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January 16, 2023

Via U.S Mail and Email

Shelli Clark
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-435
Ulis Newton Elementary School Organizational Team**

Dear Ms. Clark:

The Office of the Attorney General ("OAG") is in receipt of your complaint ("Complaint") alleging violations of the Open Meeting Law ("OML") by the Ulis Newton Elementary School Organizational Team ("Team").

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 of the Complaint included a review of the Complaint and any attachments thereto, the response filed on behalf of the Team by counsel for the Clark County School District, and the agenda and minutes for the Team's September 20, 2021, meeting.

After investigating the Complaint, the OAG determines that the Team is not required to comply with the provisions of the OML.

FACTUAL BACKGROUND

The Team held a meeting on September 20, 2021, via virtual means. The agendas for meetings are located on the school's website. You filed a complaint on September 28, 2021, alleging that public participation was not permitted during the Team's September 20, 2021, meeting.

LEGAL ANALYSIS

Nevada's Open Meeting Law requires that public bodies hold open meetings with public participation. NRS 241.010; NRS 241.020. However, if a law specifically provides that any meeting, hearing or other proceeding is not subject to the provisions of the chapter, that law prevails over the general provisions of the OML. NRS 241.016(3). This is true whether or not the body meets the definition of a public body contained in NRS 241.015(4). School organizational teams, such as the Ullis Newton Team at issue in this matter, are created pursuant to NRS 388G.700-760. Those provisions state, in pertinent part:

Notice of a meeting of the organizational team must be posted not less than 3 working days before the date on which the meeting will be held. Members of the public must be allowed to attend any portion of the meeting, except any portion of the meeting during which confidential information is discussed, and each meeting must include a period for public comment. **A meeting held pursuant to this subsection is not subject to the provisions of chapter 241 of NRS.**

NRS 388G.730(3) (emphasis supplied). Thus, the Team is not subject to the OML.

The OAG notes that the Complaint alleges public comment was not accepted during the meeting and public comment is statutorily required for Team meetings. However, the OAG's jurisdiction is limited to NRS Chapter 241. NRS 241.039(1). As such, the OAG is prohibited from investigating and opining on the allegations contained in the Complaint.

CONCLUSION

Upon review of your Complaint, the OAG has determined that no violation of the OML has occurred as the Team is not required to comply with the provisions of NRS Chapter 241. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

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

cc: Luke Puschnig, General Counsel
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