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STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

5420 Kietzke Lane, Suite 202  
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January 12, 2023

Via U.S. Mail

John Johnson  
[REDACTED]  
[REDACTED]

**Re: Board of Commissioners for the Southern Nevada Regional  
Housing Authority – Open Meeting Law Complaint, OAG File  
No. 13897-456**

Dear Mr. Johnson:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging violations of the Open Meeting Law (OML) by the Board of Commissioners of the Southern Nevada Regional Housing Authority (SNRHA) regarding whether a subcommittee of the SNRHA held a meeting without following the OML.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (NRS) 241.037; NRS 241.039; NRS 241.040. In response to your complaint, the OAG reviewed your complaint and SNRHA's response thereto.

**FACTUAL BACKGROUND**

Your complaint alleges that the SNRHA violated the OML because a subcommittee of the SNRHA held a meeting on August 2, 2022, which was not open to the public and did not otherwise follow the OML.

Based on the response of the SNRHA, the only gathering held on August 2, 2022, was held by the Resident Advisory Board (RAB). The RAB membership does not contain any SNRHA members or staff.

The SNRHA was required to form the RAB by 24 C.F.R. §903.13. 24 C.F.R. §903.13 is a federal regulation relating to the Department of Housing and Urban Development (HUD). The federal regulation directs the RAB to assist and make recommendations regarding the SNRHA annual plan to the SNRHA. The

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SNRHA is required to provide reasonable resources to the RAB. The SNRHA is required to consider the recommendations of the RAB. All resources allocated from the SNRHA to the RAB are sourced from federal funds.

### **DISCUSSION AND LEGAL ANALYSIS**

The SNRHA is a “public body” as defined in NRS 241.015(4)(a)(2) and subject to the OML. That is, the SNRHA is an administrative body of local government which is supported by and expends tax revenue and was created by statute. NRS 315.708 allowed Clark County and the cities therein to form the SNRHA. NRS 315.7089 specifies how the commissioners of the SNRHA are appointed by Clark County and the cities therein. The SNRHA argues that it is not supported by tax revenue because it is not supported by state tax revenue and does not expend state tax revenue. However, NRS 241.015(4) does not distinguish between state and federal tax revenue. In short, the SNRHA is an administrative body of local government created by state statute which is both supported by and expends tax revenue. Thus, the SNRHA is a public body under the OML.

While the SNRHA is a public body pursuant to the OML, the RAB is not a public body and is not subject to the OML. A subcommittee of a public body is also a public body subject to the OML if: (1) a majority of the subcommittee’s membership is comprised of members or staff of the appointing public body or (2) the appointing public body authorizes the subcommittee to make recommendations to the appointing public body. NRS 241.015(4)(d). The RAB’s membership does not contain any SNRHA members or staff. The SNRHA did not authorize the RAB to make recommendations to the SNRHA. Rather, federal regulations direct RAB to make recommendations to the SNRHA concerning SNRHA’s annual plan. The RAB is, essentially, an entity created by federal law. Thus, the RAB is not a public body under the OML.

While this letter concludes the RAB is not a public body subject to the OML, the OAG does encourage the RAB to use the OML as a guide to keep the people impacted by the RAB’s recommendations informed regarding the formation of such recommendations.

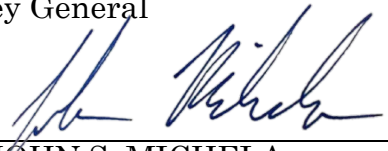
**CONCLUSION**

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred on which formal findings should be made. The OAG will close the file regarding this matter.<sup>1</sup>

Sincerely,

AARON D. FORD  
Attorney General

By:

  
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JOHN S. MICHELA  
Senior Deputy Attorney General

JSM/kda

cc: Lewis Jordan, Executive Director, SNRHA  
Theodore Parker III, Esq. (Via E-mail Only)  
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<sup>1</sup> In its response, the SNRHA requested guidance on the applicability of the OML to SNRHA staff meetings. This guidance is outside the scope of the determinations made by this letter. However, §2.03 of the Nevada Open Meeting Law Manual does provide guidance on this issue.