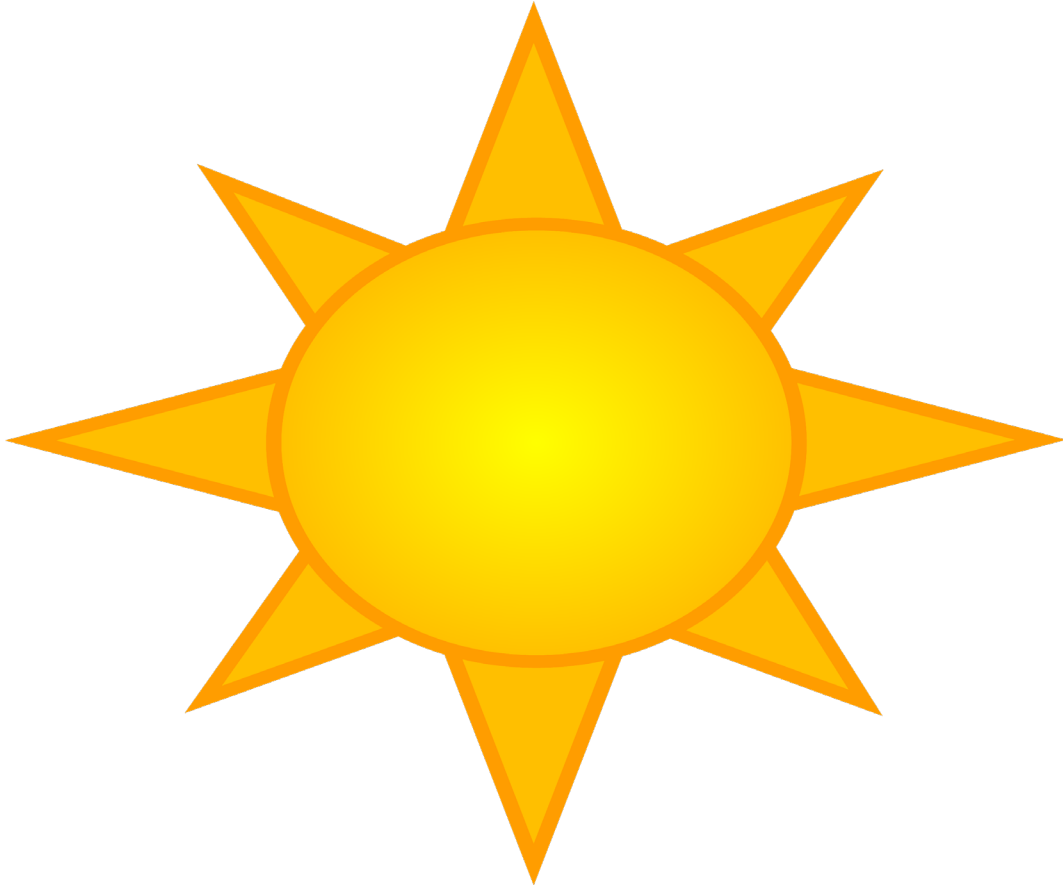




## OPEN MEETING LAW REVIEW

CHANCELLOR'S AD HOC  
COMMITTEE ON HIGHER  
EDUCATION FUNDING



# NEVADA OPEN MEETING LAW (OML)

First enacted in 1960, Nevada Revised Statutes (NRS) Chapter 241

Requires public bodies to hold their meetings in the public with at least three business days' notice to the public and with opportunities for the public to participate.

“Spirit of the Open Meeting Law”

# OML COMPLIANCE



*A meeting of a public body.*

A **meeting** is defined as a **quorum** of members of a public body gathering to **deliberate** or take **action**. NRS 241.015.

Meeting =

Quorum + Deliberation

OR

Quorum + Action

# WHAT ARE THE EXCEPTIONS TO WHAT CONSTITUTES A “MEETING”?

## **NOT a meeting:**

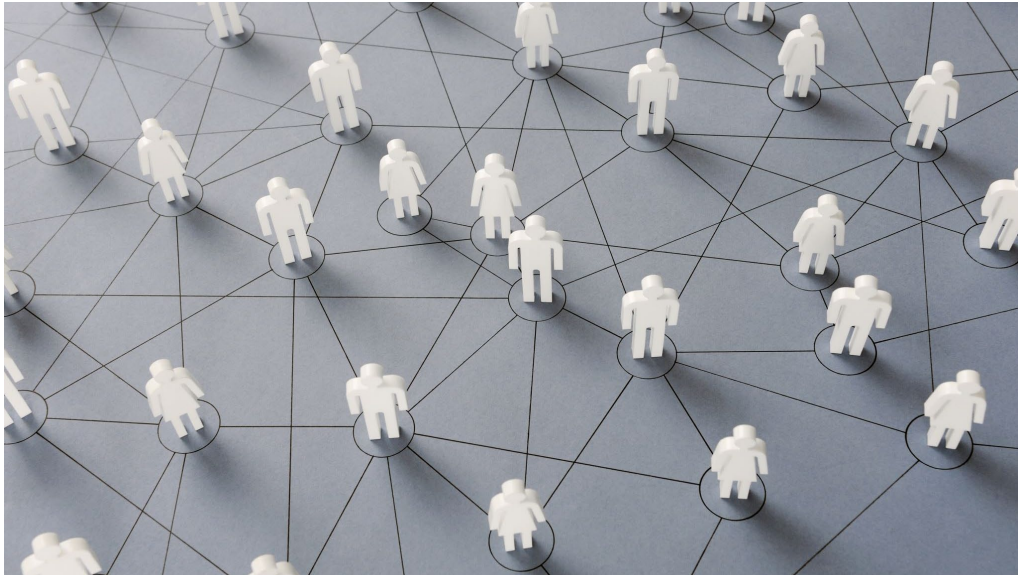
Social functions (so long as no deliberation or action)

To receive information from attorney regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power

Where members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power



# QUORUM



A **Quorum** is a simple majority of the total body

14 Voting Members (8 is a quorum)

A vacancy reduces quorum

What is a “walking quorum”? “Walking quorums,” or “constructive quorums,” can be created through conversations with other members or through electronic communication shared among a quorum of a public body.

NRS 241.015(4)

# DELIBERATE



“Deliberate” means collectively to examine, weigh and reflect upon the reasons for or against the action.

The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision. NRS 241.015(3)



# ACTION



## **Action** means:

- (a) A decision made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body
- (b) A commitment or promise made by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of a public body
- (c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the voting members present, whether in person, by use of a remote technology system or by means of electronic communication, during a meeting of the public body

NRS 241.015(1)

# GROUP EMAILS SOCIAL MEDIA



*Avoid these OML violations*

Walking quorum or constructive quorum

Serial communications

Polling

Sharing/relaying thoughts, questions, or opinions

“Reply all”

- If any of the above reaches a quorum and there is deliberation or action, it is a “meeting.”



# PUBLIC COMMENT



Public has right to comment on issues under consideration -- must have a call-in number for public comment when using remote technology

Public comment allows members of the public to present grievances or concerns to their government to receive redress or influence their government's decision-making process.

First Amendment is applicable – Cannot restrict viewpoint of public UNLESS:

Willfully disruptive by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or the comment amounts to personal attacks or interferes with rights of other speakers.

NRS 241.040

# RECORD OF THE MEETINGS



Meeting must be recorded or transcribed.

Minutes must be kept in conformance with NRS 241.035 and include:

- Date, time and place of meeting;

- Members in attendance;

- Substance of all matters proposed, discussed or decided; and

- Substance of remarks made by any member of public or their written remarks if requested.

# CONDUCT OF THE MEETING

## NRS 241.020 AND 241.0355



Meeting must be open and accessible to the public.

Members of the public may record meetings if it doesn't interfere with the meeting.

Discussions must remain on topic.  
Follow the agenda!

Action is taken by a majority vote of the members present.

# OML VIOLATIONS



Action taken in violation is void. NRS 241.036.

Criminal and civil penalties. NRS 241.040. No criminal or administrative penalty if following legal advice.

Public body may take corrective action within 30 days after violation. NRS 241.0364

Attorney General investigates and enforces.



# QUESTIONS?

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