

OFFICE OF THE ATTORNEY GENERAL  
STATE OF NEVADA

In the Matter of:

WASHOE COUNTY LIBRARY  
DISTRICT BOARD OF TRUSTEES.

A.G. FILE NO.:13897-506

**FINDINGS OF FACT**  
**AND CONCLUSIONS OF LAW**

Valerie Fiannaca, Bruce Parks and Reva Crump filed complaints with the Office of the Attorney General (“OAG”) pursuant to Nevada Revised Statutes (“NRS”) 241.039 alleging violations of the Nevada Open Meeting Law (“OML”) by the Washoe County Library District Board of Trustees (“Board”) regarding its December 20, 2023, and January 17, 2024, meetings. The Complaints allege that the Board violated the OML by (1) failing to include comments made by Trustee Jacks in the minutes; (2) posting additional supporting material for the January 17 meeting after the 3-working day agenda deadline; and (3) failing to adequately record the December 20 meeting.<sup>1</sup>

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 Complaints included a review of the Complaints; the Response on behalf of the Board; the agenda, minutes and audio/video recording for the Board’s December 20 meeting; and the agenda and minutes for the Board’s January 17 meeting. The OAG finds that the Board violated the OML by failing to include proposals brought by Trustee Jacks during the December 20 meeting in its minutes. The OAG notes that this violation has already been remedied and does not find violations with respect to the other allegations.

<sup>1</sup> The complaints alleged several other violations that fail to state a claim under the OML. They are not address in this opinion.

1 **FINDINGS OF FACT**

2 1. The Board held public meetings on December 20, 2023, and January 17, 2024.

3 2. The Board posted the January 17 meeting agenda on January 11, 2024. The  
4 draft minutes for the December 20 meeting were posted later, but prior to the January 17  
5 meeting. The minutes were not given to the Board trustees until the January 17 meeting.

6 3. Agenda Item 6.a of the December 20 meeting included a staff report and  
7 review of the Library Director's annual performance evaluation. Trustee Jacks made two  
8 motions: (1) calling for a closed-door meeting to discuss the Library Director's performance,  
9 and (2) to fire the Library Director.

10 4. On the first motion, another trustee noted her belief that such a closed-door  
11 meeting would violate the OML and the motion was not further discussed or voted upon.

12 5. The second motion failed for lack of a second and no discussion was had.

13 **LEGAL STANDARDS AND CONCLUSION OF LAW**

14 The Washoe County Library District Board of Trustees is a "public body" as defined in  
15 NRS 241.015(4); therefore, the Board is subject to the OML.

16 **1. The Board violated OML by failing to include any mention of Trustee**  
17 **Jacks's proposals in the minutes.**

18 Complainants allege the Board's minutes do not include some of Trustee Jacks's  
19 comments during agenda item 6.a.

20 Minutes of public meetings are required to include "the substance of all matters  
21 proposed, discussed or decided." NRS 241.035(1)(c). Verbatim minutes are not required  
22 under the OML. *Nevada Open Meeting Law*, Manual, Section 9.02 Requirement for and  
23 content of written minutes, 12th Ed. (January 2016, Updated March 2019). However, a  
24 violation may occur where minutes are completely silent about the substance of a  
25 discussion. *See In re: Washoe County School District Board of Trustees*, OMLO 98-03 (July  
26 7, 1998) (OAG found that the public body violated the OML where the public body spent  
27 one-third of the meeting discussing one particular agenda item, but the minutes did not  
28

1 reflect the substance of that discussion); *see also In re: Board of Directors of Douglas County*  
2 *Sewer Improvement District No. 1*, OAG File No. 13897-201 (2016).

3 Here, the original minutes for agenda item 6.a were silent on Trustee Jacks's  
4 proposals. The Board admits to not including Trustee Jacks's proposals. However, the OAG  
5 notes that the proposals were not the subject of much, if any, discussion by the Board as a  
6 whole and neither was subject to a vote. Because the original minutes did not include  
7 either of Trustee Jacks' proposals, the OAG finds a technical violation of the OML but notes  
8 that the Board has taken affirmative action to correct the minutes to include the omitted  
9 remarks and has taken steps to ensure that future minutes are more accurate.

10 **2. The Board did not violate the OML by posting the draft minutes of the**  
11 **December 20 meeting later than the agenda for the January 17 meeting.**

12 Complainants allege that the Board failed to timely make the draft minutes of the  
13 December 20 meeting available as supporting material for the January 17 meeting where  
14 they were to be approved. The facts indicate that the agenda for the January 17 meeting  
15 and supporting material packet were posted and available to the public prior to the 3-  
16 working day deadline for agendas. The minutes of the December 20 meeting were made  
17 available to the public after the agenda posting, but before the meeting, and were provided  
18 to trustees at the January 17 meeting.

19 The OML requires that supporting material be made available to the public no later  
20 than it is made available to members of the public body. NRS 241.020(8). However, it is  
21 not required to be posted with the agenda if it has not yet been provided to members of the  
22 public body. In fact, a document does not become "supporting material" as the term is  
23 defined in the OML until after it has been provided to a quorum of members. NRS  
24 241.015(8). Thus, the addition of the draft minutes to the supporting material packet after  
25 the 3-working day deadline does not, in this instance, violate the OML.

1                   **3. The Board did not violate the OML in its recording of the December 20**  
2                   **meeting.**

3                   Complainants allege that the Board violated the OML because its recording of the  
4 December 20 meeting is unintelligible and thus the meeting should have been transcribed.  
5 The OML requires public bodies to record their meetings on audiotape or another means of  
6 sound reproduction or cause the meeting to be transcribed by a certified court reporter.  
7 NRS 241.035(4).

8                   The December 20 meeting was video and audio recorded. The meeting took place  
9 inside a library and was equipped with microphones to record comments by Trustees and  
10 speakers at a podium set up for public comment and staff presentations. While it can be  
11 difficult to hear some public commenters during the recording, this was mostly caused by  
12 changes in how close the microphone was held from their faces as they spoke. The Chair  
13 of the meeting can be heard requesting commenters hold the microphone closer so that they  
14 can be heard. Statements by Trustees are all clear on the recording. The OAG finds that  
15 the Board caused the December 20 meeting to be audio recorded as required by NRS  
16 241.035(4) and thus a transcription was not required. As such, the OAG does not find a  
17 violation of the OML in this respect.

18                   **SUMMARY**

19                   Upon investigating the present Complaints, the OAG makes findings of fact and  
20 conclusions of law that the Washoe County Library District Board of Trustees violated the  
21 OML as described above. If the Attorney General investigates a potential OML violation  
22 and makes findings of fact and conclusions of law that a public body has taken action in  
23 violation of the OML, “the public body must include an item on the next agenda posted for  
24 a meeting of the public body which acknowledges the findings of fact and conclusions of  
25 law.” NRS 241.0395. The public body must treat the opinion of the Attorney General as  
26 supporting material for the agenda item(s) in question for the purpose of NRS 241.020. *Id.*  
27 Accordingly, the Board must place an item on its next meeting agenda in which is  
28 acknowledges the present Findings of Fact and Conclusions of Law (“Opinion”) resulting

1 from the OAG's investigation in this matter. The Board must also include the OAG Opinion  
2 in the supporting materials for its next meeting.

3 Dated: April 16, 2025

4 AARON FORD  
5 Attorney General

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7 By: /s/ Rosalie Bordelove  
8 ROSALIE BORDELOVE  
9 Chief Deputy Attorney General  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of April 2025, 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:

Valerie G. Fiannaca

[REDACTED]

[REDACTED]

*Complainant*

Certified Mail No.: [REDACTED]

Bruce W. Parks

[REDACTED]

[REDACTED]

*Complainant*

Certified Mail No.: [REDACTED]

Reva Crump

[REDACTED]

[REDACTED]

*Complainant*

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/s/ Debra Turman

An employee of the Office of the  
Nevada Attorney General