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May 1, 2026

Via U.S. Mail  
Catherine Salim

**Re: Open Meeting Law Complaint, OAG File No. 13897-555**  
**Washoe County Library Board of Trustees**

Dear Ms. Salim,

The Office of the Attorney General (“OAG”) has reviewed your Complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Washoe County Library Board of Trustees (“Board”) regarding email communications between Board Member Gianna Jacks (“Jacks”), Assistant Chair Tami Ruff (“Ruff”), Board Member Lea Moser (“Moser”), Board Chair Ann Silver (“Silver”), Washoe County Chief Financial Officer Abbe Yacoben (“Yacoben”), and Board Member Marie Rodriguez (“Rodriguez”).

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 included a review of the Complaint, the Response on behalf of the Board and emails exchanged. After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged in the Complaint.

## FACTUAL BACKGROUND

On June 28, 2025, a Complaint was filed alleging multiple violations of Nevada's OML by the Board. On June 17, 2025, the Complainant was provided with a batch of emails which had been requested via a public records request. The Complaint references a series of email communications among trustees and one alleged phone call, asserting that these communications constituted "serial meetings" or "walking quorums" that were conducted outside of public view. The Complainant contends that these communications involved more than two board members discussing agenda items or intended outcomes on agenda items, without public notice, public attendance, or public participation, thereby circumventing statutory transparency requirements.

The communications in the Complaint include an email from Silver to Jacks, copying Moser and Ruff; emails from Silver to Yacoben, copying Moser and Ruff; an email from Silver to Jacks and Ruff, and an email from Rodriguez to Silver, reporting a telephone conversation with Silver regarding the Library Director.

In the email exchange between Silver, Jacks, and Ruff, Silver stated that the Board would need to revise several policies, including the Discipline Policy, and referenced suspension-related revisions she had submitted for inclusion on the November agenda. The emails also expressed general views about proportionality in disciplinary actions ("punishments don't fit the crimes") and the Board's role in disciplinary matters. The communication did not include discussion of specific policy language or any collective decision-making. The Discipline Policy had previously been discussed by the Board during an open meeting on August 21, 2024.

The email from Rodriguez to Silver stated that Silver had mistakenly called her on March 19, 2025, believing she was calling Ruff. Rodriguez alleged that during this call, Silver stated that she and the County Manager had discussed a plan to terminate the Library Director and that Silver intended to call "the others" to inform them of what would occur. No additional emails or evidence were provided showing that Silver contacted any other trustees. Silver submitted a declaration denying that she made such calls or discussed the matter with other trustees.

The email sent by Silver to Jacks, with Moser and Ruff copied, concerned scheduling a general training session on the Washoe County budget process. The communication did not discuss the library budget, Board decision-making, or any matter requiring Board action. The content was limited to logistics and attendance.

The email from Silver to Yacoben was to inform her that she could not attend the scheduled budget training session. Moser and Ruff were copied. The email did not discuss budgetary decisions, library funding, or any matter within the Board's jurisdiction. It was limited to Silver's availability and the scope of the training.

## LEGAL ANALYSIS

### **I. Communications Regarding Policy Agenda Items Did Not Constitute Deliberation**

Under NRS 241.015(4), a "meeting" is defined as either the gathering of a quorum of a public body to deliberate or take action on matters within the body's supervision, control, jurisdiction, or advisory powers, or any series of gatherings where less than a quorum participates in each individual gathering, but collectively a quorum deliberates or acts with the specific intent to evade the OML.

The term "deliberate" is defined in NRS 241.015(2) to mean collectively examining, weighing, or reflecting on reasons for or against action, which includes collective discussion or exchange of facts preliminary to a decision. The Nevada Supreme Court has emphasized that private discussions do not constitute a violation of the OML unless they amount to collective deliberation by a quorum, stating in *Dewey v. Redevelopment Agency of Reno*, 119 Nev. 87, 98, 64 P.3d 1070, 1077 (2003), that "[t]he Open Meeting Law is not intended to prohibit every private discussion of a public issue. Instead, the OML only prohibits collective deliberations or actions where a quorum is present." The statute further provides in NRS 241.016(4) that electronic communications must not be used to circumvent the spirit or letter of the OML.

The email communication between Silver, Jacks and Ruff, concerns placing potential policy changes, specifically regarding the Discipline Policy, on a future agenda. While a quorum was included in the email, the discussion referenced items that had already been considered during an open meeting of the Board on August 21, 2024. During that open meeting, trustees discussed the Discipline Policy in the context of an appeal, including specific comments on the need for proportionality in disciplinary action. The subsequent email exchange reiterated these prior discussions and was limited to planning for agenda placement rather than engaging in deliberation or taking action. Nevada law confirms that communications regarding what to place on a future agenda do not constitute action or deliberation

under the OML. In *Schmidt v. Washoe County*, 123 Nev. 128, 135, 159 P.3d 1099 (2007), the Nevada Supreme Court held that removing or placing items on an agenda does not constitute deliberation or action, and public bodies retain discretion in scheduling agenda items. Accordingly, this email does not constitute a violation of the OML.

## **II. Alleged Telephone Call and Email from Trustee Rodriguez Did Not Create a Walking Quorum**

The Complaint alleges that Silver contacted Rodriguez, regarding the dismissal of the Library Director and that she would inform other trustees, potentially creating a “walking quorum.” Under NRS 241.015(4)(a)(2) and NRS 241.016(4), a walking quorum occurs when serial communications among a quorum of a public body result in collective deliberation or decision-making outside a publicly noticed meeting. In this case, the only evidence consists of Rodriguez’s email, and there is no corroboration that Silver actually contacted other trustees or engaged in deliberation. Silver’s declaration attests that she did not communicate with other trustees on this matter. *Dewey v. Redevelopment Agency*, 119 Nev. 87, 64 P.3d 1070 (2003), requires substantial evidence of serial communications to establish a violation, which is absent here. Therefore, no walking or constructive quorum occurred, and there is no violation of the OML.

## **III. Communications Related to Budget Training Did Not Constitute Deliberation or Action**

The email communications regarding the scheduling of a budget training session do not constitute deliberation or action on matters within the Board’s supervisory or advisory authority. The first email, from Silver to Jacks, copied to Moser and Ruff, merely coordinates the logistics of a training session and contains no discussion of the substance of budget decisions.

Similarly, the email from Silver to Yacoben, copying Moser and Ruff, only advises of Silver’s inability to attend the training. No deliberation occurred regarding budgetary matters or other responsibilities under the Board’s authority. As there was no quorum engaged in collective deliberation on a public matter, these communications do not qualify as a “meeting” under NRS 241.015(4) and do not constitute a violation of the OML.

**IV. No Violation Occurred Due to the Absence of Intent to Circumvent the OML**

NRS 241.015(4)(a)(2) prohibits a series of gatherings with the specific intent to avoid the provisions of the OML. In all reviewed communications, there is no indication that trustees sought to reach a secret consensus or act outside a public meeting. The emails either addressed administrative logistics, attendance at training sessions, or agenda placement for items already discussed publicly. Nevada law confirms that the OML is not violated by informal communications that do not involve deliberation or action on matters within the public body's authority. Further, although no OML violations were found, the Board had received targeted guidance via email on walking quorums and had a comprehensive OML training scheduled for August 19–20, 2025, to reinforce proper compliance.

**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/ Stephanie Itkin-Goodman  
STEPHANIE ITKIN-GOODMAN  
Deputy Attorney General

cc: Herbert B. Kaplan, Esq., counsel to Washoe County Library Board of Trustees