



NEVADA'S OPEN MEETING LAW

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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 simple 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).
- Exception: Attorney-client conference



How do I
comply
with the
OML?

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.

Public Comment

- Minimum requirement:
 - Two options—general or limited to agenda items prior to any action item or on each action item after discussion, but prior to vote
 - General public comment period at some time prior to adjournment
- Restrictions must be reasonable time, place, and manner restrictions. NRS 241.020(3)(d)(3)
- The OML does not “[p]revent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.”
- New in 2023: If using a remote technology system, must offer at least telephonic public comment.



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

Updates from the 2023 Legislative Session



2023 Updates

- “Quorum” Definition
 - Only voting members count
 - For appointed bodies, vacancies do not count
- “Meeting” Definition – Language changed to clarify existing meaning
 - Attorney-client conference is only true exception
- “Administrative Action Against a Person” Definition – An action that is uniquely personal to the person and includes the potential for a negative change in circumstances
- Notice to Individuals for administrative action against or considerations of character (previously 241.033 and 241.034)
 - Personal service: 7 calendar days
 - Certified mail: 14 calendar days
 - Can serve attorney
 - Emergency exception
- All elected bodies may now take advantage of NRS 281A.420(5)’s quorum reduction

2023 Updates

- Public Comment During Multi-Day Meetings – If using the two-period public comment option, must have at least two periods *each day* of the multi-day meeting.
- Agenda Posting – Location of meeting is alternative posting location if there is a physical location
- Meetings to consider regulations or contested cases under NRS 233B must have a physical location for public
- Public Comment During Virtual Meetings:
 - Entirely virtual meetings must have clear and complete instructions on the agenda for how to call in for public comment
 - If offering virtual public comment, must read instructions for public comment prior to first public comment period
 - Must offer at least telephonic public comment if meeting is being *conducted* via remote technology system

LINKS

- https://ag.nv.gov/Hot_Topics/Training_Materials/
- https://ag.nv.gov/About/Governmental_Affairs/OML_Opinions/
- https://ag.nv.gov/uploadedFiles/agnv.gov/Content/About/Governmental_Affairs/2019-03-26_OML_12TH_AGOMANUAL.pdf

