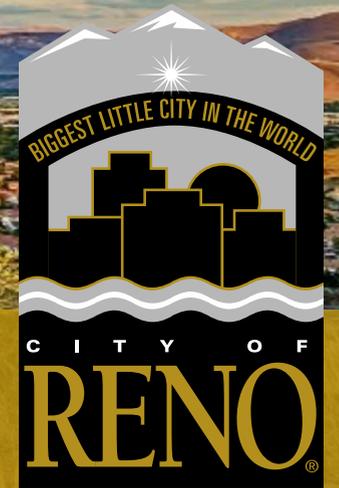




Open Meeting Law Training



Nevada Open Meeting Law (“OML”) Overview

- NRS Chapter 241
- Meeting: Defined
 - Meetings must be publicly noticed
 - Meetings must be openly conducted
- Violating the OML
- Email, text, social media and electronic polling
- Questions

NRS Chapter 241

Legislative declaration and intent.

In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. *It is the intent of the law that their **actions** be taken openly and that their **deliberations** be conducted openly.* [Emphasis added.]

Meeting: Defined

Meetings of public bodies must be properly noticed and openly conducted in accordance with the OML.

- “Meeting” means a gathering of members of a public body at which a **quorum** is present [...] to **deliberate toward a decision** or to **take action** on any matter over which the public body has supervision, control, jurisdiction or advisory power. NRS 241.015(3).
- “Quorum” means a simple majority of the membership of a public body. NRS 241.015(5).
- “Deliberate” means to collectively examine, weigh and reflect upon the reasons for or against an action. NRS 241.015(2).

Meeting: Defined

Meetings of public bodies must be properly noticed and openly conducted in accordance with the OML.

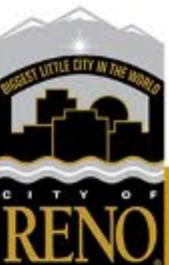
~~Quorum + Deliberation = Meeting~~

~~Quorum~~ + **Deliberation** = ~~Meeting~~

Quorum + ~~Deliberation~~ = ~~Meeting~~

Quorum + Deliberation = Meeting*

* *Social Gatherings | Trainings | Attorney-Client Communications = ~~Meeting~~*



Meetings must be properly noticed

- A meeting agenda must be **published** physically and online no later than 9 a.m. on the third working day before the meeting.
- Agendas must include:
 - The time, place and location of the meeting.
 - A clear and complete statement of the **topics** and **actions** scheduled to be considered by the public body during the meeting.
 - A minimum of two public comment periods.
- Supporting material provided to the public body by staff or a member of the public body must be provided to the general public.

Meetings must be openly conducted

- Public comment must be allowed at beginning and end of meeting.
 - Public comment rules are stated on the agenda, e.g., 3 minutes, etc...
 - In general, the presiding officer cannot limit public comment based on viewpoint.
 - No action may be taken upon public comment until a clear and complete statement of the **topic** and **action** is included on a properly notice agenda for a future meeting.
- Discussions, deliberations, and actions of public body must be public, recorded, and confined to the scope of the published agenda.
- *Do not discuss the character, alleged misconduct, professional competence, or physical or mental health of any person.*
- Action requires concurrence of majority of members present.

Violating the Open Meeting Law

- The action of any public body taken in violation of any provision of [NRS Chapter 241] is **void**.
- Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, and who participates in such action with knowledge of the violation, is subject to a **civil penalty in an amount not to exceed \$500**.
- Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is **guilty of a misdemeanor**.

Email, text, social media, and electronic polling

- Electronic communications must not be used to circumvent the spirit or letter of the OML in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory powers.
- Email, text messaging, social media, and other electronic communications may trigger OML compliance, so **ALWAYS REMEMBER:**

Quorum + Deliberation = Meeting

**Questions, Comments, Concerns, Complaints,
Clarifications, Corrections, Criticisms, Confessions,
Gripes, Hypotheticals, Legal Opinions, Pointed
Observations, Snide Remarks, Worries, Wonders...**

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