

1 OFFICE OF THE ATTORNEY GENERAL  
2 STATE OF NEVADA

3 In the matter of:

4 PALOMINO VALLEY GENERAL  
5 IMPROVEMENT DISTRICT BOARD OF  
6 TRUSTEES

OAG FILE NO.: 13897-504

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

7  
8 **BACKGROUND**

9 The Office of the Attorney General (“OAG”) received a Complaint from Ms. Maeve  
10 Ambrose alleging violations of the Nevada Open Meeting Law (“OML”) by the Palomino  
11 Valley General Improvement District Board of Trustees (“Board”). The Complaint alleges  
12 that the Board violated the OML in its actions before, during, and after a public meeting  
13 on November 16, 2023.

14 The OAG has statutory enforcement powers under the OML and the authority to  
15 investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040.  
16 The OAG’s investigation of the Complaint included a review of the Complaint; the response  
17 from the Board and attachments; and the agenda and minutes of the Board’s October 19,  
18 November 16, and December 7, 2023, meetings.

19 After investigating the Complaint, the OAG determines that the Board violated the  
20 OML by failing to list the locations where the November 16, 2023, meeting notice was  
21 posted on the notice; by failing to post notice of the November 16, 2023, meeting to the  
22 State of Nevada website; and by failing to record and retain a recording of the November  
23 16, 2023, meeting.

24 **FINDINGS OF FACT**

25 1. The Board held a public meeting on October 19, 2023. During discussion of  
26 Item 3a, the Board voted to terminate its contract with Cathy Glatthar, the Assistant to  
27 the Board, effective immediately. As Assistant to the Board, Ms. Glatthar’s duties included  
28 preparing meeting notices and agendas and drafting meeting minutes for Board approval.

1 Ms. Glatthar, who had joined the meeting by phone call, ended the call after the vote to  
2 terminate her employment and before the end of the meeting.

3 2. Ms. Glatthar's spouse, who historically hosted and maintained the district's  
4 website, ended these services upon Ms. Glatthar's termination.

5 3. President of the Board Thomas Baker prepared and posted the November 16,  
6 2023, meeting agenda using a September 21, 2023, meeting agenda for reference. Mr.  
7 Baker posted this notice at 5105 Wayside Road and the intersections of Highway 445 and  
8 Axe Handle Canyon Road, Range Land Road, Ironwood Road, and Whiskey Springs Road.  
9 Mr. Baker did not list these locations on the notice, post the notice to a Palomino Valley  
10 General Improvement District ("PVGID") website, or post the notice on the official website  
11 for Nevada public notices, <https://notice.nv.gov/>.

12 4. The Board held a public meeting on November 16, 2023. During Item A, the  
13 Board contracted with Ms. Robin White to serve as an Assistant to the Secretary and  
14 assume the duties of preparing and posting the meeting agendas.

15 5. The Board held a special public meeting on December 7, 2023. At this meeting,  
16 the Board contracted with Ms. White to serve as the Assistant to the Board and continue  
17 preparing and posting the meeting notices and agendas.

18 6. Complainant filed the instant Complaint alleging:<sup>1</sup>

- 19 a. The November 16, 2023, meeting notice caused confusion as to the actual  
20 meeting date by referencing a prior meeting date, September 21, 2023, and  
21 the actual meeting date.
- 22 b. The Board violated the OML by failing to include on the November 16, 2023,  
23 meeting notice a list of the locations where it was posted.
- 24 c. The Board violated the OML by failing to include on the November 16, 2023,  
25 meeting notice a statement regarding assistance and accommodations.

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27 <sup>1</sup> Ms. Ambrose's Complaint included concerns regarding the steps the Board took to recruit  
28 its new hires and trustees not participating in OML training, which do not allege OML  
violations. As such, those allegations will not be addressed in this opinion.

- d. The Board violated the OML by not sending the November 16, 2023, meeting notice to individuals who had previously requested to receive all agendas and supporting materials.
- e. The Board violated the OML by failing to post the November 16, 2023, meeting notice on the website the PVGID had maintained for years.
- f. The Board violated the OML by failing to post the November 16, 2023, meeting notice on the State of Nevada’s official website for public notices.
- g. As of the date of the Complaint, the recordings and minutes from the October 19, 2023, meeting were not available to the public nor on the November 16, 2023, meeting agenda for approval.
- h. The Board failed to include a clear statement about which version of Resolution #F23-R21 it planned to consider and provide a copy of the resolution to the public in advance of the November 16, 2023, public meeting.

**LEGAL STANDARDS AND CONCLUSIONS OF LAW**

The Board is a “public body” as defined in NRS 241.015(5)(a) and is subject to the OML.

**A. Notice for the November 16, 2023, public meeting included the meeting date as required by the OML.**

Written notice of a meeting must include the time, place, and location of the meeting. NRS 241.020(3)(a). Although “September 21, 2023,” the date of a past meeting, is listed at the top of the November 16, 2023, notice, the notice also reads: “The regular meeting of the Palomino Valley General Improvement District will begin at 6:00 p.m., Thursday, Nov. 16, 2023 ....” The correct meeting date is listed again under Item 1 of the agenda. Although this may have caused confusion, the notice does include the correct date of the meeting. Thus, the OAG does not find a violation of the OML with respect to this allegation.

1           **B.     The Board violated the OML by failing to include on the November 16,**  
2           **2023, meeting notice a list of the locations at which it was posted.**

3           Written notice of a meeting must list the locations where the notice has been posted.  
4           NRS 241.020(3)(b). Here, while Mr. Baker posted a copy of the November 16, 2023, meeting  
5           notice at five locations, the notice did not include a list of these locations. The Board also  
6           concedes this violation in its response to the Complaint. Therefore, the OAG finds the Board  
7           violated the OML in this respect.

8           **C.     The Board is not required to include a statement on a meeting notice**  
9           **offering assistance and accommodations.**

10          Public bodies must “make reasonable efforts to assist and accommodate persons with  
11          physical disabilities desiring to attend” a meeting. NRS 241.020(1). The Board concedes a  
12          violation of this provision based on its failure to include a statement on the November 16,  
13          2023, meeting agenda that assistance and accommodations were available upon request  
14          and has provided such a statement on subsequent agendas. However, the OML does not  
15          require this statement to be listed on an agenda but rather that the Board provide  
16          assistance or an accommodation if requested. Here, no evidence has been presented that  
17          any member of the public requested assistance or accommodation and was denied it by the  
18          Board. Thus, the OAG does not find a violation of the OML with respect to this allegation.  
19          The OAG notes that providing such a statement on agendas is a benefit to the public and  
20          encourages the practice.

21          **D.     There is insufficient evidence that the Board violated the OML by failing**  
22          **to send the November 16, 2023, meeting notice to individuals who**  
23          **previously requested to receive all agendas and supporting materials.**

24          A public body must provide a copy of a meeting notice by postal service or electronic  
25          mail to any person who requested notice of the meetings of the public body. NRS  
26          241.020(4)(c). A request for notice lapses after 6 months. *Id.* Here, Ms. Ambrose alleges  
27          that the Board did not send the November 16, 2023, meeting notice to people who had  
28          requested to receive all its agendas and support materials. However, no evidence has been

1 provided that Ms. Ambrose or any individual had a standing request to receive a copy of  
2 the meeting agenda and supporting materials. Therefore, the OAG does not have sufficient  
3 evidence to find a violation of the OML with respect to this allegation.

4 **E. The Board experienced a technical problem relating to the operation of**  
5 **the PVGID website which excused its failure to post notice of the**  
6 **November 16, 2023, meeting.**

7 If a public body maintains a website, it must post notice of its meetings on the  
8 website unless technical issues with its operation or maintenance prevent the public body  
9 from doing so. NRS 241.020(6). The Board argues that Ms. Glatthar's spouse's termination  
10 of his services constituted a technical problem with the PVGID website's operation, which  
11 rendered it unable to post the November 16, 2023, notice to its website. The Board may not  
12 have anticipated that Ms. Glatthar's spouse would end his services following Ms. Glatthar's  
13 termination and did not plan for someone else to assume operation of the PVGID website.  
14 Since the discontinuation of hosting and maintenance of the PVGID website constitutes a  
15 technical problem with the website's operation, the Board is excused from compliance with  
16 NRS 241.020(6). Therefore, the OAG does not find a violation of the OML with respect to  
17 this allegation.

18 **F. The Board violated the OML by failing to post the November 16, 2023,**  
19 **meeting notice on the State of Nevada's official website for public**  
20 **notices.**

21 A public body must post notice of a meeting on the State of Nevada's official website,  
22 <https://notice.nv.gov/>, by 9 a.m. of the third working day before the meeting, unless  
23 technical problems with the State's website prevent the public body from doing so. NRS  
24 241.020(4)(b). Here, the Board concedes that it failed to post the November 16, 2023,  
25 meeting notice to the State of Nevada website. The Board notes that this violation occurred  
26 during the period between Ms. Glatthar's termination and its hiring of Ms. White, but this  
27 does not relate to the operation or maintenance of the State's website. Since the Board does  
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1 not allege that any technical problems with the State of Nevada’s website prevented it from  
2 posting the notice, the OAG finds the Board violated the OML in this respect.

3 **G. There is insufficient evidence that the Board denied a request for a copy**  
4 **of the October 19, 2023, meeting recording or minutes after the deadline,**  
5 **and the Board’s failure to approve the October 19, 2023, minutes at its**  
6 **November 16, 2023, meeting is not a violation of the OML.**

7 Minutes or an audio recording of a public meeting “must be made available for  
8 inspection by the public within 30 working days after adjournment of the meeting.” NRS  
9 241.035(2). The public body must provide a copy of these materials to a requesting member  
10 of the public. *Id.* In this case, the Complaint alleges the Board had not made the recording  
11 or minutes from the “last meeting,” presumed to be October 19, 2023, available to the  
12 public. Thirty working days from the October 19, 2023, meeting occurred on December 6,  
13 2023, and Ms. Ambrose filed the Complaint on December 3, 2023. Further, Ms. Ambrose  
14 did not allege that she or another member of the public requested a copy of the October 19,  
15 2023, meeting recording or minutes and was denied it. Therefore, the OAG lacks evidence  
16 that the Board denied a requesting member of the public a copy of the October 19, 2023,  
17 meeting recording or minutes 30 working days or more after the meeting.

18 Absent a showing of good cause, a public body must approve the minutes of a meeting  
19 within 45 days or at its next meeting, whichever occurs later. NRS 241.035(1)(e). Here, the  
20 next meeting of the Board after October 19, 2023, occurred on November 16, 2023, and 45  
21 days from October 19, 2023, was December 3, 2023. The Board approved the October 19,  
22 2023, minutes at its December 21, 2023, meeting but does not allege good cause for its  
23 failure meet the deadline. However, Ms. Ambrose does not claim that the Board missed its  
24 deadline but rather that the minutes were not included on the November 16, 2023, agenda.  
25 Since the Board did not have to approve the minutes at that meeting, the Complaint does  
26 not allege a violation of the OML.  
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1           **H. There is insufficient evidence that the Board failed to provide a clear**  
2           **and complete statement of Item 5 and a copy of Resolution No. F23-R1 to**  
3           **the public in advance of the November 16, 2023, meeting.**

4           A meeting notice must include an agenda with a “clear and complete statement of  
5 the topics scheduled to be considered during the meeting.” NRS 241.020(3)(d)(1). Ms.  
6 Ambrose alleges that the November 16, 2023, agenda was unclear as to whether the Board  
7 was considering the original or an amended version of Resolution No. F23-R1. Item 5 of the  
8 agenda read “Resolution No. F23-R1 Amend Resolution F20-R1 ....” However, the Board  
9 was unable to provide the OAG a recording of the November 16, 2023, meeting. Therefore,  
10 the OAG cannot determine whether the statement on the agenda clearly and completely  
11 reflected the Board’s discussion of the item.

12           A public body must provide a copy of any supporting material provided to it for an  
13 agenda item to a requesting person. NRS 241.020(7)(c). Supporting material is material  
14 provided to a quorum of a public body by a member of the body or its staff and that the  
15 members “would reasonably rely on to deliberate or take action on a matter contained in a  
16 published agenda.” NRS 241.015(8). The supporting material must be made available to  
17 the requester at the same time as the members of the public body. NRS 241.020(8).

18           Here, Ms. Ambrose alleges that a copy of Resolution No. F23-R1 was not made  
19 available to the public ahead of the November 16, 2023, meeting. Pursuant to NRS  
20 241.020(8), if Board members received the Resolution at the meeting, the Resolution did  
21 not have to be available to the public before the meeting but instead be provided at that  
22 time. Further, the Resolution would not have to be provided until a request was made, and  
23 the Complaint does not allege such a request was made and denied. Since the OAG lacks  
24 sufficient evidence that supporting material was requested for the November 16, 2023,  
25 meeting, the OAG does not find a violation of the OML with respect to these allegations.





1 Findings of Fact and Conclusions of Law (“Opinion”) resulting from the OAG’s investigation  
2 in this matter. The Board must also include the OAG Opinion in the supporting materials  
3 for its next meeting.

4 Dated: July 3, 2024.

5 AARON FORD  
6 Attorney General

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

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