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Via Email & By Certified Mail, Return Receipt Requested

Lake Mohave Ranchos Fire District
c/o Nicolas Cornelius, Board Attorney
5090 N. 40th St., Suite 200
Phoenix, AZ 85018
nick@corneliuslawaz.com

Re: Open Meeting Law and the Lake Mohave Ranchos Fire District

Board Members and Mr. Cornelius:

As you know, the Office of the Attorney General has received six Open Meeting Law complaints regarding the Lake Mohave Ranchos Fire District Governing Board (the "Board"). The Office has concluded its review of the allegations and has determined that there were Open Meeting Law violations in connection with the March 18, 2021, and June 17, 2021 meetings. The Office was unable to substantiate a violation of the Open Meeting Law in connection with the remaining allegations. The facts recited in this letter serve as a basis for this conclusion, but are not administrative findings of fact and are not made for purposes other than those set forth in A.R.S. § 38-431 *et. seq.*

The Board's March 18, 2021 Meeting

Two complaints contained allegations related to the Board's March 18, 2021 meeting. First, the complaints alleged that during the meeting, the Board engaged in discussion during the Fire Chief's report about matters that were not listed on the agenda. Second, the complaint alleged that the March 18, 2021 meeting minutes do not list the names of three members of the public who spoke during the March 18, 2021 call to the public. The Office also noted that while the meeting minutes include a general description of what was said, the minutes do not include the names of those persons that made each of the statements.

Here, the Board's response stated that the Board did not keep a recording of the March 18, 2021 meeting, and there are no documents within the Board's custody that show the names of the three individuals that spoke during the call to the public. Accordingly, the Board violated the Open Meeting Law by failing to maintain its meeting minutes in accordance with the Open Meeting Law.

As to the allegation concerning the discussion of matters not listed on the agenda, the Office is unable to substantiate a violation of the Open Meeting Law in connection with this allegation.

The Board's June 17, 2021 Meeting

Two complaints alleged that the Board did not provide notice that it would hold a public hearing on its FY2021/2022 budget. The budget agenda item read in full: "Discussion and possible action: Adoption of 2021/2022 fiscal year budget." *See* Board's June 17, 2021 Meeting Agenda Item 9(a).

The Open Meeting Law requires that agendas list the specific matters to be discussed, considered or decided at a meeting, and prohibits a public body from discussing or taking legal action on items not listed on the agenda. *See* A.R.S. § 38-431.02(H). Here, the Board's response admitted that the public hearing was not listed on the agenda, despite the fact that the Board did vote to open the public hearing. *See* Board's Response at 2. While no member of the public spoke at the hearing, the Board violated the Open Meeting Law by failing to notice that the hearing would take place at the June 17, 2021 meeting.

Notwithstanding this determination, however, the Board did properly notice that it intended to discuss and take legal action to adopt the FY2021/2022 budget, and it did so at the June 17, 2021 meeting. Thus, there was no Open Meeting Law violation in the Board's decision to adopt the FY2021/2022 budget.

The Board's July 15, 2021 Meeting

The complaint contained two allegations related to the Board's July 15, 2021 meeting. First, the complaint alleged that the meeting time was purportedly changed from 10:00AM to 1:00PM less than 24 hours prior to the meeting. The Office noted that the Board's online meeting calendar lists the start time for the July 15, 2021 meeting as 10:00AM as of the date of this letter. Second, the complaint alleged that the July 15, 2021 executive session agenda item merely restated the statutory provision authorizing the executive session and lacks any description of the matters to be discussed.

Here, the Board's response stated that the amended July 15, 2021 meeting agenda was posted more than 24 hours prior to the meeting, and noted that no executive session occurred during the meeting. *See* Board's Response at 2. After reviewing the Board's response and supporting documents, the Office is unable to substantiate a violation of the Open Meeting Law in connection with these allegations.

The Board's August 18, 2021 Meeting

The complaint alleged that the Board did not post its August 18, 2021 meeting notice and agenda on its website at least 24 hours prior to the meeting.

After reviewing the Board's response and supporting documents, the Office is unable to substantiate a violation of the Open Meeting Law in connection with this allegation.

Remedy

To remedy this violation, the Office considered the readily available records documenting whether the Board has had any recent open meeting violations, and the Board's response.

Having weighed these factors, and in order to resolve this matter, the Office has determined that the Board must share the contents of this violation letter with the public at the next practicable public meeting the Board must share the contents of this violation letter with the public at the next practicable public meeting, and a copy of this letter must be posted on the Board's website for at least one year from the date of this letter. The Office has noted this occurrence as a violation, which will be considered in determining the response to any further Open Meeting Law violations by the Board and its current members.

This letter relates solely to the disposition of the aforementioned Open Meeting Law complaint; it is not a formal opinion of the Attorney General's Office and should not be cited as authority in other matters.

Sincerely,



Michael S. Catlett
Deputy Solicitor General
Open Meeting Law Enforcement Team