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September 28, 2016

Via First Class Mail

William Peterson, Esq.
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50 West Liberty Street, Suite #510
Reno, NV 89501

**Re: Open Meeting Law Complaint, OAG File No. 13897-202
Reno City Council**

Dear Mr. Peterson:

The Office of the Attorney General (OAG) received your Complaint (OAG File No. 13897-202) alleging the Reno City Council (Council) violated the Nevada Open Meeting Law (OML) by holding a closed meeting on July 20, 2016. The OAG reviewed the Complaint, the Council meeting agenda, the Counsel minutes, and the response to the Complaint submitted by Karl S. Hall, Reno City Attorney (Hall), which included two affidavits from the Council's legal counsel.

After reviewing these materials, the OAG concludes that no violation of the OML occurred because the alleged closed meeting was an attorney-client conference specifically exempted from the definition of "meeting" by NRS 241.015(3)(b)(2).

FACTUAL BACKGROUND

The Complaint alleges that the OML was violated on July 20, 2016, when the City, "in open session, recessed the meeting and convened in closed session to discuss" three complaints filed with the City of Reno against the City Manager for sexual harassment. Compl. at 1. The Complaint further alleges that the hour-long closed session was not on the Council's meeting agenda.

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Hall's response to the Complaint states "the Council met with Karl Hall, Reno City Attorney, and Susan Ball Rothè, Deputy City Attorney, for the purpose of conducting an attorney-client session to discuss pending litigation and advise [the] Council of the potential for litigation" regarding the complaints against the City Manager. Response at 2. Hall asserts that the Council "did not consider or discuss the Reno City [Manager's] character, alleged misconduct, or professional competence." *Id.*

DISCUSSION AND LEGAL ANALYSIS

NRS 241.015(3) defines "meeting" for purposes of the OML. A meeting does not include a gathering of the public body where the public body "receive[s] information from [its] attorney . . . regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power." NRS 241.015(3)(b)(2).

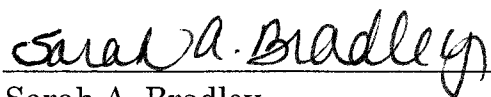
Because the hour-long gathering concerned pending or existing litigation, it is not a "meeting" under NRS 241.015(3).

CONCLUSION

The OAG finds that the gathering on July 20, 2016, was an attorney-client conference exempt from the definition of "meeting." As the OAG has determined this gathering did not violate the OML, the OAG will be closing its file in this matter.

Sincerely,

ADAM PAUL LAXALT
Attorney General

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cc: Karl S. Hall, Reno City Attorney