

AARON D. FORD
Attorney General

CAROLINE BATEMAN
First Assistant Attorney General

CHRISTINE JONES
BRADY
Second Assistant Attorney General



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

555 E. Washington Ave. Suite 3900
Las Vegas, Nevada 89101

JESSICA L. ADAIR
Chief of Staff

RACHEL J. ANDERSON
General Counsel

HEIDI PARRY STERN
Solicitor General

May 7, 2019

Via U.S. Mail

Randy Connors

**Re: Open Meeting Law Complaint, O.A.G. File No. 13897-304
Sparks City Council**

Dear Mr. Connors:

You filed a complaint on July 23, 2018, (Complaint) with the Office of the Attorney General (OAG) alleging violations of the Nevada Open Meeting Law (OML) by the Sparks City Council (City Council). The Complaint alleges that the City Council violated the OML by failing to mail a copy of the public notice agenda for its July 23, 2018, meeting to you pursuant to NRS 241.020(3)(c).

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 investigation of the Complaint included OAG review of the Complaint and supporting materials, the transcript of the June 7, 2018, meeting of the City of Sparks Planning Commission (Planning Commission), and the response and supporting materials from the City Council.

After investigating this matter, the OAG determines that the City Council did not violate the OML because your request for notice of meetings was made to the Planning Commission and not to the City Council.

FACTUAL BACKGROUND

Mr. Connors attended the June 7, 2018, meeting of the Planning Commission, wherein the Planning Commission discussed a development and zoning project. Mr. Connors made the following statement during the public hearing for the project:

I am formally requesting a mailed notice to any further meetings regarding this development by the Planning Commission or the City Council. And I urge my fellow citizens to do the same.

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The City Council held a meeting on July 23, 2018, which included public hearings regarding the development and zoning project. Mr. Connors was not sent a copy of the public notice agenda for this City Council meeting.

DISCUSSION AND LEGAL ANALYSIS

Public bodies working on behalf of Nevada citizens must conform to statutory requirements in open meetings under an agenda that provides full notice and disclosure of discussion topics and any possible action. *Sandoval v. Board of Regents*, 119 Nev. 148, 67 P.3d 902 (2003). NRS 241.020(3)(c) requires that public bodies provide a copy of the public notice agenda for their meetings to "any person who has requested notice of the meetings of the public body" by mailing such notice to those individuals no later than 9:00 a.m. of the third working day before the meeting.


Mr. Connors stated in his request that he would like to receive notice of City Council meetings. However, he made that request during a public comment period of a Planning Commission meeting, a separate public body, and not during a meeting of the City Council. NRS 241.020(3) does not require a public body to give notice of future meetings when a party submits the request to a different public body. Mr. Connors made an effective request for public notice of Planning Commission meetings, but not of City Council meetings. Therefore, the City Council did not violate the OML because it was not required to send notice of its July 23, 2018, meeting to Mr. Connors under NRS 241.020(3)(c).

CONCLUSION

The OAG has reviewed the available evidence and determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General



ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Alyson L. McCormick, Assistant Sparks City Attorney