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May 23, 2025

**Via U.S. Mail**

Dr. Robbin Palmer  
[REDACTED]  
[REDACTED]

**Re: Open Meeting Law Complaint, City of Reno, Reno City Council  
OAG File No. 13897-521**

Dear Dr. Palmer:

The Office of the Attorney General (“OAG”) is in receipt of your Complaint (“Complaint”) alleging violations of the Open Meeting Law, NRS Chapter 241 (“OML”), by the Reno City Council (“Council”) related to its agenda and meeting on July 31, 2024.

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, the Council’s Response, and the agenda, minutes, and transcript of the July 31 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 July 31, 2024. Agenda Item D.6 of the public notice agenda read:

D.6 Resolution No. \_\_\_\_ (For Possible Action): Resolution of the Reno City Council to oppose the increase to the Basic Service

Charge and related provisions under Docket No. 24-02026 before the Public Utilities Commission of Nevada (PUCN), and other matters properly relating thereto.

In relation to Agenda Item D.6, the Council noticed and published a draft of the proposed resolution on or about the morning of Friday, July 26, 2024 (the “Proposed Resolution”). Under Section 2 of the Proposed Resolution, the Council would have “formally oppose[d] NV Energy’s proposal to increase the Basic Service Charge to its customers, under Docket No. 24-02026 for the reasons stated herein.” Sections 3-5 of the Proposed Resolution further detailed the Council’s reasoning for its opposition to the rate increases.

Before the opening of Agenda Item D.6, a revised resolution (the “Revised Resolution”) was transmitted to the Council and provided to the public. As then Interim City Manager Jackie Bryant explained at the Meeting, the Revised Resolution included changes to address “concerns around supporting solar, supporting low-income rate payers, and the fact that the proposed rate increase as structured would de-incentivize people to save energy.” The Revised Resolution that was presented at the July 31 meeting read:

D.6 Resolution No. \_\_\_\_ (For Possible Action): Resolution of the Reno City Council related to provisions under Docket No. 24-02026 before the Public Utilities Commission of Nevada (PUCN), and other matters properly relating thereto.

Under Section 2 of the Revised Resolution, the Council “formally encourage[d] the PUCN to consider the public comment it ha[d] received as it issues its decision in Docket No. 24-02026.” Correspondingly, Sections 3-6 of the Revised Resolution were also updated to clarify the Council’s energy policy preferences and the scope of its requests directed to the PUCN regarding the proposed rate increases.

Public comments, including Complainant’s public comment in favor of adopting the Proposed Resolution, were received during general public comment. Additional public comment was made in support and in opposition to the Revised Resolution when Agenda Item D.6 was opened for discussion by the Council. The Council considered the changes to the Revised Resolution and it was adopted by a 6-0 vote of the Councilmembers.

## LEGAL ANALYSIS

The Council is a “public body” as defined in NRS 241.015(5) and is subject to 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.” *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 plain language of NRS 241.020(2)(c)(1) requires that discussion at a public meeting cannot exceed the scope of a clearly and completely stated agenda topic.” *Id.* The OML “seeks to give the public a 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.

NRS 241.020(3)(d)(2) further mandates that “A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term ‘for possible action’ next to the appropriate item [...]” In *Sandoval*, the Nevada Supreme Court favorably cited *Gardner v. Herring*, 21 S.W.3d 767 (Tex. Ct. App. 2000) in analyzing the sufficiency of notice. See, *Sandoval*, 119 Nev. at 155, 67 P.3d at 906; OMLO 2005-16 (August 29, 2005) (same); OMLO 2002-30 (June 24, 2002) (no necessity to state all of the consequences which may necessarily flow from the consideration of the subject stated).

In *Gardner*, the court held that notice is adequate if it alerts or informs the public that some action will be taken on a particular topic. Furthermore, in disclosing that some action will be taken, the notice need not mention all possible results which may arise. 21 S.W.3d at 773. As it pertains to supporting materials, pursuant to NRS 241.020(8), supporting material must be made available to the general public at the same time it is provided to the Council members.

Here, the issue is whether the Council violated the OML by voting on and passing a revised resolution that contained different language than the Proposed Resolution initially posted with Agenda Item D.6.

Notably, the Proposed Resolution and Revised Resolution were both clearly related to the same topic—namely the City Council’s formal response to proposed rate increases sought by NV Energy before the PUCN under Docket No. 24-02026.

The agenda item in question adequately notified the public that the Council would consider its formal response to NV Energy’s proposed increase to the Basic Service Charge before the PUCN. Although the exact language between the Proposed Resolution and the Revised Resolution changed, constituting a more “watered-down” approach, the topic remained unchanged. Moreover, at the meeting, the Council had the option of declining to proceed with a formal resolution entirely—in either form—or to recommend consideration of the Proposed Resolution and opposing the rate increase as it was properly agendized and noticed. The option to recommend that the PUCN listen to public comment lies between these two options and was within the scope of the noticed topic for Agenda Item D.6.

Finally, the timing of the distribution of the Revised Resolution did not violate the OML, as the supporting materials were provided to the general public and made available at the same time the Revised Resolution was provided to members of the Council. *See* NRS 241.020(8). Because the Council provided adequate notice of the topic to be considered with Agenda Item D.6 and its distribution of the Revised Resolution was consistent with the express provisions of the OML, the OAG finds that the Council’s actions were compliant with the OML and no violation occurred.

### **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 its file regarding this matter.

Sincerely,

*/s/ Rosalie Bordelove*

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ROSALIE BORDELOVE

Chief Deputy Attorney General

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