

AGENDA OF REGULAR BOARD MEETING
by Videoconference or Telephone Call During Disaster Due to COVID-19
Greenville Independent School District

Vision - We educate today. You succeed tomorrow.

Mission - Greenville Independent School District prepares, inspires, and empowers students in a safe and nurturing environment to become responsible citizens who successfully compete in a global society.

Notice is hereby given of a Regular Board Meeting of the Board of Trustees of the Greenville Independent School District, to be held on August 24, 2020 at 5:30 PM at Wesley Martin Administration Building
4004 Moulton Street
Greenville, TX 75401.

Due to health and safety concerns related to the COVID-19 coronavirus, this meeting will be conducted by videoconference or telephone call. At least a quorum of the board will be participating by videoconference or telephone call in accordance with the provisions of Sections 551.125 or 551.127 of the Texas Government Code that have not been suspended by order of the governor.

Members of the public may access this meeting by watching on YouTube Live here: <https://www.greenvilleisd.com/live> Should accessing the meeting through the aforementioned options cause a hardship for any member of the public wishing to participate, the public may watch the YouTube live stream of the meeting at Wesley Martin Administration Building, located at 4004 Moulton Street, Greenville, Texas. Every effort will be made to ensure social distancing for those who choose this option. An electronic copy of the agenda packet is attached to this online notice.

Public comments related to this meeting can be emailed to comments@greenvilleisd.com, and will be read during the public comments section of the meeting. Please include your full name and address in the email so that can be stated as well.

The public may send their comments until 5:30 PM on Monday, August 24, 2020. The written comments will be read verbatim to the Board at the public comment section of the agenda. A modified version of the public comment regulation consistent with the Attorney General's guidance will remain in effect until the Governor's order on the suspension of certain portions of the Texas Open Meetings Act is lifted or modified.

Members of the public who desire to address the board regarding an item on this agenda must send their full name, address, and comments to: comments@greenvilleisd.com. These comments will be read during the public comments section of the meeting.

The open portions of this meeting will be recorded and made available to the public upon request.

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

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, chapter 551, subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See GISD Board Policy BEC(LEGAL)]

I. Call to Order

- A. Announcement by the president whether a quorum is present, that the meeting has been duly called and notice of meeting has been posted for the time and manner required by law.
- B. Invocation and Pledge of Allegiance

II. NOTICE OF A PUBLIC MEETING & NOTICE OF PROPOSED CONTRACTS FOR LEGAL SERVICES

Notice is hereby given that a meeting of the Board of Trustees of Greenville Independent School District will be held on August 24, 2020, for the purpose of considering and taking action on all matters on the agenda for the meeting, including approval of agreements 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 breaches of contract, tort claims (including negligence, misrepresentations, and/or fraud), violations of the Texas Insurance Code, and common law bad faith.

The purpose of one agreement is to pursue recovery of damages resulting from defects and deficiencies in the construction of the Career and Technology Center, Bowie Elementary, Crockett Elementary, and the addition of the Travis 6th Grade Center, and the purpose of the other agreement is to pursue recovery of unpaid property damages and losses sustained by the District as a result of a storm event occurring on or about June 19, 2019. By way of these agreements, the District seeks to recover damages, court costs, penalties, and other relief under Texas statutory and common law.

Pearson Legal, P.C., a San Antonio law firm specializing in construction defects and insurance recovery, is fully qualified to represent Greenville Independent School District in this matter. Pearson Legal, P.C. regularly represents public school districts and other governmental entities, as well commercial and private property owners, in matters of this type. Matthew R. Pearson founded Pearson Legal, P.C. in 2019 and has practiced law for over twenty-five years. As founder and lead trial lawyer of Pearson Legal, P.C., Mr. Pearson is Board Certified in Civil Trial Law and Personal Injury Trial Law by the Texas Board of Legal Specialization. Collectively, the firm's attorneys have more than 75 years of experience handling construction and insurance matters, beginning with pre litigation analysis and advice, continuing through mediation and litigation or arbitration, and ending with final appellate resolution as may be necessary. Pearson Legal, P.C. possesses the competence, specialized experience, technology, and infrastructure to represent Greenville Independent School District in this matter.

Pearson Legal, P.C. has not previously represented Greenville Independent School District 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 these agreements cannot be adequately performed by the attorneys and supporting personnel of Greenville Independent School District because the District does not employ attorneys who have specialized knowledge and experience regarding construction defects issues legal remedies under Texas law and regarding property insurance coverage analysis and legal remedies under Texas law. In addition, the District does not have the financial resources necessary to hire competent and experienced attorneys and staff regarding construction defects law and regarding property insurance law as District employees. 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.

The legal services cannot be reasonably obtained from attorneys charging hourly fees because a contract to pay attorneys on an hourly basis would represent an additional and significant cost to Greenville 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 the specialized construction defect matter and insurance recovery matter.

Pearson Legal, P.C. will be compensated on a contingent fee basis. Entering into the proposed agreements is in the best interests of the residents of Greenville Independent School District. The District has sustained significant damages to properties constructed and paid for in full with taxpayer monies and for which there exists a potential recovery from those who caused the damages, and the District also has sustained significant damages to property fully insured with taxpayer monies and for which there exists a potential recovery from those insuring the damages. Pearson Legal, P.C. possesses 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 agreements enable 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 agreements shift the financial risk and burden of litigation costs and expenses to Pearson Legal, P.C., with the District owing no such monies to the law firm 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 and violations of the Texas Insurance Code.

III. Open Forum and Public Comment for Agenda Items

IV. Closed Session

- A. Closed meeting will be held for the purposes authorized by the Texas open meetings Act, Texas Government Code Section 551.071 et seq. concerning any and all purposes permitted by the Act, including but not limited to the following sections and purposes:
 - I. Texas Government Code Section 551.071 Consultation with the board's attorney on all subjects or matter authorized by law.
 - a. Consider legal advice regarding personnel issues.
 - b. Consider legal advice regarding any agenda action item.
 - II. Pursuant to Texas Government Code Section 551.071 and Chapter 2254 of the Texas Government Code, private consultation with and consideration of Attorney's advice regarding contemplated litigation regarding construction defect(s) of the District's facilities and regarding contemplated litigation regarding claims against the District's insurer(s) and all related parties arising out of damage caused by a storm on or about June 19, 2019.
 - III. Texas Government Code Section 551.074 For the purpose of considering the appointment, employment, resignation, evaluation, reassignment, duties, discipline, termination or dismissal of a public officer or employee.
 - a. Closed session pursuant to Section 551.074 of the Texas Government Code to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

V. Action on Closed Session Items

- A. Board consideration and vote, pursuant to Texas Government Code Section 551.071 and 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 concerning construction defects of the District's facilities and concerning claims against the District's insurer(s) and all related parties arising out of damage caused by a storm on or about June 19, 2019.

B. Board consideration and vote to authorize Superintendent Dr. Liggins to review, approve, and sign the Board Meeting Minutes regarding the August 24, 2020 Meeting once such Minutes are typed and in final form, including at any time before any Meeting of the Board in September 2020.

VI. Adjournment

Demetrus Liggins, Ph.D., Superintendent

Date