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STATE OF NEVADA

OFFICE OF THE ATTORNEY GENERAL

1 State of Nevada Way, Suite 100  
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May 1, 2026

Via U.S. Mail

Kyle Isom



**Re: Open Meeting Law Complaint, OAG File No. 13897-559  
Board of Mineral County Commissioners**

Dear Mr. Isom,

The Office of the Attorney General (“OAG”) has reviewed your Complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Board of Mineral County Commissioners (“Board”) regarding their December 4, 2024, public 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 OAG’s investigation included a review of the Complaint, the Response on behalf of the Board and the agenda and minutes for the Board’s December 4, 2024, workshop. 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 public meeting on December 4, 2024, at 9:00 a.m., at County Commissioner's Meeting Room, Mineral County Courthouse, First and "A" Street, Hawthorne, NV, with simultaneous virtual access provided through GoToMeeting livestream. The agenda was properly posted in compliance with OML and included clear instructions for accessing the meeting and submitting public comment. As required under NRS 241.020, public comment was scheduled at the beginning of the meeting and prior to adjournment.

Agenda Item #14 was titled, "Closed Session — Pursuant to NRS 288.220 to discuss/review all labor/bargaining unit contracts, grievances, and negotiations." The agenda also included a corresponding open session item allowing discussion or potential action on matters addressed in the closed session. The Complainant was on approved personal leave and was not present at the meeting.

Following the meeting, the Complainant received a text from Commissioner Grant asking when he would be home. The Complainant replied with the date of his return, and on December 6, 2024, he contacted Commissioner Grant by phone to check in. During an approximately 11-minute conversation, Commissioner Grant informed the Complainant that the investigation into the matter prompting the closed session had concluded, and the Board had determined he had acted appropriately and that no wrongdoing occurred. Despite this, the Complainant was informed he would be required to attend management training and that his assistant would be reassigned to the Sheriff's Office under the supervision of the Sheriff, while he would continue to assign her work.

The Complainant asserts that these administrative decisions were made without his participation or opportunity to object and that no corresponding motions or formal votes occurred in open session. He also contends that the closed session may have improperly involved discussion of his character or professional competence, which would trigger the notice requirements of NRS 241.031 and 241.033.

The Board maintains that the closed session was properly conducted under statutory authority for labor and bargaining matters and that no formal Board action occurred during the closed session. The Commissioner's delegated authority arises from the operational structure of Mineral County government. Unlike larger jurisdictions, Mineral County does not employ a county manager. As a result, administrative oversight responsibilities are distributed among individual

commissioners, each of whom serves as a liaison to specific departments. In that capacity, commissioners are routinely entrusted with day-to-day administrative functions, including personnel and operational decisions, without requiring formal action by the full Board. The Board asserts that the administrative actions taken following the meeting were undertaken independently by Commissioner Grant in his delegated liaison capacity, consistent with Nevada law.

## LEGAL ANALYSIS

### **I. The OML was Not Violated as Individual Administrative Actions Taken by a Commissioner Are Not Board Actions**

Nevada law exempts certain matters, including labor negotiations, from the OML under NRS 288.220. The agenda for the December 4, 2024, meeting clearly referenced this authority. The OAG has repeatedly found this provision to be a complete exception from the OML's requirements. *In re Clark County School District Board of Trustees*, OMLO 13897-410 at 5 (Dec. 3, 2021); *In re Clark County Board of School Trustees*, OMLO 08-020 at 3-4 (Oct. 2008) ("The statute does not require any part of the meeting of a local government employer with its management representative to be open."). Review of the meeting minutes confirms that the closed session discussions were limited to labor and bargaining unit matters. No motions, votes, or formal Board actions were taken during the closed session, and the Board returned to open session in accordance with statutory requirements. Under established Nevada case law, including *Dewey v. Redevelopment Agency*, 119 Nev. 87 (2003), the OML applies only to actions taken collectively by a quorum of a public body. Individual actions by a single official acting within delegated authority do not constitute Board action subject to the OML. Evidence, including Commissioner Grant's affidavit, demonstrates that the reassignment of the Complainant's assistant and the requirement for management training were implemented unilaterally by the Commissioner and were not formal Board actions.

### **II. NRS 241.031 and NRS 241.033 were Not Triggered as the Complainant's Character was Not Discussed in Open or Closed Session**

The Complainant's assertion that the closed session may have involved discussion of his character, professional conduct, or competence is not supported by the agenda, minutes, or recording. NRS 241.031 and 241.033 require written notice when a public body intends to discuss such matters in closed session, but because no evidence indicates that the Complainant's personal conduct or professional

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competence was addressed, these notice requirements were not triggered. Moreover, as the closed session was not a “meeting” under the OML due to its exception from the OML’s requirements, NRS 241.033 notice requirements would not apply. The open session following the closed session satisfied OML requirements, as the minutes reflect that the Board returned to open session and no motions were taken regarding matters discussed in closed session, and any subsequent administrative actions were implemented solely by an individual commissioner, rather than by collective Board action.

### **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 its file regarding this matter.

Sincerely,  
AARON D. FORD  
Attorney General

By: /s/ Stephanie Itkin-Goodman  
STEPHANIE ITKIN-GOODMAN  
Deputy Attorney General

cc: Ryan McCormick, Esq., counsel to Board of Mineral County Commissioners