



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

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June 4, 2013

Keith A. Corban  
P. O. Box 879  
Genoa, Nevada 89411-0879

Re: Open Meeting Law Complaint / AG File No. 13-009  
Genoa Town Advisory Board

Dear Mr. Corban:

This Open Meeting Law (OML) complaint alleged that on February 5, 2013, the Genoa Town Advisory Board (GTAB) illegally voted to allow the promoter of the Genoa Peak Madathon event (foot race) to use the Genoa Town Park from 4:00 a.m. until 6:30 a.m. on Saturday August 10, 2013. The complaint alleged no notice was provided on the agenda that there would be a vote to allow the promoter to use the Park for an early morning staging area. It was pointed out that the time allowed for park use is outside normal park hours. The complainant alleges he would have been at the meeting to express his objection to using the park which is just across the street from his home had the item been properly agendaized.

This office reviewed statements from each member of Genoa's Town Advisory Board. We also reviewed GTAB's February 5th meeting agenda, minutes, and audio recording. Finally, we reviewed the current Policies and Procedures for the Town of Genoa, and the rental agreement between the Town of Genoa and the event promoter entered into on January 29, 2013.

The Attorney General has jurisdiction to investigate allegations of violations of NRS Chapter 241, the Open Meeting Law. This office may seek civil remedies against public bodies, including injunctive relief, to require compliance with the OML. NRS 241.037.

Keith A. Corban  
June 4, 2013  
Page 2

GTAB did not take action in violation of the notice provisions of the OML because it did not vote to approve use of the park nor the exception to normal park hours. GTAB voted only to approve the event and to close Nixon Street as a safety precaution for protection of the runners. The Town of Genoa's approved Policies and Procedures give the town manager the authority to approve rental agreements for the use of town facilities (including Genoa Park), and even for exceptions that include approval of uncommon hours of operation.

It appears that the vote to approve the event and close Nixon Street was unrelated to the Town's entry into a rental agreement for use of Genoa Park. GTAB was not asked to approve the rental agreement with the event promoter. The town of Genoa's Policies and Procedures at section V.F.2 authorizes the Town Manager to enter into rental agreements.

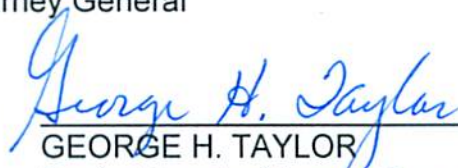
Because GTAB did not take action to approve the rental agreement there was no violation of notice provisions of the OML.

We are closing our file on this matter.

Sincerely,

CATHERINE CORTEZ MASTO  
Attorney General

By:



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

GHT/rmh

cc: Michael S. Rowe, Esq., Counsel for Genoa Town Advisory Board

Genoa Town Advisory Board members:

Dave M. Whitgob, Chairman  
Brian Williams, Vice Chairman  
Trent Tholen, Board Member  
Nancy Aten, Board Member  
Greg Pace, Board Member