



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

CATHERINE CORTEZ MASTO
Attorney General

KEITH G. MUNRO
Assistant Attorney General

GREGORY M. SMITH
Chief of Staff

February 6, 2014

Lauren Castro
2095 Arcane Avenue
Reno, Nevada 89503

Re: Open Meeting Law Complaint / AG File No. 13-035
Reno City Council

Dear Ms. Castro:

We investigated four identical Open Meeting Law (OML) complaints which alleged improper notice of Agenda item E.4 on the Council's Consent calendar for its October 9, 2013 Reno City Council (Council) public meeting. Agenda item E.4 is set out below.

Staff Report (For possible action); Approval of Amendment #1 to the Contract between the city of Rank and Volunteers of America of Northern California and Northern Nevada for the Operation of the Shelters at the Community Assistance Center for July 1, 2013 - June 30, 2014, (Community Assistance Center budget).

Each complaint alleged that agenda item E.4 "lacked specificity necessary to give a common reader an understanding of items to be discussed, specifically the overflow shelter."¹

We reviewed the minutes of the October 9, 2013 meeting, the meeting agenda

¹ Katie Colling's complaint was the only one to allege that the Staff's report was not clear and complete based on the description of the service location – 315 and 355 Record St. She stated that the Record St. location indicates that the topic being discussed is located at the Community Assistance Center, not an off-site overflow shelter on Timber Way. However, agendas are only statutorily required to supply a clear and complete list of topics to be discussed.

and supporting material packet. We also reviewed the City of Reno's legal counsel's response on behalf of the Council. We also reviewed the declaration of Visha Siddharthan, Executive Assistant to the Reno City Manager whose principal duty is the posting of agendas and distribution of packets and support materials on behalf of the City of Reno.

NRS 241.020(2)(c)(2) requires that an agenda provide notice and a clear and complete list of topics to be discussed by the public body. Any allegation of that an item lacks specificity must be compared to this statutory requirement.

Ms. Colling alleges that the overflow shelter comprised the entirety of the discussion at the meeting but the agenda did not clearly state that the overflow shelter would be discussed and approved on October 9, 2013. As pointed out by the City's response, the Amendment to the Contract refers to "shelters," so that even if the overflow cold weather shelter is on Timber Way, and not Record St., the operation of all shelters operated by Volunteers of America is within the scope of the item. The City's Counsel also pointed out that the agenda items provided detailed and reasonable notice that the topic for discussion is an amendment to the contract for the operation of shelters by the Volunteers of Northern Nevada, who operate the Community Assistance Center. The service location in the Amendment refers to the Community Assistance Center, not to a particular shelter; the agenda did not have to refer to each shelter individually.

It is also alleged by Ms. Colling that she had trouble finding the staff report online on the City's webpage. She alleged the search of the webpage was difficult to navigate to find the staff report and even when she found it the staff report was not clear regarding the location of the off-site overflow shelter. We express no opinion as to the navigability of the city's website, but even if the agenda and the staff report were difficult to find, that fact standing alone, does not constitute a violation of the "clear and complete" rule. It appears that Ms. Colling was able to navigate to the agenda and the staff report.

Visha Siddharthan's declaration stated that the distribution of the meeting agenda and supporting materials occurred in compliance with policies and procedures applicable to the City of Reno. The Reno process is also compliant with the Open Meeting Law.

The Complaint asserted that "no one would know the purpose of agenda item E.4 unless they could read the staff report, which wasn't posted along with the agenda at any physical location. The OML does not require that the meeting agenda packet be posted along with the agenda before the meeting. Also there is no requirement in the OML that the public body must convey the purpose of an agenda item beyond setting out a list of topics to be discussed. A public body may expand on the item to include a

Lauren Castro
February 6, 2014
Page 3

supplementary purpose, but we believe item E.4 clearly met the statutory requirement under the clear and complete rule.

We believe that agenda item E.4 was clear and complete as each topic discussed by the Council appeared in the item. The staff report was included in the supporting material available in the City Council's packet. Also it was available online, over the counter at the Clerk's office and a hard copy was made available for review at the meeting. Item E.4 provided notice to the public that an amendment to the contract with Volunteers of America for the operation of shelters at the Community Assistance center would be considered and that action was possible. These were the necessary topics for discussion. The item's purpose could be easily determined from review of the staff report, but it was not required to be stated in the agenda item.

Topic is a general term and capable of being broadly defined. The "clear and complete" rule, as applied to the facts of this case, rests on the distinction between "topic," and complainant's assertion that Council agenda item E.4 could only be approved if the item's purpose was expressed. This interpretation is too narrow. The Legislature has not required agenda items to express a purpose although some agenda items may indicate its purpose either explicitly or implicitly. The purpose of E.4 was to amend an existing contract.

Conclusion

Agenda item E.4 clearly expressed the topics to be discussed at the Reno City Council's public meeting on October 9, 2013. There was no violation of the OML.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:



GEORGE H. TAYLOR
Senior Deputy Attorney General
Open Meeting Law
Tele: (775) 684-1230

cc: Tracy L. Chase, Chief Civil Deputy, Reno City Attorney's Office, Counsel for
the Reno City Council
Reno City Council members:
Hillary Schieve
Jenny Brekhus
Sharon Zadra
Oscar Delgado
Dwight Dortch
Neoma Jardon



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GREGORY M. SMITH
Chief of Staff

February 6, 2014

Gino Carter
8455 Offenhousek Drive #1822
Reno, Nevada 89521

Re: Open Meeting Law Complaint / AG File No. 13-035
Reno City Council

Dear Mr. Carter:

We investigated four identical Open Meeting Law (OML) complaints which alleged improper notice of Agenda item E.4 on the Council's Consent calendar for its October 9, 2013 Reno City Council (Council) public meeting. Agenda item E.4 is set out below.

Staff Report (For possible action); Approval of Amendment #1 to the Contract between the city of Rank and Volunteers of America of Northern California and Northern Nevada for the Operation of the Shelters at the Community Assistance Center for July 1, 2013 - June 30, 2014, (Community Assistance Center budget).

Each complaint alleged that agenda item E.4 "lacked specificity necessary to give a common reader an understanding of items to be discussed, specifically the overflow shelter."¹

We reviewed the minutes of the October 9, 2013 meeting, the meeting agenda

¹ Katie Colling's complaint was the only one to allege that the Staff's report was not clear and complete based on the description of the service location – 315 and 355 Record St. She stated that the Record St. location indicates that the topic being discussed is located at the Community Assistance Center, not an off-site overflow shelter on Timber Way. However, agendas are only statutorily required to supply a clear and complete list of topics to be discussed.

and supporting material packet. We also reviewed the City of Reno's legal counsel's response on behalf of the Council. We also reviewed the declaration of Visha Siddharthan, Executive Assistant to the Reno City Manager whose principal duty is the posting of agendas and distribution of packets and support materials on behalf of the City of Reno.

NRS 241.020(2)(c)(2) requires that an agenda provide notice and a clear and complete list of topics to be discussed by the public body. Any allegation of that an item lacks specificity must be compared to this statutory requirement.

Ms. Colling alleges that the overflow shelter comprised the entirety of the discussion at the meeting but the agenda did not clearly state that the overflow shelter would be discussed and approved on October 9, 2013. As pointed out by the City's response, the Amendment to the Contract refers to "shelters," so that even if the overflow cold weather shelter is on Timber Way, and not Record St., the operation of all shelters operated by Volunteers of America is within the scope of the item. The City's Counsel also pointed out that the agenda items provided detailed and reasonable notice that the topic for discussion is an amendment to the contract for the operation of shelters by the Volunteers of Northern Nevada, who operate the Community Assistance Center. The service location in the Amendment refers to the Community Assistance Center, not to a particular shelter; the agenda did not have to refer to each shelter individually.

It is also alleged by Ms. Colling that she had trouble finding the staff report online on the City's webpage. She alleged the search of the webpage was difficult to navigate to find the staff report and even when she found it the staff report was not clear regarding the location of the off-site overflow shelter. We express no opinion as to the navigability of the city's website, but even if the agenda and the staff report were difficult to find, that fact standing alone, does not constitute a violation of the "clear and complete" rule. It appears that Ms. Colling was able to navigate to the agenda and the staff report.

Visha Siddharthan's declaration stated that the distribution of the meeting agenda and supporting materials occurred in compliance with policies and procedures applicable to the City of Reno. The Reno process is also compliant with the Open Meeting Law.

The Complaint asserted that "no one would know the purpose of agenda item E.4 unless they could read the staff report, which wasn't posted along with the agenda at any physical location. The OML does not require that the meeting agenda packet be posted along with the agenda before the meeting. Also there is no requirement in the OML that the public body must convey the purpose of an agenda item beyond setting out a list of topics to be discussed. A public body may expand on the item to include a

supplementary purpose, but we believe item E.4 clearly met the statutory requirement under the clear and complete rule.

We believe that agenda item E.4 was clear and complete as each topic discussed by the Council appeared in the item. The staff report was included in the supporting material available in the City Council's packet. Also it was available online, over the counter at the Clerk's office and a hard copy was made available for review at the meeting. Item E.4 provided notice to the public that an amendment to the contract with Volunteers of America for the operation of shelters at the Community Assistance center would be considered and that action was possible. These were the necessary topics for discussion. The item's purpose could be easily determined from review of the staff report, but it was not required to be stated in the agenda item.

Topic is a general term and capable of being broadly defined. The "clear and complete" rule, as applied to the facts of this case, rests on the distinction between "topic," and complainant's assertion that Council agenda item E.4 could only be approved if the item's purpose was expressed. This interpretation is too narrow. The Legislature has not required agenda items to express a purpose although some agenda items may indicate its purpose either explicitly or implicitly. The purpose of E.4 was to amend an existing contract.

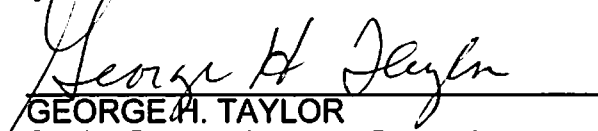
Conclusion

Agenda item E.4 clearly expressed the topics to be discussed at the Reno City Council's public meeting on October 9, 2013. There was no violation of the OML.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:


GEORGE H. TAYLOR
Senior Deputy Attorney General
Open Meeting Law
Tele: (775) 684-1230

cc: Tracy L. Chase, Chief Civil Deputy, Reno City Attorney's Office, Counsel for the Reno City Council
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GREGORY M. SMITH
Chief of Staff

February 6, 2014

Dennis Lafoon
300 Holcomb Street, #24
Reno, Nevada 89502

Re: Open Meeting Law Complaint / AG File No. 13-035
Reno City Council

Dear Mr. Lafoon:

We investigated four identical Open Meeting Law (OML) complaints which alleged improper notice of Agenda item E.4 on the Council's Consent calendar for its October 9, 2013 Reno City Council (Council) public meeting. Agenda item E.4 is set out below.

Staff Report (For possible action); Approval of Amendment #1 to the Contract between the city of Rank and Volunteers of America of Northern California and Northern Nevada for the Operation of the Shelters at the Community Assistance Center for July 1, 2013 - June 30, 2014, (Community Assistance Center budget).

Each complaint alleged that agenda item E.4 "lacked specificity necessary to give a common reader an understanding of items to be discussed, specifically the overflow shelter."¹

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It is also alleged by Ms. Colling that she had trouble finding the staff report online on the City's webpage. She alleged the search of the webpage was difficult to navigate to find the staff report and even when she found it the staff report was not clear regarding the location of the off-site overflow shelter. We express no opinion as to the navigability of the city's website, but even if the agenda and the staff report were difficult to find, that fact standing alone, does not constitute a violation of the "clear and complete" rule. It appears that Ms. Colling was able to navigate to the agenda and the staff report.

Visha Siddharthan's declaration stated that the distribution of the meeting agenda and supporting materials occurred in compliance with policies and procedures applicable to the City of Reno. The Reno process is also compliant with the Open Meeting Law.

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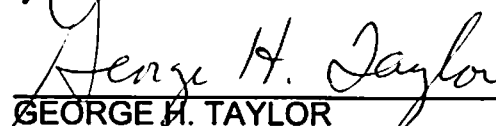
Conclusion

Agenda item E.4 clearly expressed the topics to be discussed at the Reno City Council's public meeting on October 9, 2013. There was no violation of the OML.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:



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Senior Deputy Attorney General
Open Meeting Law
Tele: (775) 684-1230

cc: Tracy L. Chase, Chief Civil Deputy, Reno City Attorney's Office, Counsel for
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GREGORY M. SMITH
Chief of Staff

February 6, 2014

Katie M. Colling
635 North Maddox Drive
Reno, Nevada 89512

Re: Open Meeting Law Complaint / AG File No. 13-035
Reno City Council

Dear Ms. Colling:

We investigated four identical Open Meeting Law (OML) complaints which alleged improper notice of Agenda item E.4 on the Council's Consent calendar for its October 9, 2013 Reno City Council (Council) public meeting. Agenda item E.4 is set out below.

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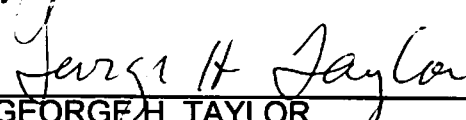
Conclusion

Agenda item E.4 clearly expressed the topics to be discussed at the Reno City Council's public meeting on October 9, 2013. There was no violation of the OML.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By:



GEORGE H. TAYLOR
Senior Deputy Attorney General
Open Meeting Law
Tele: (775) 684-1230

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