

NOTICE OF SPECIAL CALLED BOARD MEETING
ALTO INDEPENDENT SCHOOL DISTRICT

Notice is hereby given that on **Wednesday, September 8th, 2021 at 12:00 p.m. the Board of Trustees of the Alto Independent School District will hold a Special Board Meeting**, at the Alto I.S.D. Administration Building Boardroom, 244 CR 2429, Alto, TX 75925. The subjects to be discussed are listed on the agenda, which is attached to and made a part of this Notice.

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 Act, Texas Government Code Section 551.001 seq., be held by the School Board at the date, hour 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 purchase, exchange, lease 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.
- 551.075** To confer with employees of the school district to receive information or to ask questions.
- 551.076** Considering the deployment, specific occasions for, implementation of security personnel or 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 representatives to follow in consultation with Representatives of employee groups.
- 551.084** Excluding witness from a hearing.

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

On the **2nd day of September, 2021** this Notice was faxed to news media that had previously requested such Notice and an original copy was posted on the bulletin board in the School District Administration Building at 2:00 p.m. on said date.



Kelly West - Superintendent

**ALTO INDEPENDENT SCHOOL DISTRICT
BOARD OF TRUSTEES
SPECIAL CALLED MEETING**

MEETING DATE: Wednesday, September 8, 2021

MEETING TIME: 12:00 P.M.

MEETING PLACE: Alto I.S.D. Board Room, 244 C.R. 2429 Alto, TX

TRUSTEES

Jeff Duplichain, President
Jed Morris, Vice-President
Stancy Skinner, Secretary
Jeremy Jackson, Member
Jay Jones, Member
Lee Pearman, Member
Lionel Whitaker, Member

School Officials

Kelly West, Superintendent
Kelley Robertson, Business Mgr.

AGENDA

(Items may be taken in a different order than listed)

Note: After the meeting is opened in public session, the Board of Trustees may elect to retire to executive session at any time to discuss and/or examine any matter pertaining to: personnel; legalities/litigation; witnesses; real estate; student discipline; and/or security matters. The Board of Trustees and/or Superintendent may invite legal counsel and/or personnel into closed session as authorized under Section 2C (E), (F), (G), (H), (J), and/or (M) of Article 6252-17 of the Revised Civil Statutes of Texas.

I. CALL TO ORDER

- A. Establishment of a quorum
- B. Moment of Silence
- C. Pledge of Allegiance

II. ACTION ITEMS

- A. **DISCUSSION/ACTION ON REQUEST TO APPROVE THE CONTINGENCY ATTORNEY FEE CONTRACT WITH LUBEL VOYLES, LLP AND THE CANADY LAW FIRM TO REPRESENT ALTO ISD CONCERNING THE WEATHER RELATED INSURANCE CLAIMS**
 - The attorneys selected by Alto ISD to pursue this matter came highly recommended based off of their experience of successfully representing other school districts throughout

Texas in the past. The attorneys have over a combined forty-five years of practicing law in the State of Texas and representing policy holders throughout the United States over the years. The attorneys have a successful history of representing school districts and recovering insurance proceeds that were previously denied.

- The attorneys that Alto ISD desires to retain were recommended to the school district by the adjusters that had been assisting the school district with its weather related claims. Despite the efforts by the adjusters, the risk carrier would not pay the full cost for damage as a result of the hail and tornado claims. The school district representatives met with the attorneys and decided retaining the attorneys would be in the best interest of the school district.
- The attorneys and supporting personnel that generally handle legal issues for the school district do not have the experience of handling insurance and risk carrier disputes and the school districts strongly believes attorneys with experience and that specialize in insurance matters would better represent the interest of the school district.
- The school district believes retaining attorneys on a contingent fee arraignment is better for the school district because this type of arrangement doesn't not bind the school district financially nor require the school district to a retainer up front nor require the school district to cover expenses during the litigation or at all if the attorneys are not successful in obtaining a recovery for the school district. There is a possibility the litigation could be expensive and the school district would not be obligated to fund the litigation up front on a contingent fee agreement.
- Entering into a contingent fee agreement would not obligate the residents of the political subdivision to fund the litigation, which is in the best interest of the residents of the political subdivision. The litigation could be expensive and time consuming and the school district and the residents of the political subdivision would be better served using resources in other areas of concern.

III. CLOSED SESSION (551.074, 551.129, 551.071, 551.072)

551.071 An executive session will be held for the purpose of having private consultation with the Board's attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation or a settlement offer, or on a matter in which the

duty of counsel to his client, under the Code of Professional Responsibility of the State Bar of Texas clearly conflicts with the Act.

551.072 Deliberation of the possible purchase, exchange, lease, or value of real property for school district use.

551.074 Deliberate the appointment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

551.129 A governmental body may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the governmental body or a private consultation with its attorney in a closed meeting of the governmental body.

III. RETURN TO OPEN SESSION

A. DISCUSSION/ACTION TO APPROVE ACTION FOLLOWING CLOSED SESSION

IV. ADJOURNMENT