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July 31, 2026

Via U.S. Mail

Fred Voltz
[REDACTED]
[REDACTED]

Re: Open Meeting Law Complaint, OAG File No. 13897-567

Dear Mr. Voltz:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the City Council for Boulder City (“Council”) regarding its December 16, 2025, special meeting.

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 and attachments, the Response on behalf of the Council, and the agenda and video recording for the Council’s December 16, 2025, meeting. After investigating the Complaint, the OAG determines that the Council did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The Council held a public meeting on December 16, 2025. The agenda listed one physical meeting location in Boulder City, Nevada, as well as a livestream available on the internet, an email address for submitting public comment prior to the meeting, and a call-in number for providing public

comment during the meeting. The agenda contained the following statement with respect to public comment:

Public comment during this portion of the agenda must be limited to matters on the agenda for action. Each person has up to three minutes to speak on a specific agenda item. Members of the public may participate in the meeting without being physically present by one of the following methods:

- Written comments may be submitted prior to the meeting via the Public Comment Form www.bcnv.org/CommentForm. All comments will be distributed to Council, Committee and/or Commission members.
- To comment during the meeting, members of the public may call (702) 589-9629 when the public comment period is opened.

When the meeting began, the Mayor opened the public comment period for approximately forty-five seconds. No one came forward to provide public comment, and there were no callers on the line during the first public comment period. The Mayor then closed the public comment period and proceeded with the agenda items.

Complainant Votz alleged that, accounting for the approximately twenty-second delay in the livestream, he called into the meeting at 2:03 p.m. A call log submitted with the City Council for Boulder City's response indicates that a caller was on the line at 2:05 p.m.

Email attachments show that, at 2:10 p.m., during the meeting, Complainant emailed Boulder City Clerk Tami McKay, stating that the call-in number provided had transferred him to a customer service line and that there was a technological issue that needed to be resolved. He also stated that he attached written comments to be read during the meeting and included in the meeting minutes.

At 2:34 p.m., City Clerk Assistant Lori Weakland responded to the Complainant's email, stating that the meeting had already progressed to Agenda Item No. 2 when his call came in and that late public comments were not accepted.

After the conclusion of the agenda items, the Mayor opened the public comment period again for approximately one minute and thirty seconds, acknowledging that he might have “cut short” the first public comment period. No one came forward to provide public comment, and there were no callers on the line. The Mayor then closed the public comment period and adjourned the meeting.

Complainant Voltz, who attended the meeting virtually, alleges that the Council violated the OML by not allowing him to speak during the first public comment period and by improperly excluding his comments because they were not read during the meeting.

LEGAL ANALYSIS

The City Council for Boulder City, as the governing body of a Nevada city, is a public body as defined in NRS 241.015(5) and is subject to the OML.

A. The Council did not violate the OML by closing the first public comment period before Complainant's telephonic participation occurred.

The OML requires public bodies to include periods devoted to comments by the general public during their meetings. NRS 241.020(3)(d)(3); 241.021. Public bodies are permitted to conduct meetings by means of a remote technology system if members of the public are permitted to "(1) Attend and participate at a physical location designated for the meeting . . . ; or (2) Hear and observe the meeting, participate in the meeting by telephone and provide live public comment during the meeting using the remote technology system." NRS 241.023(1)(b). The OML permits public bodies to use remote technology systems to aid in the conduct of their meetings but are not required to. NRS 241.023(1). Where a meeting has a physical location for the public to attend and participate, access to the meeting via electronic means is not required. NRS 241.020(3)(a); 241.023(1).

It is undisputed that the December 16 meeting had a physical location where the public was permitted to attend and participate and where members of the public body attended and participated. Even if the Council failed to reasonably account for the twenty-second delay in the livestream by waiting for virtual callers during the public comment period, the OML did not require the Council to provide access to a remote technology system or permit telephonic participation. The Council satisfied its obligations under the OML by providing a physical location where the public could attend and participate; therefore, any failure to accommodate telephonic participation would not constitute an OML violation. *See In re Open Meeting Law Complaint, Voltz v. Clark County Advisory Board*, OMLO No. 13897-432 (June 23, 2023); *In re Open Meeting Law Complaint, Joiner v. Washoe County*, OMLO No. 13897-443 (May 8, 2023). Accordingly, the OAG finds no OML violation.

B. The Council did not violate the OML by failing to read emailed public comments during the meeting.

The OML requires that a public body keep written minutes of each of its meetings, including “[t]he substance of remarks made by any member of the general public who addresses the public if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.” NRS 241.035(1)(d).

Here, the Council’s agenda directed members of the public to submit written comments before the meeting through the designated form. The written comments at issue were submitted during the meeting rather than before it. Moreover, the OML does not require a public body to read emailed public comments aloud during a meeting. *See Palmer v. CCSD*, OMLO No. 13897-430 (stating that the OML does not require a public body to summarize emailed public comments during its meetings).

CONCLUSION

Upon review of your Complaint and available evidence, 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
ROSALIE BORDELOVE
Chief Deputy Attorney General