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May 23, 2025

Via U.S. Mail

Hillary Womack

[REDACTED]

[REDACTED]

[REDACTED]

**Re: Open Meeting Law Complaint – Mineral County Board of
Commissioners; OAG File No. 13897-533**

Dear Ms. Womack:

The Office of the Attorney General (“OAG”) is in receipt of your complaint alleging that the Mineral County Board of Commissioners (“Board”) violated the Nevada Open Meeting Law (“OML”). The substance of your complaint is that the Board violated the OML by (1) failing to discuss an item on its agenda at its September 18, 2024, public meeting, and (2) deliberating and taking action privately on a public matter that should have been discussed and decided by the Board in open and at a public meeting.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (“NRS”) 241.037; NRS 241.039; NRS 241.040. In response to your complaint, the OAG reviewed your complaint, the Board’s response, the agendas, the minutes and recordings of the Board’s September 18, 2024, and October 2, 2024, meetings. After investigating your 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 September 18, 2024 (the “September Meeting”). Agenda Item No. 4 on the public notice agenda read as follows:

4. Hillary Womack, Comptroller – For consideration and possible action relative to requesting a pay increase for Alyssa Burke, Grant Administrator, due to a positive performance evaluation. (Public comment following)

During the September Meeting, the Board decided to remove Agenda Item No. 4 from the agenda and decided to move it to the agenda for its next public meeting. The Board implied that this agenda item should be addressed at the Board’s next public meeting because it related to other personnel matters related to the grant administrator’s position.

In addition to alleging that the Board violated the OML by failing to discuss Agenda Item No. 4 at its September Meeting, your complaint also alleges that Board Commissioner Larry Grant and Board Commissioner Tina Manzini had discussions regarding moving the location of the grant administrator’s office outside of a public meeting in violation of the OML.

The Board held its next public meeting on October 2, 2024 (the “October Meeting”). Agenda Item No. 22 on the public notice agenda for the October Meeting read as follows:

22. Honorable Larry Grant – For consideration and possible action relative to Grant Administrator reassignment of supervision to Mineral County Commissioners and placement of office. Increase of wage due to positive review. (Public comment following)

During the October Meeting, despite the allegation in your complaint that there was no discussion regarding Agenda Item No. 22, this agenda item was discussed. After receiving public comment, a motion was made by Board Commissioner Larry Grant to approve these actions which did pass and authorize the reassignment of the grant administrator to the supervision of

the Board, relocating grant administrator's office, increasing the compensation for the grant administrator and promoting her to department head effective October 14, 2024.

LEGAL ANALYSIS

The Board is a "public body" as defined in NRS 241.015(4) and is subject to the OML.

1. The removal of Agenda Item No. 4 at the Board's September Meeting was not a violation of the OML.

Your complaint alleges that Agenda Item No. 4 was put on the agenda by the Community Development Director but removed by the Board prior to the September Meeting for what was explained as "necessary changes." Removal of an agenda item is expressly permitted by the OML and discussions regarding that removal do not implicate the OML. NRS 241.020(2)(d)(6)(III); *Schmidt v. Washoe County*, 123 Nev. 128, 135, 159 P.3d 1099, 1104 (2007). Therefore, there was no violation of the OML by the Board due to its removal of Agenda Item No. 4 from its agenda for the September Meeting.

2. The OAG possesses insufficient evidence that outside, private, and serial communications occurred between a quorum of the Board regarding the removal of Agenda Item No. 4 from its September Meeting or prior to the Board's approval of Agenda Item No. 22 at its October Meeting.

The OML was enacted to ensure public access to government as it conducts the people's business. NRS 241.010. The spirit and policy behind the OML, as with other so-called "sunshine laws" favors meetings to be as open as possible. *McKay v. Board of Supervisors of Carson City*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986); *Chanos v. Nevada Tax Com'n*, 124 Nev. 232, 239, 181 P.3d 675, 680 (2008) ("[M]eetings of public bodies should be open 'whenever possible' to comply with the spirit of the Open Meeting Law.").

Your complaint alleges that the Board must have engaged in outside, private, and serial communications to reach its decisions regarding personnel actions taken in connection the grant administrator both before its

September and October Meetings. Your complaint states that because Board Commissioner Larry Grant and Board Commissioner Tina Manzini stated briefly at the September Meeting that they had plans to move the location of the grant administrator's office, they must have had prior discussions regarding this action. In addition, your complaint implies that these Board commissioners must have had private discussions regarding this action because they did not discuss the matter at the October Meeting before approving Agenda Item No. 22.

Pursuant to NRS 241.015(3), a meeting means "the gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power." Deliberation means "collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision." NRS 241.015(2). The OML is not intended to prohibit every private discussion of a public issue. *Dewey v. Redevelopment Agency of City of Reno*, 119 Nev. 87, 94 (2003). Instead, the OML only prohibits collective deliberations or actions where a quorum is actually or collectively present. *Id.*

The OAG does not possess evidence of outside, private or serial communication or "collective deliberation" in violation of the OML. Board Commissioner Larry Grant and Board Commissioner Tina Manzini both submitted signed declarations stating that they did not privately discuss the personnel actions relating to the grant administrator described in the September Meeting Agenda Item No. 4 or October Meeting Agenda Item No. 22. In addition, Board Commissioner Grant's declaration stated that he alone made the decision to remove the item from the agenda and he did not discuss this removal prior to the September Meeting. As such, the OAG does not possess sufficient evidence to find a violation of the OML in this respect.

CONCLUSION

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