



### Agenda Item 3.01

**TITLE:** DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ALLOCATION FROM THE GENERAL FUND, THE WASHOE COUNTY SCHOOL DISTRICT'S MAIN OPERATING FUND, WHICH IS USED TO FUND SCHOOLS INCLUDING PROGRAMS FOR STUDENTS AND THE MAJORITY OF WASHOE COUNTY SCHOOL DISTRICT EMPLOYEES' SALARIES AND BENEFITS, IN THE AMOUNT OF \$500,000 TO THE OFFICE OF THE GENERAL COUNSEL TO HIRE OUTSIDE LEGAL COUNSEL TO DEFEND THE DISTRICT AGAINST LAWSUITS, COMPLAINTS, AND OTHER ACTIONS FILES BY JEFFREY CHURCH AND/OR SUPPORTED BY JEFFREY CHURCH; \*\*THE CHARACTER, ALLEGED MISCONDUCT, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF JEFFREY CHURCH MAY BE DISCUSSED DURING THIS ITEM PER NEVADA REVISED STATUTE (NRS) 241.033 AND/OR ADMINISTRATIVE ACTION MAY BE TAKEN AGAINST HIM PER NRS 241.034 (FOR POSSIBLE ACTION)

**FROM:** Office of the General Counsel

**PRESENTER(S) & PRESENTATION TIME/CONSENT:**

Neil A. Rombardo, Chief General Counsel

**DATE REPORT WRITTEN:** March 7, 2024

**PURPOSE/SUMMARY:** This is a budget request from the Office of the General Counsel (OGC) for the Board to approve \$500,000 in outside attorney fees per Board Policy 9165. This request is specifically made to defend against lawsuits, Open Meeting Law (OML) complaints, and other complaints filed by Trustee Church or supported by Trustee Church. This request is prospective based or planning for the future based on Trustee Church's current and previous actions. Trustee Church has filed two lawsuits in the last 2 months, and the OGC reasonably believes that there are more lawsuits to follow.

**FINANCIAL:** \$500,000

**BACKGROUND INFORMATION:** Jeffrey Church has a history of filing lawsuits against public entities. He filed five lawsuits against various local government

entities costing taxpayers tens of thousands of dollars to defend. The government entities prevailed on all five matters.

Since being elected, Trustee Church has filed four OML complaints against the District, which the District prevailed on all four. He has filed two lawsuits against the District in the last two months. He also spearheaded the effort to investigate former Board President Angela Taylor and District Leadership in the Calvert matter, which proved former President Taylor and District Leadership acted appropriately and proved that Trustee Church was in fact the first and only member of the Board to have information on Trustee Calvert's residence prior to it being brought to Board Leadership. The result of Trustee Church's lawsuits and complaints directly against the District, has cost the District approximately \$128,000 (\$45,000 for the Gunderson Report, \$28,000 OML Complaints, \$40,000 for *initial* filings in his public records lawsuit, and \$5,000 in research on the other lawsuit). Trustee Church also has filed 6 Internal Audit complaints against the District and/or Board and two public complaints against the District.

The evidence also shows that Trustee Church recruits "his folks" to file lawsuits and OML complaints against the District. He was legally conflicted in 22 OML complaints against the District because he publicly supported those complaints against the District, none of which prevailed. He was also legally conflicted on four other lawsuits, which were all dismissed. The cost of defense to the District for the matters is \$217,000 (\$42,000 for the OML complaints and approximately \$35,000 per lawsuit in initial filings).

In summary, Trustee Church has been involved with 26 OML complaints and 6 lawsuits for a total of 32 formal legal actions against the District since joining the Board in 2021 at an approximate cost of \$300,000 to taxpayers so far. That approximate total rises to \$345,000 with the Gunderson Report he demanded. All of his legal actions have lost to date, and the District has prevailed. An extreme number of staff hours and District resources have been spent on his 6 Internal Audit complaints and 2 public complaints, so the full total of his resource consumption is incalculable. All of this takes away time, money, and resources from our students, families, employees, and community.

The OGC hopes not to spend this \$500,000, but the outcome of this depends on Trustee Church's actions. These lawsuits and OML complaints are political theater, which leads the OGC to reasonably believe that more lawsuits and complaints are coming against the District. He has also openly discussed liking litigation and suing public entities, and his history demonstrates that.

Please note that the District has not appeared in the second lawsuit because in a legally unsupported maneuver, Trustee Church's counsel inappropriately filed his lawsuit *ex parte* meaning the District does not have a chance to respond. As a result, the costs of this lawsuit will be significantly higher as it progresses.

Please also note that if the *above* matters were handled by outside counsel, the costs would increase by a multiple of 3.4. The current estimated cost for the OGC to perform the work *above* is \$345,000, if the District had hired outside counsel to handle the *above* matters it would be estimated to cost \$1.173 million. (The OGC estimates its team costs \$1,000 per day, and it estimates the costs of outside counsel at \$3,400 per day.)

**PREVIOUS ACTION:** N/A

**ATTACHMENTS:**

Attachment A – CV23-02245 (NRS 239.011 Writ Petition) against Washoe County School District

Attachment B – CV24-00489 (NRS 239.011 Writ Petition) against Kirk Starkey

**STRATEGIC PLAN:** This agenda item supports the Washoe County School District Strategic Plan.

**BOARD POLICY:**

[Board Policy 9165 – Legal Counsel](#)

**LEGAL:** N/A

**INTERIM SUPERINTENDENT’S RECOMMENDATION:** The Board of Trustees approves the budget request of \$500,000 to the Office of the General Counsel to hire outside counsel to defend against complaints and lawsuits filed by, caused by, or supported by Trustee Church.

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8 *Attorney for Petitioner*

9 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
10 **IN AND FOR THE COUNTY OF WASHOE**

11 JEFFREY CHURCH,

12 Petitioner,

Case No.

13 vs.

14 Dept. No.

15 WASHOE COUNTY SCHOOL DISTRICT,  
16 a political subdivision of the State of Nevada,

17 Respondents /

18 **EX-PARTE PETITION FOR WRIT OF MANDAMUS/APPLICATION**

19 **FOR ORDER PER NRS 239.011**

20 **(ENTITLED TO PRIORITY UNDER NRS 239.011)**

21 COMES NOW, Petitioner JEFFREY CHURCH (hereinafter “Church”), by and through the  
22 undersigned counsel, hereby petitions this Court for relief pursuant to NRS 239.011, commonly  
23 known as the Nevada Public Records Act (“NPRA”) to compel Respondent WASHOE COUNTY  
24 SCHOOL DISTRICT (“WCSD”), a political subdivision of the State of Nevada, to comply with the  
25 NPRA. See, *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884 n.4, 266 P.3d 623. 630 n.4  
26  
27 (2011). A writ of mandamus is the appropriate procedural remedy to compel compliance with the  
28

1 NPRA. See also, *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.* 116 Nev. 616, 621 6 P.3d 465,  
2 468 (2000) (citing, *Donrey of Nev. v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990)). Petitioner is  
3 entitled to an expedited hearing on this matter pursuant to NRS 239.011(2), which mandates that  
4 “[t]he court shall give this matter priority over other civil matters to which priority is not given by  
5 other statutes.”  
6

7 **a. Parties**

8  
9 1. Petitioner Church is a resident of Washoe County, State of Nevada, and is a member of  
10 the WCSD Board of Trustees, which is the governing body of the WCSD.

11 2. WCSD is a political subdivision of the State of Nevada located in Washoe County.

12  
13 3. This Court has jurisdiction to issue writs of mandamus. Nevada Constitution Article VI,  
14 6; NRS 34.160. This Court has jurisdiction pursuant to NRS 239.011, as the court of Washoe  
15 County is the Court of the County where all relevant public records sought are held. Venue is proper  
16 in the Second Judicial District Court of Nevada pursuant to NRS 239.011. WCSD and all relevant  
17 actions to this matter were and are in Washoe County, Nevada. Venue is proper in this Court  
18 pursuant to NRS 239.011 because the requested public records are located in Washoe County.  
19

20 4. WCSD is required by law to adhere to the provisions of the NPRA, codified in NRS  
21 Chapter 239, and specifically NRS 239.010.

22 **b. Facts**

23  
24 5. In July of 2023, WCSD was considering appointing a member to Safe and Healthy  
25 Schools Commission. Also in July, the WCSD Trustees appointed Annie Zucker to the position,  
26 after Ms. Zucker was recommended for the position by the “Responsible Office,” represented by the  
27 District’s Chief Strategies Officer Dr. Paul LaMarca. Church expressed concerns at the July 2023  
28

1 meeting about the process of appointing Ms. Zucker for the position, and wanted to see the other  
2 applicants for the position, especially after Mr. LaMarca indicated at the meeting that all of the  
3 applicants were “outstanding.”  
4

5 6. WCSD has had a rash of violence of in the past few years, and the Safe and Healthy  
6 Schools Commission makes recommendations on preventing violence in schools. Church believes  
7 that is one of the more important committees that advises the WCSD Board of Trustees.  
8

9 7. On July 20, 2023, Church sent an email to the WCSD Superintendent Susan Enfield and  
10 Board President Beth Smith requested the applications for the other three applicants to the Safe and  
11 Healthy Schools Commission.  
12

13 8. The application filled out by applicants for the Safe and Healthy Schools Commission  
14 expressly states that the application is a public document. “Applications for committees of the  
15 District are public documents. Any personal information (address, phone, email) will be redacted.”  
16 See Exhibit 1. However, Zucker’s application that was submitted to the Board of Trustees for  
17 review omitted the page, page 3 of 3, which indicated that the application was a public document.  
18

19 9. On August 4, 2023, Church submitted a public records request to WCSD and requested  
20 the following records related to the selection process for the appointment of Zucker to the Safe and  
21 Healthy Schools Commission:  
22

- 23 1) emails from June 1, 2023 to July 25, 2023 from the District’s Chief  
24 Strategies Officer Dr. Paul LaMarca to any persons concerning the applicants  
25 for the recently filled Safe and Healthy Schools Commission at-large position  
26 including, but not limited to, any emails from Dr. LaMarca that contain the  
word or name Zucker; and 2) the three applications that were not forwarded to  
the Board of Trustees.

27 See Exhibit 2.  
28

1           10. On August 11, 2023, WCSD provided a response to Church, refusing to provide any  
2 responsive records, and citing a laundry list of boilerplate reasons for refusing to disclose the  
3 records Church requested as follows:  
4

5           To protect the privacy interests of the applicants, the District is not releasing  
6 the requested information. See NRS 239.010(1). See also *Donrey of Nevada, Inc. v. Bradshaw*,  
7 106 Nev. 630, 798 P.2d 144 (1990); *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873,  
8 266 P.3d 623 (2011); *Las Vegas Rev.-J., Inc. v. Las Vegas Metro. Police Dep't*, 139 Nev. Adv. Op. 8,  
9 526 P.3d 724, 736 (2023) (citing *Clark Cnty. Sch. Dist. v. Las Vegas Rev.-J.*, 134 Nev. 700, 708,  
10 429 P.3d 313, 320 (2018); *Las Vegas Metro. Police Dep't v. Las Vegas Rev.-J.*, 136 Nev. 733,  
11 739, 478 P.3d 383, 389 (2020); *Cameranesi v. United States Dep't of Def.*, 856 F.3d 626,  
12 638 (9th Cir. 2017)). Given the personal nature of the requested information, the release of  
13 said information is likely to result in harassment, endangerment, risk of mistreatment or  
14 similar harm, especially given the current political climate surrounding said positions. Further,  
15 the District's process seeks to prevent such harassment, endangerment, risk of mistreatment  
16 or similar harm in order to recruit qualified applicants for volunteer positions on public  
17 bodies. Releasing said information and treatment of such applicants would negatively impact  
18 the District's ability to recruit and receive applications from qualified volunteers.

19           Further, to the extent the requested records are protected by the deliberative  
20 process privilege, those records will not be provided as the District's interests in  
21 preventing the disclosure of such predecisional and deliberative records, which fostered  
22 frank and candid exchanges of opinions and recommendations, are not outweighed by the  
23 public's right to inspect or copy them. See NRS 239.010(1). See also *Donrey v. Bradshaw*,  
24 106 Nev. 630 (1990); *DR Partners v. Board of County Com'rs of Clark County*, 116 Nev. 616,  
25 6 P.3d 465 (2000); *Reno Newspapers, Inc. v. Haley*, 126 Nev. 211, 234 P.3d 922 (2010);  
26 and *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 266 P.3d 623 (2011).

27 See Exhibit 3.

28           11. Neither reason, undefined "privacy interests" or the deliberative process privilege, applies  
to the records sought by Church in his request.

**c. Analysis**

12. To date, Church has not been provided with the requested public records from WCSD.

1           13. NRS 239.010 provides in pertinent part that “unless otherwise declared by law to be  
2 confidential, all public books and records of a governmental entity must be open at all times during  
3 office hours to inspection by any person, and may be fully copied...”.

4  
5           14. NRS 239.0107 sets an outer limit of five business days in which to respond to a public  
6 records request. In this regard, the entity must either provide the records requested or, if the entity is  
7 unable to provide the records by the end of the fifth business day, the entity must give written notice  
8 of such to the requester along with a date and time when the record “will be available”. Subsection  
9 1(d) holds that if the record, or a part thereof, must be denied on the basis of confidentiality, the  
10 entity shall give written notice of such to the requester along with a “citation to the specific statute  
11 or other legal authority that makes the public book or record, or a part thereof, confidential.”  
12 Subsection 2 holds that if the record “is readily available”, the entity shall provide it to the requester  
13 “as expeditiously as practicable.”  
14  
15

16                           **a. Claim of a “Privacy Interest”**

17           15. At the outset, the form used by WCSD in Exhibit 3 expressly states that the applications  
18 are public. For WCSD to now claim otherwise is absurd. Undefined “Privacy Interests” do not  
19 provide grounds for failing to disclose the communication of public officials and records of  
20 applications for government employment. In *Clark County School District v. Las Vegas Review-*  
21 *Journal*, 134 Nev. 700, 429 P.3d 313 (2018) (hereinafter “CCSD”), the Nevada Supreme Court  
22 adopted a “burden shifting test to determine the scope of redaction of names of persons identified in  
23 an investigative report with nontrivial privacy claims, and remand for further proceedings.” In *Las*  
24 *Vegas Metro. Police Dep't v. Las Vegas Review-Journal*, 478 P.3d 383 (Nev. 2020) (hereinafter  
25 “LVMPD”), the Court clarified that Courts should apply the test adopted in CCSD, “whenever the  
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1 government asserts a nontrivial privacy interest.” Under prong two of the CCSD test, as modified in  
2 LVMPD, whenever the government asserts a nontrivial privacy interest, the burden shifts to the  
3 requester of the public record to “show that disclosure is likely to advance a significant public  
4 interest.” *Id.* 387. Even if the Court finds that WCSD has met its burden to show that the records at  
5 issue are confidential, it should conduct in camera review of the withheld records to determine  
6 whether the claim of confidentiality is valid, and whether some of the records may be disclosed with  
7 redactions. *Conrad v. Reno Police Dep't*, 530 P.3d 851, 853 (Nev. 2023). Here, WCSD does not  
8 define the specific privacy interest at issue.  
9  
10

11           16. Disclosure of the records requested by Church hinges on the public's right to  
12 transparency and accountability in governmental operations. The Safe and Healthy Schools  
13 Commission plays a vital role in shaping policies that directly affect the community. Understanding  
14 WCSD’s selection process, including communications regarding applicants and the rationale behind  
15 the choices made, is crucial for public oversight. This transparency ensures that the process is fair,  
16 unbiased, and aligned with the community's best interests. Emails and applications for a public  
17 commission are fundamentally different from personal, sensitive data. While personal details like  
18 home addresses or personal phone numbers may be redacted, the professional qualifications and  
19 viewpoints of applicants to a public body are a matter of public interest. The fact that these are  
20 applications for a public volunteer position diminishes the expectation of privacy compared to  
21 private employment or personal matters. WCSD's argument about harassment and endangerment is  
22 groundless. If there's no specific, credible threat of harm, the claim is based on groundless  
23 speculation, hindering the public's right to information. The fear of hypothetical harassment does not  
24 outweigh the public's interest. Moreover, measures can be taken to redact sensitive personal  
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1 information that could lead to direct harm while still releasing the substantive content of the  
2 communications and applications. The WCSD's concern about the potential negative impact on  
3 recruitment should be weighed against the positive impact of transparency and the requirements  
4 under the NPRA that exceptions to disclosure be construed narrowly. The NPRA is to "be construed  
5 liberally" to carry out its purpose of fostering open government and democratic principles, and any  
6 exemption or exception to disclosure is to be "construed narrowly." NRS 239.001(3). See also *Reno*  
7 *Newspapers, Inc. v. Haley*, 234 P.3d 922, 927 (Nev. 2010).  
8  
9

10 17. Transparency in the selection process bolster public trust and encourage more qualified  
11 individuals to apply, knowing that the process is transparent, fair, and merit based. Given the nature  
12 of the information and the role of the commission, the public's interest in understanding how public  
13 servants are selected for a significant advisory role outweighs the unsubstantiated concerns about  
14 potential harms. Further, even if parts of the requested records include confidential or deliberative  
15 information, the whole document should not be classified as confidential as long as redactions can  
16 be made to preserve confidentiality. See NRS 239.0107(d) and *Reno Newspapers, Inc. v. Gibbons*,  
17 127 Nev. at 880 (2011). WCSD's blanket denial is plainly inconsistent with the requirements of the  
18 NPRA.  
19  
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21 18. Further, and similarly, in Attorney General File No. 09-026, OMLO 2009-02, in  
22 analyzing whether the City of Fernley violated the Open Meeting Law ("Open Meeting Law") by  
23 failing to allow access to all candidates' resumes and applications, the AG opined that the OML  
24 applies to an appointment process conducted by a public body, citing, *City Council of the City of*  
25 *Reno v. Reno Newspapers, Inc.*, 105 Nev. 886 891, 784 P.2d 97 4 977 (1989), and "supporting  
26 materials including a candidate's resume in support of an application for appointed public office  
27  
28

1 must be provided to the public in accordance with NRS 241.020(5) and (6) whenever a public body  
2 conducts the appointment.” OMLO 2009-02. Here, the applications requested by Church in his  
3 public records request were from “finalists” for the appointment to the Safe and Healthy Schools  
4 Commission.  
5

6 **b. Deliberative Process**

7 19. To establish that withheld records are "predecisional," WCSD must identify an agency  
8 decision or policy to which the documents contributed. *DR Partners v. Bd. of Cty. Comm'rs*, 116  
9 Nev. 616, 623, 6 P.3d 465, 469 (2000). To qualify as part of a deliberative process, the records  
10 “must consist of opinions, recommendations, or advice about agency policies.” *Id. at 623*, citing *In*  
11 *Paisley v. C.I.A.*, 229 U.S. App. D.C. 372, 712 F.2d 686, 698 (D.C. Cir. 1983), vacated in part on  
12 other grounds, 233 U.S. App. D.C. 69, 724 F.2d 201 (D.C. Cir. 1984).  
13  
14

15 20. The deliberative process privilege *only* protects documents that are predecisional and  
16 deliberative – meaning they must be both created before the final decision or policy is adopted and  
17 directly related to the decision-making process, *consisting of opinions, recommendations, or*  
18 *advice* about agency policies. The records sought by Church do not consist of opinions,  
19 recommendations, or advice about agency policies. Even if they did, WCSD does not identify the  
20 specific decision or policy to which the requested records contributed. WCSD cannot demonstrate  
21 that the emails and applications directly pertain to a decision or policy formulation process, and the  
22 privilege does not apply. The burden is on WCSD to prove the direct connection between the  
23 documents and the decision-making process, and it made no effort to do so. See NRS 239.0113:  
24 “...the governmental entity has the burden of proving by a preponderance of the evidence that the  
25 public book or record, or a part thereof, is confidential.”  
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1           21. Emails and applications are factual in nature, rather than deliberative. Unless the emails  
2 from Dr. LaMarca and the applications contain explicit recommendations, opinions, or advice about  
3 agency policies, they cannot be considered part of a deliberative process. Discussing applicants or  
4 documents containing the name of an applicant does not make a document deliberative.  
5

6           22. Further, the selection of members for a public commission like the Safe and Healthy  
7 Schools Commission is inherently a matter of public interest. According to WCSD’s website, “As a  
8 committee to the Board of Trustees, the function of the Safe and Healthy Schools Commission is to  
9 assist the Trustees on issues relating to the safety and security of schools, which may include  
10 prevention/intervention, mitigation, preparedness, emergency response, and recovery.” See  
11 <https://www.washoeschools.net/site/default.aspx?PageID=6120>.  
12

13           23. The public has a right to understand how decisions are made about who is considered for  
14 these positions. If the documents are merely procedural or administrative, discussing qualifications  
15 of candidates without policy recommendations, they fall outside the scope of the deliberative  
16 process privilege. Even if parts of the documents contain deliberative material, WCSD is obliged to  
17 separate and release the factual content. Only those portions of the records that are truly deliberative  
18 and tied to policy-making should be withheld. See NRS 239.0107(d) and *Reno Newspapers, Inc. v.*  
19 *Gibbons*, 127 Nev. at 880 (2011). Even if some of the records could be deemed deliberative, the  
20 public interest in disclosure outweighs the need to protect the deliberative process. Given the public  
21 nature of the commission and the importance of transparency in its formation, the interest in  
22 disclosure outweighs WCSD’s blanket claim of confidentiality.  
23

24           24. Furthermore, Church, as an elected Trustee of WCSD, and as such is one of the **holders**  
25 of any deliberative process privilege held by WCSD, and asserted by WCSD’s counsel against their  
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28

1 *own client* in this matter. Such an assertion of privilege is absurd. A person upon whom a rule  
2 confers a privilege against disclosure of a confidential matter is the holder of the privilege. See *Diaz*  
3 *v. Eighth Judicial Dist. Court*, 116 Nev. 88, 94, 993 P.2d 50, 54 (2000).  
4

5 25. NRS 239.011 states that the requester may apply for an Order compelling the  
6 governmental entity to provide the records requested. The Application is made to the District Court  
7 in the county where the records are located. Subsection 2 states: “The court shall give this matter  
8 priority over other civil matters to which priority is not given by other statutes. If the requester  
9 prevails, the requester is entitled to recover from the governmental entity that has legal custody or  
10 control of the record his or her costs and reasonable attorney’s fees in the proceeding.”  
11

12 26. The purpose of NRS Chapter 239 is to foster democratic principles by providing  
13 members of the public with access to inspect and copy public books and records. “The provisions of  
14 this chapter must be construed liberally to carry out this important purpose” and any exemption  
15 which may limit or restrict access to public books or records “must be construed narrowly”. NRS  
16 239.001.  
17

18 27. “Mandamus is the appropriate procedural remedy to compel production of the public  
19 records sought.” *DR Partners v. Board of County Commissioners of Clark County*, 116 Nev. 616,  
20 621, 6 P.3d 465, 468 (2000).  
21

22 28. NRS 34.170 requires that a writ of mandamus shall issue in all cases where there is no  
23 plain, speedy and adequate remedy in the ordinary course of law. This Court is authorized to issue a  
24 Writ to compel a performance legally required. NRS 34.160. An application for Writ may be made  
25 without notice to the adverse party and a hearing on the Writ may be had at any time. NRS 34.180  
26 and NRS 34.200. When the Writ is applied for without notice and the Writ is allowed by the Court,  
27  
28

1 an Alternative Writ shall be first issued. NRS 34.200. In this regard, NRS 34.190(2) provides: “The  
2 alternative writ shall state generally the allegation against the party to whom it is directed, and  
3 command such party, immediately after receipt of the writ, or at some other specified time, to do the  
4 act required to be performed, or to show cause before the court, at a specified time and place, why  
5 the party has not done so.”  
6

7 WHEREFORE, Petitioner requests relief as follows:

- 8 1. For a Writ commanding Respondent to immediately provide Petitioner with the requested  
9 records or, alternatively, to show cause why they have not done so;
- 10 2. For an award of Petitioner’s costs and attorney fees under NRS 239.011; and
- 11 3. For such other relief as this Court deems proper.

12 *Pursuant to NRS 239B.030, the undersigned certifies that no Social Security numbers are*  
13 *contained in this document.*

14 Dated: Tuesday, December 5, 2023

15  
16 By: /s/ Luke Busby  
17 Luke Busby, Esq.  
18 Nevada State Bar #10319  
19 316 California Avenue  
20 Reno, Nevada 89509  
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23 *Attorney for Petitioner*  
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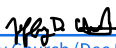
1  
2 **DECLARATION OF JEFF CHURCH**

3 I, Jeff Church, pursuant to NRS 53.045, declare and state as follows:

- 4 1. I am the Petitioner to this action.
- 5 2. I have read the Ex-Parte Petition for Writ of Mandamus/Application for Order and  
6 know the contents thereof, that the same is true to my knowledge, except for those matters  
7 stated on information and belief, and as to those matters, I believe them to be true.
- 8 3. The Petition is being filed in good faith and not interposed for undue delay.
- 9 4. I made the public records requests as described in the Petition above. To date, I have  
10 not received any of the requested records.  
11  
12

13 I declare under penalty of perjury by the laws of the State of Nevada that the foregoing is  
14 true and correct.  
15

16 Dated this: 12/05/2023

17   
Jeffrey Church (Dec 5, 2023 15:47 PST)

18 Jeff Church  
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**EXHIBIT LIST**

- 1. WCSD Committee Applications Public Doc**
- 2. August 4, 2023 Records Request**
- 3. August 11, 2023 Response from WCSD**

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2 **CERTIFICATE OF SERVICE**

3 I certify that on the date shown below, I caused service to be completed of a true and correct  
4 copy of the foregoing by:

5 \_\_\_\_\_ personally delivering;

6 \_\_\_\_\_ delivery via Reno/Carson Messenger Service;

7 \_\_\_\_\_ sending via Federal Express (or other overnight delivery service);

8  x  depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,

9 \_\_\_\_\_ delivery via electronic means (fax, eflex, NEF, etc.) to:

10  
11  
12 Neil Rombardo  
13 General Counsel  
14 Washoe County School District  
15 P.O. Box 30425  
Reno, NV 89520-3425

16 Tuesday, December 5, 2023

17 By: /s/ Luke Busby, Esq. \_\_\_\_\_  
18 LUKE A. BUSBY, ESQ.  
19 SBN 10319  
20 316 California Ave.  
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23 luke@lukeandrewbusbyltd.com  
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Electronically  
CV23-02245  
2023-12-05 03:54:02 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 10031264 : csulezic

# Exhibit 1

Exhibit 1



Pursuant to [Board Policy 9100](#), the responsible office will post the availability of a position and begin the recruitment process at the earliest possible time and for a duration of at least 2 weeks.

To apply to be a member of a committee of the Washoe County School District (District), submit the following application, a letter of interest and, when applicable, a resume/CV. Failure to submit a complete application packet by the submission deadline may result in the application being denied without consideration.

The Letter of Interest should include:

- The category of membership, if known. For example, parent/guardian, student, etc.
- A brief explanation of the experience(s) you have that would be beneficial to meeting the goals and objectives of the committee. This might include professional experience, education, volunteer work, etc.
- A brief explanation as to why you are interested in serving on the committee.

The Board of Trustees utilizes advisory committees to engage diverse viewpoints; access expertise in particular fields of interest; improve their understanding of the needs of students, their families, and the community; and extend the reach of the Board of Trustees. The committees of the Board of Trustees include (Please check the committee you are applying to):

Audit Committee ([AuditCommittee@WashoeSchools.net](mailto:AuditCommittee@WashoeSchools.net))

Capital Funding Protection Committee/Oversight Panel for School Facilities

([CapitalFundingCommittee@washoeschools.net](mailto:CapitalFundingCommittee@washoeschools.net))

- Pursuant to [Board Policy 9405](#), the Oversight Panel for School Facilities and Capital Funding Protection Committee shall consist of the same 11 voting members

Council on Family Resource Centers ([CFRCCCommittee@WashoeSchools.net](mailto:CFRCCCommittee@WashoeSchools.net))

Group Insurance Committee ([InsuranceCommittee@washoeschools.net](mailto:InsuranceCommittee@washoeschools.net))

Other Post-Employment Benefits (OPEB) Trustees Committee

([Dawn.Gordillo@WashoeSchools.net](mailto:Dawn.Gordillo@WashoeSchools.net))

Safe and Healthy Schools Commission

([SHSCCommittee@WashoeSchools.net](mailto:SHSCCommittee@WashoeSchools.net))

School Naming Committee ([SchoolNaming@washoeschools.net](mailto:SchoolNaming@washoeschools.net))

S.H.A.R.E. Advisory Committee ([ShareCommittee@WashoeSchools.net](mailto:ShareCommittee@WashoeSchools.net))

Student Attendance Advisory Committee ([DBroker@washoeschools.net](mailto:DBroker@washoeschools.net))

Zoning Advisory Committee ([Zoning@washoeschools.net](mailto:Zoning@washoeschools.net))

Date of Application: \_\_\_\_\_

Name: \_\_\_\_\_

Physical Address, City, Zip: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_

Do you have children attending school(s) in the Washoe County School District? YES NO

SCHOOL	GRADE	SCHOOL	GRADE
_____	_____	_____	_____
_____	_____	_____	_____

Are you an employee of the District? YES NO

Where and in what capacity: \_\_\_\_\_

For additional information about each committee, to include deadlines for application submission and the District's Committee Procedures Manual/Bylaws, visit the District's website at [www.washoeschools.net/committees](http://www.washoeschools.net/committees).

Submit the application packet in any of the following ways.

- By Email: please submit your application to the appropriate committee email address listed above.
- By Mail: Washoe County School District, Attn: Office of Communication and Community Engagement; 425 East Ninth Street; Reno, Nevada 89512.
- In Person: Washoe County School District Central Administration Building, Attn: Office of Communication and Community Engagement; 425 East Ninth Street; Reno, Nevada 89512.

Please note:

- Current committee members in good standing may be re-appointed without the District opening the position for recruitment.
- The District may require a pre-appointment background check, if deemed warranted. The cost of such background check shall be borne by the District.

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- Applications for committees of the District are public documents. Any personal information (address, phone, email) will be redacted.
- If selected, committee member names are posted to the District's committee webpage.
- As part of the consideration and approval process, applications may be posted as part of the public meeting notice for the public body (Board of Trustees or committee). Pursuant to Nevada Revised Statutes (NRS) 241.033, to the extent that the public body may "consider your character, alleged misconduct, professional competence or physical or mental health," applicants/members shall receive notice by the Board Services Department in advance of any meeting where your name will appear.

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The Washoe County School District is committed to providing a safe and respectful environment free from bullying, harassment and discrimination for all students, staff, and visitors. Please find the Notice of Non-Discrimination at [www.washoeschools.net/notice](http://www.washoeschools.net/notice).

FILED  
Electronically  
CV23-02245  
2023-12-05 03:54:02 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 10031264 : csulezic

# Exhibit 2

# Exhibit 2

Public Document Request Per NRS 239  
(E version response acceptable)

From: Jeffrey Church  
[Jeffrey.Church@WashoeSchools.net](mailto:Jeffrey.Church@WashoeSchools.net)  
775 379 1324  
1720 Wind Ranch Rd #B, Reno, NV 89521

Subj: Emails related to and all remaining (three) applications for the below listed Safe and Healthy Schools Commission position as detailed below:

2.07 POSSIBLE ACTION TO APPROVE THE SAFE AND HEALTHY SCHOOLS COMMISSION (SHSC)  
APPOINTMENT OF ANNIE ZUCKER, AT-LARGE MEMBER, FOR THE TERM ENDING JUNE 30, 2025  
(FOR POSSIBLE ACTION)

Request: Any emails from WCSD Employee Paul LaMarca ([PLaMarca@washoeschools.net](mailto:PLaMarca@washoeschools.net)) to any persons concerning the applicants for this position from June 1, 2023 to July 25, 2023 including but not limited to any emails from PLaMarca that contain the word or name Zucker  
And

The actual three applications that were not forwarded to the Board.

Details:

I make the listed request per NRS 239. Whereas NRS states in part:

239.001 The Legislature hereby finds and declares that: 1. The purpose of this chapter is to foster democratic principles by providing members of the public with prompt access to inspect, copy or receive a copy of public books and records to the extent permitted by law;

2. The provisions of this chapter must be construed liberally to carry out this important purpose;

3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly;

And whereas there clearly are records or documents, specifically the applicants from the other three persons, and whereas emails are public records; I make this request as per Nevada law.

Jeffrey D. Church

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Electronically  
CV23-02245  
2023-12-05 03:54:02 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 10031264 : csulezic

# Exhibit 3

# Exhibit 3



# Office of the General Counsel



Neil A. Rombardo, Esq., Chief General Counsel  
Sara K. Montalvo, Esq., Deputy Chief General Counsel  
Kevin A. Pick, Esq., General Counsel  
Andrea L. Schulewitch, Esq., Associate General Counsel  
P.O. Box 30425, Reno, NV 89520-3425  
Phone (775) 348-0300 / Fax (775) 333-6010  
[legal@washoeschools.net](mailto:legal@washoeschools.net)

August 11, 2023

Sent via email to [jeffrey.church@washoeschools.net](mailto:jeffrey.church@washoeschools.net)

Jeffrey Church  
1720 Wind Ranch Road, #B  
Reno, Nevada 89521

## Re: Records Request

Dear Trustee Church:

The Washoe County School District (District) Office of the General Counsel is in receipt of your August 4, 2023 records request seeking 1) emails from June 1, 2023 to July 25, 2023 from the District's Chief Strategies Officer Dr. Paul LaMarca to any persons concerning the applicants for the recently filled Safe and Healthy Schools Commission at-large position including, but not limited to, any emails from Dr. LaMarca that contain the word or name Zucker; and 2) the three applications that were not forwarded to the Board of Trustees.

To protect the privacy interests of the applicants, the District is not releasing the requested information. *See* NRS 239.010(1). *See also* *Donrey of Nevada, Inc. v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990); *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 266 P.3d 623 (2011); *Las Vegas Rev.-J., Inc. v. Las Vegas Metro. Police Dep't*, 139 Nev. Adv. Op. 8, 526 P.3d 724, 736 (2023) (citing *Clark Cnty. Sch. Dist. v. Las Vegas Rev.-J.*, 134 Nev. 700, 708, 429 P.3d 313, 320 (2018); *Las Vegas Metro. Police Dep't v. Las Vegas Rev.-J.*, 136 Nev. 733, 739, 478 P.3d 383, 389 (2020); *Cameranesi v. United States Dep't of Def.*, 856 F.3d 626, 638 (9th Cir. 2017)). Given the personal nature of the requested information, the release of said information is likely to result in harassment, endangerment, risk of mistreatment or similar harm, especially given the current political climate surrounding said positions. Further, the District's process seeks to prevent such harassment, endangerment, risk of mistreatment or similar harm in order to recruit qualified applicants for volunteer positions on public bodies. Releasing said information and treatment of such applicants would negatively impact the District's ability to recruit and receive applications from qualified volunteers.

Further, to the extent the requested records are protected by the deliberative process privilege, those records will not be provided as the District's interests in preventing the disclosure of such predecisional and deliberative records, which fostered frank and candid exchanges of opinions and recommendations, are not outweighed by the public's right to inspect or copy them.

Trustee Church  
Re: Records Request  
August 11, 2023  
Page 2

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*See* NRS 239.010(1). *See also* *Donrey v. Bradshaw*, 106 Nev. 630 (1990); *DR Partners v. Board of County Com'rs of Clark County*, 116 Nev. 616, 6 P.3d 465 (2000); *Reno Newspapers, Inc. v. Haley*, 126 Nev. 211, 234 P.3d 922 (2010); and *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 266 P.3d 623 (2011).

As a reminder, the Board, at its discretion, may take action to have the candidate ranking sent to it from the public body's Responsible Office. *See* Board Policy 9100, Public Bodies at section (3)(a)(vi).

Sincerely,

/s/Breanne Read  
Breanne Read, ACP  
Advanced Certified Paralegal  
Office of General Counsel