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May 2, 2022

Via U.S. Mail & Certified Mail

[REDACTED]

Bruce W. Parks

[REDACTED]

[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-396,
Washoe County School District Board of Trustees**

Dear Mr. Parks:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging violations of the Open Meeting Law (OML) by the Washoe County School District Board of Trustees (Board) regarding the ability for public to hear at their March 9, 2021, meeting.

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; the Board's response and attachments, including affidavits from Board staff and the Board Chair; and the agenda, minutes and video recording for the Board's March 9, 2021, meeting. After investigating the matter, the OAG does not find a violation of the OML.

FACTUAL BACKGROUND

The Board is created by NRS Chapter 386 and is comprised of elected officials. It is a "public body" as defined in NRS 241.015(4) and subject to the OML.

The Board held a meeting on March 9, 2021. The meeting was held in the gymnasium of Hug High School to allow for sufficient space to comply with safety guidelines associated with the COVID-19 pandemic. The Board had a sound system set up with microphones for all speakers, including one at a podium for the public.

Shortly after the start of the first public comment period, several members of the public stated that they were having trouble hearing the individual making public comment. The Board Chair recessed the meeting to address the sound issue. Board staff then tested the sound system, including asking members of the public around the room if they were able to hear. After determining that the meeting could be heard by the audience, the Board resumed the meeting. The Board did not receive further complaints regarding the sound from the public. One public commenter complained about the distance of the Board members from the audience. When Board staff called members of the public to come up and speak, all responded quickly and came to the podium.

Your Complaint alleges that the Board violated the OML by failing to “make proper accommodations for the public to be able to hear and understand what was being said.”

DISCUSSION AND LEGAL ANALYSIS

The legislative intent of the OML is that actions of public bodies “be taken openly, and that their deliberations be conducted openly.” NRS 241.010(1); *see also McKay v. Board of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986) (“the spirit and policy behind NRS chapter 241 favors open meetings”). The OML does not contain provisions specific to the use of sound equipment in large meet rooms. However, the legislative mandate contained in the OML requires that members of the public in attendance at a public meeting be generally able to hear and observe the meeting. NRS 241.010; *see also* NRS 241.023(2)-(3). In addition, public bodies are required to make reasonable efforts to ensure the facilities for meetings are large enough to accommodate the anticipated number of attendees. NRS 241.020(2).

Due to Emergency Directives in place at the time of the meeting and other health safety guidelines regarding the COVID-19 pandemic, the Board implemented social distancing at the meeting. To accommodate this, the meeting was held in a large venue and a sound system was set up. The OAG does not possess evidence that the Board ignored complaints regarding the ability of the public to hear the meeting. To the contrary, the Board addressed concerns regarding sound during the recess and then continued with public comment without further issue. Indeed, you responded when your name was called and proceeded to make your public comment. Thus, the OAG does not find a violation of the OML with respect to the meeting audio.

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: Gina Session, Esq.
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