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March 8, 2024

Via U.S Mail and Email

Dr. Lindsey Dalley

Logandale, Nevada 89021

Email: [REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-461
Clark County School District Board of Trustees Sex Education
Advisory Committee**

Dear Dr. Dalley:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Clark County School District Board of Trustees Sex Education Advisory Committee (“Committee”) regarding the Committee’s October 20, 2022, meeting.

The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG’s investigation of the Complaint included a review of the Complaint, the Response on behalf of the Committee, and the agenda and video recording for the Committee’s October 20, 2022, meeting. After investigating the Complaint, the OAG determines that the Committee did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Committee held a public meeting on October 20, 2022. The agenda for the meeting included the following public comment statement:

The Sex Education Advisory Committee recognizes that its deliberative process benefits greatly from public input and

perspective. Those wishing to address the Committee in person may sign up to speak once the agenda has been posted by calling the Curriculum and Instruction Division, Science Department at (702) 799-2348 during regular business hours and at least 8 hours prior to the scheduled start of the meeting.

Alternatively, speakers may sign up in person immediately prior to the beginning of the meeting. To minimize distractions, no additional speakers may sign up once the Committee Chair has introduced the agenda item. Customarily, speakers will be called in the order in which they sign up.

Members of the public are permitted to provide public comment on any agenda item requiring Committee action after staff presentations and discussion by the Committee, but before the Committee votes on the item. Speakers will be given 3 minutes to address the Committee and shall remain on topic.

Near the beginning of the meeting, the Chair of the Committee made an announcement regarding the procedure for signing up for public comment on action items and noted that once an item had been introduced, no additional speakers may sign up. Item 2.02 was called about 10 minutes into the meeting. The presiding officer for the item gave a last call for public to submit comment cards and then paused to give people time to do so. The Committee proceeded to receive information on the item, make a motion, discuss the motion, and then call for public comment. About 12 minutes of public comment was received and then an individual asked to speak and was denied because they had not filled out a comment card.

Complainant alleges that the Board's refusal to allow him to make public comment on item 2.02 because he had arrived late to the meeting and had not filled out a comment card violated the OML.

LEGAL ANALYSIS

As a subcommittee of the Clark County School District Board of Trustees, created under the provisions of NRS Chapter 386, the Committee is a public body as defined in NRS 241.015(4) and is subject to the OML.

Public bodies must include periods devoted to comments by the general public during their meetings. NRS 241.020(3)(d)(3). Any restrictions on comments by the general public must be listed on the meeting agenda and any such restrictions must be reasonable and may restrict the time, place and

manner of the comments, but may not restrict comments based upon viewpoint. NRS 241.020(3)(d)(7).

The Committee restricted public comment to specified periods, required commenters to fill out comment cards and limited comments to 3 minutes per person. These restrictions were listed clearly on the public notice agenda and were announced at the beginning of the meeting. Complainant does not allege that the Committee applied its public comment restrictions improperly, just that its refusal to allow him to speak on item 2.02 when he arrived at the meeting too late to submit a comment card violated the OML.

The OAG finds the Committee's public comment restrictions to be reasonable time place and manner restrictions. The Committee offered an option for commenters to submit public comment cards prior to the meeting and at the meeting, even giving a reminder and extra time prior to the start of the item for additional commenters to submit cards. Complainant was given opportunities to speak on later agenda items as well as during the final general public comment period of the meeting. Public bodies may place restrictions such as these to preserve their legitimate interest in conducting efficient and orderly meetings. *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 271 (9th Cir. 1995). Thus, the OAG does not find a violation of the OML.

CONCLUSION

Upon review of your Complaint and available evidence, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

By: /s/ Rosalie Bordelove
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