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3 **OFFICE OF THE ATTORNEY GENERAL**
4 **STATE OF NEVADA**

5 In the Matter of:

6 WASHOE COUNTY SCHOOL DISTRICT
7 BOARD OF TRUSTEES.

A.G. FILE NO.: 13897-507

8 **FINDINGS OF FACT**
9 **AND CONCLUSIONS OF LAW**

10 On or about January 23, 2024, Ronald P. Dreher (Complainant) filed a complaint
11 (Complaint) with the Office of the Attorney General (OAG) pursuant to NRS 241.039
12 alleging violations of the Nevada Open Meeting Law (OML) by the Washoe County School
13 District, Board of Trustees (Board). Complainant supplemented his complaint on or
14 about February 5, 2024.

15 The OAG has statutory enforcement powers under the OML and the authority to
16 investigate and prosecute violations of the OML. NRS 241.037, NRS 241.039, NRS
17 241.040. The OAG, having reviewed the public notice and agendas, supporting material,
18 minutes and recording of the Board meeting held on January 9, 2024, together with the
19 Complaint, supplement thereto, and the Board's response to the Complaint, issues the
20 following FINDINGS OF FACT AND CONCLUSIONS OF LAW.

21 **LEGAL STANDARD**

22 The legislative intent of the OML is that the actions of public bodies "be taken
23 openly, and that their deliberations be conducted openly." NRS 241.010(1); *see also*
24 *McKay v. Board of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986) ("the spirit
25 and policy behind NRS chapter 241 favors open meetings"). Public bodies working on
26 behalf of Nevada citizens must conform to statutory requirements in open meetings under
27 an agenda that provides full notice and disclosure of discussion topics and any possible
28 action. *Sandoval v. Board of Regents*, 119 Nev. 148, 67 P.3d 902 (2003).

1 NRS 241.020(3)(d)(1) requires a public body to provide notice of any meeting along
2 with an agenda consisting of a “clear and complete statement of the topics scheduled to be
3 considered during the meeting.” In *Sandoval*, the Nevada Supreme Court interpreted the
4 “clear and complete” requirement to mean that it must provide the public with “clear
5 notice of the topics to be discussed at public meetings, so that the public can attend a
6 meeting when an issue of interest will be discussed.” *Sandoval*, 119 Nev. at 155, 67 P.3d
7 at 906. The Court rejected a so-called “germane standard” because it was too lenient and
8 allowed a public body to stray from its agenda. *Id.* at 154, 67 P.3d at 905.

9 The term “public body” includes any “administrative, advisory, executive or
10 legislative body of the State or a local government . . . which expends or disburses or is
11 supported in whole or in part by tax revenue” NRS 241.015(4)(a).

12 SUMMARY OF ALLEGATION

13 The Complaint alleges the Board did not comply with the OML in that the Board
14 took action on an agenda item which went beyond the noticed agenda item.

15 FINDINGS OF FACT

16 1. The Board is the governing body of the Washoe County School District.

17 2. The Board is a “public body” as defined in NRS 241.015(4) and is subject to
18 the OML.

19 3. The Association of Professional and Technical Administrators (APTA) was
20 the employee bargaining organization for the Washoe County School District’s (WCSD)
21 professional and technical (pro-tech) employees and school psychologists.

22 4. On or about December 27, 2023, the pro-tech employees notified the Board
23 that they were voluntarily withdrawing the APTA as their exclusive bargaining
24 representative with WCSD. The Board’s counsel advised that the APTA could not exist
25 without the pro-tech employees as the pro-tech employees were a majority of the
26 membership of the APTA.

27 5. The Board included the following item on its January 9, 2024, agenda:
28 **“DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE THE VOLUNTARY**

1 **WITHDRAWAL OF THE ASSOCIATION OF PROFESSIONAL & TECHNICAL**
2 **ADMINISTRATORS (APTA) AS THE BARGAINING REPRESENTATIVE FOR**
3 **PROFESSIONAL TECHNICAL (PRO-TECH) EMPLOYEES AND TO RECOGNIZE**
4 **THE WASHOE TECHNICAL ASSOCIATION (WPTA) AS THE EXCLUSIVE**
5 **BARGAINING REPRESENTATIVE FOR PRO-TECH EMPLOYEES IN THE**
6 **WASHOE COUNTY SCHOOL DISTRICT (FOR POSSIBLE ACTION).”**

7 6. After discussion of the item on the record which included comments from the
8 public, the Board passed a motion that the Board “recognize that a majority of employees
9 and the executive board in the Association of Professional and Technical Administrators
10 bargaining united (sic) voted to voluntarily withdraw APTA as the exclusive bargaining
11 representative and therefore, the Board *withdraws recognition of the Association of*
12 *Professional and Technical Administrators as the bargaining representative for its*
13 *employees* per Nevada Administrative Code (NAC) 288.145; that the Professional-
14 Technical employees do not share a community of interests with the School Psychologists;
15 and that the Washoe Professional Technical Association be the exclusive bargaining
16 representative for Professional-Technical employees at the Washoe County School
17 District, per Nevada Revised Statute (NRS) 288.160.” (Emphasis added).

18 7. Complainant has interests in the APTA as a going concern.

19 8. Complainant attended the Board’s meeting on January 9, 2024.

20 **CONCLUSIONS OF LAW**

21 1. The Complaint alleges the Board did not comply with the OML in that the
22 Board took action on an agenda item which went beyond the noticed agenda item.

23 2. The agenda item only mentioned pro-tech employees.

24 3. The motion passed affected the APTA as a whole and was not limited to pro-
25 tech employees.

26 4. Based on this, the OAG notes a technical violation of the OML and cautions
27 the Board to avoid drafting its agenda items in a manner which indicates action on the
28 item will be limited in scope. Specifically, the Board’s agenda item in this instance

1 should have indicated the recognition of withdrawal of the APTA could impact more than
2 just pro-tech employees.

3 5. The OAG only notes a technical violation here because Complainant was
4 present at the Board's meeting of January 9, 2024, based on the agenda item as written.

5 **SUMMARY**

6 Because the OAG finds that the Board committed a technical violation of the OML
7 as set forth above, the Board must place on its next meeting agenda these Findings of
8 Fact and Conclusions of Law and include them in the supporting material for the
9 meeting. The agenda item must acknowledge these Findings of Fact and Conclusions of
10 Law to be the result of the OAG investigation in the matter of Attorney General File No.
11 13897-507, and that it has been placed there as a requirement of NRS 241.0395.

12 DATED this 13th day of September, 2024.

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15 AARON D. FORD
16 Attorney General

17
18 By: /s/ John S. Michela
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1 CERTIFICATE OF SERVICE

2 I, Debra Turman, certify that I am an employee of the Office of the Attorney
3 General, State of Nevada, and that on September 13th, 2024, I served a copy of the
4 foregoing *FINDINGS OF FACT AND CONCLUSIONS OF LAW* by placing said
5 document in the U.S. Mail, postage prepaid, Certified Mail addressed to:

6
7 Ronald Dreher
8 [REDACTED]

9 Certified Mail No.: [REDACTED] 1956

10 Sara K. Montalvo, Deputy Chief General Counsel
11 Washoe County School District
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16
17 /s/Debra Turman
18 Debra Turman, an employee of the
19 Office of the Nevada Attorney General
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