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October 22, 2018

Via U.S. Mail and Electronic Mail

Kristy D. LaBelle

Re: Nye County School District – Board of Trustees – Open Meeting Law Complaint, O.A.G. File No. 13897-296

Dear Ms. LaBelle:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging a violation of the Open Meeting Law (“OML”) by the Nye County School District - Board of Trustees (“Board”). First, your Complaint alleges that you were told by the Nye County School District that an agenda request form—a form used by members of the public to request the Board include an item on a future agenda—must be turned in on July 9, 2018 by 12:00 PM to be included on the July 18, 2018 meeting’s agenda. Then, when you turned in your agenda request on July 9, 2018 at 10:11 AM, you were told that your agenda request was turned in too late and would not be on the July 18, 2018 meeting’s agenda. Second, your Complaint alleges that the submission deadlines for agenda requests are difficult to obtain and thus do not comply with the OML.

The OAG has statutory enforcement powers under the OML and the authority to investigation and prosecute violations of the OML.¹ The OAG’s investigation of the Complaint included a review of the following: the Complaint, the Response to the Complaint from Nye County School District – Board of Trustees, and the Board’s July 18, 2018 agenda.

¹ See NRS 241.037; NRS 241.039 and NRS 241.040.

FACTUAL BACKGROUND

The Board is a “public body” as defined in NRS 241.015(4) and is subject to the OML. On June 13, 2018, you were told that you could turn in your agenda request form by July 9, 2018 at 12:00 PM to have your request appear on the July 18, 2018 meeting’s agenda. On July 9, 2018 at 10:11 AM, you attempted to turn in your agenda request and you were told that it was denied as too late.

DISCUSSION AND LEGAL ANALYSIS

1. Applicable Laws and Opinions

The Open Meeting Law concerns itself with meetings, gatherings, decisions, and actions obtained through the collective consensus of a quorum of the public body membership. *See also Dewey v. Redevelopment Agency*, 119 Nev. 87, 64 P.3d 1070 (2003) (collective process of decision making must be accomplished in public).

2. Analysis

Your Complaint alleges that the Board did not accept your agenda request on July 8, 2018 at 10:11 AM when you had previously been told that you would have until July 8, 2018 at 12:00 PM to provide your agenda request. The OML does not require a set time for accepting agenda requests and so the first allegation of the Complaint does not violate the OML. In addition, based on a review of the Board’s July 18, 2018 agenda and the Board’s response to this Complaint, it seems that you were able to have your agenda item placed on the Board’s July 18, 2018 agenda, as you requested.²

Moreover, your Complaint alleges that the submission deadlines for agenda requests are difficult to obtain and thus do not comply with the OML. Specifically, you allege that you must call the Nye County School District office to obtain that information. The OML does not set a requirement for public bodies to provide information regarding agenda request turn-in dates nor does it require that these dates be placed on the website of a public body. Therefore, the second allegation of the Complaint does not constitute a violation of the OML.

² See Board’s agenda for July 18, 2018, item number 6.

CONCLUSION

Based on a review of the Complaint, the Response to the Complaint from the Nye County School District - Board of Trustees, and the Board's July 18, 2018 agenda, the OAG has determined that the Board's actions did not violate the OML. Having determined that no violation of the OML occurred, the OAG will close the file regarding this matter.

ADAM PAUL LAXALT
Attorney General

By: 

DAVID M. GARDNER
Senior Deputy Attorney General

C: Paul J. Anderson, Esq., Counsel to
Nye County School District - Board of Trustees