

AARON D. FORD
Attorney General

CRAIG A. NEWBY
First Assistant Attorney General

CHRISTINE JONES BRADY
Second Assistant Attorney General



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119

TERESA BENITEZ-
THOMPSON
Chief of Staff

LESLIE NINO PIRO
General Counsel

HEIDI PARRY STERN
Solicitor General

April 16, 2025

Via U.S Mail and Email

Christina F. Kenison



**Re: Open Meeting Law Complaint, OAG File No. 13897-480
Winnemucca City Council**

Dear Ms. Kenison:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) by the Winnemucca City Council (“Council”) regarding its April 18, 2023, meeting.

The OAG has statutory enforcement powers under the OML, and the authority to investigate and prosecute violations of the OML. Nevada Revised Statutes (“NRS”) 241.037; NRS 241.039; NRS 241.040. In response to your Complaint, the OAG reviewed your Complaint and attachments; the Council’s responses and attachments, and the agenda, minutes and recording of the Council’s April 18, 2023, meeting.

FACTUAL BACKGROUND

The Council held a regular public meeting on April 18, 2023. Agenda Item F.9 of the public notice agenda for the meeting read:

**9. 1:15 pm – Public Hearing – Property Value Determination-
Property Sale-Lease Proposal**

Public hearing to determine the fair market value of the city-owned 177.31-acre parcel property west of the Airport identified as APN 13-0242-01 based upon the appraisal report for the subject property and the sales data for other similarly situated properties and

possible determination that it is in the best interest of the city to sell or lease the property and possible adoption of a resolution declaring the intent to sell or lease the property at auction / Staff

A 105-page appraisal report was included in the materials for the meeting that had been distributed to members of the Council. An electronic copy of the materials was available for viewing by the public at the meeting.

During the meeting, Complainant requested a printed copy of the supporting material, including the appraisal report. The City Clerk, responsible for supporting material, informed Complainant that she could view the public electronic copy, receive a copy of the materials on a flash drive or wait until after the meeting when the Clerk was no longer performing her meeting duties, to have a copy printed for her.

Complainant filed the instant Complaint alleging that the Council violated the OML because Agenda Item F.9 contained misrepresentations, the Council failed to have a printed copy of the materials available to the public and the Council refused to print a copy for her upon request.

LEGAL ANALYSIS

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

A. The description contained in Agenda Item F.9 did not violate the OML.

An agenda for a meeting of a public body must include a “clear and complete statement of the topics to be considered during the meeting.” NRS 241.020(3)(d)(1). The “clear and complete statement” requirement of the OML stems from the Legislature’s belief that ‘incomplete and poorly written agendas deprive citizens of their right to take part in government’ and interfere with the ‘press’ ability to report the actions of government.” *Sandoval v. Bd. Of Regents of Univ.*, 119 Nev. 148, 154 (2003). Strict adherence to the “clear and complete” standard for agenda items is required for compliance under the OML. *Id.* The OML “seeks to give the public clear notice of the topics to be discussed at public meetings so that the public can attend a meeting when an issue of interest will be discussed.” *Id.* at 155.

Here, the Complaint alleges that the Council violated the OML’s clear and complete requirement by including inaccurate and incomplete information

on the agenda. Specifically, the Complaint alleges 1) the property in question is not solely owned by the City of Winnemucca; 2) the property is not west of the airport; 3) the Appraised value is incorrect; 4) it is not in the best interest of the city to sell the property; 5) The correct statute for the City to sell the subject property is found in NRS Title 44 dealing with aeronautics; and 6) the City can only act to sell the property with the concurrence of other governing boards.

The OML does not include a requirement for absolute accuracy of every statement in a published agenda. Instead, the OML requires that the agenda put the public on notice of what will be discussed and potentially acted upon during a meeting. The OAG notes that the deed to the subject property confirms that at the time, it was in fact owned by the City of Winnemucca, and that the parcel number listed on the agenda is correct, putting the public accurately on notice of the subject property to be discussed and of potential actions.

While the OAG does find that this item is of significant public interest, it also finds the agenda item to be a clear and complete statement of the topics that were considered at the meeting. The agenda item gave the public notice that the Council would consider selling and leasing the subject property and made clear which property was to be considered. Accordingly, the OAG finds that there was no violation of the OML.

B. The Council did not violate the OML by providing an electronic copy of materials for public viewing.

The OML requires public bodies to make at least one copy of supporting material for the meeting available to the public at the meeting to which the documents pertain. NRS 241.020(7). The OML does not contain a requirement that this copy be in physical form. The requirement being for only one copy and not copies sufficient for all anticipated attendees indicates a statutory intent to allow the public to review, but not necessarily take ownership of, said copy. Thus, the OAG finds that a public body may comply with NRS 241.020(7) by providing an electronic copy of materials to the public for viewing, so long as the copy is viewable by the public without the public being required to bring their own equipment.

Here, the Council asserts that due to the large volume of materials for each of its meetings, it has moved to a format where only an electronic copy is available for viewing by the public during meetings and the public may receive a printed copy of materials upon request prior to the meeting or via a public records request after the meeting. Complainant's allegations do not run

contrary to this assertion, as they allege only that there was no printed copy available to the public. As such, the OAG does not find sufficient evidence of a violation of the OML in this respect.

C. The Council did not violate the OML by refusing to provide a printed copy of materials until after the meeting.

Upon request, a public body must provide, at no charge, at least one copy of supporting material to a member of the public. NRS 241.020(7)(c). The OAG has previously held that where supporting material is available to the public upon request prior to the meeting at issue, pausing a meeting to satisfy requests is not necessary. *In re the Nevada Board of Examiners for Social Workers*, OMLO 13897-212 at 3-4 (Jan. 6, 2017).

In this matter, the evidence indicates that supporting material for the meeting was available upon request prior to the meeting, but that Complainant did not request a printed copy of the material until after the meeting had started. The City Clerk, the individual listed on the agenda from whom supporting material could be requested, was performing other job duties during the meeting. Complainant was permitted to view the public version of the supporting material during the meeting and offered to receive a printed copy after the meeting when the City Clerk was again available. The OAG finds that this reasonably complies with NRS 241.020(7)(c)'s requirements and does not find a violation of the OML.

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

Christina F. Kenison
Page 5

cc: O. Kent Maher, Winnemucca City Attorney
33 W. Fourth Street
P.O. Box 130
Winnemucca, NV 89446