



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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CATHERINE CORTEZ MASTO
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Chief of Staff

December 23, 2013

Via First Class Mail

Aaron L. Katz
PO box 3022
Incline Village Nevada 89450

Re: Open Meeting Law Complaint / AG File No. 13-031
Incline Village General Improvement District (IVGID)

Dear Mr. Katz;

We received Incline Village General Improvement District Board of Trustees (IVGID) response to your Open Meeting Law (OML) complaint. IVGID had failed to allow public comment on item F.1 on its agenda of August 26, 2013 after moving the item from the General Business calendar to the Consent calendar.

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. A criminal misdemeanor penalty and a monetary penalty are also authorized relief against individuals in any court of competent jurisdiction. NRS 241.037; NRS 241.040.

Taking advantage of a new OML amendment (NRS 241.0365¹), Item H.1 on the Trustees September 11, 2013 was agendaized indicating "for possible corrective action."

¹ NRS 241.0365 Action taken by public body to correct violation of chapter; timeliness of corrective action; effect

1. Except as otherwise provided in subsection 4, if a public body, after providing the notice described in subsection 2, takes action in conformity with this chapter to correct an alleged violation of this chapter within 30 days after the alleged violation, the Attorney General may decide not to commence prosecution of the alleged violation if the Attorney General determines foregoing prosecution would be in the best interests of the public.

2. Except as otherwise provided in subsection 4, before taking any action to correct an alleged violation of this chapter, the public body must include an item on the agenda posted for the meeting at which the public body intends to take the corrective action in conformity with this chapter. The inclusion of an item on the agenda for a meeting of a public body pursuant to this subsection is not an admission of

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Item H.1 repeated the language of Item F.1 from the August 26, 2013 agenda. Item H.1 was called and considered anew. The Chair invited and received public comment on the H.1. item. The Board then acted on the item.

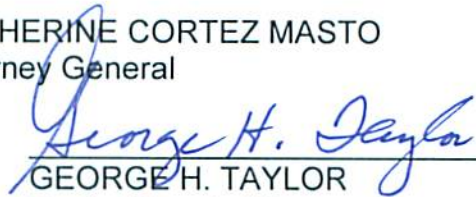
We find this action by the Trustees to be corrective action within the meaning of NRS 241.0365.

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:smg

Cc: Bruce Simonian, Chairman, Incline Village General Improvement District
T. Scott Brooke, Esq., counsel to IVGID

IVGID Board Members:

Joe Wolfe, Vice Chairman
Bill Devine, Treasurer
Jim Smith, Secretary
Jim Hammerel, Trustee

wrongdoing for the purposes of civil action, criminal prosecution or injunctive relief.

3. For purposes of subsection 1, the period of limitations set forth in subsection 3 of NRS 241.037 by which the Attorney General may bring suit is tolled for 30 days.

4. The provisions of this section do not prohibit a public body from taking action in conformity with this chapter to correct an alleged violation of the provisions of this chapter before the adjournment of the meeting at which the alleged violation occurs.

5. Any action taken by a public body to correct an alleged violation of this chapter by the public body is effective prospectively.

(Added to NRS by 2013, 727)