

1 OFFICE OF THE ATTORNEY GENERAL  
2 STATE OF NEVADA

3 In the matter of:

4 LAS VEGAS CLARK COUNTY  
5 LIBRARY DISTRICT BOARD OF  
6 TRUSTEES

OAG FILE NO.: 13897-427

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

7  
8 **BACKGROUND**

9 Dr. Graeme Williams filed a complaint with the Office of the Attorney General  
10 (“OAG”) alleging violations of the Nevada Open Meeting Law (“OML”) by the Las Vegas  
11 Clark County Library District Board of Trustees (“Board”). Specifically, it was alleged that  
12 the Board refused to provide a copy of the minutes for its June 2021 meetings upon  
13 request.<sup>1</sup>

14 The OAG has statutory enforcement powers under the OML and the authority to  
15 investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS  
16 241.040. The OAG’s investigation of the Complaint included a review of the Complaint and  
17 attachments thereto; the response filed on behalf of the Board and all attachments thereto;  
18 and the agendas and minutes of the Board’s June 5, June 10 and June 25, 2021 meetings.

19 After investigating the Complaint, the OAG determines that the Board violated the  
20 OML by refusing to provide draft minutes of the Board’s June 5 and June 10, 2021,  
21 meetings to the Complainant upon request. The Board did not violate the OML for failing  
22 to provide draft minutes of the Board’s June 25, 2021, meeting.

23 **FINDINGS OF FACT**

- 24 1. The Board held open meetings on June 5, June 10, and June 25, 2021.  
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<sup>1</sup> The OAG notes that the basis for the instant Complaint was the Board’s response to Complainant’s public  
28 records request. The OAG’s jurisdiction on the Complaint is limited to the OML, NRS Chapter 241. As such,  
this opinion does not address the Board’s response from a public records perspective under NRS Chapter 239.

1           2.       Complainant submitted a public records request to the Board on August 3,  
2 2021. In the request, Complainant asked for “the minutes of the meetings of the Board of  
3 Trustees of June 5, June 10 and June 25, 2021, not including committee meetings.”

4           3.       On August 10, 2021, Board staff sent an email to Complainant stating  
5 “Although these minutes are completed, they required [sic] approval by the Board of  
6 Trustees before we can post or share them. . . . I will send you the meeting minutes you  
7 have requested as soon as they are approved and posted.” Board staff did not send, or offer  
8 to send, copies of the unapproved draft minutes for any of the meetings at issue.

### 9                           **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

10           As the governing body of a public library district created under the provisions of NRS  
11 Chapter 379, the Board is a “public body” as defined in NRS 241.015(4) and is subject to  
12 the OML.

13           The OML requires public bodies to keep written minutes of their meetings. NRS  
14 241.035(1). Minutes of public meetings are public records and “must be made available for  
15 inspection by the public within 30 working days after adjournment of the meeting.” NRS  
16 241.035(2). Unless good cause is shown, a public body shall approve the minutes of a  
17 meeting within 45 calendar days after the meeting or at the next meeting of the public  
18 body, whichever occurs later. NRS 241.035(1). Where a public body has not approved its  
19 minutes within 30 working days from adjournment of the meeting, as permitted by NRS  
20 241.035(1), the unapproved draft minutes must be made available within the time specified  
21 in NRS 241.035(2) to any person who requests them. NEVADA OPEN MEETING LAW MANUAL  
22 at 82 (12th Ed. 2016). The public body may include a written statement that such minutes  
23 have not yet been approved and are subject to revision at the next meeting. *Id.*

24           Here, the Board held three meetings in June 2021 and prepared minutes of those  
25 meetings. As of the date of Complainant’s public records request, the Board had not yet  
26 approved the minutes of any of the meetings. As to the June 5 and June 10 meetings,  
27 Complainant’s request was greater than 30 working days after adjournment of the  
28 meetings, greater than 45 calendar days after the meeting and after the next respective

1 meeting of the Board. Thus, at a minimum, the Board should have offered draft minutes  
2 to Complainant or inquired as to whether Complainant would prefer to wait until the  
3 minutes had been approved.<sup>2</sup> Thus, the Board violated the OML by denying Complainant's  
4 request for minutes of the June 5 and June 10 meetings.

5 As to the June 25 meeting minutes, Complainant's request was less than 30 working  
6 days after adjournment of the meeting and less than 45 calendar days after the meeting.  
7 Thus, the Board was not required by the OML to provide these minutes to Complainant  
8 and did not violate the OML in this respect.

9 **SUMMARY**

10 Upon investigating the present Complaint, the OAG makes findings of fact and  
11 conclusions of law that the Las Vegas Clark County Library District Board of Trustees  
12 violated the OML as described above.

13 If the Attorney General investigates a potential OML violation and makes findings  
14 of fact and conclusions of law that a public body has taken action in violation of the OML,  
15 "the public body must include an item on the next agenda posted for a meeting of the public  
16 body which acknowledges the findings of fact and conclusions of law." NRS 241.0395. The  
17 public body must treat the opinion of the Attorney General as supporting material for the  
18 agenda item(s) in question for the purpose of NRS 241.020. *Id.* Accordingly, the Board  
19 must place an item on its next meeting agenda in which it acknowledges the present  
20 Findings of Fact and Conclusions of Law ("Opinion") resulting from the OAG investigating  
21 in this matter and include the Opinion in the supporting material for the meeting.

22 Dated: January 16, 2023.

23 AARON FORD  
24 Attorney General

25 By: /s/ Rosalie Bordelove  
26 ROSALIE BORDELOVE  
27 Chief Deputy Attorney General

28 <sup>2</sup> Complaint did not allege that minutes had not been approved in a timely fashion. Thus, the OAG does not  
opine at this time whether there was good cause for the delay in approving minutes as the minutes have since  
been approved and at the time of drafting this opinion, are available on the Board's website.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of January, 2023, I served the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW** by depositing a copy of the same in the United States mail, properly addressed, postage prepaid, **CERTIFIED MAIL** addressed as follows:

**Dr. Graeme Williams**  
[Redacted]

**Certified Mail No.:** [Redacted]

Las Vegas Clark County Library District Board of Trustees  
7060 West Windmill Lane  
Las Vegas, Nevada 89113

**Certified Mail No.:** 7020 0640 0000 7651 9210

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Las Vegas, Nevada 89101  
*Counsel for Las Vegas Clark County Library District Board of Trustees*

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/s/ Debra Turman  
An employee of the Office of the  
Nevada Attorney General