

WASHOE COUNTY SAFETY MEETING

Open Meeting Law Refresher – March 19, 2015

A Guide to the Nevada Open Meeting Law

The Nevada Open Meeting Law (OML) was enacted in 1960 to ensure that the actions and deliberations of public bodies be conducted openly.

Has proper notice been given of the meeting?

The OML requires that a written notice of the meeting be prepared which includes the time, place, and location of the meeting, a list of places where the notice was posted, a statement regarding assistance and accommodations for physically handicapped people, and an agenda of the meeting.

The notice must be posted at the principal office of the public body (or if there is no principal office, at the building in which the meeting is to be held), and posted at not less than three other separate, prominent places within the jurisdiction of the public body. Notice must be posted no later than 9 a.m. on the third working day prior to the meeting – do not count the day of the meeting.

Written notice must be mailed, at no charge, to those who have requested written notice, and delivered to the United States Postal Service no later than 9 a.m. of the third working day before the meeting. Remember, you must inform persons who have requested notice in the first notice sent to them that their request lapses after six months.

Does the agenda comply with the OML?

The OML requires that the agenda for the meeting consist of a clear and complete statement of the topics to be considered during the meeting.

The agenda must include a list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

The agenda must also include a period devoted to public comment, and should include a statement that no action may be taken upon a matter raised under the public comment period unless the matter itself has been specifically included on an agenda as an action item.

Is agenda support material available?

The OML requires that at least one copy of the agenda, proposed ordinance or regulation which will be discussed at the meeting, and any other supporting material (except material confidential by law) be provided at no charge to any person who requests it. The material must be made available at a public place once the material has been distributed to members of the public body, and at the public meeting.

Minutes and recordings under the OML?

The OML requires that written minutes be kept of each meeting of the public body, for both closed and open sessions. Written minutes must include the date, time, and place of the meeting, the members of the public body who were present, the substance of all matters proposed, discussed or decided, the substance of oral or written remarks made by a member of the public if he so requests, and any other information which a member of the public body requests to be included.

Written minutes, and any audio or tape recordings of an open meeting must be available for public inspection within 30 working days after adjournment of the meeting. Minutes of public meetings must be retained by the public body for at least five years. Upon request, minutes of closed sessions must be provided to the person to which the closed session pertained within 30 working days of adjournment of the meeting.

When does the OML apply?

The OML governs meetings of public bodies. A public body is any administrative, advisory, executive, or legislative body of the state or local government which expends or disburses or is supported in whole or in part by tax revenue, or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including any board, commission, committee, subcommittee, or other subsidiary.

Is a meeting going to occur?

The OML only applies to meetings of a quorum of the members of a public body. A quorum is a simple majority of the membership of a public body, or another proportion established by law. A meeting occurs when a quorum of the public body is present to deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Was the public comment period conducted in accordance with the OML?

The OML requires that a period during the meeting be designated for public comment. The public comment period should not be restricted to speaking on non-agenda items unless the public is permitted to speak on agenda items as they are heard.

Reasonable rules and regulations which ensure orderly conduct of a public meeting may be adopted by a public body, and reasonable restrictions, including time limits, can be imposed on speaking. Any rule that limits or restricts public comment must be clearly articulated on the agenda. Remember, any practice or policy that discourages or results in preventing public comment, even if technically in compliance with the law, may violate the spirit and intent of the OML.

Exemptions and Exceptions from the OML?

Nevada law provides for some exemptions from the requirements of the OML, such as judicial proceedings, certain proceedings of state and local ethics commissions, and meetings of the legislature and legislative committees.

There are also certain exceptions to the OML which allow a public body to temporarily close its meeting to the public. The OML permits a public body to close its meeting to consider a person's character, alleged misconduct, professional competence, or physical or mental health. Such a session, whether open or closed, cannot be held unless the subject of the meeting has been given written notice of the time and place of the meeting by certified mail at least 21 days prior to the meeting, or by personal service at least five days prior to the meeting, and cannot be held if the person is an elected member of a public body, or to discuss the appointment of any person to public office or as a member of a public body.

Always check the NRS to see if a particular proceeding is exempt or excepted from the OML.