENT**

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