MINUTES OF
THE WILSON COUNTY BOARD OF EDUCATION
SPECIAL MEETING
OCTOBER 6, 2021

The Wilson County Board of Education held a Special Meeting on Wednesday, October 6, 2021, at 3:00 p.m. in the Administrative Offices, 113 N. Tarboro Street. Chairman Dr. Christine Fitch called the meeting to order at 3:05 p.m. with the following members present:

Dr. Christine L. Fitch, Chairman
Henry E. Mercer, Vice-Chairman
Velma Barnes
Beverly Boyette
Blake Boykin
Rhyan Breen
Dr. Lane B. Mills, Secretary

Ms. Powell joined the meeting virtually at 3:35 p.m. using the Zoom video conferencing platform. The other Board members participated in the meeting at the Administrative Offices.

The meeting was livestreamed through the Wilson County Schools (WCS) YouTube Channel. The public could also view the meeting through links on the WCS Facebook, Instagram and Twitter pages and the WCS website.

Chairman Fitch announced that face coverings are required to be worn during the Board meeting. Face masks are available for those who do not have one.

Others present were Associate Superintendent Dr. Cheryl Wilson, Assistant Superintendent of Human Resources Dr. Norris Parker, Assistant Superintendent of Administrative Services Dr. Ben Williams, Director of Public Relations Amber Lynch, Administrative Assistant to the Superintendent and Board Clerk Linda Horrison, as well as Board Attorneys Richard Schwartz and Katie Cornetto.

After calling the meeting to order, Dr. Fitch asked for approval of the agenda. Ms. Boyette made the motion, seconded by Mr. Breen, that the agenda be approved. The motion passed unanimously, 6-0.

Dr. Fitch led the Pledge of Allegiance, followed by a moment of silence.

The purpose of the meeting was to discuss an information/action item for legal services and personnel/student matters.

At 3:06 p.m., Ms. Barnes made the motion, seconded by Mr. Breen, that the Wilson County Board of Education go into closed session to consider confidential personnel matters as provided in N.C.G.S. 143-318.11(a)(1) and (6) and 115C-319 through 321; to consider confidential student matters as provided in N.C.G.S. 143-318.11(a)(1) and N.C.G.S. 115C-402 and the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; to consult with the Board of Education attorney and preserve the attorney-client privilege as provided in N.C.G.S. 143-318.11(a)(3); and to discuss the handling of the following cases: *Wilson County Board of Education v. Dale Folwell et al.* and *Wilson County Board of Education v. N.C. Retirement System et al.* The motion passed unanimously, 6-0.

At 4:09 p.m., Mr. Breen made the motion to reconvene to open session. The motion, seconded by Ms. Boyette, passed unanimously, 7-0.

Under Legal Services, the Board currently has a retainer agreement with The Law Offices of Schwartz & Shaw, PLLC. The firm of Schwartz & Shaw, PLLC is separating its current structure and staff which necessitates the Board of Education to make a decision concerning its legal representation. The following attorneys are joining the law firm of Poyner Spruill, LLP, in Raleigh on November 1, 2021: Brian C. Shaw, Rachel B. Hitch, Brandon L. McPherson, Katie G. Cornetto, Rebecca M. Williams, Rachel P. Nicholas, Grace Sykes Pennerat, Amy L. Clay and Laura E. Crumpler. Richard A. Schwartz will continue to practice law as a partner at the entity of Schwartz & Shaw, PLLC, though the name and structure of the firm will change in light of the departing attorneys.

The Board of Education has the right to choose its legal representation in all matters. WCS Board Policy 2610, *Board Attorney*, states, "The Board will enter into contracts for legal services to the school system, including both legal advice and representation in litigation." The Law Offices of Schwartz & Shaw, PLLC, provided the Board a letter with a confidential list of current pending matters attached as Exhibit A. The Board will need to review and determine next steps for legal services. The Board was asked by Schwartz & Shaw to select an option from one of the following choices:

- All of the matters on attached Exhibit A should remain with the entity of Schwartz & Shaw, PLLC, to be handled by Richard A. Schwartz.

- All of the matters on attached Exhibit A should be handled by Poyner Spruill, LLP. Please transfer all current files and client property to Poyner Spruill, LLP, with the understanding that a separate retainer agreement will need to be reached with Poyner Spruill, LLP.

- The Board of Education has indicated which matters on attached Exhibit A should be handled by Richard A. Schwartz; and which matters should be handled by Poyner Spruill, LLP, with the understanding that a separate retainer agreement will need to be reached with Poyner Spruill, LLP.

- The Board of Education will retain a different lawyer/law firm who will contact Schwartz & Shaw, PLLC.

The Board asked Mr. Schwartz and Ms. Cornetto to leave the room while they discussed their options. The Board attorneys returned to the meeting at 5:06 p.m.

Mr. Breen made the motion, seconded by Ms. Boyette, that all the matters on the attached Exhibit A should be handled by Poyner Spruill, LLP, and transfer all current files and client property to Poyner Spruill, LLP, with the understanding that a separate retainer agreement will need to be reached with Poyner Spruill, LLP. The maker of the motion made a friendly amendment to add effective October 15, 2021. The seconder of the motion agreed to the friendly amendment. The motion passed unanimously.

Dr. Fitch thanked Mr. Schwartz for his service throughout the years. Mr. Schwartz shared that it had been an honor to work with the Board and the school system for the last 25 years. He shared that he appreciated the personal and professional association over the years. The school

system means a lot to him and he is thankful for the opportunity and privilege of being the Board attorney.

There being no further business at 5:11 p.m., Ms. Boyette made the motion, seconded by Mr. Mercer, to adjourn the meeting. The motion passed unanimously, 7-0.

Dr. Christine L. Fitch, Chairman

Dr. Lane B. Mills, Secretary