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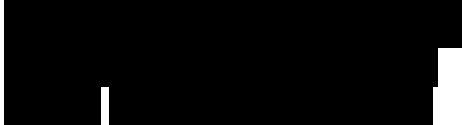
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General Counsel

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January 16, 2023

Via U.S Mail and Email

John M. Krolick



**Re: Open Meeting Law Complaint, OAG File No. 13897-436
Washoe County Board of Health**

Dear Mr. Krolick:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Washoe County Board of Health (“Board”).

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. The OAG’s investigation of the Complaint included a review of the Complaint, the response filed on behalf of the Board, the agenda and minutes of the Board’s June 24, 2021, meeting, and an affidavit from the Board’s Administrative Secretary.

After investigating the Complaint, the OAG determines that there is insufficient evidence to find a violation of the OML.

FACTUAL BACKGROUND

The Board held a public meeting on June 24, 2021. On or about June 17, 2021, the Board’s Administrative Secretary, Susy Valdespin, posted the agenda for the meeting at several physical locations and online. She also posted supporting material to the Board’s website. The agenda for the June 24 meeting stated the following with respect to obtaining supporting material:

How to Get Copies of Agenda and Support Materials:

Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Susy Valdespin, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Valdespin is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at svaldespin@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website <https://www.washoecounty.us/health> pursuant to the requirements of NRS 241.020.

On or about June 21, 2021, Complainant made a phone call to the Board's office requesting supporting material and was informed that he could pick up the packet at the Board's offices. On or about June 24, 2021, while the Board's meeting was in session, Complainant's daughter arrived at Board offices in search of supporting material. Complainant's daughter did not attend the meeting. Ms. Valdespin was unavailable at the time as she was assisting with the Board's meeting. Complainant's daughter left the Board offices but did leave a phone number. After the meeting on June 24, Ms. Valdespin called Complainant's daughter and then mailed a copy of the support material to Complainant.

Complainant filed the instant complaint alleging the Board failed to provide supporting material to him in a timely manner on October 7, 2021.

LEGAL ANALYSIS

Nevada's Open Meeting Law requires that public bodies hold open meetings with public participation. NRS 241.010; NRS 241.020. "Upon any request, a public body shall provide, at no charge, at least one copy of: . . . supporting material provided to members of the public body for an item on the agenda." NRS 241.020(7)(c)(1). This material must be available to a requestor at the time the material is provided to members of the public body. NRS 241.020(8). In addition, the agenda for a meeting must include the name and contact information for the person designated by the public body from whom a member of the public may request supporting material and either a list of locations where supporting material is available to the public or information about how the supporting material may be found on the website of the public body. NRS 241.020(3)(c).

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In the instant matter, the agenda included the required information about how to obtain supporting material for the meeting. Complainant contacted the Board office requesting material in physical form, but did not specifically contact Ms. Valdespin, who was listed on the agenda. When Complainant's daughter arrived at the Board office looking for supporting material, the meeting was already in session. Complainant acknowledges that he did receive the supporting material by mail but argues that because he received the supporting material after the meeting, it was a violation. Had Complainant's daughter attended the meeting, she would have been able to view a copy of the supporting material available there. The OAG does not find sufficient evidence that the Board's delay in providing supporting material to Complainant was unreasonable and thus does not find a violation of the OML.

CONCLUSION

Upon review of your Complaint, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

By: /s/ Rosalie Bordelove
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Chief Deputy Attorney General

cc: Michael W. Large, Deputy District Attorney
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