

OPEN MEETING LAW (Chapter 241 of NRS)

Intent of Open Meeting Law (OML): “[A]ll 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)

Applicability:

- Applies to meetings of the Community Implementation Council. (NRS 241.015(4)(b))
- A “meeting” is defined as “[t]he 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)
- A “quorum” of a public body is a simple majority of the membership of the public body (unless a different proportion is established in law). (NRS 241.015) Because this Council has 9 members, 5 members constitutes a quorum. The OML does not apply to a gathering of less than a quorum of a public body except that serial gatherings and serial communications such as polling are prohibited. (NRS 241.015)
- “Deliberate” means to examine, weigh and reflect upon the reasons for or against a choice before the public body; it connotes not only collective discussion, but also the collective acquisition or the exchange of facts preliminary to an ultimate decision. (NRS 241.015)
- “Action” means a decision or a commitment or promise made by a majority of the members present during a meeting of a public body. “Present” means physically or electronically in attendance. (NRS 241.015)

Agendas:

- Written notice of each meeting must be posted by 9 a.m. of the third working day (weekdays, except legal holidays) before the meeting at the principal office of the public body, at three other prominent places in the public body’s jurisdiction and on the public body’s website. A public body is required to document in writing that it complied with the minimum public notice required by law. (NRS 241.020)

- Clear and complete statement of topics. (NRS 241.020)
- Notation of “For possible action” on potential action items. (NRS 241.020)
- Notification that items on the agenda may be taken out of order, combined, removed or delayed. (NRS 241.020)
- Public comment: Two ways: (1) at the beginning and end of the meeting; OR (2) after discussion of each action item on the agenda but before voting on the item. There must always be a public comment period for the public to discuss issues not on the agenda, but no action may be taken on those issues. The agenda must include notice of any reasonable time, place or manner restrictions on public comment, and notice that comment will not be restricted based on viewpoint. (NRS 241.020)

Records: Required to keep written minutes and audiotapes of each meeting. Must be available for public inspection within 30 working days after the meeting and approved within 45 days after the meeting or at the next meeting, whichever is later. (NRS 241.035)

Enforcement: Enforced by the Office of the Nevada Attorney General; any action taken in violation of the OML is void. Criminal penalty (misdemeanor); civil penalty (fine of up to \$500). (NRS 241.037-241.040)

Resources: Nevada Legislature’s website (www.leg.state.nv.us); Nevada Open Meeting Law Manual (http://ag.nv.gov/About/Governmental_Affairs/OML/)