

§ 7.03 Accommodations for physically handicapped persons

NRS 241.020(1) provides that public officers and employees must make “reasonable efforts to assist and accommodate physically handicapped persons desiring to attend” meetings of a public body. In order to comply with this statute, it is required that public meetings be held, whenever possible, only in buildings that are reasonably accessible to the physically handicapped, i.e., those having a wheelchair ramp, elevators, etc., as may be appropriate. See *Fenton v. Randolph*, 400 N.Y.S.2d 987 (N.Y. Sup. Ct. 1977).

§ 7.04 Public comment: multiple periods of public comment

NRS 241.020(2)(d)(3) requires that public bodies adopt one of two alternative public comment agenda procedures:

- **First**, a public body may comply by agendizing one public comment period before any action items are heard by the public body and later it must hear another period of public comment before adjournment.
- The **second** alternative also involves multiple periods of public comment which must be heard after discussion of each agenda action item, but before the public body takes action on the item.
- **Finally**, regardless of which alternative is selected, the public body must allow the public some time, before adjournment, to comment on any matter within the public body’s jurisdiction, control, or advisory power. This would include items not specifically included on the agenda as an action item.

Discussion of public comment is specifically allowed under NRS 241.020(2)(d)(3). This statute was amended in 1991. Now, it allows discussion of public comment with the public body.

NRS 241.020(2)(d)(3) provides that the public body must allow periods devoted to comments by the general public, if any, and **discussion of those comments**, if the public body chooses to engage the public in discussion. **The statute does not mandate discussion with the public, but it does allow discussion.**

A public body may not inform the public that it legally is prohibited from discussing public comments, either among themselves, or with speakers from the public. NRS 241.020(2)(d)(3) clearly allows discussion with members of the public. Of course, no matter raised in public comment may be the subject of either deliberation or action. AG File No. 10-037 (October 19, 2010); see § 5.01 for definition of “deliberation.”

§ 7.05 Reasonable time, place, and manner restrictions apply to public meetings

Except during the public comment period required by NRS 241.020(2)(d)(3), the Open Meeting Law does not mandate that members of the public be allowed to speak during meetings;