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July 1, 2024

Via U.S Mail and Email

Bill Schrimpf

[Redacted]
[Redacted]
[Redacted]
Email: [Redacted]

**Re: Open Meeting Law Complaint, OAG File No. 13897-494
Reno City Council**

Dear Mr. Schrimpf:

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”) regarding its August 23, 2023, 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, the Response on behalf of the Council, and the agenda and recording of the Council’s August 23, 2023, 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 August 23, 2023. The meeting occurred in person at the City Council Chamber and offered members of the public the ability to observe and make public comment via a remote technology system. Item D.4 on the public notice agenda related to a potential resolution to be passed by the Council and listed that there was supplemental supporting material for the item.

During Item A.4, approval of the agenda, Councilmember Brekhus brought up that there was no resolution included in the materials for Item D.4. The City Manager noted that the resolution for Item D.4 had been inadvertently left out of the meeting materials and was in the process of being printed and uploaded to the Council's website. Councilmember Brekhus stated that she would prefer to table the item, but a majority of the Council voted to approve the agenda with Item D.4 on it.

Item D.4 was called about two hours later. One Councilmember noted that she was just then receiving the resolution that was discussed previously. At the same time as she was speaking, it is apparent from the video recording that staff was passing a document out to Councilmembers in attendance. The Council received public comment on the item that included the Complainant stating he was unable to download the materials for D.4 online and had last tried when the previous item was "wrapping up". The Council then proceeded to receive presentations on the item and began discussion. During discussion of the item, Councilmember Reece posed a question to the City Attorney regarding the requirements for supporting material provided to members during a meeting. The City Attorney confirmed Councilmember Reece's understanding and noted that staff had verified that the materials were not only available to the public, but also available on the Council's website.

The Complaint alleges that the Council's failure to have the supporting material for Item D.4 available on its website at the time the item was called violated the OML.

LEGAL ANALYSIS

As the governing body of a city in Nevada, the Reno City Council is a "public body" as defined in NRS 241.015(4) and is subject to the OML.

Under the OML, "supporting material" means material that is provided to at least a quorum of the members of a public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. NRS 241.015(7). Public bodies must provide supporting material upon request to members of the public at the same time as the materials are provided to members of the public body. NRS 241.020(7)-(8). The governing body of a city whose population is 45,000 or greater must post supporting material to its website. NRS 241.020(9). When the material is provided to the members of such a governing body during the meeting, the material must be posted not later than 24 hours *after* the conclusion of the meeting. *Id.*

Here, the evidence indicates that Councilmembers received the resolution at issue during the meeting, making it supporting material at that point. There is no dispute that the City of Reno has a population greater than 45,000, triggering the online posting requirement in NRS 241.020(9). Complainant states that the material was not available online when the item discussed before Item D.4 was “wrapping up”. The City Clerk submitted an affidavit that she personally confirmed the materials were available on the website shortly before Item D.4 was heard. While there could be a slight discrepancy between when Complainant checked for the materials and when the City Clerk verified their posting, the Council was not required to post the materials to its website until 24 hours after the conclusion of the meeting. NRS 241.020(9). Thus, the OAG does not find a violation of the OML with respect to posting of supporting material to the Council’s website.

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
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Chief Deputy Attorney General

cc: Karl S. Hall, Reno City Attorney
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