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STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

5420 Kietzke Lane, Suite 202  
Reno, Nevada 89511

October 5, 2020

Via U.S. Mail

Steve Sanson, President  
Veterans in Politics



**Re: Open Meeting Law Complaint, OAG File No. 13897-365  
Clark County School District, Superintendent Jesus F. Jara**

Dear Mr. Sanson:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging violations of the Open Meeting Law (OML) by Jesus F. Jara, Superintendent of the Clark County School District, regarding whether Mr. Jara violated the OML during the 2020 Clark County State of Schools Address (Schools Address).

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; Mr. Jara's response thereto; and the video of the Schools Address.

**FACTUAL BACKGROUND**

Mr. Jara is not a public body as he is only one person. NRS 241.015(4). However, the Clark County School District Board of School Trustees (Board) is a "public body" as defined in NRS 241.015(4) and subject to the OML.

Mr. Jara, as Superintendent of the Clark County School District, delivered the Schools Address on January 31, 2020. At least a quorum of the Board was present at the Schools Address. In your complaint, you included a screen shot of a Twitter page with a picture of Lola Brooks, President of the Board, and Linda Cavazos, Vice President of the Board, with the caption "CCSD Trustees President @Trustee\_Brooks

and VP @lindacavazos13 took the stage to introduce the entire Board @CCSD\_Trustees attending today's State of the Schools. #1For Kids." You also included a press release from the Clark County School District which stated, in part, "Dr. Jesus F. Jara delivered State of the Schools address alongside CCSD Board of School Trustees members. The 2020 State of the Schools address included a discussion of progress toward goals laid out in the five year strategic plan..." The Schools Address was held at the Wynn Las Vegas. You assert the Schools Address was an invitation only event.

The OAG review of the video of the Schools Address showed Board members Brooks and Cavazos only gave brief introductory remarks. These introductory remarks did not discuss any issues over which the Board has jurisdiction. The bulk of the Schools Address was given by Mr. Jara and the remainder included a couple of speakers who were not part of the Board or Clark County School District.

While your complaint is against Mr. Jara, your complaint alleges violations of the OML by the Board through active participation in the Schools Address. Thus, the OAG includes the Board in its analysis of whether or not the OML was violated.

## **DISCUSSION AND LEGAL ANALYSIS**

### **Mr. Jara**

As an initial matter, the OAG notes that Mr. Jara, as Superintendent of the Clark County School District, is one person and is not subject to the OML as a public body is comprised of "at least two persons..." NRS 241.015(4). Thus, Mr. Jara himself, could not have violated the OML.

### **Board**

You allege the Schools Address was a meeting of the Board. Chapter 241 of the Nevada Revised Statutes requires the actions of public bodies "be taken openly and that their deliberations be conducted openly." NRS 241.010; *see McKay v. Bd. of Supervisors*, 102 Nev. 644, 651 (1986). A "meeting" is a "gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action..." NRS 241.015(3)(a)(1). A "quorum" is a majority of the members of a public body. NRS 241.015(5). A "meeting" does not include social functions if no deliberation occurs and

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no action is taken. NRS 241.015(3)(b). “Deliberate’ 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). “Action” essentially means a decision or commitment made by the majority of the present members of a public body. NRS 241.015(1).

Including the exhibits to your complaint and the video of the Schools Address, the evidence shows only that Board members attended the Schools Address and two Board members made brief introductory remarks. This does not constitute deliberation or action. Thus, the OAG does not find a violation of the OML.

### CONCLUSION

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred on which formal findings should be made. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD  
Attorney General

By: /s/ John S. Michela  
JOHN S. MICHELA  
Senior Deputy Attorney General

c: Office of the General Counsel, Clark County School District