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1 State of Nevada Way, Suite 100
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July 23, 2025

Via U.S Mail

Janet Butcher
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-528
Washoe County Library District Board of Trustees**

Dear Ms. Butcher,

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Washoe County Library District Board of Trustees (“Board”) regarding the Board’s June 26, 2024, 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, minutes and video recording for the Board’s June 26, 2024, meeting. 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 June 26, 2024, at 5:00 p.m. at the Incline Village Library. The meeting agenda was properly posted and provided for both in-person and remote participation via Zoom. It included clear instructions for accessing the meeting and submitting public comment. As required under NRS 241.020(3)(d), the agenda scheduled public comment at the beginning of the meeting and prior to any Board action on individual agenda items.

During Agenda Item 3 (Approval of Meeting Minutes), Ms. Butcher, attending via Zoom, used the “raise hand” function and was recognized to speak. The minutes reflect her comments, confirming that the Board was actively monitoring remote input at that point.

Items 5(a) and 5(b), concerning the Election of Chair and Vice-Chair respectively, were originally scheduled earlier but were postponed, after extended discussion on other business. Ms. Butcher alleges that she raised her hand during these agenda items to request public comment but was not recognized, despite having successfully participated earlier in the meeting.

The meeting video shows that Chair Jacks introduced Item 5(a), then called for public comment and received a comment from Trustee Rogers via Zoom. Public comment was again requested, and, hearing no additional input, the vote proceeded. Regarding Item 5(b), the Chair again called for public comment. One in-person commenter was heard. The Chair called for adjournment without a vote; the meeting reconvened briefly to conduct the final vote.

According to the Deputy District Attorney, the video and Zoom platform data show no verbal acknowledgment of additional raised hands, and the “raise hand” feature did not appear to be monitored during that time. The Board maintains that any oversight was unintentional, and the system was working properly throughout the meeting as evidenced by earlier remote participation.

LEGAL ANALYSIS

As the governing body of a public library district, created under the provisions of NRS Chapter 379, the Board is a public body under NRS 241.015(5) and is subject to Nevada’s OML.

1. The Board Complied with the OML as Reasonable Efforts Were Made to Ensure the Public Body in Attendance Can Participate in the Meeting.

Public bodies in Nevada must include periods devoted to comments by the general public during their meetings. NRS 241.020(3)(d)(3). If any member of a public body attends a meeting by means of a remote technology system, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that each member of the *public body* in attendance can participate in the meeting. NRS 241.023(3). When a meeting is being

conducted primarily in a physical location where public are permitted to attend and participate, the OML does not require public comment to be offered via virtual means. NRS 241.023.¹ However, any public comment policy must be applied in a viewpoint neutral fashion. NRS 241.020(3)(d)(7).

Here, the Board provided a valid opportunity for comment before Items 5(a) and 5(b). The Chair called for comment multiple times and acknowledged both in-person and one Zoom speaker. Even if Ms. Butcher was not recognized, there is no evidence her exclusion was intentional or based on identity or viewpoint. Therefore, the OML's minimum requirements were met.

2. The Board Complied with the OML as Either the Hand Was Not Raised, or the Omission Was Inadvertent and Not a Violation

If Ms. Butcher did not activate the “raise hand” feature during the relevant items, then no obligation to recognize her arose. The Board cannot be held accountable for non-visible, uncommunicated attempts to speak.

However, even if the hand was raised, failing to recognize one remote attendee, who successfully spoke earlier, without discriminatory intent, does not constitute a violation under the OML. The law does not require perfection in administering remote access, only reasonable and equitable efforts—which were present here.

Based on the available evidence, the Board complied with Nevada’s OML. Ms. Butcher had a meaningful opportunity to participate, successfully did so earlier, and any failure to recognize her during later items was either due to no raised hand or an inadvertent oversight without discriminatory intent. Accordingly, the OAG does not find a violation of the OML.

CONCLUSION

Upon review of your Complaint and available evidence, the OAG has

¹ The OAG strongly encourages public bodies to allow for public comment via multiple means, including virtual where possible, and the OAG understands that technical difficulties do at times arise. Finding a violation where additional public comment options were offered beyond the OML’s minimum requirements but an error occurred would lead to many bodies ceasing to offer such options. This would be contrary to the spirit and intent of the OML. NRS 241.010.

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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/ Rosalie Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Herbert B. Kaplan, Esq.
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