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October 5, 2020

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Via U.S. Mail

Patrick A. Linstruth
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaints, AG File No. 13897-357
Elko County Board of Fire Commissioners**

Dear Patrick A. Linstruth:

The Office of the Attorney General (OAG) investigated your complaint alleging violation of the Open meeting Law (OML) by the Elko County Board of Fire Commissioners (Board). Although your complaint referenced an agenda for the January 8, 2020 meeting of the Elko County Board of Commissioners, your complaint asked for a determination of whether the Board of Fire Commissioners and the Elko County Board of Commissioners are distinct separate bodies for purpose of the OML.

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. To investigate your Complaint, the OAG reviewed the following: Complaint submitted by Patrick Linstruth and Response from the Elko County District Attorney.

DISCUSSION AND LEGAL ANALYSIS

In their response, the Elko County District Attorney confirmed that Elko County organized its fire district under NRS Chapter 474 in 2014. Further, the Elko County District Attorney recognized that the provisions of NRS 474.460 through 474.540 provide that the Elko County Board of Fire Commissioners is a separate political subdivision of the State. The Elko District Attorney provided a copy of a separate agenda for the February 19, 2020 meeting of the Elko County Board of Fire Commissioners. Therefore, the Elko County Board of Fire Commissioners is a separate "public body" as

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defined in Nevada Revised Statute (NRS) 241.015(4), and subject to the OML.

CONCLUSION

The Elko District Attorney has confirmed that the Elko County Board of Fire Commissioners is a separate public body for purpose of the OML. The OAG has found that no further enforcement action is necessary so the OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

/s/ LINDA C. ANDERSON
Linda C. Anderson
Chief Deputy Attorney General

cc: Rand J. Greenburg, Civil Deputy District Attorney