

1 OFFICE OF THE ATTORNEY GENERAL
2 STATE OF NEVADA

3 In the matter of:
4 AMARGOSA VALLEY TOWN BOARD

OAG FILE NO.: 13897-445

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

7
8 **BACKGROUND**

9 Jimmie Thomas filed a complaint with the Office of the Attorney General (“OAG”)
10 alleging violations of the Nevada Open Meeting Law (“OML”) by the Amargosa Valley Town
11 Board (“Board”) regarding posting of its agendas for two meetings occurring on April 28,
12 2022.¹

13 After investigating the Complaint, the OAG determines that the Board violated the
14 OML by failing to timely post its agendas to its website and to Nevada’s notice website.

15 **FINDINGS OF FACT**

16 1. On April 25, 2022, Complainant searched the Board’s website and Nevada’s
17 notice website, notice.nv.gov, for agendas for two Board meetings scheduled to occur at 5:00
18 p.m. and 7:00 p.m. on April 28, 2022. Complainant did not find the agendas on either
19 website.

20 2. The agendas for the Board’s April 28 meetings were posted to Nevada’s notice
21 website at 11:45 and 11:51 a.m. on April 25.

22 3. Board staff posted physical copies of the agendas to the physical posting
23 locations listed on the agenda on April 22. The Board’s posting documentation did not list
24 posting to either website.

25 4. The Board conducted the two meetings on April 28.

26
27 ¹ In addition, Mr. Thomas made an allegation regarding use of the term “public hearing” on an action item
28 for one of the meetings that fails to state a claim under the OML. The OML does not define the term “public
hearing” nor prohibit its use on items listed as “for possible action.” As such, the OAG will not further address
this allegation.

1 **LEGAL STANDARDS AND CONCLUSIONS OF LAW**

2 The Amargosa Valley Town Board, formed pursuant to NRS Chapter 269, is a “public
3 body” as defined in NRS 241.015(4) and is subject to the OML.

4 At the time of the meetings at issue, public bodies were required to post their
5 agendas to (1) their principal office, (2) three separate prominent locations within their
6 jurisdiction, (3) their website, if they maintain one, and (4) the official notice website of the
7 State. NRS 241.020(4)(a)-(b); NRS 241.020(6).² This posting is required to occur by 9:00
8 a.m. on the third working day before the meeting is to be held, regardless of what time the
9 meeting is to occur on the meeting day. *Id.*

10 The parties do not dispute that the agendas were posted to the required physical
11 location prior to the posting deadline. The parties also do not dispute that the agendas
12 were not posted to Nevada’s notice website until after 9:00 a.m. on April 25 (the posting
13 deadline). Thus, the Board acknowledged, and the OAG finds, a violation of the OML with
14 respect to this posting.

15 The Board contends that because there was a physical location for the meeting, the
16 Board was not required to post the agendas to its website pursuant to NRS 241.020(4)(a),
17 which states “If the meeting is held using a remote technology system pursuant to NRS
18 241.023 *and has no physical location*, the public body must also post the notice to the
19 internet website of the public body” (emphasis supplied). The OAG disagrees. NRS
20 241.020(6) states: “. . . if a public body maintains a website on the Internet or its successor,
21 the public body shall post notice of each of its meetings on its website unless the public
22 body is unable to do so because of technical problems relating to the operation or
23 maintenance of its website.” The Board does not contend, and the OAG does not possess
24 evidence, that there was a technical problem with the Board’s website at the time posting
25 was required. Thus, the OAG finds the Board also violated the OML by failing to post its
26 agendas to its website prior to the 9:00 a.m. posting deadline.

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28 ² NRS 241.020(4) was amended in 2021 to remove the requirement that a public body post to three separate prominent locations. Assembly Bill 253 of the 2021 Legislative Session of Nevada § 2.

