

# AGENDA

## REGULAR MEETING OF THE BOARD OF EDUCATION FORT STOCKTON INDEPENDENT SCHOOL DISTRICT

MONDAY, MAY 22, 2023 – 7:00 PM  
BOARD ROOM – 101 W DIVISION – FORT STOCKTON, TEXAS

The Board may deliberate or act on any of the subjects listed on the following agenda. The President may change the order of items listed for the convenience of the Board. The Board may enter into a closed meeting to seek the advice and counsel of its attorney at any time during the meeting under the authority of Texas Government Code Chapter 551.071 regarding any item listed on the agenda of this meeting or in order for the attorney to provide legal assistance or advice to the Board.

### 1. CALL TO ORDER

- A. Establishment of Quorum Flo Garcia, Vice-President
- B. Roll Call Anastacio Dominguez, Secretary
- C. This meeting has been duly called and notice of this meeting has been posted in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.
- D. Pledges of Allegiance Freddy Garcia, Assistant Secretary
- E. Invocation Dr. Gabriel Zamora, Superintendent

### 2. STATEMENT OF OFFICER

### 3. ADMINISTRATION OF OATH OF OFFICE

### 4. BOARD REORGANIZATION

### 5. OPEN FORUM AND PUBLIC COMMENTS

### 6. STAFF REPORTS

- A. Principals (Student of the Month)
- B. Superintendent
- C. Cabinet Members

### 7. CONSENT AGENDA

The Board has been furnished with background material on each item and/or it has been discussed at a previous meeting. All items will be acted upon by one vote per category. Items may be withdrawn for individual consideration. The remaining items will be adopted by one vote per category. Items withdrawn for separate discussion will be acted upon individually.

- A. Minutes – Approval of minutes of regular/special board meeting of April 26 & May 17, 2023
- B. April Check Register

### 8. DISCUSSION AND INFORMATION

- A. Update on Insurance Claims: King Adjusting (James King)
- B. Lone Star Governance Opportunity

**9. ACTION ITEMS**

The Board may elect to Consider, Discuss, Table, Approve and/or Take Action on any of the items under this section.

- A. Reorganization of Board
- B. Consideration and possible action, pursuant to Chapter 2254 of the Texas Government Code, regarding retention of Pearson Legal, P.C. as contingent fee counsel to handle litigation and any other dispute resolution processes and procedures regarding property claims against the District's insurer(s) and all related parties arising out of damages caused by hail/wind storms on or around October 10, 2022.
- C. Consideration and possible action to authorize Superintendent Dr. Gabriel Zamora to review, approve, and sign the Board Meeting Minutes regarding the May 22, 2023 meeting once such Minutes are typed and in final form, including at any time before any meeting of the Board in May 2023.
- D. Middle School Bleachers Quote
- E. Intermediate Gym Basketball Court Floor Repair and Resurfacing of Middle School, High School, and SEC Quote
- F. Campus Furniture Upgrades and Replacement Quote
- G. Consider Awarding Bank Depository Contract
- H. Master Peace Officer SRO New Position for FSISD beginning 2023-2024 School Year
- I. Recognize Donations to Apache Dr. Ben Carson Reading Room
- J. Budget Amendments
- K. Renewed and Revised FSISD District of Improvement Plan (DOI) for 2023-2028

**10. CLOSED SESSION**

In accordance with the Texas Open Meetings Act (Subchapters D and E of Chapter 551 of the Texas Government Code), the board will now enter into a closed meeting to deliberate subjects listed on this agenda authorized by Subchapter D. Any final action, decision, or vote on a subject deliberated in the closed meeting will be taken in an open meeting held in compliance with the Texas Open Meetings Act.

- A. Discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee (551.074)
- B. Discuss Reorganization of Board
- C. Discuss Possible Purchase of Real Property
- D. Pursuant to Texas Government Code Section 551.071 and Chapter 2254 of the Texas Government Code, private consultation with and consideration of Attorneys' advice regarding contemplated litigation regarding and any other dispute resolution processes and procedures regarding property claims against the District's insurer(s) and all related parties arising out of damages caused by hail/wind storms on or around October 10, 2022..
- E. Consultation with attorney (551.071)

**11. OPEN SESSION – Reconvene to take any necessary action as a result of Closed Session**

**12. PERSONNEL ACTIVITY**

- A. Employments, resignations, retirements, transfers, terminations

**13. FUTURE MEETINGS – Discuss Possible Agenda Items and set Regular and/or Special Board Meetings (Training)**

**14. NEWS MEDIA – Clarification of Agenda Items for News Media**

**15. ADJOURNMENT**

**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 **Fort Stockton Independent School District (“Ft. Stockton I.S.D.”)** will be held on **May 22, 2023** 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 firm of Pearson Legal, P.C. as special counsel to perform all legal services necessary to recover damages, court costs, and penalties as provided in the Texas Insurance Code, the Texas Civil Practice and Remedies Code, and other Texas statutory and common law for breach of contract, violations of the Texas Insurance Code, and common law bad faith.

The agreement to be considered is necessary for recovering the unpaid **loss damages** (“damages”) sustained by **Ft. Stockton I.S.D.** during a **hail/wind event on or around October 10, 2022**. By way of this agreement, **Ft. Stockton I.S.D.** seeks to recover damages, court costs, penalties, and other relief provided in Texas statutory and common law.

Pearson Legal, P.C., a San Antonio law firm specializing in insurance recovery and construction defects is fully qualified to represent **Ft. Stockton I.S.D.** in this matter. Pearson Legal, P.C. regularly represents public school districts in matters of this type as well as other public and private entities, both commercial and residential. Matthew R. Pearson founded Pearson Legal, P.C. in 2019 and practiced law with other firms and partnerships for over twenty-five years. Having represented policyholders of all types, Pearson Legal, P.C. possesses the competence, specialized experience, technology, and infrastructure to represent **Ft. Stockton I.S.D.** in this matter.

Pearson Legal, P.C. **has not** previously represented **Ft. Stockton I.S.D.** but regularly represents public school districts and municipalities in matters of this type. Pearson Legal P.C. has and continues to represent Texas public school districts with competence and professionalism for recovery of damages provided for under Texas statutory and common law.

The specialized legal services required by this agreement cannot adequately performed by the attorneys and supporting personnel of **Ft. Stockton I.S.D.** due to the high cost of implementing the appropriate infrastructure and technology and employing sufficient attorneys and staff with the level of experience and competence necessary to perform these services.

Pearson Legal, P.C. will be compensated on a contingent fee basis. Texas statutory and common law provide for penalty damages and attorney’s fees damages for certain claims, including certain claims asserted pursuant to the Texas Insurance Code and the Texas Civil Practices and Remedies Code. A contract to pay inside or outside attorneys on an hourly basis would represent an additional cost to **Ft. Stockton I.S.D.**

Entering into the proposed agreement is in the best interests of **Ft. Stockton I.S.D.** because recovery of **damages** will be competently and professional pursued without additional costs to **Ft. Stockton I.S.D.** of implementing the appropriate infrastructure and technology and employing sufficient attorneys and staff with the level of experience and competence necessary to perform these services.