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May 6, 2024

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Via U.S Mail and Email

Delfina Anchondo



**Re: Open Meeting Law Complaint, OAG File No. 13897-479  
Moapa Town Board**

Dear Ms. Anchondo:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law, NRS Chapter 241, (“OML”) by the Moapa Town Board (“Board”) regarding its April 25, 2023, canceled 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 of the Complaint included a review of the Complaint, the Response on behalf of the Board, and the Board’s notices regarding its April 25, 2023, canceled 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 had a meeting scheduled on April 25, 2023. Complainant requested an agenda item for the meeting regarding flooding in the Lytle Ranch neighborhood of Moapa. She was told by Board staff that an informational agenda item would be added regarding the issue and she could present to the Board. Complainant and her father made efforts to prepare for the meeting, including encouraging other members of the neighborhood to attend. The Board canceled the April 25 meeting and posted a notice to its website stating the meeting was canceled “due to unforeseen circumstances.”

Complainant filed the instant Complaint alleging the Board's cancellation of the meeting and failure to include her requested item on an agenda violated the OML.<sup>1</sup>

### **LEGAL ANALYSIS**

The Moapa Town Board, created by the Clark County Commission pursuant to NRS Chapter 269, is a public body as defined in NRS 241.015(4) and is subject to the OML. The OML requires public meetings to be open and requires public bodies to post agendas of their meetings in advance. NRS 241.020(1), (3). The OML does not address how meeting dates or agenda items are chosen by a public body. Instead, it requires that 3-working days prior to a meeting, the public is made aware of the meeting and intended discussion and action topics. NRS 241.020(3).

The Board does not dispute that Complainant requested an item and that there was a meeting originally scheduled for April 25, 2023. The parties also do not dispute that the April 25 meeting was canceled and did not occur. A public body does not violate the OML by canceling a meeting, even if it had made representations regarding agenda items that may be discussed. Because no meeting of the Board occurred on April 25, 2023, the OAG does not find 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 the file regarding this matter.

Sincerely,

AARON D. FORD  
Attorney General

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

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<sup>1</sup> Complaint also included other allegations relating to County Commission or Town Board members speaking to residents about the issue outside of meetings. As these allegations do not fall within the OML, the OAG will not address them in this opinion.

Delfina Anchondo  
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