



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

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December 19, 2013

Doc McNeely, Chairman  
Amargosa Valley Town Board  
Amargosa Town Office  
HCR 69 Box 401W  
Amargosa Valley, Nevada 89020

Re: Open Meeting Law Complaint / AG File No. 13-033  
Amargosa Valley Town Board

Dear Mr. McNeely:

We have investigated your Open Meeting Law (OML) complaint that alleges a violation by the Amargosa Valley Town Board during its public meeting on August 22, 2013.

This office has jurisdiction to investigate OML complaints and seek civil remedies against public bodies, including injunctive relief, to require compliance with the OML, or to prevent violations of the OML. NRS 241.037; NRS 241.040.

**COMPLAINT AND FACTS**

The complaint alleged a violation of NRS 241.020(2)(c)(1)—the clear and complete standard. It requires that the agenda for public meetings must be a clear and complete statement of the topics scheduled to be considered during the meeting.

On September 30, 2013 I received District Attorney Brian Kunzi's response to the complaint on behalf of the Town Board. Upon review of the complaint and discussion with members of the Board, he determined the Board had taken action to appoint a committee for the rock garden without proper notice on the agenda. Board action was in violation of the OML.

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After discussion with Mr. Kunzi, the Town Board agreed to take corrective action to "cure" this violation. A.G. OML Manual, Part 11, § 11.01 (11th ED. 2012). Agenda Item 10a for the Board's October 24, 2013, meeting will rectify the violation in accordance with Attorney General longstanding advice that inadvertent violations may be "cured" at a subsequent meeting. We believe the violation was inadvertent and therefore subject to "cure."

### DISCUSSION

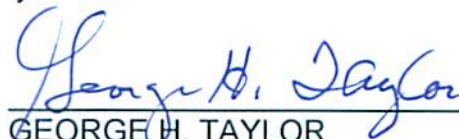
The Open Meeting Law requires any agenda item to be a "clear and complete statement of the topics to be discussed during the meeting." This standard as applied and as interpreted by the Supreme Court in *Sandoval v. Board of Regents*, 119 Nev. 148 (2003) was based in part on legislative history.<sup>1</sup> The *Sandoval* Court stated that the Legislature enacted the statute because "incomplete and poorly written agendas deprive citizens of their right to take part in government" and "interfere with the "press' ability to report the actions of government." Furthermore, the *Sandoval* Court stated that when a matter of significance is to be debated, a higher degree of specificity is required. *Id.* at 154-155, citing *Gardner v. Herring*, 21 S.W. 3d 767, 773 (Tex App. 2000).

No further action from this office is necessary. We are closing our file.

Sincerely,

CATHERINE CORTEZ MASTO  
Attorney General

By:



GEORGE H. TAYLOR  
Senior Deputy Attorney General  
Open Meeting Law  
Tele: (775) 684-1230

GHT:smg

Cc: Brian Kunzi, Nye County District Attorney, Counsel for Amargosa Valley Town Board

Amargosa Valley Town Board members:

Joe Cohan, Vice Chairman

Trevor Dolby, Town Clerk

John Bosta, Member

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<sup>1</sup> Hearing on S.B. 140 Before the Assembly Governmental Affairs Comm., 65th Leg. (Nev., May 10, 1989).