

C. Leave of Absence

1. Brooke Humphries

D. Supplemental Contract

1. Eddie Murphree

E. Contracted Services

1. After-School Tutors – AMS

2. Michelle Davis - EL Interventionist – AIS

3. Mary Beth Bryant - Contracted Aide – BES

4. Haley Neely - Special Education - Homebound Instruction

5. Jennifer Maloney - Permanent Substitute – AHS

6. Debra Sims - Federal Programs Assistant

7. Alexis Aybar - AES Contract Aide

8. Sundi Howell - BES Copy Assistant

9. Melissa Godwin - ARS Part-Time Math Teacher

10. Rebecca Mealer - BES Latchkey Teacher

11. Lisa Whitt - Contracted Finance Training

12. RN Services on Buses

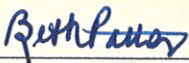
7. Mrs. Patton made the recommendation to enter an executive session. The reason for the executive session was to discuss with the Board's attorney controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the Board pursues a proposed course of action. Prior to the vote on this recommendation, Shane Black, attorney for the board of education, provided the oral and written certification required by law with respect to the litigation exception.

The Declaration and Opinion signed by the School Board attorney is attached.

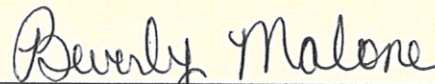
8. Mrs. Hutton moved that the board enter into Executive Session. Mr. Townsend seconded the motion. The vote was unanimous.
9. Upon conclusion of the executive session Mrs. Hutton moved that the board return to regular session. Mrs. Manville seconded the motion. The vote was unanimous.
10. A resolution was presented Approving the Retention of Legal Counsel Regarding E-Cigarette Litigation. Mrs. Manville moved that the board accept the resolution. Mrs. Malone Seconded the motion. The vote was unanimous.

A copy of the Resolution is attached to the minutes.

ADJOURNMENT: There being no further business; the meeting adjourned at 7:28 p.m. on a motion by Mrs. Manville.



Mrs. Beth Patton
Superintendent



Beverly Malone, President

STATE OF ALABAMA)
COUNTY OF LIMESTONE)

DECLARATION AND OPINION

My name is E. Shane Black. I am over the age of nineteen (19), and I make this Declaration and Opinion based upon my own personal knowledge, information and belief. I am an attorney licensed to practice law in the State of Alabama and am the Attorney for the Athens City Board of Education. I am offering this Declaration and Opinion in compliance with Section 36-25A-7 of the *Code of Alabama* (1975).

On the 29 day of September, 2022, at a meeting of the Athens City Board of Education, there has been or will be made a motion calling for an executive session for the following purpose(s):

- ☐ To discuss with the Board's attorney the legal ramifications of and legal options for pending litigation;
- ☒ To discuss with the Board's attorney controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the Board pursues a proposed course of action;
- ☐ To meet or confer with a mediator or arbitrator with respect to any litigation or decision concerning matters within the jurisdiction of the Board involving another party, group, or body.

Prior to voting to convene the executive session, I am offering this Declaration and Opinion for the purpose of stating that Section 36-25A-7 of the *Code of Alabama* (1975) is applicable to the planned discussion, and I hereby request that this written Declaration and Opinion be reflected in the minutes for said meeting. I have further advised the Board that if any deliberation begins among them regarding what action to take relating to pending or threatened litigation based upon the advice of counsel, the executive session shall be concluded and the deliberation shall be conducted in the open portion of the meeting or the deliberation shall cease.

This Declaration and Opinion shall not constitute a waiver of the attorney-client privilege.

Dated this 29 day of September, 2022.



E. Shane Black, Esq.



**A RESOLUTION APPROVING THE RETENTION OF LEGAL COUNSEL
REGARDING E-CIGARETTE LITIGATION**

WHEREAS, the Athens City Board of Education is concerned with e-cigarette use by students and the effect it has on student health and education; and

WHEREAS, the Athens City Board of Education is also concerned about the diversion of school resources to respond to the increasing use of e-cigarettes by students on school grounds and/or at school functions; and

WHEREAS, the Athens City Board of Education is further concerned that e-cigarette use is increasing and it is becoming necessary to consider options available to prevent e-cigarette use on school grounds; and

WHEREAS, the Athens City Board of Education is aware of and has researched pending litigation on behalf of school systems nationwide and believes that Athens City Schools will benefit from being a party to this litigation.

THEREFORE, BE IT RESOLVED by the Athens City Board of Education that the Superintendent is authorized to retain Kirton Mcconkie PC to investigate, recommend, and pursue civil remedies against those legally responsible for the manufacture, sale, and distribution of e-cigarettes which has affected Athens City Schools, including the filing and prosecution of legal claims against various e-cigarette manufacturers, distributors, retailers, and related entities. In taking this action, Athens City Schools will be joining the hundreds of school systems who have instituted legal action against e-cigarette manufacturers, distributors, retailers, and affiliated entities for the recovery of damages and abatement of the public nuisance related to e-cigarette use on school grounds and at school functions. The Superintendent is further authorized to direct and communicate with said law firm regarding the subject of the representation and execute any documents necessary to secure said representation.

RECOMMENDED this the 29th day of September, 2022.

Beth Patton
Beth Patton
Superintendent

ADOPTED this the 29th day of September, 2022.

Beverly Malone
Beverly Malone,
President of the Athens City Board of Education