

AARON D. FORD  
*Attorney General*

CRAIG A. NEWBY  
*First Assistant Attorney General*

CHRISTINE JONES BRADY  
*Second Assistant Attorney General*



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

555 E. Washington Ave. Suite 3900  
Las Vegas, Nevada 89101

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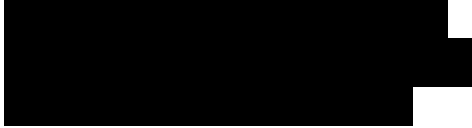
TERESA BENITEZ-  
THOMPSON  
*Chief of Staff*

LESLIE NINO PIRO  
*General Counsel*

HEIDI PARRY STERN  
*Solicitor General*

Via U.S. Mail and Email

Melanie L. Morales



**Re: Open Meeting Law Complaint, OAG File No. 13897-438  
In the matter of Amargosa Valley Town Board**

Dear Ms. Morales:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Amargosa Valley Town Board (“Board”) for cutting off a speaker during a public comment period.

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 review of the Complaint included a review of the following: the Complaint; the response filed on behalf of the Board and all attachments; and the agenda and recording of the Board’s November 18, 2021, meeting.

After investigating the Complaint, the OAG determines that a violation of the OML did not occur in this instance.

**FACTUAL BACKGROUND**

The Board held a public meeting on November 18, 2021. The public notice agenda for the meeting included the following statement: “*Public Comment* during the Town Board Meeting on November 18, 2021 will be for all matters, both on and off the agenda, and be limited to three minutes per person.”

The Board accepted public comment on Agenda Item 7 prior to taking a vote. An individual, Pat Minshall, began making her comments, but was cut off by the Chair of the Board after only one minute. Another member of the Board noted that Ms. Minshall had not reached her three minutes, but she did not speak further at that time. The Board called for a general public comment period at the end of the meeting. Ms. Minshall made public comment and discussed her comments with the Board for approximately three minutes and appeared to have completed her comments.

### LEGAL ANALYSIS

The Amargosa Valley Town Board, created under the provisions of NRS Chapter 269, is a public body as defined in NRS 241.015(4) and is subject to the OML.

The OML requires public bodies to include periods devoted to comments by members of the general public during their meetings. NRS 241.020(3)(d)(3). The OML also requires restrictions on public comment be included on an agenda, specifically, an agenda must include:

Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

NRS 241.020(3)(d)(7). The interpretation and enforcement of rules during public meetings are highly discretionary functions. *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990). The decision to stop a speaker is left to the discretion of the presiding officer of the public body. *Id.*

Here, two periods of public comment were included on the agenda and an additional period was taken during Agenda Item 7. Ms. Minshall was cut off during her comments on the agenda item. However, it is not clear from the evidence that this was a viewpoint-based restriction as the Chair appeared to agree with Ms. Minshall in his statements. Moreover, Ms. Minshall was given time to fully make her comments during the public comment period at the end of the meeting. Thus, the OAG does not find a technical violation of the OML but cautions the Board to be cognizant of public comment requirements during meetings. *See In re Incline Village General Improvement District*, OMLO 13897-224 & 226 (Oct. 19, 2017).

**CONCLUSION**

Upon review of the present Complaint, the OAG does not find a violation of the OML. The OAG will close its file on this matter at this time.

Sincerely,

AARON D. FORD  
Attorney General

By: /s/ Rosalie Bordelove  
ROSALIE BORDELOVE  
Chief Deputy Attorney General

cc: Marla Zlotek, Nye County Chief Deputy District Attorney  
Nye County Office of the District Attorney  
P.O. Box 39  
Pahrump, Nevada 89041