



NEVADA'S OPEN MEETING LAW

Trisha Chapman

Deputy Attorney General

Nevada Attorney General's Office

What is the Open Meeting Law (OML)?



- NRS Chapter 241
- “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.” NRS 241.010(1).

When does the OML apply?

PUBLIC BODY

- The OML generally applies to all meetings of public bodies in the State of Nevada.
 - Includes subcommittees
 - Exceptions are strictly construed

MEETING

- Under the OML, a “meeting” requires a **Quorum + Deliberation or Action**
- Quorum means a simply majority of the total body or other proportion established by law.
- Deliberate means collectively to examine, weigh and reflect upon the reasons for or against an action.
- Action means a majority vote of the members present (all members for elected bodies).

When does the OML apply?

- A gathering of a quorum at a social function or for training is *not* a meeting *as long as* there is no deliberation or action.
- Exception: Attorney client conference regarding potential or existing litigation, can include deliberation
- Electronic communication between a quorum of members can constitute a meeting.
 - Email pitfall: “reply all”
- Serial communications or “walking quorums” constitute a constructive meeting.
 - A constructive quorum can exist with less than a quorum speaking together at any given time if opinions are relayed between members.

Meeting Notice and Agenda

- Must include:
 - Time, place and location (or information on remote technology system)
 - Name, contact and business address for supporting material, plus location (physical or electronic)
 - Clear and complete statements of topics
 - Action items denoted as “for possible action”
 - Public comment periods and restrictions
- Requirements can be found in NRS 241.020
- Agenda posting requirements:
 - Office of the public body or location of meeting
 - Public body website
 - Nevada notice website
- Posted no later than 9 AM of the 3rd working day before the meeting.
- Notice must be sent to persons who have requested notice of meetings.

Additional Requirements

- Public bodies shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.
- Additional notice required for consideration of a person's character, misconduct or competence or to take administrative action against a person.
- Meetings must be recorded or transcribed.
- Minutes must be kept in conformance with NRS 241.035.
- Supporting material is required to be available to the public at the time it is provided to members of the public body.
- An emergency meeting may only be called where the need to act upon a matter is truly unforeseen and circumstances dictate that immediate action is required.

What happens when the OML is violated?



- Actions taken in violation of the OML are void.
- Attorney General's Office has authority to investigate and prosecute violations.
- Corrective action is recommended and while it may not eliminate the violation, it can mitigate severity and further ensure that the business of government is accomplished in the open.
 - Prospective only
 - Requires independent deliberative process

RESOURCES

- NRS Chapter 241

www.leg.state.nv.us/NRS/NRS-241.html

- Attorney General's Office Portal

ag.nv.gov/About/Governmental_Affairs/OML/

- Open Meeting Law Opinions
- Open Meeting Law Enforcement Unit
- Open Meeting Law Manual
- General Complaint Form