

Board Meeting Minutes – 1/8/2024 - DRAFT

The meeting started with a moment of silence for former Nye County Sheriff Sharon Wehrly who passed away last month, followed by the Pledge of Allegiance.

Item 1- Call to Order: The meeting is called to order at 10:04 AM.

Item 2- Members Roll Call: Present are Board of Trustee member Matt Morris, Board of Trustee member Dee Mounts, Board of Trustee member Dave Ochenreider, Vice Chairman Brian Shoemake, and Chairman John Shewalter. Also present are Library Director Vanja Anderson, Assistant Director Shanna Gibbons, Head of Youth Services Alysha Wogee, Head of Reference Services Andrew Karneges, liaison Commissioner Frank Carbone, and Michelle Nelson from the District Attorney's office, along with Ms. Nelson's colleague Danielle Kruse. In addition, members of the public are present.

Item 3- The Pledge of Allegiance was recited prior to the call to order.

Item 4- Trustee/Director/Liaison Comments:

Trustee Dee Mounts says she met with Library Director Vanja Anderson, Head of Youth Services Alysha Wogee, and Youth Services Supervisor Julie Butland about the therapy dog reading program and Ms. Mounts says she wants it to be on the February agenda because it takes four months to go through training and get everybody ready. John Shewalter asks Dee what she wants on the agenda. Dee responds that the costs and all of the details need to be approved by the board before the program can move forward. Shewalter asks Dee if she's going to draw up the resolution and she responds that she will. John Shewalter says that once the resolution is completed he wants it to be sent to Michelle Nelson so she can have input on it. John Shewalter asks what the agenda item is going to be approving. Vanja Anderson responds that it is to approve the start date, which will be in June. John Shewalter asks Michelle Nelson if an agenda item is needed for that. Ms. Nelson responds that once Dee Mounts and Vanja Anderson finish working on the item to give her a call to discuss how best to proceed.

Item 5- Approval of the Agenda: Item 7 (Emergency Items) is stricken from the agenda. The agenda is approved.

Item 6- General Public Comment:

Helen Schneider- She says since it's not on the agenda, she wanted to mention that the Pahump Valley Obedience Club is getting its act together and can help out with the Reading with Rover program. She says there's going to be expenses associated with the program including making sure people have no criminal records and the cost of training.

Tynia Dickson- She says she is representing The Sassy Trainer and that she was in the process of starting a reading with children program called Reading with Dogs. She offers to partner with the library on a reading program and wants to inform the board about things they need to consider during the planning process. Where will this program happen, at the school? At the library? Or both? When will the program take place, before school? After school? During school? Summer? Tracking, who maintains the records of the children? Maintaining paperwork. The training is a 20 hour certification course. What are the goals of the program? Who is going to accept liability? Who maintains insurance? Who is going to pay for the background checks?

Item 8

John Shewalter says that Helen Schneider has been in contact with Vanja Anderson and Dee Mounts and asks Ms. Dickson if she has been in contact with either of them and she responds that she has not. John Shewalter suggests that Ms. Dickson speak with Vanja and that any help would be appreciated.

Kelly Green- She says she's been reading the minutes of past board meetings and thanks Trustee Dee Mounts for persevering with the Reading with Rover program. She says that from reading the previous minutes she can see that Dee has been working for years to get the program started and thanks her for persevering because it's going to be a great program.

After public comment is completed, John Shewalter announces that he's going to change the order of the items and open Item 12 next so that it can be completed before a "time restriction," that Shewalter has been informed of, happens.

Item 12- For Possible Action: Discussion and deliberation to (1) approve, amend and approve or reject the Authorization to Pre-Pay Pahrump Community Library Bills Under Specific Circumstances; and (2) Execute the Authorization to Pre-Pay Pahrump Community Library Bills Under Specific Circumstances.

Dave Ochenreider makes a motion to approve the Authorization to Pre-Pay Pahrump Community Library Bills Under Specific Circumstances; and (2) Execute the Authorization to Pre-Pay Pahrump Community Library Bills Under Specific Circumstances.

Brian Shoemaker seconds the motion.

Public comment:

Tynia Dickson- She asks what the Specific Circumstances are. John Shewalter tells her to look in the backup. Michelle Nelson mentions it's the last page in the backup.

Board comment:

Matt Morris says he is all in. He says he thinks it's an important thing to do.

John Shewalter says that this is to reauthorize what was done last year.

Measure passes 5-0.

Item 8- For Possible Action: Discussion and deliberation to approve or amend and approve the meeting minutes for December 11, 2023.

John Shewalter makes a motion to approve the meeting minutes for December 11, 2023.

Matt Morris seconds the motion.

Public comment:

Kelly Green- She says in the minutes for the previous board meeting, the public comments were summarized and she requests that the comments be written verbatim in the minutes because the comments she (Ms. Green) made were important and should be quoted and not generalized.

John Shewalter explains that there is an audio recording of the entire meeting but the minutes are just a summary and is not going to have everyone's comments verbatim.

Michelle Nelson clarifies to Ms. Green that if she wants her comments quoted verbatim in the minutes then she needs to specify that fact when she gives her comments, and then the comments will be quoted verbatim in the minutes.

There are no board comments.

Measure passes 5-0.

Item 9- Presentation of the Treasurer's Report: Library Director Vanja Anderson presents the treasurer's report on expenditures for December 2023, as found in the backup.

John Shewalter mentions that the report is improving regularly. He says that it is getting better and easier to read. Shewalter asks why there's no monthly amount listed for Other Contractual Services on page 12. Vanja says that there were no expenses from that category for the month. Shewalter asks why there is a small discrepancy between the total amount listed for Salaries and Benefits on page 12 and the amount listed for Total Labor on page 14 Vanja says she might have pulled the reports on different days.

Item 10- Approval of the Vouchers

Dave Ochenreider makes a motion to approve the vouchers for December 2023 through January 2024 and Dee Mounts seconds the motion.

John Shewalter asks about the \$960 charge for Jon Aire. Vanja says that it is for the quarterly service. Shewalter asks if they gave Vanja a report. Vanja says she has an invoice with the description. Shewalter asks Vanja to make a copy of the invoice for Trustee Matt Morris and asks Matt Morris to request a report from Jon Aire since providing a report is part of the contract.

Shewalter asks Vanja if there is anything unusual in petty cash. Vanja responds that plastic library cards were purchased, enough to last several years, and they were expensive. Other expenses included in the petty cash are the Christmas party and reimbursements.

Measure passes 5-0.

Item 11- Presentation of Librarian's Report:

Vanja reads her report that can be found in the backup.

John Shewalter asks Vanja if she is compiling a list of things to take care of. Vanja says that as things happen she calls the numbers that she has but sometimes they're no longer the correct number. But as she gets new numbers she replaces the old ones.

Shewalter asks if we have a contract with the alarm company. Shanna Gibbons replies that we do. Brian Shoemake asks if they're supposed to be maintaining the alarm battery. John Shewalter says he will have Matt Morris deal with the alarm company.

Shanna Gibbons reports the statistics for December 2023 which can be found in the backup.

Alysha Wogee reads the statistics for the children's programs which can be found in the backup.

John Shewalter asks Vanja how the search for a security guard is going. Vanja replies that we are conducting interviews this week and hoping to hire next week.

John Shewalter asks if A & H Insurance is part of POOL/PACT. Vanja replies yes. Shewalter asks if Vanja is working with them to figure out insurance relating to the therapy dog reading program and fine tune the program guidelines. Vanja replies in the affirmative. Shewalter asks Vanja when she plans on starting the therapy dog reading program. She replies that the plan is to start in June because kids will be out of school and they can work on improving their reading abilities before the next school year starts. Shewalter asks about how tutoring is going. Vanja says she has been talking to homeschooling parents and that she has been trying to contact a person from a particular website but has not had any luck getting ahold of anyone so far. Vanja says Alysha has been learning how other places have done tutoring programs. Vanja concludes by saying it is a work in progress. Shewalter asks Vanja if she has tried contacting Great Basin College. Vanja replies that she has sent emails to the director at GBC but has received no response.

Item 13- Trustee/Director/Liaison Comments:

Frank Carbone- He apologizes for being late. He says there's a delegation from Washington DC in town that he was having discussions with. He says he's happy to see that the library is doing so well. He says he would like to know how the library has been doing in the past two years as opposed to the two years before that. Have we had more participants in the last two years as opposed to the two years before that? He says he is just trying to understand a little bit more about the library.

Matt Morris thanks Vanja Anderson and Shanna Gibbons for being communicative with him. It allows him to have a better understanding of what is going on. And he thanks the members of the public for coming.

Dee Mounts says it was because of Kelly Green that helped her get in touch with Helen Schneider for the obedience class. Ms. Mounts says that there is a meeting about the dog therapy program right after this board meeting and she says that she has answers for the questions that Ms. Dickson asked earlier in the board meeting and invites her to the meeting.

Dave Ocenreider thanks everyone for coming and says that everyone's input is appreciated and considered.

Brian Shoemake wishes everyone a happy new year.

John Shewalter says he hopes everybody had a great new year. He thanks Helen Schneider and Kelly Green for their involvement in the dog reading program. He says this is exactly what should happen. There are members of the board and members of the community coming together to make a program work. He said these kinds of programs can have very good results.

Michelle Nelson wishes everyone a happy new year.

Item 14- Adjournment at 10:57 AM.

Expense Report

Jan-24

FY 24	Current	Year to Date	Budget	Balance	% of Budget	% Remain	Period	
5311 Operating Expense								
Books	\$ 3,668.19	\$ 20,280.26	\$ 50,000.00	\$ 29,719.74	41%	59%	7	
Audio	\$ 1,020.64	\$ 1,479.76	\$ 12,000.00	\$ 10,520.24	12%	88%	7	
Computer Software		\$ 11,516.00	\$ 15,000.00	\$ 3,484.00	77%	23%	7	
Programs		\$ -	\$ 8,000.00	\$ 8,000.00	0%	100%	7	
Operating Expenses Monthly Amount:								\$ 4,688.83
Operating Expenses Total Amount:								\$ 33,276.02
5312 Office Expense								
Office		\$ 2,966.64	\$ 10,000.00	\$ 7,033.36	30%	70%	7	
Cleaning		\$ 711.20	\$ 6,000.00	\$ 5,288.80	12%	88%	7	
Office Expenses Monthly Amount:								\$ -
Office Expenses Total Amount:								\$ 3,677.84
5321 Advertising	\$ 183.00	\$ 329.00	\$ 3,000.00	\$ 2,671.00	11%	89%	7	
5322 Postage	\$ 96.08		\$ 1,000.00	\$ 1,000.00	0%	100%	7	
5331 Travel			\$ 1,000.00	\$ 1,000.00	0%	100%	7	
5335 Training		\$ 249.00	\$ 3,000.00	\$ 2,751.00	8%	12%	7	
5341 Communications								
Telephone		\$ 5,070.24	\$ 8,500.00	\$ 3,429.76	60%	40%	7	
Internet	\$ 195.00	\$ 2,540.18	\$ 9,000.00	\$ 6,459.82	28%	72%	7	
Communications Monthly Amount:								\$ 195.00
Communications Total Amount:								\$ 7,610.42
5342 Utilities								
Power	\$ 3,334.94	\$ 18,872.71	\$ 38,000.00	\$ 19,127.29	50%	50%	7	
Water	\$ 589.75	\$ 3,777.88	\$ 9,000.00	\$ 5,222.12	42%	58%	7	
Trash		\$ 1,386.52	\$ 3,500.00	\$ 2,113.48	40%	60%	7	
Utilities Monthly Amount:								\$ 3,924.69
Utilities Total Amount:								\$ 24,037.11
5352 Building	\$ 469.00	\$ 4,535.42	\$ 30,000.00	\$ 25,464.58	15%	85%	7	
5354 Equipment	\$ 106.00	\$ 2,089.57	\$ 15,000.00	\$ 12,910.43	14%	86%	7	
5361 Professional			\$ 6,000.00	\$ 6,000.00	0%	100%	7	
5365 Subscriptions & Due			\$ 3,000.00	\$ 3,000.00	0%	100%	7	
5369 Other Contractual Ser.								
Pest Control	\$ 350.00	\$ 600.00	\$ 3,500.00	\$ 2,900.00	17%	83%	7	
Alarm	\$ 1,873.37	\$ 2,221.60	\$ 3,500.00	\$ 1,278.40	63%	37%	7	
Computer Assit.		\$ 5,676.23	\$ 14,000.00	\$ 8,323.77	41%	59%	7	
Destiny			\$ 4,000.00	\$ 4,000.00	0%	100%	7	
Accountant			\$ 20,000.00	\$ 20,000.00	0%	100%	7	
Other Contractual Services Monthly Amount:								\$ 2,223.37
Other Contractual Services Total Amount:								\$ 8,497.83
5371 Property Insurance			\$ 40,000.00	\$ 40,000.00	0%	100%	7	
3595 Grants		\$ 4,152.07					7	
Total	\$ 11,885.97	\$ 88,454.28	\$ 316,000.00	\$ 227,545.72	28%	72%	7	
5110 Salaries	\$ 37,982.02	\$ 224,557.78	\$ 615,000.00	\$ 390,442.22	37%	63%	7	
Benefits	\$ 6,139.14	\$ 106,934.06	\$ 269,063.00	\$ 162,128.94	40%	60%	7	
Salaries and Benefits Monthly Amount								\$ 44,121.16
Salaries and Benefits Total Amount								\$ 331,491.84
Grand Total	\$ 56,007.13	\$ 415,794.05	\$ 1,200,063.00	\$ 784,268.95	35%	65%	7	
5610 Capital		\$ 3,414.00	\$ 757,940.00	\$ 754,526.00	0%	100%	7	

Item 9

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Pahrump Library Expenditures FY 24 Cumulative Account

	Budget	July	August	September	October	November	December	January	February	March	April	May	June
Salaries & Wages	615,000.00	31,824.70	70,932.62	110,010.05	167,602.29	205,584.31	224,557.78	281,290.87					
Retirement	154,063.00	8,261.56	19,672.44	31,134.25	48,344.37	59,862.45	65,621.50	82,898.62					
Workers Comp	7,000.00		3,488.25	3,488.25	3,488.25	3,488.25	3,488.25	3,488.25					
Group Insurance	78,000.00	6,608.58	13,216.95	19,825.32	26,433.69	33,042.06	33,042.06	46,258.80					
Medicare	15,000.00	452.40	1,008.42	1,563.98	2,382.50	2,927.72	3,197.50	4,003.37					
Social Security	15,000.00	251.38	564.20	865.71	1,251.27	1,474.44	1,584.94	1,904.83					
Unemployment													
Total Labor	884,063.00	47,398.62	108,882.88	166,887.56	249,502.37	306,379.23	331,492.03	419,844.74	0.00	0.00	0.00	0.00	-
Operating Expense	85,000.00	5,177.22	10,418.47	14,225.44	15,312.87	24,369.05	33,045.13	33,276.02					
Office Expense	16,000.00			1,380.30	1,670.79	2,503.94	3,469.89	3,677.84					
Advertising	3,000.00					122.00	122.00	329.00					
Postage	1,000.00												
Travel	3,000.00												
Training	3,000.00							249.00					
Communications	17,500.00	193.33	2,273.89	3,241.86	3,245.34	3,446.31	7,435.42	7,610.42					
Utilities	47,500.00	4,468.33	5,213.75	10,775.43	15,686.23	20,052.43	21,543.22	24,037.11					
Professional	6,000.00												
Building	30,000.00			1,343.42	1,978.42	3,260.42	3,260.42	4,535.42					
Equipment	15,000.00		96.00	96.00	833.62	1,549.62	1,549.62	2,089.57					
Subscriptions/Dues	3,000.00												
Other Contractual	45,000.00		2,073.50	4,983.40	6,086.31	7,972.83	8,348.37	8,497.83					
Property Insurance	40,000.00												
Grants								4,152.07					
Total Supplies	315,000.00	9,838.88	20,075.61	36,045.85	44,813.58	63,276.60	78,774.07	88,454.28	0.00	0.00	0.00	0.00	0.00
Grand Total	1,199,063.00	57,237.50	128,958.49	202,933.41	294,315.95	369,655.83	410,266.10	508,299.02	0.00	0.00	0.00	0.00	0.00
Capital Projects					3,414.00	3,414.00	3,414.00	3,414.00					

Pahrump Library Revenues FY 2024 Cumulative

	August	September	October	November	December	January	February	March	April	May	June	Budget
TAXES												
Property	65,464.03	433,482.71	438,827.84	649,260.46	652,657.01	839,111.40						1,125,098.00
INTERGOVERNMENTAL												
Consolidated Tax			15,880.25	30537.62	46,146.61	59,843.04						
SCCRT Loss				12,547.02	14,905.07	18,737.00						
Grants												
FINES												
Fines and Forfeiture	381.15	813.40	813.40	813.40	1,707.65	1,863.05						
CHARGES FOR SERVICES												
Photo Copies/Fax/ Notary	2,480.30	3,462.85	6,015.25	7,221.95	8,260.40	9,494.94						14,000.00
Miscellaneous/Books	2,830.64	3,860.14	5,114.24	6,490.59	8,526.34	10,065.34						22,000.00
Total Revenues	71,156.12	441,619.10	466,650.98	706,871.04	732,203.08	939,114.77	0.00	0.00	0.00	0.00	0.00	1,161,098.00
Expenditures												
Salaries and Benefits	108,882.88	166,887.56	249,502.37	306,379.23	331,492.03	419,844.74						
Services and Supplies	20,075.61	36,045.85	44,813.58	63,276.60	78,774.07	88,454.28						
Total Expenditures	128,958.49	202,933.41	294,315.95	369,655.83	410,266.10	508,299.02	0.00	0.00	0.00	0.00	875,139.67	
Revenue minus expense	-57,802.37	238,685.69	172,335.03	337,215.21	321,936.98	430,815.75	0.00	0.00	0.00	0.00	-875,139.67	
End of year												
Cash in Hand												

Vanja Anderson

Collections for Month of Jan 24

Day	Credit-Ref	Fax-Ref	Copies-Ref	Donations- Misc.	Notary	Donations Cj Fines-Circ	Misc.-Circ	Used Books	Book-tique	Lost	Raffle	Copies-Circ Credit-Circ	People	Swap
Mon	1													
Tues	2	\$ 5.20	\$ 53.00	\$ 47.60	\$ 1.30	\$ -	\$ 51.05	\$ 32.00	\$ 2.00	\$ 1.00		\$ 21.00	232	34
Wed	3	\$ -	\$ 1.00	\$ 22.85	\$ 1.60	\$ 2.00	\$ 11.10	\$ 22.00	\$ 8.50	\$ -		\$ 28.40	197	8
Thur	4	\$ 10.40	\$ 34.00	\$ 78.50	\$ 5.35	\$ -	\$ 18.30	\$ 28.05	\$ 15.50	\$ 2.00		\$ 11.00	229	10
Fri	5	\$ 8.70	\$ 3.00	\$ 20.80	\$ 0.75	\$ -	\$ 27.75	\$ 11.50	\$ -	\$ 1.00		\$ 25.96	175	12
Sat	6	\$ -	\$ -	\$ 52.40	\$ 0.60	\$ -	\$ 7.35	\$ 29.00	\$ 4.00	\$ 2.00		\$ 4.12	210	1
Sun	7													
Mon	8	\$ 22.90	\$ -	\$ 60.40	\$ 2.05	\$ 1.50	\$ 0.75	\$ 30.50	\$ 3.00	\$ -		\$ 11.00	220	19
Tues	9	\$ 32.40	\$ 1.00	\$ 37.75	\$ 5.05	\$ -	\$ 26.45	\$ 27.40	\$ 6.00	\$ -		\$ 3.30	212	31
Wed	10	\$ 8.43	\$ 15.80	\$ 33.00	\$ 5.00	\$ -	\$ -	\$ 17.00	\$ 4.50	\$ 1.00		\$ 3.00	239	0
Thur	11	\$ 5.97	\$ 3.00	\$ 18.75	\$ 0.45	\$ -	\$ 3.80	\$ 25.00	\$ 30.00	\$ 1.00		\$ 10.50	199	39
Fri	12	\$ 9.12	\$ 10.00	\$ 28.40	\$ 1.55	\$ -	\$ -	\$ 29.00	\$ 1.00	\$ -		\$ 54.28	181	32
Sat	13	\$ 10.79	\$ -	\$ 20.35	\$ 0.95	\$ 2.00	\$ 9.65	\$ 31.00	\$ 1.00	\$ -		\$ 3.06	286	2
Sun	14													
Mon	15													
Tues	16	\$ 8.40	\$ 4.00	\$ 56.65	\$ 0.60	\$ -	\$ 2.25	\$ 51.50	\$ 10.00	\$ -		\$ 1.03	320	4
Wed	17	\$ 54.91	\$ -	\$ 63.00	\$ 0.20	\$ 5.50	\$ 50.25	\$ 4.00	\$ 6.50	\$ 1.00		\$ 7.80	240	6
Thur	18	\$ 33.15	\$ -	\$ 37.50	\$ 3.40	\$ 10.00	\$ 31.20	\$ 21.00	\$ 3.00	\$ 1.00		\$ 64.00	228	21
Fri	19	\$ 2.80	\$ -	\$ 45.45	\$ 2.45	\$ 2.25	\$ 52.55	\$ 37.50	\$ 1.00	\$ -		\$ 1.03	187	27
Sat	20	\$ 19.00	\$ 3.00	\$ 31.65	\$ 1.10	\$ 1.00	\$ 0.60	\$ 20.00	\$ -	\$ -		\$ -	181	3
Sun	21													
Mon	22	\$ 6.60	\$ 3.00	\$ 48.00	\$ 3.55	\$ -	\$ 0.60	\$ 12.80	\$ 3.00	\$ -		\$ 20.00	237	30
Tues	23	\$ 6.00	\$ 2.00	\$ 19.00	\$ 2.35	\$ 10.00	\$ 36.75	\$ 24.50	\$ -	\$ -		\$ 2.00	195	3
Wed	24	\$ 3.40	\$ 2.00	\$ 49.95	\$ 0.25	\$ 20.00	\$ 4.00	\$ 28.50	\$ 8.00	\$ 1.00		\$ 2.00	323	15
Thur	25	\$ 14.90	\$ -	\$ 24.00	\$ 1.60	\$ -	\$ 4.05	\$ 21.50	\$ 2.00	\$ -		\$ 6.60	218	0
Fri	26	\$ 4.80	\$ 10.00	\$ 26.15	\$ 2.40	\$ 1.00	\$ 59.20	\$ 24.20	\$ 10.00	\$ -		\$ 17.85	182	6
Sat	27	\$ 10.60	\$ 1.00	\$ 38.00	\$ 0.60	\$ -	\$ 4.00	\$ 23.50	\$ -	\$ 1.00		\$ 16.20	232	21
Sun	28													
Mon	29	\$ 16.50	\$ -	\$ 48.65	\$ 3.45	\$ 10.00	\$ 32.75	\$ 17.50	\$ 5.50	\$ 1.00		\$ 8.45	287	24
Tues	30	\$ 1.80	\$ 15.00	\$ 45.35	\$ 1.45	\$ -	\$ 2.75	\$ 37.00	\$ 5.00	\$ -		\$ 8.20	238	13
Wed	31	\$ -	\$ 2.00	\$ 29.60	\$ 0.40	\$ -	\$ 10.30	\$ 82.00	\$ 16.50	\$ -		\$ 4.20	315	8
	Credit-Ref	\$ 296.77	\$ 162.80	\$ 983.75	\$ 48.45	\$ 1.20	\$ 90.00	\$ 458.00	\$ 52.00	\$ 13.00	\$ -	Credit-Circ	5763	369
												\$ 334.98		

Cash Total

\$ 2,775.65

Credit Only Total

\$ 631.75

Grand Total \$ 3,407.40

General Fund Payments

Jan-24

Vendor Name	Item	Recurrence	Amount
A & H Insurance	Insurance	Annual	\$
A to Z Databases	Databases	Annual	\$
AT&T	Phone	Monthly/Annual	\$
Awards Plus	Supplies	As Needed	\$
Baker & Taylor	Books	Monthly	\$ 1123.45
Blackstone Audio	Audio	Monthly	\$ 2248.64
Book Page	Magazine	Yearly	\$
C&S Waste Solutions	Trash	Monthly	\$
Center Point Large Print	Books	Yearly / As needed	\$
Comtech Business System	Phone	As Needed	\$
Cutting Edge Lawn Care	Lawn	Monthly	\$
Daniel C. McArthur	Accountant	As Needed	\$
Demco	Supplies	As Needed	\$
EBSCO	Databases	As Needed	\$
Findaway	Audio	Monthly	\$ 1020.64
Follet	ebooks	Yearly	\$
Gale	Books	Monthly	\$ 296.10
Genuine Pest Control	Pest Control	Monthly	\$ 350.00
Great Basin Water	Water	Monthly	\$ 589.75
Grey House Publishing	Books	As Needed	\$
Jon Aire	HVAC	As Needed	\$
Johnson Controls	Alarm	Yearly	\$ 1873.37
Kully	Equipment	As Needed	\$
Las Vegas Review Journal	Ads	As Needed	\$ 183.00
Legislative Counsel Bureau	Books	As Needed	\$
Library Store	Supplies	As Needed	\$
Marks Service Center	Supplies	As Needed	\$
Mastercraft Electronics	Electronics	As Needed	\$ 469.00
Nevada Library Cooperative	ebooks	As Needed	\$
Nevada Public Agency Insurance Pool	Insurance	Yearly	\$
Network Savants	IT	As Needed	\$
Office1	Copies	Monthly	\$ 106.00
Pahrump Valley Glass	Windows	As Needed	\$ 287.47
Peter's Carpet Cleaning	Carpet	As Needed	\$
Petty Cash	Misc.	Monthly	\$ 3816.57
Pitney Bowes	Supplies	As Needed	\$ 96.08
Proquest	Database	Annual	\$
Public Agency Compensation Trust	Workers Comp	Quarterly	\$
Staples	Supplies	As Needed	\$
State of Nevada Legislative Counsel Bureau	Books	As Needed	\$
Statewide Fire Protection	Inspection	As Needed/Quarterly	\$
Summit	Fire Protection	As Needed	\$
T-Mobile	Hotspots	Monthly	\$
USA Today	Newspaper	As Needed	\$
Userful	Computers	Yearly	\$
Valley Electric	Power	Monthly	\$ 3334.94
Valley Electric	Internet	Monthly	\$ 195.00
Vortex	Doors	As Needed	\$
World Book	Books	As Needed	\$

Total		\$ 15,990.01
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See Authorization to Pre-Pay Letter

David Ochenreider

John Shewalter

Dee Mounts

Matt Morris

Item 10

12

Vendor Name	Item	Recurrence	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
A and H Insurance	Insurance	Annual					\$ 32,225.22								
ALA	Professional Org	Annual													
ARSL	Professional Org	Annual													
Amazon	Books/Equipment	As needed													
AT&T	Phone	Monthly	\$ 517.01	\$ 135.99											
AtoZ databases	Database Service	Annual							\$ 1,386.77	\$ 273.86					
Awards Plus	Supplies	As Needed													
Baker & Taylor	Books	Monthly	\$ 1,057.95	\$ 1,476.72	\$ 1,614.89	\$ 326.60	\$ 1,224.05	\$ 332.17	\$ 926.95	\$ 1,194.90	1206.94	4189.02	\$ 383.88	\$ 1,506.51	1123.45
Blackstone Audio	Audio	Monthly		\$ 548.94	\$ 331.05	\$ 231.74	\$ 399.62	\$ 446.49	\$ 719.41						2248.64
Book Page	Magazine	Yearly											\$ 402.00		
C&S Waste Solutions	Trash	Monthly		\$ 155.28		\$ 160.14	\$ 315.42	\$ 156.53	\$ 169.20	\$ 169.20	164.67		\$ 335.06	\$ 170.39	
Center Point Large Print	Books	Yearly/ As Needed					\$ 2,869.20				2869.2				
Comtech Business Systems	Phones	As needed							\$ 250.00		125				
Cutting Edge Lawn Care	Lawn	Monthly	\$ 180.00	\$ 180.00	\$ 180.00	\$ 940.00	\$ 585.00	\$ 180.00	\$ 180.00	\$ 275.00		405	\$ 225.00	\$ 315.00	
Daniel C. McArthur	Accountant	As Needed		\$ 2,380.00			\$ 11,829.00	\$ 915.00							
Demco	Supplies	As Needed					\$ 424.82			\$ 641.80					
EBSCO	Database Service	As Needed				\$ 608.81	\$ 468.12	\$ 221.11	\$ 56.41		6841.00				
Findaway	Audio	Monthly				\$ 803.76		\$ 409.88	\$ 1,164.66		377.88		\$ 401.88		1020.64
Follett	ebooks	Yearly	\$ 385.88	\$ 848.76			\$ 432.88								
Gale	Books	Monthly		\$ 649.83		\$ 312.34	\$ 588.39	\$ 344.98	\$ 316.12	\$ 873.16	488.67	462.08	\$ 657.67	\$ 474.20	296.10
Genuine Pest Control	Pest Control	Monthly	\$ 150.00	\$ 150.00	\$ 150.00		\$ 150.00	\$ 150.00	\$ 150.00		150.00	150.00	\$ 150.00	\$ 150.00	350.00
Great Basin Water	Water	Monthly	\$ 632.94	\$ 611.82	\$ 619.44	\$ 599.00	\$ 623.92	\$ 601.49	\$ 597.22	\$ 1,173.44	1206.54	874.99	\$ 1,155.73	\$ 901.81	589.75
Grey House Publishing	Books	As Needed	\$ 342.00												
Industrial Light and Power	Lights	As Needed		\$ 11,495.00		\$ 9,611.00									
JonAire	HVAC	As needed				\$ 2,900.00	\$ 952.19	\$ 2,313.00		\$ 2,221.60		292.00		\$ 960.00	
Johnson Contoris	Alarm	As Needed													1873.37
Las Vegas Review Journal	Ads	As Needed	\$ 220.00		\$ 244.00	\$ 244.00	\$ 915.00	\$ 244.00				122	\$ 244.00	\$ 451.00	183.00
Legislative Counsel Bureau	Books	Bi-Annual						\$ 125.00							
Library Store	Supplies	As Needed				\$ 331.05									
Kully	Equipment	As Needed									192.20				
Mark's Service Center	Supplies	As Needed	\$ 776.60	\$ 198.80	\$ 733.31		\$ 169.00	\$ 254.40		\$ 503.25	503.25	798.15	\$ 119.00	\$ 534.90	
Mastercraft Electronics	Electronics	As Needed						\$ 1,024.00							489.00
Nevada Library Cooperative	ebooks	Annual						\$ 4,000.00							
Nevada Public Agency Insurance Pool	Insurance	As Needed					\$ 500.00	\$ 500.00							
Network Savants	IT	As Needed		\$ 186.47	\$ 634.47		\$ 2,526.92	\$ 552.82	\$ 1,923.00	\$ 688.30	952.91	1736.52	\$ 375.00		
Office1	Copies	Monthly	\$ 650.47	\$ 481.32	\$ 981.00	\$ 96.00	\$ 449.02	\$ 96.00	\$ 96.00		737.62	591.00		\$ 593.95	106.00
Pahrump Valley Disposal	Trash	Monthly													
Pahrump Valley Glass											1518.42				287.47
Peter's Carpet Cleaning	Carpet	As needed			\$ 5,000.00										
Petty Cash	Misc.	Monthly	\$ 896.21	\$ 2,053.48	\$ 2,490.10	\$ 554.39	\$ 4,162.84	\$ 4,713.47	\$ 3,116.19	\$ 1,311.57	1728.94	2650.11	\$ 1,525.34	\$ 4,039.66	3816.57
Pitney Bowes	Supplies	As Needed		\$ 61.08			\$ 122.06	\$ 35.00		\$ 61.08		\$ 35.00			96.08
Proquest	Database	Annual						\$ 1,556.60							
Public Agency Compensation Trust	Workers Comp	As Needed						3973.5	\$ 5,113.50						
Sprint	Hotspots	Monthly			\$ 689.10	\$ 690.10	\$ 690.90		\$ 690.10	\$ 690.50	700				
Staples	Supplies	As Needed		\$ 200.86	\$ 200.86		\$ 155.10	\$ 231.20	\$ 509.60	\$ 174.00				\$ 567.43	
State of Nevada Legislative Counsel Bureau	Books	As Needed		\$ 594.50											
Statewide Fire Protection	Inspection	As Needed/Quarterly	\$ 95.00	\$ 1,520.00		\$ 95.00	\$ 1,580.00		\$ 1,615.00			585			
Summit	Fire Protection	As needed													
T-Mobile	T-Mobile												700	\$ 700.00	
USA Today	Newspaper	As needed				\$ 398.55									
Useful	Computers	Yearly			\$ 3,585.00		\$ 2,390.00								
Valley Electric	Power	Monthly	\$ 2,637.95	\$ 2,978.24	\$ 2,697.08	\$ 2,174.36	\$ 592.70	\$ 2,793.76	\$ 2,762.09	\$ 4,968.73	3917.54	3194.61	\$ 2,910.94	\$ 2,423.50	3334.94
Valley Electric	Internet	Monthly	\$ 150.00	\$ 187.78	\$ 187.78	\$ 185.00	\$ 370.00	\$ 185.00	\$ 190.08		215.00	195.00	\$ 175.00	\$ 175.00	195.00
Vortex	Doors	As Needed					\$ 559.00								
World Books	Books	As Needed					\$ 920.55								

13

**Pahrump Community Library District
Doris Shirky, Founder
701 East Street Pahrump, NV 89041
775-727-5930 Fax 775-727-6209**

John Shewalter – Chairman
Dee Mounts – Secretary
Dave Ochenreider – Trustee
Matt Morris - Trustee

LIBRARIAN'S REPORT

February 12, 2024

Due to a surge in COVID cases, our existing test kits were quickly becoming used. Fortunately, we were successfully able to get an additional 10 boxes; however, the supplier did not do delivery to Pahrump and would only take them to a warehouse in Vegas. Shanna and I personally drove to Vegas to retrieve the kits in our own cars.

Our programs are picking back up again with 36 events taking place this month and tax season has arrived. Nevada Free Taxes Coalition will be volunteering to help our patrons with their taxes. They spent two days training and will be starting soon. Their contact is nvfreetaxes.org and they will be here 6 times every other week until the end of tax season.

BUILDING NEWS: Two new cameras have been installed in the main area of the library. We also had some glass by the front door replaced.

EMPLOYEES: A new security person has been interviewed and has been offered the position.

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14a

MATERIALS WITH USAGE July 1, 2023 - June 30, 2024

	July	Aug	Sept	Oct	Nov	Dec	Jan
TOTAL USAGE	6519	6973	6467	6660	6483	5901	6923
Childrens' (in-house)	1471	1771	1813	1916	1955	1449	1790
Adults' (in-house)	3599	3760	3283	3405	3313	3101	3706
TOTAL USAGE (in-house)	5070	5531	5096	5321	5268	4550	5496
OverDrive (digital media)	1425	1420	1358	1339	1215	1351	1427
Mango Languages (digital learning)	24	22	13	0	0	0	0
TOTAL USAGE (digital)	1449	1442	1371	1339	1215	1351	1427
% childrens' (in-house)	0.29	0.32	0.36	0.36	0.37	0.32	0.33
% adults' (in-house)	0.71	0.68	0.64	0.64	0.63	0.68	0.67
TOTAL MATERIALS ADDED	194	225	157	192	161	173	178
in-house materials added	176	204	136	176	144	158	157
eAudio titles added	11	9	10	4	4	5	8
eBook titles added	7	12	11	12	13	10	13
streaming video titles added	0	0	0	0	0	0	0
Patron Count	5766	6028	5470	6198	5318	4708	5763
Swaps	373	452	403	432	387	414	369
Internet users (website)	736	802	776	766	705	730	806
Sessions	1191	1369	1259	1248	1139	1157	1424
Internet/computer usage	679	744	707	814	731	719	745
Wireless	820	797	642	769	816	788	942
Ref Transactions	1125	1261	1106	1254	1247	1191	1126
Ref Questions/ILL's	50	76	59	57	82	63	77
Legal Kiosk							21
Curbside Pickups	47	53	60	53	60	67	74
Curbside Returns	50	74	57	78	72	51	73
Patrons	22	25	23	23	25	22	27
Special & Chess/NF/Comp	0	210	78	39	22	16	26
S.T.E.A.M.	0	0	167	128	145	95	141
Babytime	0	0	123	179	156	86	79
Story Time	0	0	123	124	144	67	76
Special Programs	96	12	0	0	35	10	0
Passive Programming	0	0	0	9	0	81	0
Holiday Parties	0	0	0	56	0	76	0
Teen Club/Teen Party	59	45	30	69	36	30	31

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEVADA

In the Matter of:

PAHRUMP COMMUNITY LIBRARY
DISTRICT BOARD OF TRUSTEES.

A.G. FILE NO.:13897-455

**FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

Marcia Peznowski and Christy J. Stevens 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 Pahrump Community Library District Board of Trustees ("Board") regarding its August 8, 2022, meeting. The Complaints allege that the Board treated public commenters differently depending on the speaker's viewpoint by giving speakers Board members didn't agree with less time to speak, interrupting them and verbally attacking them.

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; and the agenda, minutes and audio recording for the Board's August 8, 2022, meeting. The OAG finds that the Board violated the OML by applying public comment restrictions based upon viewpoint.

FINDINGS OF FACT

1. The Board held a public meeting on August 8, 2022. The agenda for the meeting listed the following public comment statement:

Members of the public who wish to address the Library Board of Trustees may come forward and speak on any topic that is relevant to or within the authority of the Library Board. The Board respects the rights of citizens to present differing opinions and views. The public comment period at library district board meeting (sic) shall be limited to a maximum of forty-five (45) minutes for both general public comment items.

Item 12

15

1 Remarks by speakers during any public comment period shall be limited to three
2 (3) minutes each. Additionally, public comment of up to three minutes per person
3 may be heard during individual action items. The Chairman reserves the right
4 to reduce the time allowed for public comment. The Chairman may prohibit
5 comment if the content of the comments is a topic that is not relevant to, or within
6 the authority of the Board, or if the content of the comments is willfully
7 disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive,
8 inflammatory, irrational or amounting to personal attacks or interfering with the
rights of other speakers. If you believe your item requires extended discussion
or action, you may ask a member of the Board to place it on the Board's agenda
for a future meeting. No action may be taken on a matter raised under general
public comment of the agenda unless the matter is noticed on a Board agenda as
an item on which action may be taken.

9 2. During the first general public comment period of the meeting, Complainant
10 Stevens began her comments by criticizing the methods of timekeeping for public comment
11 during meetings. Trustee Brian Shoemake, who was keeping time for the meeting,
12 interrupted Ms. Stevens multiple times and argued with her, including stating "Go f**k
13 yourself." Chair John Shewalter cautioned Trustee Shoemake multiple times. Despite the
14 interruptions, Complainant Stevens was permitted to complete her comments.

15 3. Three other public commenters spoke, two in support of Complainant Steven's
16 comments and one disagreeing with her statements and while interrupted by Trustee
17 Shoemake at various times, all were able to complete their comments.

18 4. The two speakers in support of Complainant Steven's comments were met with
19 hostile comments from Trustee Shoemake while the one disagreeing with her was met with
20 favorable comments. The last commenter, Steve Bacus, argued with Trustee Shoemake.
21 Chair Shewalter attempted to quiet Trustee Shoemake and then called for a five-minute
22 recess. Upon returning from recess, Chair Shewalter announced that public comment was
23 closed and moved to the next agenda item.

24 5. The entire first public comment period lasted for about 6 minutes.

25 6. The Board called for additional public comment on most action items, after
26 discussion, but prior to the Board's vote. The only interruptions to commenters during these
27 periods were to ascertain whether the comments were relevant to the particular agenda item.
28 Complainant Stevens offered comments at one of these periods uninterrupted.

1 7. The Board held a final general public comment period at the end of the meeting.
2 Complainant Stevens spoke first and was interrupted twice, including once by the Chair
3 threatening to cut off her time when she challenged her treatment during public comment.

4 8. Other commenters, including ones who had previously supported Complainant
5 Steven's critical statements were able to comment uninterrupted. One speaker noted that
6 the altercation during the first public comment period had made her nervous to speak, but
7 she was glad she decided to make her comments.

8 9. The second general public comment period lasted for approximately 15 minutes.

9 9. Trustee Shoemake made a statement during "member comments" that he is not a
10 scary guy but "Marxist rabble rousers just don't crack me up like they used to."

11 LEGAL STANDARDS AND CONCLUSION OF LAW

12 The Pahrump Community Library District Board of Trustees is a "public body" as
13 defined in NRS 241.015(4); therefore, the Board is subject to the OML.

14 Public bodies in Nevada must include periods devoted to comments by the general
15 public during their meetings. NRS 241.020(3)(d)(3). Once the right to speak has been granted
16 by the Legislature, the protections of free speech in the U.S. Constitution and the Nevada
17 Constitution attach. *In re Las Vegas City Council*, OMLO 13897-381 at 5-6 (Apr. 14, 2021).
18 Generally, "the right to criticize public officials" is protected by the First Amendment. *Jenkins*
19 *v. Rock Hill Local Sch. Dist.*, 513 F.3d 580, 588 (6th Cir. 2008). Article 1, Section 9 of the
20 Nevada Constitution also expressly protects a citizen's freedom of speech.¹

21 Despite these constitutional safeguards, an individual's right to speak at a public
22 meeting is not unfettered. Reasonable time, place and manner restrictions may be placed on
23 public comment periods, but public bodies may not restrict comments based upon viewpoint.
24 NRS 241.020(3)(d)(7). Restrictions on speech during public meetings are permitted to

25 ¹ **Sec. 9: Liberty of speech and the press.** Every citizen may freely speak, write and
26 publish his sentiments on all subjects being responsible for the abuse of that right; and no
27 law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal
28 prosecutions and civil actions for libels, the truth may be given in evidence to the Jury; and
if it shall appear to the Jury that the matter charged as libelous is true and was published
with good motives and for justifiable ends, the party shall be acquitted or exonerated.

1 maintain decorum and order in the proceeding. *Reza v. Pearce*, 806 F.3d 497, 504 (9th Cir.
2 2015).

3 Here, the issues are whether the interruptions to public commenters rose to the level
4 of a public comment restriction and if so, whether that restriction was applied based upon
5 viewpoint. The OAG finds that the Board's interruption of speakers both rose to the level of
6 a public comment restriction and was applied based upon the speakers' identity and
7 viewpoint. *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 272 (1995) (a public body
8 may neither place unreasonable restrictions upon speakers nor enforce restrictions in a
9 manner that is not content neutral).

10 Where there is an intent to suppress speech based on viewpoint or identity, the
11 suppression is not viewpoint neutral. *Galena v. Leone*, 638 F.3d 186, 205 (3rd Cir. 2011)
12 (finding no First Amendment violation where there was no evidence of an improper motive or
13 intent in the chair's ejection of a member of the public from a meeting). A speaker may not
14 be stopped from speaking because the moderator disagrees with the viewpoint he or she is
15 expressing. *Acosta v. City of Costa Mesa*, 718 F.3d 800, 816 (9th Cir. 2013); *Dowd v. City of*
16 *Los Angeles*, 2013 WL 4039043 at 19-20 (finding a free speech violation where a public
17 commenter was stopped from criticizing the performance of the Council president).

18 Trustee Shoemake repeatedly interrupted Complainant Stevens and Mr. Bacus during
19 their comments at the beginning of the meeting in such a hostile manner that they were
20 compelled to defend themselves and their statements. The altercations repeatedly caused the
21 Chair to caution Trustee Shoemake regarding his behavior and ultimately take a recess
22 during the public comment period. While the OML permits, and the Board's public comment
23 statement echoes, the Board's ability to halt comment or remove a person who disrupts the
24 meeting such that its orderly conduct is made impractical, this disruption cannot be the
25 reaction of a public body member to criticism. NRS 241.030(4)(a); *Norse v. City of Santa Cruz*,

26 ////

27 ////

1 629 F.3d 966, 979 (9th Cir. 2010).²

2 Complainant Stevens and Mr. Bacus were directly criticizing Trustee Shoemake's
3 actions in his role as a Board Trustee at Board meetings. Trustee Shoemake's interruptions
4 were directly in response to this criticism. Trustee Shoemake's statements at the end of the
5 meeting support this. While the Chair attempted to tame the altercation during the first
6 public comment period, he was decidedly hostile in his treatment of Complainant Stevens
7 during the final public comment period. Finally, the comments of another member of the
8 public at the end of the meeting that she was uncomfortable and nervous to speak indicate
9 that the interruptions had a chilling effect on the public's right to speak. Thus, the OAG finds
10 that the interruptions during public comment at the Board's August 8, 2022, meeting rose to
11 the level of a public comment restriction that was applied based upon viewpoint in violation
12 of NRS 241.020(3)(d)(7).

13 SUMMARY

14 Upon investigating the present Complaints, the OAG makes findings of fact and
15 conclusions of law that the Pahrump Community Library District Board of Trustees
16 violated the OML as described above. While the OAG finds that OML violations occurred,
17 it is the OAG's position that the violations were not willful, and that action was taken by
18 the Board to mitigate the severity of the violations. Accordingly, the OAG determines that

19 ////

20 ////

21 ////

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24
25 ² The OAG cautions the Board that abruptly closing a public comment period without
26 checking to see if there are additional commenters, as occurred after the brief recess was
27 taken, could lead to an OML violation. However, the OAG does not possess evidence that
28 there were additional public commenters wishing to speak at that time. Further, the
additional public comment periods taken during the meeting appear to have offered
opportunity for all to speak that desired to.

1 foregoing prosecution would be in the best interests of the public.

2 Dated: January 8, 2024

3 AARON FORD
4 Attorney General

5 By: /s/ Rosalie Bordelove
6 ROSALIE BORDELOVE
7 Chief Deputy Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January 2024, 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:

Marcia A. Peznowski
2631 Deacon Street
Pahrump, Nevada 89048
Certified Mail No.:

7020 2450 0001 1950 7177

Christy J. Stevens
860 Gold Point Road
Pahrump, Nevada 89060
Certified Mail No.:

7020 2450 0001 1950 7184

Pahrump Community Library District Board of Trustees
c/o Michelle J. Nelson, Senior Deputy District Attorney - Civil
Nye County Office of the District Attorney
P.O. Box 39
Pahrump, Nevada 89041
Certified Mail No.:

7020 2450 0001 1950 7191

/s/ Debra Turman

An employee of the Office of the
Nevada Attorney General

Item 13

OFFICE OF THE ATTORNEY GENERAL
STATE OF NEVADA

In the Matter of:

PAHRUMP COMMUNITY LIBRARY
DISTRICT BOARD OF TRUSTEES.

A.G. FILE NO.:13897-421

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

On or about June 28, 2021, Amy L. Bruno filed a Complaint 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 Pahrump Community Library District Board of Trustees (Board) during its June 18, 2021 and June 22, 2021 Board meetings. On or about November 26, 2021, Christy Stevens filed a complaint alleging similar violations of the OML by the Board.¹ The Complaints allege the Board violated the OML as follows:

ALLEGATION ONE: The Board failed to provide notice to Library Director Susan Wonderly that her character, misconduct and/or professional competence would be considered at the June 18, 2021 meeting.

ALLEGATION TWO: The Board failed to specify on the June 18, 2021 meeting agenda the nature of the business to be considered in closed session.

ALLEGATION THREE: The Board discussed, deliberated and by motion voted to place Director Wonderly on Administrative leave during a closed session.

...

¹ The OAG notes that Ms. Steven's Complaint was filed more than 120 days after the alleged violations but less than one (1) year. Accordingly, as to Ms. Steven's complaint, this opinion will only address alleged violations that were not discoverable at the time, specifically any allegations regarding the June 22, 2021 meeting. NRS 241.039(1)(c)(1)(2).

The OAG further notes that the Response filed on behalf of the Board addresses additional alleged violations during the June 18, 2021 meeting not mentioned in Amy Bruno's Complaint, including: the officer elections and the Board's alleged failure to provide Director Wonderly an opportunity to have counsel present, present evidence and to waive closure of the meeting. As these issues are outside the scope of Ms. Bruno's Complaint, the OAG will not opine on these issues.

1 **ALLEGATION FOUR:** The Board failed to publish an agenda for the meeting held
2 on June 22, 2021, where the Board by motion hired Manda Smith-Collins to replace Susan
3 Wonderly as Library Director.

4 **ALLEGATION FIVE:** The Board failed to open the June 22, 2021 Board meeting to
5 the public.

6 The OAG has statutory enforcement powers under the OML and the authority to
7 investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040.
8 The OAG's investigation of the Complaints included a review of the Complaints and
9 attachments thereto; the response and supplemental response filed on behalf of the Board
10 and all attachments thereto; past board meeting agendas and minutes; prior OML
11 decisions, case law, and portions of the Nevada Revised Statutes relevant to the
12 Complaints.

13 **FINDINGS OF FACT**

14 1. The full Board consists of five (5) Trustees.

15 2. During the June 18, 2021 Board meeting, Trustees John Shewalter, Janice Painter,
16 Bill Newyear, David Ochenreider and Brian Shoemake were present.² The relevant items
17 included on the meeting agenda were the following:

18 **"8. For Possible Action: Emergency Items.**

19 ...

20 **11. For Possible Action: Closure of meeting, pursuant to NRS 288.220 for**
 purposes of board deliberation on personnel matters.

21 **12. For Possible Action: Interview Candidates for Director's Position.**

22 **13. For Possible Action: Discussion and deliberation to hire candidate."**

23 3. Pursuant to agenda item No. 8, Trustee Shewalter opened the topic of electing officers
24 for the Board. Trustee Ochenreider moved to nominate Trustee Shewalter as Chair, Trustee
25 Shoemake seconded. The motion passed. Chair Shewalter nominated Trustee Shoemake as
26

27 ² Trustee, Shewalter was appointed by the Nye County Board of County Commissioners forty-six (46) days
28 before the June 18, 2021 board meeting. Trustees, Ochenreider and Shoemake were appointed by the Nye
County Board of County Commissioners three (3) days before the June 18, 2021 board meeting.

1 Vice-Chair, Trustee Ochenreider seconded. The motion passed. Also, by motion, Trustee
2 Newyear became Secretary.

3 4. Pursuant to agenda item No. 11, the Board by motion entered into closed session.
4 Chair Shewalter asked for anyone who was not a board member to leave the room. Director
5 Wonderly was asked to exit the room as well. During the closed session, Chair Shewalter
6 moved to place Director Wonderly on administrative leave with pay until July 1, 2021, for
7 allegedly violating NRS 379.025 and NRS 241. Vice Chair Shoemake seconded the motion. A
8 roll call vote was taken. Trustees Shoemake, Ochenreider and Shewalter voted yay; Trustees
9 Newyear and Painter voted nay. Following the vote, former Director Susan Wonderly was
10 asked to enter the room. She was notified that she would be placed on administrative leave
11 until July 1, 2021 and exited the room.

12 5. Prior to reopening the meeting to the public, Trustees Janice Painter and Bill Newyear
13 announced their resignation from the Board. After opening the meeting to the public, the
14 Board by motion appointed Assistant Library Director Shana Gibbons as Interim Director
15 until a new director was hired.

16 6. Ms. Wonderly entered the room and asked for paperwork regarding her leave. She
17 was informed by the Board that she would receive her paperwork at a later time. Prior to
18 recessing the meeting, the Board by motion continued agenda items Nos. 12 and 13 to June
19 22, 2021.

20 7. Prior to meeting on June 22, 2021, the Board did not publish a meeting agenda for
21 continued agenda items Nos. 12 and 13. Moreover, the Board did not publish a
22 videoconference link or telephone number for the June 22, 2021 board meeting.

23 8. On June 22, 2021, the Board held its meeting. Trustees Shoemake, Ochenreider and
24 Shewalter were present. Interim Director Shana Gibbons was also present. Members of the
25 public were not present. During the meeting, Interim Director Gibbons urged the Board to
26 hire a director as soon as possible because she was not trained to be a director. By motion, the
27 Board hired candidate Manda Smith-Collins with a starting salary of \$48,000.
28

1 9. On July 16, 2021, the Board by motion reopened the Library Director search in an
2 effort to comply with all applicable statutes and policies for appointment. A subcommittee
3 was formed to review Director applications and select candidates for final interviews before
4 the Board. By October 2021, Kameron Mitchell and Dee Mounts were appointed as Trustees.

5 10. Prior to holding its Board meeting on January 10, 2022, the Board published its
6 agenda with following items listed for corrective action:

7 **"7. For Possible Corrective Action:** Discussion and deliberation to rescind
8 action taken by the Board on June 18, 2021 regarding the election of John
9 Shewalter as Chair, Brian Shoemake as Vice-Chair and Bill Newyear as
10 Secretary..."

11 ...

12 **9. For Possible Corrective Action:** Discussion and deliberation to rescind
13 action on agenda item #11 on the agenda on June 18, 2021 regarding action taken
14 by the Board to close meeting, pursuant to NRS 288.220 purposes of board
15 deliberation on personnel matters.

16 **10. For Possible Corrective Action:** Discussion and deliberation to rescind
17 action taken in closed meeting on June 18, 2021 by the Board placing Susan
18 Wonderly on leave with pay until July 1, 2021.

19 **11. For Possible Corrective Action:** Discussion and deliberation to rescind
20 action taken on June 18, 2021 by the Board at the Pahrump Library District
21 Board of Trustees meeting of appointing Shana Gibbons as acting Director.

22 ...

23 **13. For Possible Corrective Action:** Discussion and deliberation to rescind
24 action agenda item #12 on the agenda on June 18, 2021 regarding action taken
25 by the Board to interview candidates for Director's Position and rescind the
26 interview of Manda Smith-Collins.

27 **14. For Possible Corrective Action:** Discussion and deliberation to rescind
28 action taken by the Board on June 22, 2021 discussing and deliberation the
hiring of candidate for the position of Library Director.

15. For Possible Corrective Action: Discussion and deliberation to rescind
action taken by the Board on June 22, 2021 including 1) discussion regarding
hiring Manda Smith-Collins; 2) hire Manda Smith-Collins; 3) discussion of salary

1 for Manda Smith-Collins; 4) set salary to start at \$45,000; and 5) set salary at
2 \$48,000.”

3 11. During the January 10, 2022 Board meeting, the Board by motion took the following
4 actions, allowing members of the public to comment on each agenda item before voting:

5 (1) pursuant to approving agenda item No.7, the Board underwent new officer
6 elections;

7 (2) the Board approved agenda item No. 9;

8 (3) the Board approved agenda item No. 10, with an acknowledgment that mistakes
9 were made by the Board due to lack of knowledge;

10 (4) pursuant to approving agenda item No.11, the Board reinstated Shana Gibbons
11 as the Interim Director;

12 (5) the Board approved agenda item No. 13;

13 (6) the Board approved agenda item No. 14; and

14 (7) the Board approved agenda item No. 15.

15 **LEGAL STANDARDS AND CONCLUSION OF LAW**

16 The Pahrump Community Library District Board of Trustees is a “public body” as
17 defined in NRS 241.015(4); therefore the Board is subject to the OML.

18 **1. The OAG will not opine as to whether adequate notice was provided to**
19 **someone other than the Complainant.**

20 Complainants do not have standing to challenge whether another person was provided
21 adequate notice under the OML. The OML requires specific notice to be given to individuals
22 whose character, alleged misconduct, or physical or mental health will be discussed during
23 the meeting. NRS 241.033. In addition, the OML requires specific notice to be given to
24 individuals if the public body intends to take administrative action against them. NRS
25 241.034. The OAG has previously opined that the subject of a meeting may waive this
26 statutory right to notice. *In re Douglas County Board of Commissioners*, Open Meeting Law
27 Opinion No. 13897-312 (Oct. 2, 2019).
28

1 The question of standing concerns whether the party seeking relief has a sufficient
2 interest in the matter. *Nevada Policy Research Institute, Inc. v. Cannizzaro*, 507 P.3d 1203,
3 1207, 138 Nev. Adv. Op. 28 (2022). To establish standing, a complainant must have suffered
4 some actual or threatened injury resulting from the challenged activity. *Valley Forge*
5 *Christian College v. Americans United for Separation of Church and State, Inc.*, 454 U.S. 464,
6 472 (1982). To sue in a district court to have an action of a public body declared void or require
7 compliance with or prevent violations of the OML, a person must have been denied a right
8 conferred by the OML. NRS 241.037(2).

9 Here, the Complainants, Amy Bruno and Christy Stevens allege that former Director
10 Susan Wonderly, the subject of the agenda item, was not provided any written notice that
11 during the June 18, 2021 meeting, her character, alleged misconduct or professional
12 misconduct would be discussed. The notice requirements in the OML are specific to the
13 individual person whose character will be discussed or against whom administrative action
14 will be taken. See *Stockmeier v. Nevada Department of Corrections Psychological Review*
15 *Panel*, 122 Nev. 385, 396, 135 P.3d 220 (2006), overruled on other grounds by *Buzz Stew, LLC*
16 *v. City of N. Las Vegas*, 124 Nev. 224, 228 n.6, 181 P.3d 670, 672 n.6 (2008). Thus, the ability
17 to claim the notice was insufficient resides only with the person entitled to the notice.
18 Accordingly, the OAG finds that Complainants, Amy Bruno, and Christy Stevens do not have
19 standing to challenge the sufficiency of notice to former Director Susan Wonderly and will not
20 opine further on the matter.

- 21 **2. The Board violated the OML in its June 18, 2021 meeting agenda (item**
22 **No. 11) by failing to sufficiently describe the nature of the business to be**
23 **considered, specifically former Director Susan Wonderly's possible**
24 **placement on administrative leave.**

25 Closed sessions are authorized only for discussion of the matters specifically listed in
26 NRS 241.030 or in another specific statute elsewhere in the NRS. Importantly, the agenda
27 description must specifically state the nature of the business to be considered and the
28 statutory authority authorizing the closed session. If a person's character, professional

1 competence, alleged misconduct, or physical or mental health is the topic of the discussion,
2 the person's name must appear on the agenda. NRS 241.020(2)(d)(4).

3 Here, the OAG notes that the June 18, 2021 meeting agenda item No. 11 did not have
4 former Director Susan Wonderly's name listed. Additionally, this agenda item did not provide
5 any description that the Board would discuss Ms. Wonderly's possible placement on
6 administrative leave. Accordingly, the OAG finds that the insufficient description of agenda
7 item No.11 was in violation of the OML.

8 While the Board violated the OML at its June 18, 2021, meeting, the OAG finds that
9 the Board's actions were not willful. The OAG further notes the Board's attempts at corrective
10 action during the July 16, 2021 and January 11, 2022 board meetings. The OAG cautions the
11 Board moving forward that corrective action within 30 days after an alleged violation
12 complies with the OML. NRS 241.0365(1).

13 **3. The Board violated the OML during its June 18, 2021 meeting by placing**
14 **former Director Susan Wonderly on administrative leave during a closed**
15 **session.**

16 The OML prohibits a public body from holding closed meeting for general "personnel
17 sessions." Closed sessions are authorized only for discussion of the matters specifically
18 listed in NRS 241.030 or in another specific statute elsewhere in the NRS. Moreover, the
19 OML explicitly prohibits a public body during closed session to consider "the character,
20 alleged misconduct, or professional competence of an elected member of a public body, or a
21 person who is an appointed public officer or who serves at the pleasure of a public body as
22 a chief executive or administrative officer or in a comparable position" NRS 241.031(1)(b).

23 Here, the OAG finds that Ms. Wonderly's role as Library Director categorizes her as
24 a person who serves at the pleasure of this Board as chief executive. Any discussions and
25 possible action pertaining to her role as Library Director and whether to place her on
26 administrative were only appropriate during a public meeting, not in a closed session as
27 done by the Board. The OAG notes that the Board in its response and supplemental
28 responses confirmed these requirements were not met, pertaining to Ms. Wonderly.

1 Accordingly, the OAG finds that the placement of former Director Susan Wonderly on
2 administrative during a closed session was in violation of the OML.³

3 While the Board violated the OML at its June 18, 2021, meeting, the OAG finds that
4 the Board's actions were not willful. The OAG further notes the Board's attempts at corrective
5 action during the July 16, 2021 and January 11, 2022 board meetings. The OAG cautions the
6 Board moving forward that corrective action within 30 days after an alleged violation
7 complies with the OML. NRS 241.0365(1).

8 **4. The Board violated the OML by (1) failing to publish an agenda for its**
9 **June 22, 2021 board meeting and (2) failing to ensure the June 22, 2021**
10 **board meeting was open to the public.**

11 For non-emergency meetings, the OML requires written notice of all meetings at least
12 three (3) business days prior to the meeting, containing the time, place, and location of the
13 meeting. NRS 241.020(3)(a)-(d). This includes instructions on how the public can gain access
14 to a meeting being held via remote technology or telephone. NRS 241.020(3)(a)(1)(2).
15 Furthermore, during the duration of the meeting, public bodies are required to ensure that
16 the meetings are accessible to the public. NRS 241.020(1).

17 Here, an agenda containing item Nos. 12 and 13 continued from the June 18, 2021
18 board meeting to June 22, 2021 board meeting was not published by the Board. Additionally,
19 agenda items 12 and 13 were not emergency items, so the three-day notice requirement
20 should have been met prior to any discussion, deliberation, or action by the Board. Following
21 review of the Complaints and responses, the OAG notes that no efforts were made by the
22 Board during the June 22, 2021 board meeting to ensure that the public had access.
23 Accordingly, the Board violated the OML.

24 **SUMMARY**

25 Upon investigating the present Complaints, the OAG makes findings of fact and
26 conclusions of law that the Pahrump Community Library District Board of Trustees
27 violated the OML as described above. While the OAG finds that OML violations occurred,

28 ³ The OAG notes that the Board's agenda listed NRS 288.220 as the reason for closure of that portion of the
meeting. The Board does not argue this exception in its response and the exception does not appear to apply
to this situation.

1 it is the OAG's position that the violations were not willful, and that action was taken by
2 the Board to mitigate the severity of the violations. Accordingly, the OAG determines that
3 foregoing prosecution would be in the best interests of the public.

4 Dated: October 31, 2023.

5
6 AARON FORD
Attorney General

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8 By: /s/ Chricy E. Harris
9 Chricy E. Harris
Deputy Attorney General
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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January 2024, 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:

Amy L. Bruno
701 East Street
Pahrump, Nevada 89048
Certified Mail No.:

7020 0640 0000 7651 9135

Christy J. Stevens
2810 Lorelie Street, #1
Pahrump, Nevada 89048
Certified Mail No.:

7020 2450 0001 1950 7368

Pahrump Community Library District Board of Trustees
c/o Marla Zlotek, Esq.
Nye County Office of the District Attorney
P.O. Box 39
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7020 0640 0000 7651 9111

/s/ Debra Turman

An employee of the Office of the
Nevada Attorney General

