

AARON D. FORD
Attorney General

CRAIG A. NEWBY
First Assistant Attorney General

CHRISTINE JONES BRADY
Second Assistant Attorney General



TERESA BENITEZ-THOMPSON
Chief of Staff

LESLIE NINO PIRO
General Counsel

HEIDI PARRY STERN
Solicitor General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

555 E. Washington Ave. Suite 3900
Las Vegas, Nevada 89101

July 3, 2023

Via U.S. Mail and Email

Maxine Bradshaw

[Redacted]
[Redacted]
[Redacted]

Charlotte Stewart

[Redacted]
[Redacted]
[Redacted]

Bepsy Strasburg

[Redacted]
[Redacted]
[Redacted]

Robert Harris

[Redacted]
[Redacted]
[Redacted]

Richard Nagel

[Redacted]
[Redacted]
[Redacted]

Karen Stephens

[Redacted]
[Redacted]
[Redacted]

**Re: Open Meeting Law Complaint, OAG File No. 13897-444
In the matter of Carson City School District Board of Trustees**

Dear Complainants:

The Office of the Attorney General (“OAG”) is in receipt of your Complaints (“Complaints”) alleging violations of the Open Meeting Law (“OML”) by the Carson City School District Board of Trustees (“Board”). Your Complaints allege the Board violated the OML at its March 22, 2022, meeting by deliberating on a matter not

included on the meeting's agenda and discussed the character of an individual without giving that individual notice.¹

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. To investigate the Complaints, the OAG reviewed the following: the Complaints, attachments and supplements; the Board's meeting agenda; the recording of the Board's March 22, 2022, meeting; and the Board's response and attachments.

As a preliminary matter, the OAG has previously found the ability to claim notice to an individual was insufficient resides only with the person entitled to the notice. *In re Lander County School District Board of Trustees*, Open Meeting Law Opinion No. 13897-428 (Jan. 16, 2023). The individual whose character is alleged to have been discussed without notice is not one of the Complainants in this matter and as such, the OAG will not further opine on the matter.

After investigating the Complaint, the OAG determines that the Board did not violate the OML because the discussion at issue did not stray beyond the agendized topic.

FACTUAL BACKGROUND

The Board held a public meeting on February 22, 2022. At the meeting, the Board selected Dr. Goldhardt as the Superintendent of the Carson City School District, effective July 1, 2022, and directed the Board President to negotiate a contract with Dr. Goldhart and bring the proposed contract to the Board for final approval. The Board President then sent a proposed contract to Dr. Goldhart and entered into negotiations over the next month.

The Board held a public meeting on March 22, 2022. Item 11 on the meeting's agenda read:

Discussion and Possible Action to Approve, Approve with Conditions, Continue, or Deny the Terms of a Proposed Superintendent Contract with Dr. John Goldhardt. Approval may have a fiscal impact inclusive of an Annual Salary up to \$175,000 plus the cost of benefits attendant thereto – for possible action.

¹ The Complaints include additional allegations regarding the conduct of a Trustee that do not fall within the purview of the OML. The OAG does not have jurisdiction over these allegations will not discuss them in this opinion.

When agenda item 11 was called, the Board President first made a presentation regarding the negotiations that led to the proposed contract. One Trustee discussed reasons she did not like the contract and made a motion to deny it. The Board engaged in extensive discussion regarding the terms of the contract and what the District was looking for in a Superintendent. At one point, the Board received advice from its counsel that reconsideration of the February 22 action was not on the agenda and what was in front of the Board was the proposed contract. The motion to deny was renewed, public comment received, and then the Board voted to deny the contract as submitted and to direct the President to go back to Dr. Goldhart with the Board's original offer.

Dr. Goldhart later withdrew his candidacy for Superintendent and Complainants filed the complaints at issue regarding the March 22, 2022, meeting.

LEGAL ANALYSIS

As the governing body of a public school district under NRS 386.110, the Board is a public body as defined in NRS 241.015(4) and subject to the OML.

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(3)(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. Board of Regents of Univ.*, 119 Nev. 148, 154 (2003). 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 the OAG does find that the item at issue was of significant interest to the public, the Board did not stray beyond the agendized topic. The agenda at issue gave the public notice that the Board would discuss and decide whether to approve a proposed contract with Dr. Goldhardt as the District’s new superintendent. The discussion during the meeting centered on the terms of the contract and whether it was in the best interests of the District to enter into it. As an employment contract, the prospective employees’ qualifications and potential in the position are necessarily relevant to the determination. It appears the Complainants largest objection is that Dr. Goldhardt was not hired. The choice whether to approve a contract inherently carries with it the possibility that no contract will be reached, and final hiring will not go into effect. Thus, the OAG finds that the discussion and final action fit within the clear and complete statement on the agenda and did not violate 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
ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Ryan Russel, Esq.. counsel to the Carson City School District Board of Trustees