

AGENDA  
DILLEY INDEPENDENT SCHOOL DISTRICT  
REGULAR MEETING  
DILLEY ISD ACTIVITY CENTER  
208 W. CURTIS ST.  
DILLEY, TX 78017  
MONDAY, JUNE 21, 2021  
6:30 PM

**Board Meeting During COVID-19 Pandemic**

Pursuant to the Governor Abbott's Temporary Suspension of Open Meetings Laws issued on March 16, 2020 and subsequent orders related to Covid-19 and limiting congregations of persons, the Board will live stream their meeting so that members of the public may virtually attend the meeting. The public may access this meeting by *[clicking on the following link: <https://www.youtube.com/user/DilleyISD/live>*

An electronic copy of the agenda may be viewed at the following link: **[Dilley ISD Board Meeting Agendas.](#)**

Should you wish to address the board during public comment, please submit your comments to Isabel Garcia via e-mail at [isabel.garcia@dilleyisd.net](mailto:isabel.garcia@dilleyisd.net), no later than 4:00 PM on the day of the scheduled meeting. Your comments will be read aloud during the public comment portion of the board meeting. You must identify yourself for your comments to be considered and state the item you are addressing. Please put the following in the subject line: "Public Comment for (meeting date) Board Meeting." Alternatively, you may address the board in person. Should you wish to do so you must sign up to address the board no later than 4:00 PM on the day of the scheduled board meeting. Please identify yourself and the topic you wish to discuss. Please be aware that due to space limitations and physical distancing requirements, members of the public will only be allowed to enter one at a time to address the board. Additionally, you may be screened for a temperature and for other symptoms of Covid-19 before entering the building. You must also comply with mask requirements while on Dilley ISD property.

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. For more information about public comment, see Policy BED.

**PUBLIC NOTICE - DILLEY ISD  
COUNSEL RETENTION FOR DILLEY ISD**

Dilley ISD has determined that it has a substantial need to employ a special counsel to assist it in the prosecution of a claim arising under the laws of the State of Texas against one or more of the following: the general contractor and design professionals and related entities responsible for the construction of the Dilley High School. The claim concerns complaints of breach of contract and related warranties due to defects in the design and construction of the recently constructed Dilley High School. The costs to pursue the person or persons responsible for the design and construction to the Dilley ISD exceed Dilley ISD's resources. Dilley ISD is choosing to act by retaining attorneys and pursuing its claims, with the expected outcome being recovery of both past damages and future abatement costs. Pursuing the claims of Dilley ISD will be in best interest of the students and tax payers.

Dilley ISD intends Gravely P.C. to file the lawsuit and represent Dilley ISD's interests in this Dilley High School construction litigation. Dilley ISD chose this firm due to its record of accomplishments in this area

of the law, its reputation, acumen and extensive experience in previous complex construction cases. The attorneys of Gravely, P.C. have many years of experience in representing Texas property owners, including dozens of public school districts, in the type of complex construction case that Dilley ISD would like to pursue for the benefit of the community. It is the experience that the attorneys of Gravely P.C. have demonstrated in obtaining recovery of costs repair for similarly situated ISD's that has led Dilley ISD to choose this firm to represent the interests of Dilley ISD in its construction defect claims. Attached to this Notice, and incorporated by reference herein, are the qualifications of the attorneys of Gravely P.C. that will be handling this matter. No prior relationship existed between Gravely P.C. and Dilley ISD. Dilley ISD determined that the Dilley High School Litigation is specialized and required specialized counsel to undertake. Dilley ISD does not keep attorneys on staff who handle specialized construction law cases on behalf of the Dilley ISD; therefore, hiring outside counsel was necessary to Dilley ISD. Dilley ISD does not have the financial resources to retain lawyers at an hourly rate without regard to outcome due to the anticipated amount of legal work required for this specialized litigation, which is document and expert intensive. The only practical way this Dilley High School litigation was possible for Dilley ISD is with a contingency fee arrangement, which results in no costs to the Dilley ISD unless the Dilley ISD is able to recover through a lawsuit. Dilley ISD chose to hire Gravely P.C. in the best interests of the taxpayers. This is specialized litigation that costs the Dilley ISD no out-of-pocket expenses to pursue. Dilley ISD has the potential to recover damages through this lawsuit and protect the best interests of its taxpayer citizens.

Marc E. Gravely

Education:

Bellarmino University B.A. University of Texas at San Antonio M.S. St. Mary's University School of Law J.D. University of Connecticut School of Law L.L.M.

Practice and Expertise:

Marc Gravely is the founder of Gravely, PC. With over twenty years experience in commercial and business disputes, he has a hard-earned reputation for success. He has been recognized by his peers many times over the years and is a frequent speaker at legal conferences and continuing education events for lawyers and property owners. His clients have included a number of Texas district court and county judges. And in what is perhaps the most telling compliment, Mr. Gravely is often referred clients by opposing counsel who have seen the kind of results he can get. He and his firm have recovered millions in verdicts and settlements over the years for their clients. Mr. Gravely's practice includes civil and business litigation across the nation. He has extensive commercial litigation experience including disputes involving construction defects, insurance coverage, business and commercial litigation and technology-related matters. His construction litigation experience includes representing owners against general contractors, subcontractors, architects, engineers and developers. He has represented hospital systems, surgery centers, physician groups, governmental subdivisions like school districts, hospital districts, cities and counties, and commercial building owners in actions to recover damages due to defects in construction.

Mr. Gravely's insurance law practice has been on behalf of policyholders against insurance companies, brokers and agents. He has represented businesses and private individuals in a variety of matters including claims denial, claims underpayment and insurance bad faith. He has handled hundreds of cases involving coverage issues relating to benefits due under insurance policies in a wide array of contexts. His business and technology litigation experience includes handling commercial disputes between companies involving breach contract, misrepresentation, fraud and deceptive marketing. Mr. Gravely handled a representative class action matter involving small and large businesses against Verisign, Inc. for deceptive marketing of digital encryption certificates. The matter was certified as a national class action and was settled in what at the time was the largest information technology security settlement in the United States.

He has served as Special Counsel to the Texas State Commission on Judicial Conduct, and for the Center

for Infrastructure Assurance and Security at the University of Texas at San Antonio.

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Mr. Gravely is licensed to practice in the State of Texas and all federal districts in Texas, the Northern; Southern; Eastern & Western District of Texas.

Professional Affiliations

American Bar Association

Insurance Law Section

State Bar of Texas

Litigation Law Section

Insurance Law Section

Construction Law Section

Texas Bar Foundation

Life Fellow American Board of Trial Advocates

Honors

Best lawyers in America - Insurance Law (Woodward/White) Benchmark Litigation - Insurance Litigation  
Star Texas Super Lawyer - Business and Insurance Litigation Legal Media Group Guide to Leading  
Insurance Lawyers Contributing Author - Texas Insurance Law Digest Contributing Editor - Texas  
Annotated Insurance Code

Michael M. Gavito

Education:

St. Mary's University School of Law, J.D. 2004

University of Texas at San Antonio, B.A. Criminal Justice-Legal Studies 2000

Practice and Expertise:

Mr. Gavito's practice includes civil and business litigation throughout Texas. He has extensive litigation experience in cases involving construction defects.

Mr. Gavito was licensed to practice in Texas in November 2004. Michael spent a number of years working for prominent civil litigation defense firms in Central and South Texas, focusing primarily on construction defect litigation. He recently joined Gravely & Pearson, LLP, where he is applying his knowledge and expertise in defense litigation to better serve business and residential property owners in prosecuting construction defect claims against contractors, architects, and engineers. Mr. Gavito's predominant ability is being able to anticipate defense strategies and take appropriate steps to minimize or defeat defense attempts to limit or reduce a property owner's recovery. Mr. Gavito has extensive experience analyzing AIA form agreements between owners and contractors and architects. He has extensive experience litigating multi-party construction defect cases. He represents school districts, hospitals, and other property owners throughout Texas assisting them in recovering damages resulting from substandard design and construction of various building systems including, but not limited to, roofing, exterior wall envelope, masonry, plumbing, HVAC, windows, foundation, and electrical systems.

Mr. Gavito is licensed to practice in Texas, Oklahoma, and in the Southern and Western Districts of Texas - U.S. District Courts. Publications and Seminars

Contributing Author, "Chapter 150 of the Civil Practice & Remedies Code: The Protections and Pitfalls," San Antonio Bar Association - Construction Law Section CLE Luncheon, January 9, 2008.

Speaker, "Employment Law 101: The Do's and Don't's in the Workplace," Radiology Tech. Seminar, Brownsville, Texas, June 2010.

Speaker, "Claims Against Architects/Engineers: Practical Considerations for Plaintiff's Counsel, 28th Annual Construction Law Conference, March 5, 2015.

Matthew Soliday

Education:

Rutgers University School of Law, J.D. 2008

Wittenberg University, B.A.-History, 2002

Practice and Expertise:

Mr. Soliday's practice includes complex civil litigation throughout Texas. His areas of concentration include litigation related to complex contract disputes, insurance coverage disputes and construction defects.

Mr. Soliday, after working for the House of Representatives in the Ohio State Legislature, pursued his law degree at Rutgers University. Mr. Soliday then clerked for a judge in New Jersey before moving to Texas in 2011 to start a family with his wife. For the past eight years, he has represented insurance companies in first party coverage disputes and their insureds in complex civil litigation including cases involving wrongful death, commercial contract disputes, and construction defects.

Mr. Soliday's extensive experience representing insurance companies gives him a unique perspective representing owners challenging their insurance carrier's wrongful denial of their claims as well as insight into how insurers will try to shield themselves from liability for the poor workmanship of contractors and design professionals.

Mr. Soliday is licensed to practice in the State of Texas and the United States District Courts for the Western District of Texas.

If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Board will convene in such executive or closed session in accordance with the Open Meetings Act, Section 551.001 et seq., Texas Revised Civil Statutes.

I. Call to Order

II. Attendance

III. Invocation

IV. Pledge of Allegiance

V. Open Forum

Public comments/audience participation:

VI. COMMUNICATION:

1. Presentations

A. School Health Advisory Council Report

B. Dilley ISD Safety Report

2. Superintendents' Report

VII. CONSENT AGENDA

1. Minutes of Previous Meetings

2. Budget Reports

3. Monthly Investment Report

4. Tax Collection Report

5. Bills for Payment

VIII. BUSINESS

1. ACTION ITEMS: *Items will include consideration, discussion and possible voting.*

- A. Consider and Possible Action on the Education Service Center, Region 20 Commitments for the 2021-2022 School Year
- B. Discussion and Possible Action on the Renewal of Food Service Management Company Contract
- C. Discussion and Possible Action on the Districts' Medical Insurance to Include the Districts' Contribution to the Medical Plan
- D. 2021-2022 Employee Pay Raise
- E. Discussion and Possible Action to Approve the 2021-2022 Dilley ISD Canine Contract
- F. Discussion and Possible Action on the Business Manager's Signature Authority of the District's Financial Accounts
- G. TASB Policy Update 117, Affecting Local Policies CH, CV, and DEC.
- H. Consider approval of extension of the current Third Party Administrator Agreement for Tax Qualified Accounts and other Financial Products with First Financial Administrators, Inc. for one year beginning September 1, 2021, authorize a signatory and authorize the issuance of an RFP for a for Third-Party Administration, Consulting and Compliance Services beginning with the 2022-2023 Plan Year.
- I. Discuss and Approve the MOU for Assessment and Collection of Tax Services
- J. Executive Session as Authorized by Section 551.001 et seq. of the Texas Government Code (Open Meetings Act), under the following Provisions: 551.071, 551.074, and 551.129.
  - 1. The Board of Trustees under the authority of Texas Government Code Section 551.074 for the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee to hear complaints or charges against a public officer or employee.
  - 2. Trustees may adjourn into closed session to obtain legal advice regarding the Dilley ISD November 2013 Bond Program (Dilley ISD Construction of the New High School; Construction of New Bus Facility; Renovation of Existing High School as New Middle School; and Additions and Renovations to the Existing Elementary School and Existing Middle School Project), including discussion of potential assertion of legal claims and possible options related to retention of legal counsel related to such claims, including those topics as stated in the Notice attached hereto and incorporated by reference, discussion of, professional services agreement for legal counsel . (Pursuant to Texas Government Code sections 551.071 and possibly 551.129).
- K. Consider and take possible action related to items discussed in closed session
  - 1. Consideration and possible action with regard to the Dilley November 2013 Bond Program (Dilley ISD Construction of the New High School; Construction of New Bus Facility; Renovation of Existing High School as New Middle School; and Additions and Renovations to the Existing Elementary School and Existing Middle School Project), including approval of required findings for engagement of counsel as stated in the Notice attached hereto and incorporated by reference, potential retention of counsel, and potential authorization to pursue or resolve related claims.

## IX. ADJOURNMENT

DILLEY INDEPENDENT SCHOOL DISTRICT  
BOARD OF TRUSTEES

Notice is hereby given that on Monday, June 21, 2021, the Board of Trustees of the Dilley School District will hold a Regular Meeting at 6:30 PM, at the Dilley ISD Activity Center, 208 W. Curtis St., Dilley, TX 78017. The subjects to be discussed are listed on the agenda which is attached to and made a part of this Notice.

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

- 551.071 Private consultation with the board's attorney.
- 551.072 Discussing purchase, exchange, lease, or value of real property.
- 551.073 Discussing negotiated contracts for prospective gifts or donations.
- 551.074 Discussing personnel or to hear complaints against personnel.
- 551.075 To confer with employees of the school district to receive information or ask questions.
- 551.076 Considering the deployment, specific occasions for, or implementation of, security personnel or devices.
- 551.082 Considering discipline of a public school child, or complaint or charge against personnel.
- 551.083 Considering the standards, guidelines, terms, or conditions the board will follow, or will instruct its representatives to follow, in consultation with representatives of employee groups.
- 551.084 Excluding witnesses from a hearing.

Should any final action, final decision, or final vote be required in the opinion of the School Board with regard to any matter considered in such closed or executive meeting or session, then the final action, final decision, or final vote shall be either:

- (a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
- (b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

**\*\*Spanish Agendas available upon request at Dilley ISDD Administration Building\*\***

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

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For the Board of Trustees