



CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

At the Nevada Policy Research Institute

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NPRI files Open Meeting Law violation complaint against CCSD and county debt-management panel

LAS VEGAS — The Center for Justice and Constitutional Litigation at the Nevada Policy Research Institute has filed a complaint in district court alleging an Open Meeting Law violation by the Clark County School District (CCSD) and the Clark County Regional Debt Management Commission (DMC).

The filing, [available here](#), seeks to void an illicit vote the DMC conducted in contravention of state law.

On June 7, 2012, DMC held a public meeting during which it approved a \$669 million property-tax-increase proposal to be put on the general-election ballot in November. Karen Gray, an NPRI reporter and Clark County resident and taxpayer, attended that meeting to provide comment and gather information. However, no public comment was taken by DMC before the panel approved the measure.

Nevada's Open Meeting Law, at [NRS 241.020\(2\)\(c\)\(3\)](#), requires that public comment must be taken "before the public body takes action on the item."

Another provision in the chapter, [NRS 241.036](#), states that: "The action of any public body taken in violation of any provision of this chapter is void."

"The Debt Management Commission did not provide a public comment period before approving CCSD's \$669 million property-tax-increase proposal for the fall ballot, which is a violation of Nevada's Open Meeting Law," said Joseph Becker, chief legal officer and director of CJCL.

"Especially on an issue of such importance, it is essential that citizens be given the opportunity to comment, and when government officials do not allow public comment before taking action, the law states that action is 'void.'

"If a government agency violates the law, that agency must be held accountable, just like a private citizen would be. Nevada's Open Meeting Law would be functionally worthless if it is

not defended, and we are pleased to guard transparency and openness in government, especially in a case involving an issue as important as this one.”

Within hours of being informed about the lawsuit, the *Las Vegas Sun* [reported](#), Clark County Commissioner Susan Brager, who chairs DMC, said that the commission will conduct a re-vote on CCSD’s property-tax increase ballot measure in August. The *Sun* also reported that Brager said that she “think[s] it’s very important the public should have a voice.”

“It’s great to see the defendants in this case admit the importance of giving the public a voice in policy debates,” said Becker. “It’s just as important that the law is obeyed, and the public is given a voice before a government body takes action on agenda items.

“Without constant oversight, government tends to drift towards opacity, and this case is a way to protect transparency and openness throughout government.”

To put its \$669 million tax-increase proposal on the November ballot, [NRS 293.481](#) states that CCSD “shall provide to each county clerk within the designated territory on or before the third Monday in July preceding the election: (1) A copy of the question, including an explanation of the question.”

The third Monday in July was July 16.

CJCL’s Open Meeting Law Violation Complaint in *Nevada Policy Research Institute, et al. v. CCSD, et al.* is available at:

http://www.npri.org/docLib/20120807_Nevada_Policy_Research_Institute_v._Clark_County_School_District.pdf.

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