

STAFF REPORT

Date: December 11, 2024

To: Mayor and City Council

Through: Jackie Bryant, Interim City Manager

Subject: Staff Report (For Possible Action): Discussion and potential direction to the City Attorney's Office to take all necessary and appropriate steps to petition the Supreme Court of Nevada for a writ of prohibition in the matter of Conrad v. City of Reno (Case No. CV24-02625).

From: Mark Dunagan, Deputy City Attorney III

Department: City Attorney's Office

Summary:

The City Attorney's Office will seek relief from the Supreme Court of Nevada in response to a writ that was entered against the City on an ex parte basis, i.e., without notice or service to the City. Substantively, the case at district court concerns the compelled disclosure of records that City staff maintains are confidential. However, the anticipated writ petition to be filed by the City is strictly concerned with procedure. The City will petition the Supreme Court to prohibit the district court from issuing writs in public records litigation on an ex parte basis, which denies the government the opportunity to meet its statutory burden of showing that the records are confidential prior to a writ being issued.

Alignment with Strategic Plan:

Governance and Organizational Effectiveness

Previous Council Action:

There is no recent Council action relevant to this item.

Financial Implications:

None at present.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law. Pursuant to the case Comm'n on Ethics of the State of Nevada v. Hansen, 134 Nev. 304, 419 P.3d 140 (2018), a

municipal attorney must be authorized by the public body in an open meeting in order to seek appellate review of an adverse determination by a court.

Recommendation:

Staff recommends Council authorize the City Attorney's Office to petition the Nevada Supreme Court for writ relief in the case Conrad v. City of Reno (CV24-02625).

Proposed Motion:

I move to approve Staff's recommendation.