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*Attorney General*



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STATE OF NEVADA  
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100 North Carson Street  
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December 30, 2016

*via U.S. Mail*

Linda A. Davies  
1291 16th Street East  
Ely, Nevada 89301

Re: Open Meeting Law Complaint, O.A.G. File No. 13897-217  
Ely City Council

Dear Ms. Davies:

The Office of the Attorney General (OAG) is in receipt of your complaint alleging that the Ely City Council (Council) violated the Nevada Open Meeting Law (OML) by charging members of the public for copies of the minutes and audio recordings of Council meetings. 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 reviewed a response to the complaint from the Charles Odgers, Ely City Attorney dated December 27, 2016, which included supporting documentation.

The legislative intent of the OML is that the actions of public bodies "be taken openly, and that their deliberations be conducted openly." NRS 241.020(1); *see also McKay v. Board of Supervisors*, 102 Nev. 644, 651, 730 P.2d 438, 443 (1986) ("the spirit and policy behind NRS chapter 241 favors open meetings"). To facilitate open government, NRS 241.035(2) requires that minutes and audio recording for public meetings be made available to the public by providing in pertinent part: "[a] copy of the minutes or audio recording must be made available to a member of the public upon request *at no*

*charge.*" [Emphasis supplied.] This requirement was enacted by Senate Bill 74 in 2013. Act of May 23, 2013, ch. 98, § 5, 2013 Nev. Stat. 324.

In response to your complaint, the Council has acknowledged charging members of the public for copies of the minutes and audio recordings of Council meetings in violation of NRS 241.035(2). Furthermore, the Council took action to remedy this violation at its December 22, 2016, meeting under agenda item no. 6, including reimbursing members of the public wrongfully charged for copies of the minutes and audio recordings of Council meetings. When a violation of the Open Meeting Law occurs, the OAG recommends that the public body committing the violation make every effort to immediately correct the violation. Although it may not completely eliminate a violation, corrective action can mitigate the severity of the violation and further ensure that the business of government is accomplished in the open.

Because the Council has acknowledged the violation at a public meeting and taken action to remedy the violation, the OAG has determined that no further action is necessary and will be closing its file on this matter.

Sincerely,

ADAM PAUL LAXALT  
Attorney General

By: \_\_\_\_\_

  
Brett Kandt  
Chief Deputy Attorney General

WBK/slg

cc: Charles H. Odgers, Ely City Attorney