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May 31, 2022

Via U.S. Mail & Certified Mail

████████████████████
Thomas P. Gallegos
████████████████████
████████████████████

**Re: Open Meeting Law Complaint, O.A.G. File No. 13897-406
Mineral County School District Board of Trustees**

Dear Mr. Gallegos:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Mineral County School District Board of Trustees (“Board”), related to its March 2, 2021 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 investigation of the Complaint included OAG review of the Complaint and supporting materials, the response to the Complaint and attachments thereto, the meeting materials and the audio recording of the Board’s March 2, 2021 meeting.

After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Board held a meeting on March 2, 2021. Item #7 of the Board’s agenda stated the following:

Recommendation: Discussion and Possible Approval to accept the quote from Alpine Roofing Company to repair the roof on the vocational building

Supporting Information: Approval to accept the quote of \$75,127.00 from the Alpine Roofing Company to repair the roof on the vocational building. To include a 20 year Carlisle Warranty for \$2,600.

Budget Consideration: \$77,727.00

Members of the Board, staff members of the district, and members of the public spoke during the discussion of Item #7. The discussion centered around whether local contractors had an opportunity to submit bids for the project. One trustee expressed displeasure with out-of-town companies being used to perform work on other projects within the district. The Board asked its staff to go through a bidding process for the project and did not take a vote on Item #7.

Your complaint alleges that the Board's discussion went beyond the scope of the agenda item and that the Board discussed your character and/or professional competence without providing notice to you as required by the OML.

DISCUSSION AND LEGAL ANALYSIS

The Mineral County School District Board of Trustees, as the governing body of a school district under NRS 386.110, is a public body as defined in NRS 241.015(4) and is 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(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. Board of Regents of University*, 119 Nev. 148, 154 (2003).

If a public body considers the character, alleged misconduct, professional competence, or physical or mental health of a person during a meeting, it must provide adequate notice to that person ahead of the meeting. NRS 241.033(1). In determining whether a violation of the notice requirement contained in NRS 241.033 has occurred, the OAG reviews the actual discussion by the public body. *In re Lander County Commissioners*, OMLO 13897-351 (Aug. 5, 2020).

Here, the discussion centered around the process for obtaining the quote, the age of the quote and whether the Board should approve it. There was a general discussion about the use of local contractors, but its brevity and

relation to the agenda item kept it within the scope. Indeed, the entire discussion of Item #7 lasted only eight minutes. While one trustee did express her displeasure at the use of outside contractors by the district in the past, she did not refer to the Complainant specifically. Further, there was no collective discussion on this issue. Thus, the OAG does not find that Complainant's character and/or professional competence was discussed during the meeting. As such, the OAG does not find a violation of the OML.

CONCLUSION

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred. The OAG will close its file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

/s/ Rosalie Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: T. Jaren Stanton, Mineral County District Attorney
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