

Notice of Regular Meeting

The Board of Trustees Tomball ISD

A Regular Meeting of the Board of Trustees of Tomball ISD will be held Tuesday, February 11, 2025, beginning at 5:30 PM in the John P. Neubauer Administration Building, 310 S. Cherry St., Tomball, TX 77375.

If, during the course of the meeting covered by this notice, the Board should determine that a closed session of the Board should be held or is required in relation to any item included in this notice, then such closed session as authorized by Section 551.001 of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the Board may conveniently meet in such closed session concerning any and all subjects and for any and all purposes permitted by Sections 551.071 through 551.084, of the Open Meetings Act.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

1. **OPENING**

- A. Call to Order
- B. Opening Remarks
- C. Pledges
- D. Mission Statement

2. **PUBLIC COMMENT ON AGENDA ITEMS**

The Board of Trustees will hear public comments on agenda items at all open meetings in accordance with Texas Government Code Section 551.007. You must register by completing a form online at tomballisd.net or in person at the Tomball ISD Administration Building, 310 S. Cherry Street, Tomball, TX 77375 between 8:00 AM and 1:00 PM on the day of the scheduled open Board meeting.

3. **REPORTS**

- A. Annual Fund Balance Report
Zack Boles, Chief Financial Officer

4. **CONSENT AGENDA**

- A. Approve the minutes of the Tomball ISD Workshop Meeting held on January 13, 2025.
- B. Approve the minutes of the Tomball ISD Special Meeting held on January 13, 2025.
- C. Approve the minutes of the Tomball ISD Regular Meeting held on January 14, 2025.
- D. Approve the minutes of the Tomball ISD Special Meeting held on February 3, 2025.
- E. Accept a donation in the amount of \$154,622.00 from Tomball Education Foundation to Tomball ISD.
- F. Approve budget amendments and revised projected balances for major funds.
- G. Information regarding employment of professional personnel to work under a One-Year Probationary Contract, One-Year Probationary Dual Assignment Contract, for the 2024-2025 School Year at the Tomball ISD Salary Schedule, subject to assignment.

H. Approve check register for January 2025.

5. **CONSIDERED AGENDA**

- A. Adopt Resolution Regarding School Closure and Reopening Due to Inclement Weather (Ice) on January 21-22, 2025. (Goal 8)
- B. Approve the employment of professional personnel to work under a Probationary Contract, One-year Term Contract, One-year Term Dual Assignment Contract, One-year Contract, Multi-year Contract, Multi-year Term Contract and Extension of Multi-year Contracts for the 2025-2026 School Year at the Tomball ISD Salary Schedule, subject to assignment. (Goal 1)

Directors

Assistant Directors

Principals

Assistant Principals

Associate Principals

Assistant Superintendents

Attendance Officer

Coordinators

Chief Financial Officer

Chief Academic Officer

Chief of Staff

Chief Operating Officer

Dean

District Translator

General Counsel

Managers

Network Administrator

Programmer/Analyst

School Support Officer

Staff Accountants

- C. Consideration and Adoption of Resolution Approving Contingent Fee Legal Services Contract, including Findings Needed for Submission of Contingent Fee Legal Services Agreement and Request for Expedited Review by the Texas Attorney General. (Goal 5)
- D. Consideration and Adoption of Contingent Fee Legal Services Agreement with Thompson & Horton, LLP, Eiland & Bonnin, PC and O'Hanlon, Demerath & Castillo, PC. (Goal 5)
- E. Adopt Early Childhood Literacy, Mathematics and CCMR Goals (Goal 10)
- F. Approve the Order Calling School Building Bond Election. (Goal 8)
- G. Approve entering into a Joint Election Agreement with Montgomery County for the May 3rd, 2025 bond election. (Goal 8)
- H. Approve entering into a Joint Election Agreement with Harris County for the May 3rd, 2025 bond election. (Goal 8)
- I. It is recommended that the Board of Education render a finding under Texas Administrative Code section 249.14(g) that good cause did not exist as required by Texas Education Code sections 21.105(c), 21.160 (c), or 21.210(c) for the following educator: (Goal 1)

- Mary Gunderson

6. **RESIGNATIONS AND RETIREMENTS**

7. **ENROLLMENT REPORT**

8. **FINANCE AND TAX REPORTS**

9. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

A Tomball ISD employee, resident, student, student's guardian, taxpayer, vendor or potential vendor shall have an opportunity to address the Board of Trustees on topics relevant to district business. You must register by completing a form online at tomballisd.net or in person at the Tomball ISD Administration Building, 310 S. Cherry Street, Tomball, TX 77375 between 8:00 AM and 1:00 PM on the day of the scheduled open Board meeting.

10. **CLOSED SESSION**

Closed Meeting will be held for the purposes authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq. concerning any and all purposes permitted by the Act, including but not limited to the sections and purpose listed below.

- A. Tex. Gov' t Code § 551.071: Consultation with Board Attorney regarding all matters as authorized by law, including but not limited to discuss participation in multi-district litigation involving youth social media usage and related litigation and entering into a contingency fee contract with Thompson & Horton, LLP, Eiland & Bonnin, PC and O'Hanlon, Demerath & Castillo, PC to represent the District.
- B. Tex. Gov' t Code § 551.072: Deliberation regarding purchase, exchange, lease, or value of real property.
- C. Tex. Gov' t Code § 551.074: Deliberation regarding appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including but not limited to Superintendent Evaluation.
- D. Tex. Gov' t Code § 551.076: Deliberation Regarding Security Personnel or Devices

11. **BOARD COMMENTS**

Any Board Member may make a comment during this portion of the agenda, without prior posting being required. Comment items may not pertain to the character of any student, staff, or Board Member and may not be discussed or deliberated upon at this meeting.

12. **ADJOURNMENT**

The notice for this meeting was posted in compliance with the Texas Open Meeting Act on:

February 7, 2025

For the Board of Trustees

NOTICE OF A PUBLIC MEETING & NOTICE OF PROPOSED CONTRACT FOR LEGAL SERVICES

Notice is hereby given that a meeting of the Board of Trustees of Tomball Independent School District be held on February 11, 2025, for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of an agreement with the law firms of Thompson & Horton, LLP, Eiland & Bonnin, PC, and O’Hanlon, Demerath & Castillo, PC as special counsel to perform all legal services necessary to recover damages sustained by the District related to youth social media usage and any other action that may be necessary to pursue the best interests of the District in related litigation on a contingent fee basis.

The purpose of the agreement is to pursue any and all available causes of action in Multi District Litigation 3047 or JCCP 5255 seeking to recover damages due to youth social media usage and addiction sustained by Tomball Independent School District. By way of this agreement, Tomball Independent School District seeks to recover damages, court costs, penalties, and other relief under applicable law.

Thompson & Horton, LLP is a full-service school law firm whose mission is to provide the highest quality personalized legal service to public and private schools, institutions of higher education, local governments, and private individuals and companies. Thompson & Horton attorneys have unique and specialized qualifications based on several hundred years of combined experience. Leaders in the field, their attorneys have been directly involved in many of the most significant court cases, administrative decisions, and public policy developments affecting their clients over the past 40 years. Thompson & Horton has periodically represented the District for over 10 years. Thompson & Horton discussed the social media litigation with the District in February 2025. Thompson & Horton introduced Eiland & Bonnin and O’Hanlon, Demerath & Castillo to the District to consider the social media litigation in February 2025.

Eiland & Bonnin, PC engages in complex contingent fee litigation which has required the investment of hundreds of thousands to millions of dollars of litigation expenses. Lawyers in the firm have served in past MDL leadership committees. The firm has worked in many high-profile litigations like the MGM Grand Las Vegas Mass Shooting, Syngenta GMO Corn, and BP Texas City Refinery Explosion. After 20 years of service as a member of the Texas House of Representatives for Districts 23 & 24, Craig Eiland has a unique understanding of what elected officials and public entities are confronted with when navigating complex litigation. Mr. Eiland regularly advises multiple Texas school districts in litigation. Thompson & Horton has periodically represented the District for over 10 years. The inception of the relationship between Eiland & Bonnin and the District began when Thompson & Horton introduced Eiland & Bonnin to the District in February 2025 to consider the social media litigation.

O’Hanlon, Demerath & Castillo, PC regularly serves school districts across the state of Texas in a general counsel capacity and maintains a principal office in Austin, Texas and also offices in Pharr, San Antonio and Fort Worth. The firm has litigated statewide high profile public education related cases such as the No Pass No Play, the A-F litigation and multiple Edgewood decisions related to the school finance system. After serving as General Counsel for the Texas Education Agency and litigating various high-profile issues for the public education system for

the Attorney General of Texas, Kevin O'Hanlon founded the firm in 1992 to serve the needs of Public Entity clients. Justin Demerath operates a contingent fee litigation practice within the firm that regularly represents public entities on a contingent fee basis, often in the scope of property insurance disputes. Additionally, his practice has recovered millions of dollars in recovery in high-profile multi-district litigations, including Syngenta GMO Corn, General Motors ignition switch recall, Trans-vaginal mesh, and NFL concussion litigation, as well as serving in leadership of cases that garnered national attention like the Sutherland Springs Mass Shooting. Thompson & Horton has periodically represented the District for over 10 years. The inception of the relationship between O'Hanlon, Demerath & Castillo and the District began when Thompson & Horton introduced O'Hanlon, Demerath & Castillo to the District in February 2025 to consider the social media litigation.

Thompson & Horton has periodically represented Tomball Independent School District for over 10 years. Thompson & Horton has not previously represented Tomball Independent School District on a contingency fee arrangement. Eiland & Bonnin has not previously represented Tomball Independent School District on a contingency fee arrangement. Eiland & Bonnin has not previously represented Tomball ISD in any capacity. O'Hanlon, Demerath and Castillo has not previously represented Tomball Independent School District on a contingency fee arrangement. O'Hanlon, Demerath and Castillo has not previously represented Tomball ISD in any capacity. Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC have, and continue to represent, claimants with competence and professionalism.

The specialized legal services, advancement of significant expenses, and compensation on a contingent fee basis required by this agreement cannot be performed by the attorneys and supporting personnel of Tomball Independent School District because the District does not currently employ attorneys who have specialized knowledge and experience regarding Multi-District Litigation and analysis and legal remedies under both Texas and federal law on a contingent fee basis. In addition, the District has not budgeted the financial resources necessary to advance the significant litigation expenses required by this type of litigation nor to compensate competent and experienced attorneys and staff regarding Multi-District Litigation as District employees or to reasonably compensate a firm in private practice with the necessary experience under a contract providing for payment on an hourly basis without contingency.

Due to the complexity of the matter and expected difficulties in performing the legal work for this matter, the risk of no recovery, the expected expenses, including expert witness fees and other litigation costs, a reasonable hourly fee for a firm in private practice to prosecute this matter would exceed the amount for which the District would be able to adequately budget and expend financial resources. The District also does not have the financial resources required to pay the additional, significant costs of implementing appropriate infrastructure and technology necessary to fully and properly perform the needed legal services. The District also does not have the financial resources required to properly pursue its claims and causes of action, including to retain independent experts as testifying witnesses and to finance all costs of litigation through final resolution of the matter. Additionally, many law firms that handle large, complex matters strictly on an hourly basis have institutional clients, including social media corporations, insurance companies, and social media corporations; and it would be difficult to find a firm with experience in this area that does not have a conflict of interest that would hinder the firm's ability to effectively

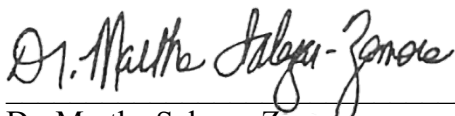
represent the District. The proposed law firms have certified that they have no such conflict of interest in representing Tomball ISD.

The legal services cannot be reasonably obtained from attorneys in private practice charging hourly fees without contingency because a contract to pay attorneys on an hourly basis without contingency would represent an additional and significant cost to Tomball Independent School District. Furthermore, the District would be responsible for payment of all costs and expenses of the litigation through appeals, including to retain independent experts as testifying witnesses and to finance all discovery expenses and other costs of litigation through final resolution of the matter. The District does not have the financial resources necessary to pay for these additional and significant expenses necessitated by this social media multi-district litigation.

Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC will be compensated on a contingent fee basis. Entering into the proposed agreement is in the best interests of the residents of Harris and Montgomery Counties, Texas. The District has sustained significant damages due to youth social media usage and addiction and for which there exists a potential recovery from the perpetrating social media corporations. Thompson & Horton, LLP, Eiland & Bonnin, and O'Hanlon, Demerath & Castillo, PC possess the specialized skills, knowledge, experience, financial, and technological resources needed to competently and fully pursue maximum potential recovery of the District's damages. Furthermore, the proposed agreement enables the District to pursue its legal remedies without diverting essential monies and resources from the ongoing needs and operations of its students, staff, and community at large. In addition, the proposed agreement shifts the financial risk and burden of litigation costs and expenses to Thompson & Horton, LLP, Eiland & Bonnin, PC, and O'Hanlon, Demerath & Castillo, PC with the District owing no such monies to the law firms unless and until it recovers monies. Moreover, Texas statutory and common law provide for penalty damages and for recovery of court costs, and for recovery of attorneys' fees for certain of the District's claims, including for breaches of contract.

Additionally, time is of the essence in the provision of these legal services. Potentially impending legal deadlines require urgent action by counsel.

Posted this the 7th day of February 2025.



Dr. Martha Salazar-Zamora

Superintendent of the Tomball Independent School District