

# BROWNSVILLE The Herald

WEDNESDAY, OCTOBER 10, 2012

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75 CENTS

## BROWNSVILLE INDEPENDENT SCHOOL DISTRICT

# Documents detail deals

## Records reveal aspects of Juarez, Gonzales settlements



### GRAND OPENING

At 10 a.m. Saturday, the Brownsville Independent School District will host a grand opening ceremony for the new Brownsville Early College High School at 343 Ringgold Road on the UTB-TSC campus.

> PAGE C1

### MEXICO



### LÁZCANO'S BODY MISSING

The death of the founder and leader of Mexico's brutal Zetas drug cartel in a firefight with marines near the Texas border was perhaps the biggest coup of President Felipe Calderón's war on drugs. But triumph turned to embarrassment when authorities lost the body.

> PAGE A3

### OBITUARIES

Baby Juan Guadalupe Lugo  
Narciso Sanchez  
Robert Peterson  
Benito Cano  
Herbert H. Graybill  
Maria Dolores Hernandez  
Clara Enriqueta Baires Cruz  
Ezequiel Perez  
Esperanza Hinojosa Mendez  
Eleazar S. Longoria  
Angel S. Galvan  
Kenneth Gordon Callaway

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### MOST VIEWED ON THE WEB

#### ELECTION 2012

Cameron County residents appear to be interested in next month's general election — when voters will cast ballots in the 2012 presidential election. Tuesday was the last day to register to vote on Election Day.

[BrownsvilleHerald.com](http://BrownsvilleHerald.com)

AM Vol. 121 | No. 99

Good Morning!  
Thank you for reading today's edition of The Brownsville Herald



JUAREZ



GONZALES

BY GARY LONG  
THE BROWNSVILLE HERALD  
In addition to an \$800,000 settlement with the Brownsville Independent School District, former Superintendent Hector Gonzales is being paid a monthly retainer of \$12,000 under a two-year consultant contract with BISD

that pays him \$200 an hour for any work over 80 hours per month, public information released by the district shows. Additionally, Gonzales is being paid 50 cents per mile for any travel, with such travel being based from Harlingen, the documents show.  
BISD on Friday released

to The Brownsville Herald the details of Gonzales' settlement agreement and that of former Chief Financial Officer Antonio Juarez in response to an open records request by The Herald under the Texas Public Information Act.

PLEASE SEE DEALS, A12

# Yes, We Can

## Civil rights figure Huerta urges students to vote



PHOTOS BY YVETTE VELA/THE BROWNSVILLE HERALD

Dolores Huerta, a labor leader and a civil rights advocate who fought for the rights of farm workers alongside Cesar Chavez, speaks to students Tuesday at the University of Texas at Brownsville. Huerta was one of 13 people who were recipients of one of the nation's highest civilian honors, the Presidential Medal of Freedom.

BY RYAN HENRY  
THE BROWNSVILLE HERALD

*¡Si se puede!*  
Dozens of college students shouted in unison the famous motto Tuesday upon the arrival of Civil Rights figure Dolores Huerta at the Salon Cassia at the UTB-TSC Fort Brown campus in Brownsville.

Applause greeted the 82-year-old community activist who helped establish the United Farm Workers Union alongside Cesar Chavez in 1962. Tuesday, she proudly wore around her neck a

PLEASE SEE HUERTA, A13



UTB students quietly listen to Dolores Huerta. Later Tuesday evening, Huerta spoke at an event in her honor, "A Conversation with Dolores Huerta" at the Arts Center.

### POLITICS



LUCIO DEWHURST

## Lucio to continue work of committee

BY STEVE CLARK  
THE BROWNSVILLE HERALD

Sen. Eddie Lucio Jr. would have preferred that the Senate Committee on International Relations and Trade, which he chaired for several years, had not been dissolved, though he vowed that the committee's work would continue through other channels.

Lt. Gov. David Dewhurst dissolved the IRT committee last week, characterizing it as a cost-saving move. The committee was formed in 2005 and, despite the name, dealt primarily with housing and community development legislation. Hallmark bills to stop the proliferation of colonies, and provide basic water infrastructure and roads to the ones already built, flowed from the IRT committee, as did legislation related to trade along the state's inter-coastal waterway and at the state's land ports.

Often the committee's purview overlapped with other Senate committees, such as Intergovernmental Relations, and Business and Commerce, of which Lucio is also a member.

IRT was one of three committees Dewhurst eliminated.

PLEASE SEE LUCIO, A13

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## RIO GRANDE VALLEY

### DEALS

FROM PAGE A1

In releasing the information, district counsel Arturo Michel of the Houston law firm Thompson & Horton LLP said that BISD had released "all essential terms" of the two settlements when the district's Board of Trustees approved them on Aug. 21.

#### BISD's rationale

He also reiterated BISD's rationale for settling the lawsuits by Gonzales and Juarez, namely that the district avoided significant exposure to having to pay higher damages than the settlement amount and avoided a "very real and distinct possibility" that it would have been denied insurance coverage if it took the two cases to trial and lost.

The two settlements together totaled \$1.5 million, with the district's employment practices liability insurer paying the majority of the \$800,000 settlement with Gonzales and half of the \$700,000 settlement with Juarez, BISD said at the time the board approved the agreements.

The Herald on Sept. 13

requested details of the settlements. On Friday, Michel released 44 pages of documents in response. The majority of what The Herald asked for is contained in a document titled "General Release and Settlement Agreement" for each man, respectively.

#### Gonzales' agreement

For Gonzales, the settlement agreement says:
 

- Of the \$800,000, \$450,000 will be paid by the insurer and \$350,000 by BISD, with the insurer paying \$292,500 to Gonzales, \$78,750 to Frank Perez and Associates, and \$78,750 to the Law Offices of Star Jones.

- BISD will pay \$1,000 to Gonzales for release of the Age Discrimination Employment Act claim contained in the litigation, and \$61,250 each to Frank Perez and Associates and the Law Offices of Star Jones for the same claim.
- That BISD offer Gonzales a term consultant contract for the 2012-2013 and 2013-2014 school years, with the contract to be paid in 24 equal installments of \$12,000 for a total amount of \$288,000. The contract excludes any fringe benefits, health insurance, personal insurance and

professional insurance, the agreement says.
 

- Any work that exceeds 80 hours per month will be paid at \$200 per hour.
- Mileage will be paid at 50 cents per mile, with Harlingen, where Gonzales lives, being the base.
- BISD will provide an office, office supplies, computer and a secretary at the BISD central office for any work required to be done at BISD.

- BISD will reimburse Gonzales for expenses associated with any travel, as requested by BISD.
- Gonzales will be allowed to attend three state or national school board or administrators conventions per year, with BISD paying the costs.
- Gonzales will provide consultant services to school board trustees, the superintendent or any administrator, as approved by the superintendent.

- The consulting contract will have a no-termination clause, except for "good cause" and all assignments will be assigned by the BISD superintendent.

#### Exhibit A

The terms are contained in the settlement agreement and an attached Exhibit A. The settlement also includes a joint motion to dismiss

with prejudice and an agreed order granting the motion. BISD released a copy of a check to Gonzales dated Aug. 31, for \$226,500.

#### Juarez' agreement

Regarding Juarez, BISD released documents showing that:
 

- BISD and its insurer will pay Juarez an aggregate sum of \$700,000, with \$350,000 to be paid by BISD and \$350,000 to be paid by the insurer.
- Of the insurer's obligation, \$210,000 will go to Juarez and \$46,666.67 each to Frank E. Perez and Associates, the Law Offices of Star Jones and the Law Office of Ben Neece.
- BISD will pay Juarez \$1,000 for settlement of the ADEA claim and \$46,666.67 each to the Perez, Jones and Neece law firms.

- BISD will offer Juarez a term contract of employment for the 2012-2013 and 2013-2014 school years in a level 8 position at a daily rate of \$606.95 and total compensation of \$308,212, which will include salary, benefits and insurance from the date of the contract.
- The contract will have no termination clause, except for "good cause."
- "It is agreed, and understood that \$100,000

of the total settlement paid is paid for, by or on behalf of Joe Colunga, Rick Zayas, Rolando Aguilar and Ruben Cortez, individually, for settlement of the claims against them in their individual capacity," the settlement agreement says.

Colunga, Zayas, Aguilar and Cortez were members of the previous BISD Board of Trustees majority that ousted Gonzales and Juarez.

#### History

While the lawsuit by Juarez was pending, U.S. District Judge Andrew Hanen and the Fifth U.S. Circuit Court of Appeals ruled that the court could not grant qualified immunity to the four BISD trustees in the case before the trial began, that such immunity would have to be granted at trial.

Qualified immunity protects government officials from prosecution for acts committed in the process of performing their duties. The settlement protects the trustees from individual liability, Michel said at the time the settlements were approved.

BISD also released a job description and evaluation form enumerating the duties of the assistant superintendent for human

resources, the position to which Juarez was hired. The case against Gonzales involves a lawsuit he filed against BISD after appeals of his firing in September 2009 were rejected. The case had been working its way through the courts.

The case involving Juarez concerns a lawsuit he filed in January 2009 claiming that board members sought to coerce his participation in manipulating BISD's stop-loss insurance contract. Instead he went to the FBI, according to the suit. Most of the case had been dismissed, but a trial was pending to determine whether the nonrenewal of Juarez's employment contract was retaliation for going to the FBI.

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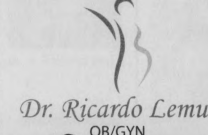
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