



STATE OF NEVADA
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June 27, 2013

Kevinn Donovan
1135 Magic Meadow Street
Henderson, Nevada 89052

Michael Bluestein
7400 Pirates Cove Road #120
Las Vegas, Nevada 89145

Re: Open Meeting Law Complaint / AG File No. 13-016
Clark County Board of School Trustees

Dear Mr. Donovan and Mr. Bluestein:

Two Open Meeting Law (OML) Complaints were filed soon after the meeting in which the Clark County Board of School Trustees (Trustees) interviewed Mr. Pat Skorkowsky, then voted to enter into contract negotiations with him for the position of Superintendent of the Clark County School District (District) on May 21, 2013.¹

The Complaints alleged the meeting agenda lacked specificity that should have given public notice that the Board intended to interview Mr. Skorkosky and that possible action included selection or appointment. The Trustee's May 20, 2013, meeting agenda Item 3.01 read:

SUPERINTENDENT SEARCH. Presentation, discussion and possible action regarding all aspects of the search and selection of a new Superintendent of schools for the Clark County School District.

¹ Item 3.01 from Trustee's May 20, 2013, agenda had been continued for consideration until the next evening – May 21, 2013.

During consideration of agenda Item 3.01, the Trustees interviewed Mr. Skorkowsky then voted to approve a motion to enter into negotiations with him for the Superintendent's position.

The discussion, which resulted in his interview and the vote to enter into negotiations, was not without dissent. Three Board members pressed for an immediate vote that evening, but President Edwards resisted and pleaded for more time to properly vet Mr. Skorkowsky, so that the public could participate in the process of his selection. She said that the Board needed to do its "due diligence." After viewing the meeting video, we believe that two other Trustees were uncomfortable moving so fast towards immediate interview and appointment.

The next day the Las Vegas Review Journal reported that the Trustees had had no public discussions with Mr. Skorkowsky before this evening meeting in which to discuss his plans and vision for the future should he be permanently appointed.

Within a few days of the Trustees' vote to enter into negotiations with Mr. Skorkowsky, the Trustees decided to schedule a Special Meeting. The agenda for this meeting added specific notice and specificity that the Board would consider possible action to select Mr. Skorkowsky for the position of Superintendent of Clark County School District.

Two new agenda items corrected issues raised in the OML Complaints. Those issues were agenda lack of specificity and proper public notice under the OML, as well as allowance of additional public comment. The agenda for the Special Meeting contained clear and complete notice of possible Board action to select Mr. Skorkowsky for the position of Superintendent and it informed the public that the Board could direct staff to enter into contract negotiation with him. The Special Meeting was scheduled for June 3, 2013. New agenda items were drafted which read:

3.01 RESCINDING OF PREVIOUS ACTION. Discussion and possible action to rescind the previous action taken by the Clark County School District Board of Trustees on May 21, 2013, to enter into negotiations with Mr. Pat Skorkowsky for the position of Superintendent of Schools of the Clark County School District.

3.02 SUPERINTENDENT SELECTION. Discussion and possible action on the selection of Mr. Pat Skorkowsky to fill the position of Superintendent of Schools of the Clark County School District; direct legal counsel to enter into negotiations for an employment contract with Mr. Pat Skorkowsky; or, alternatively, direct staff on next steps in superintendent search. (This item will only be addressed if the foregoing item is approved.)

Because the Board rescinded its action of May 21, 2013, to enter into negotiations with Mr. Skorkowsky, and because it scheduled a Special Meeting with two agenda items that met the clear and complete rule²; the Board effectively took corrective action, as this Office has encouraged public bodies to do even out of an abundance of caution that there might have been a violation. OPEN MEETING LAW MANUAL §11.01, et.seq. (11th ed. 2012).

We reviewed the video of the Special Meeting and we understand that the Board believes no violation occurred, but the Special Meeting was made necessary to allow additional public comment regarding the selection process. We do have to determine whether a violation occurred during the May 21, 2013, meeting as the rescission of its action that evening indicates the Board's intent to provide the public with an opportunity to participate in the selection process. It is not necessary for this office to make findings or find fault.

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² An agenda must be "clear and complete" so that the public is informed of topics to be discussed and the agenda must describe the items on which action may be taken. NRS 241.020(2)(c)(1)(2). In *Sandoval v. Board of Regents*, 119 Nev. 148, 67 P.3d 902 (2003), the Nevada Supreme Court stated the statute was enacted because "incomplete and poorly written agendas deprive citizens of their right to take part in government." *Id.* 119 Nev. at 154, 67 P.3d at 905. 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.* 119 Nev. at 155, 67 P.3d at 906.

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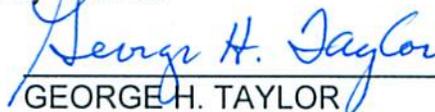
The Trustees Special Meeting lasted 3-1/2 hours. The public had ample opportunity to provide comment related to the selection process. The OML was well served during that meeting.

We are closing our file on this matter.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:



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Open Meeting Law
Tele: (775) 684-1230

GHT/rmh

cc: Carlos McDade, Counsel to Clark County Board of School Trustees
Mary Ann Peterson, Deputy District Attorney, Clark County District Attorney's
Office - Civil Division

Clark County Board of School Trustees:

Carolyn Edwards, President
Lorraine Alderman, Vice President
Erin Cranor, Member
Chris Garvey, Member
Patrice Tew, Member
Linda E. Young, Member
Pat Skorkowsky, Interim Superintendent of School