



STATE OF NEVADA
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December 24, 2015

Via First Class Mail

Frank Wright
P.O. Box 186
Crystal Bay, Nevada 89402

Re: Open Meeting Law Complaint, A.G. File No. 13897-155 and 159
Incline Village General Improvement District

Dear Mr. Wright:

After careful review of these two Open Meeting Law (OML) complaints and the Trustees' responses and the following reasons, the Attorney General's Office (AGO) is closing both investigations.

A.G. File No. 13897-155

The Trustees' response to your Open Meeting Law complaint in File No. 13897-155 has been set out using relevant sections of their Reply.

First, Counsel listed the "Issues" regarding complaint in File No. 13897-155. Issues are shown in this letter (see below).

We have displayed them in this letter using a screen shot from Trustees' written reply. Following is an additional shot of the "Short Statement of IVGID's Position" in the similar format.

Issues Presented

1. Whether the IVGID Trustees violated the Open Meeting Law by allegedly discussing implementation of a free community shuttle service.
2. Whether the IVGID General Manager violated the open meeting law by allegedly unlawfully discussing the implementation of a free community shuttle service in private meetings.
3. Whether approval of the free community shuttle service was within the discretionary authority of IVGID General Manager Steve Pinkerton.
4. Whether the IVGID Board of Trustees and the General Public were informed at a public meeting about the General Manager's deliberations and decision to implement a free community shuttle service.

A cogent explanation by the Trustees to the allegations in File No. 13897-155 is also shown below as a photograph screen shot taken from Trustees reply.

Short Statement of IVGID's Position

The IVGID Board of Trustees did not discuss the implementation of a free community shuttle service outside of properly noticed public meetings. In this regard, the idea of a free community shuttle service was discussed at the following public meetings:

- February 5, 2015 Monthly Retreat of the IVGID Board of Trustees;
- February 17, 2015, March 5, 2015, March 6, 2015 Strategic Planning and Team Building sessions with Coral Bridge Consultants.¹
- As a part of a verbal report item of the General Manager on the April 29, 2015, (Agenda at M.5);
- June 24, 2015, meeting (Agenda at I.2.C.)

See Exhibit A (February 5, 2015 Monthly Retreat of the IVGID Board of Trustees, February 17, 2015, March 5, 2015, March 6, 2015 Strategic Planning and Team Building sessions with Coral Bridge Consultants, April 29, 2015 Meeting Minutes, June 24, 2015 Meeting, Audio of 4/29/15 & 6/24/15 BOT Meetings).

Each of the referenced meetings were properly noticed and agendized. **See Exhibit B (Notices of Public Meeting and Agendas: January 15, 2015 & February 5, 2015).** At each meeting, public comment was received for each agendized item.

General Manager Steve Pinkerton has the authority to approve expenditures under \$50,000. **See Exhibit C (Copy of NRS 322.039; IVGID Policy 3.1.0.06(f)).** After informing the IVGID Board of Trustees of his intentions to implement a free community shuttle service, General Manager Pinkerton approved and implemented the service on a trial basis.

After review of the Trustees' reply and the documents attached, it is clear there were no OML violations as demonstrated by the facts shown in the Trustees' reply and cogently argued by counsel in File No. 13897-155. We adopt the reasons set forth in Trustees' reply supporting their argument that no violations occurred.

A.G. File No. 13897-159

The AGO also reviewed Trustees' response to your Open Meeting Law complaint in File No. 13897-159. Counsel was unable to determine what was alleged to be a violation of the OML in this complaint. We agree with Counsel that the complaint "does nothing to provide clarity" regarding what is being alleged to be a violation of the OML. The AGO is not required to investigate assumptions made in a complaint, or guess whether a violation has occurred based on baseless allegations.

Our office agrees with Trustees that there is nothing in complaint File No. 13897-159, which alleged any facts with specificity regarding what is alleged to be a violation of the OML; it is simply a request to investigate guesses and/or unfounded assumptions.

Neither this office nor Counsel can assume or guess as to any Trustee actions that are not cognizable under the OML. I have asked you in the past to be more specific with your complaints; we have also discussed it on the phone and via email.

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We are closing both files 13897-155 and 13897-159 on these two complaints. In regards to the other allegations in your complaint, we have no jurisdiction over those issues, i.e. whether the free shuttle service bus system is a public transportation system. We review and investigate only matters suspected to be violations of the Open Meeting law.

Sincerely,

ADAM PAUL LAXALT
Attorney General

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