

CRAIG A. NEWBY
First Assistant Attorney General

AARON D. FORD
Attorney General

LESLIE NINO PIRO
General Counsel

CHRISTINE JONES BRADY
Assistant Attorney General



HEIDI PARRY STERN
Solicitor General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119

July 7, 2026

Via U.S. Mail

Rachel Christensen
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-574
Douglas County Board of Commissioners**

Dear Ms. Christensen,

The Office of the Attorney General ("OAG") has reviewed your Complaint ("Complaint") alleging violations of the Open Meeting Law ("OML") by the Douglas County Board of Commissioners ("Board") regarding their November 6, 2025, public meeting.

The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG's investigation included a review of the Complaint, the Response on behalf of the Board and the agenda and minutes for the Board's November 6, 2025, meeting. After investigating the Complaint, the OAG determines that the Board did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Board held a public meeting on November 6, 2025, at 10:00 a.m., in the meeting room of the County Administration Building, 1616 8th Street, Minden, Nevada, 89423 and streamed it online via Live Stream – Video Link, Douglas County YouTube Channel. The agenda was properly posted in compliance with OML and included clear instructions for accessing the meeting and submitting public comment. As required under NRS 241.020, public comment was scheduled at the beginning of the meeting, after each administrative agenda item listed as “possible action” and prior to adjournment.

On December 3, 2025, a complaint was filed alleging that the Board violated Nevada’s OML during its November 6, 2025, meeting, specifically during consideration of Agenda Item 15.1, an item listed under the Administrative Agenda as a “possible action” item, concerning the County’s response to a flooding event affecting the Smelter Creek area in the Ruhenstroth neighborhood.

The complainant alleges that during discussion of Agenda Item 15.1, the Board introduced new and significant information regarding drainage easements and private property maintenance responsibilities after the public comment period for the item had closed. The complainant further alleges that members of the public requested additional opportunities to speak in response to this new information, but the Board declined to reopen public comment and proceeded with deliberation and action. The complainant asserts that this sequence of events deprived the public of a meaningful opportunity to respond and therefore violated the OML.

The Board responded on April 6, 2026, and argues that it fully complied with Nevada’s OML because the public was provided multiple opportunities for comment consistent with NRS 241.021, including public comment at the beginning of the meeting, during Agenda Item 15.1 itself, and again before adjournment. The Board contends that Ms. Christensen was permitted to speak during the item-specific public comment period and that additional members of the public later commented on flooding and stormwater issues during the final public comment period.

The Board further argues that Nevada law does not require a public body to reopen public comment every time additional discussion, clarification, or allegedly “new information” arises during deliberation of a properly noticed agenda item. According to the Board, the discussion regarding homeowner maintenance responsibilities and drainage easements remained within the scope of Agenda Item 15.1 concerning the Smelter Creek flood response, and therefore no additional public comment period was legally required before the Board voted on the matter.

The record reflects that the meeting included the standard public comment periods at the beginning and end of the meeting. In addition, the Board allowed public comment during Agenda Item 15.1, which was designated as an item for possible

action. Members of the public, including the complainant, provided comment during that period. Following closure of public comment, the Board and staff continued discussion of the item, including questions and responses related to drainage easements and maintenance responsibilities. After this discussion, members of the public requested additional comment opportunities, which were not granted.

LEGAL ANALYSIS

I. The OML Was Not Violated Because Discussion Regarding Homeowner Maintenance Responsibilities Remained Within the Scope of the Properly Noticed Agenda Item.

Nevada's OML requires public bodies to provide at least two opportunities for public comment: once before action items are heard and once before adjournment. NRS 241.021(1)(a). The statute does not, however, require that public comment be reopened each time additional facts are discussed, clarified, or developed during deliberation of an agenda item. Nor does it require iterative comment periods whenever board members ask questions or receive further explanation from staff during consideration of a noticed item.

Here, the record reflects that Agenda Item 15.1, concerning flood response and restoration necessarily encompassed discussion of drainage infrastructure, easements, and potential operational responsibility. The fact that additional clarification or factual detail was provided during deliberation does not transform the discussion into a new agenda item requiring renewed public comment under NRS 241. The statutory requirement is satisfied so long as the public is given notice of the subject matter and a reasonable opportunity to comment on that item as noticed, which occurred here.

II. The OML Was Not Violated Because the Board was Not Required to Reopen Public Comment After Additional Deliberation Occurred

Nevada law does not require a public body to reopen public comment during deliberation of an agenda item so long as the statutory minimum requirements are met. NRS 241.021 establishes the required framework of public participation, but it does not mandate repeated comment periods within a single agenda item or during evolving discussion. Public bodies retain discretion to manage the structure and flow of meetings, including whether to allow additional discretionary comment beyond statutory minimums.

Here, during Agenda Item 15.1, Ms. Christensen and other members of the public provided public comment on the County's flooding problems and possible actions related to the Smelter Creek flood. In addition to this period of public comment, members of the public were given an opportunity to provide public comment at the end of the meeting and two members of the public, Mrs. Waller and

Rachel Christensen

Page 4

Mr. Jackson, provided additional feedback on the County's flooding problems and the proposed stormwater utility. Ms. Christensen failed to take advantage of that opportunity.

In this case, members of the public were provided the statutorily required opportunities to comment at the beginning of the meeting and again prior to adjournment. Although additional comment was requested during deliberation, the Board was not legally obligated under NRS 241 to reopen public comment. The decision not to do so does not constitute a violation of the OML.

CONCLUSION

Upon review of your Complaint and available evidence, the OAG has determined that no violation of the OML has occurred. The OAG will close its file regarding this matter.

Sincerely,
AARON D. FORD
Attorney General

By: /s/ Stephanie Itkin-Goodman
STEPHANIE ITKIN-GOODMAN
Deputy Attorney General

cc: Douglas V. Ritchie, counsel to Douglas County Board of Commissioners