



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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February 24, 2012

Michael Sturgeon
P.O. Box 689
McGill, Nevada 89318

Re: Open Meeting Law Complaint / AG File No. 12-001
McGill-Ruth Consolidated Water & Sewer GID

Dear Mr. Sturgeon:

I have reviewed two Open Meeting Law (OML) complaints you filed with this office against the McGill-Ruth Consolidated Sewer and Water General Improvement District (District).

One complaint alleges various OML violations occurred during the District's August 15, 2011 public meeting. The allegations in this complaint are beyond this office's statutory jurisdiction; therefore we decline to open an investigation. NRS 241.037(3); Open meeting Law Manual §11.07 (the Attorney General will not investigate or act upon a complaint received after the 120 day statute of limitations).

We then reviewed the allegations of the complaint alleging violations during the District Water Board special meeting of December 5, 2011. We asked for and received written correspondence from the District including an agenda, an audio copy of the December 5, 2011 meeting, and a printed copy of the minutes of that meeting.

After review of the materials and after consideration of your lengthy written letter submitted to the District subsequent to the December 5, 2011 meeting, but before your termination on December 19, 2011, we do not find any support for your allegation that District Water Board members illegally considered your character, or alleged misconduct during their December 5, 2011 meeting, or that it ignored your request to waive closure of the meeting.

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There were three agenda items on the special agenda on December 5, 2011 regarding your tap into District's main water line to provide water to your 2nd Street lot, 7 and 8. District refused to consider you a "developer" and consequently voted to refuse your request for an exemption from payment of tap fees amounting to \$1,600.00.

We find no support in the record provided to us that the members of the District Water Board had organized a verbal "assault" on you during the meeting or discussed your character or alleged misconduct. There was no support that you were bullied, nor have you provided any evidence that the Board took any action against you that they were not legally entitled to take.

The Board's first action was a motion to accept your request to be exempted from payment of the tap fees. The motion was essentially asking the Board to determine if you qualified as a developer under state and local law. It failed unanimously. The next action unanimously required you to pay the tap fees. Finally, the Board voted to require you to reimburse the District for materials you used to connect to the District's main line.

At one point in the meeting you invited them to pursue disciplinary action against you when you stated that they were wasting time. Counsel immediately reminded the Board that there was nothing on the agenda with respect to action or discipline against an employee. He said it could not be legally done that day. Counsel also stopped the Chair from looking into the union agreement regarding suspension without pay.

There were no OML violations during this meeting.

We are closing our file on these two complaints.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:


GEORGE H. TAYLOR
Senior Deputy Attorney General
(775) 684-1230

GHT/CG

cc: Gary Fairman, Esq., Counsel to Board
McGill-Ruth Sewer & Water GID Board:
Wayne Cameron, Chair
Harland Moorehead, Vice Chair
Helen Jackson, Member
Roger Edwards, Member
Roy Allen, Member