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Mar 10, 2024

WASHOE COUNTY SCHOOL DISTRICT
P.O. Box 30425
Reno, NV 89520-3425

Subject: Response to Agenda Items 3.01 and 3.02 for March 12, 2024,
Meeting

Dear Members of the Board of Trustees,

I write to you on behalf of my client Trustee Jeffrey Church regarding the agenda items scheduled for the March 12, 2024 meeting. Regrettably, due to prior commitments, I am unable to attend the meeting in person but request this letter be included in the supplemental materials for the board's consideration on both matters.

Regarding Agenda Item 3.01, we concur that the appointment of outside legal counsel is imperative. The General Counsel, Neil Rombardo, has demonstrated and expressed animosity towards Trustee Church, compromising his ability to handle matters impartially, with minimal costs, and in the best interests of the District. Independent counsel would ensure objectivity and reasonableness in proceedings, and even potential compromise, which Trustee Church welcomes.

In filing the Petition for a Writ of Mandate, Trustee Church is not pursuing a claim for damages against the WCSD. Instead, the essence of the petition is to compel WCSD to adhere to its own established rules and regulations concerning the conduct of investigations and to ensure the disclosure of public records. This action seeks not financial compensation but the enforcement of procedural integrity and the rightful access to information deemed public under existing statutes, aiming to uphold the principles of good governance and transparency within WCSD. We dispute the necessity of the proposed expenditure amount. We are concerned that

WCSD General Counsel's litigation tactics are unnecessarily inflating costs, by, for example, filing lengthy motions in response to the petition, seeking to hold a three-day hearing, where no written response from WCSD was required from the Court in response to Trustee Church's public records petition.

It is also crucial to address the mishandling of responses to public records requests by WCSD's counsel that led to the petition, highlighted by the withholding of a "public document" from Trustee Church in response to his records request. When the board considered the appointment of Mrs. Zucker to the Safe and Healthy Schools Commission, the office of general counsel omitted from the application provided on the agenda the third page of the form provided to all applicants, on which it's clearly indicated that the applications are "public documents." and clearly stated in District's Exhibit One. In other words, WCSD's counsel is seeking a half million dollars from this board in part to pursue litigation to conceal from Trustee Church and the public a record which by its very terms indicates it is public.

For Agenda Item 3.02, it is essential to clarify the status and definition of the purported whistleblowers and to examine the First Amendment implications thoroughly. If these individuals were genuine whistleblowers, they and the District would, presumably, welcome an investigation to substantiate their claims of misconduct against Trustee Church. The agenda item prematurely labels the reporting parties as "whistleblowers" without establishing the nature or veracity of their allegations. We remind the board that the First Amendment or WCSD rules and regulations do not protect false reports made in bad faith, akin to the fact that the law does not protect bomb threats as free speech.

Trustee Church just filed for re-election and his liberty interest in his reputation is implicated in this case because a charge against him that might seriously damage his standing and associations in his community has been alleged. *Vanelli v. Reynolds Sch. Dist.*, 667 F.2d 773, 777 n.5. (9th Cir. 1982). He deserves due process, as do the "whistleblowers."

Presently, the Board of Trustees lacks critical information about the allegations, any preceding investigation, and the accuracy of the communications to Trustee Church by Board President Smith and Trustee Nicolet. The district and Trustee Church deserve clarity on these matters as well.

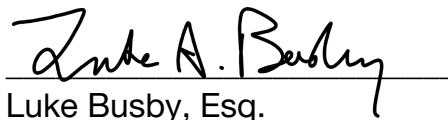
The reluctance of district employees to adhere to established protocols for conducting fair investigations has necessitated the filing of the

second Petition for Writ of Mandate. This action seeks to compel Chief Auditor Kirk Starkey to engage an independent investigator, not to seek damages but to ensure due process. Trustee Church is prepared to discuss a waiver of any potential claims against the WCSD in exchange for the appointment of an external investigator to conduct a thorough and impartial review. Trustee Church is not interested in prolonged and expensive litigation, but only in the rule of law being followed.

The core issue at hand in both actions brought by Trustee Church is the pursuit of truth and transparency. In contrast, there appears to be an inclination among some district employees to obfuscate and hide what are obviously public records and serious concerns. Trustee Church's intent is clear: to shed light on the facts and ensure they are brought before the public and the board, moving away from a culture of concealment that pervades WCSD, and especially its General Counsel's Office.

Thank you for considering this correspondence. Trustee Church and I await your thoughtful consideration of these matters and hope for a resolution that upholds the principles of fairness, transparency, and accountability.

Sincerely,

A handwritten signature in black ink that reads "Luke A. Busby". The signature is written in a cursive style and is positioned above a horizontal line.

Luke Busby, Esq.