



AARON D. FORD
Attorney General

KYLE E.N. GEORGE
First Assistant Attorney General

CHRISTINE JONES BRADY
Second Assistant Attorney General

JESSICA L. ADAIR
Chief of Staff

RACHEL J. ANDERSON
General Counsel

HEIDI PARRY STERN
Solicitor General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

December 8, 2020

Via Certified Mail and Email

Teresa Rankin



**Re: Open Meeting Law Complaint, OAG File No. 13897-376,
Douglas County Public Library Board of Trustees**

Dear Ms. Rankin:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging violations of the Open Meeting Law (OML) by the Douglas County Public Library Board of Trustees (Board) regarding whether an item on the Board's August 25, 2020 meeting agenda met the clear and complete standard in the OML.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (NRS) 241.037; NRS 241.039; NRS 241.040. In response to your complaints, the OAG reviewed your complaint and attachments; the Board's response thereto; and the agenda, minutes and recording of the Board's August 25, 2020 meeting.

FACTUAL BACKGROUND

The Board is a "public body" as defined in NRS 241.015(4) and subject to the OML.

On August 25, 2020, the Board held a meeting. Item #3 on the Board's agenda read:

3. DISCUSSION TO AUTHORIZE THE DOUGLAS COUNTY HUMAN RESOURCES DEPARTMENT TO RETAIN THE SERVICES OF AN INDEPENDENT FIRM TO INVESTIGATE RECENT EVENTS AND COMMUNICATIONS THAT HAVE RESULTED IN MULTIPLE COMPLAINTS TO THE LIBRARY AND DOUGLAS COUNTY, DIRECT THE LIBRARY DIRECTOR AND STAFF TO FULLY COOPERATE WITH THE HUMAN RESOURCES DEPARTMENT

AND THE INDEPENDENT INVESTIGATOR, AND AUTHORIZE
CHAIRPERSON GARRAHAN TO ISSUE AN ADMINISTRATIVE
DIRECTIVE TO THAT EFFECT.

Supporting material for the meeting consisted of 129 letters from the public. During the meeting, the Board discussed at length the reasons for and against initiating an investigation and expending funds on that investigation. The Board took action to authorize the Douglas County Human Resources Department to retain the services of an independent firm to investigate recent events with the cost of the investigation not to exceed \$30,000, which would be divided equally between the Library and the County.

Your complaint alleges that because the agenda item lists requesting an audit and “No mention of money or other actions were listed,” the agenda item did not clearly and completely list the potential action to be taken.

DISCUSSION AND LEGAL ANALYSIS

An agenda for a meeting of a public body must include a “clear and complete statement of the topics to be considered during the meeting.” NRS 241.020(2)(d)(1). The “clear and complete statement” requirement of the OML stems from the Legislature’s belief that “incomplete and poorly written agendas deprive citizens of their right to take part in government’ and interferes with the ‘press’ ability to report the actions of government.” *Sandoval v. Bd. Of Regents of Univ.*, 119 Nev. 148, 154 (2003). Strict adherence with the “clear and complete” standard for agenda items is required for compliance under the OML. *Id.* The OML “seeks to give the public clear notice of the topics to be discussed at public meetings so that the public can attend a meeting when an issue of interest will be discussed.” *Id.* at 155. Further, “a ‘higher degree of specificity is needed when the subject to be debated is of special or significant interest to the public.’” *Id.* at 155-56. (*quoting Gardner v. Herring*, 21 S.W.3d 767, 773 (Tex. App. 2000)).

While clearly an item of significant public interest, our review of the minutes and recording shows that the Board did not stray from the agenda item’s statement of topics to be considered. The agenda item listed the possibility of authorizing “the Douglas County Human Resources Department to retain the services of an independent firm” for the investigation. The term “retain” is defined as “to keep in one’s pay or service” or “to employ by paying a retainer.” Merriam-Webster online dictionary, *available at* merriam-webster.com/dictionary/retain. While a specific dollar amount was not listed in the agenda, the use of the word “retain” put the public on notice that approval of the item may involve approval of an expenditure of funds. No contract was approved or discussed, nor the use of any specific firm. Thus, the OAG does not find a violation of the OML with respect to agenda item #3 of the Board’s August 25, 2020 meeting.

Teresa Rankin
Page 3
December 8, 2020

CONCLUSION

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred on which formal findings should be made. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

By: /s/ Rosalie Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Carey Rosser, Deputy District Attorney for Douglas County

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December, 2020, I served the foregoing by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, CERTIFIED MAIL addressed as follows:

Teresa Rankin
[REDACTED]
[REDACTED]

Certified Mail No.: [REDACTED] _____

Carey Rosser, Deputy District Attorney
Office of the District Attorney Douglas County
P.O. Box 218
Minden, Nevada 89423

Certified Mail No.: 7020 0640 0000 7651 9944 _____

/s/ Debra Turman
An employee of the Office of the
Nevada Attorney General