

# QUICK TUTORIAL ON NEVADA'S OPEN MEETING LAW

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The following are 7 multiple choice questions on Nevada's Open Meeting Law (OML) that are the most relevant to institutional advisory councils (IACs). Starting on page 3 are some sections of the OML to help you answer the questions. More important, the most relevant sections needed to answer these questions are in **bold print**. So, take a few minutes and answer these questions by checking the letter in front of the correct answer and referring to the OML sections if you need them. We will go over the questions together. The entire OML is available on the internet at <http://leg.state.nv.us/NRS/NRS-241.html>.

1. Three weeks before a meeting you have a great idea for a new program for your community college. You cannot wait to put it on the agenda for the IAC. But, your son is getting married in a week and in your business budget reviews are being done. You forget about your great idea. You receive a copy of the agenda, which was posted at 8:30 a.m. three business days before the meeting. The next day, 2 days before the meeting, you remember your great idea. You:
  - a. Call the secretary for the IAC and ask her to "re-post" the agenda with your idea added as an action item for recommendation to the Board of Regents.
  - b. Ask the appropriate staff to add your "great idea" to the agenda for the meeting after this meeting as an action item. The IAC may not consider it at this one.
  - c. Despite it not being on the agenda, you bring it up at the meeting and ask for a vote on your great idea because it is so great.
2. The former secretary for the IAC was very efficient. He typically posted the agendas as required by law including posting on the internet. The IAC is assigned a new secretary who calls you up and says, "I cannot find that lazy

lawyer who represents our college, he is probably on vacation (again). Where do I post these agendas?" You respond:

- a. In the building of the office of the IAC or where the meeting will be held, 3 other locations through the state, and on the internet.
  - b. Don't worry about posting. We don't usually do that.
  - c. Just put a stack of them on the counter by your desk. Anyone interested can pick them up.
  
3. You are very excited about a new program that you have for your college. You start to discuss the idea with another member of the institutional advisory council (IAC). The other member says, "Oh no, we cannot discuss this without violating the open meeting law." Your response:
  - a. "We may, as long as we do not deliberate towards a decision
  - b. "We may, as long as we do not ask each other (or 'poll') about how we will vote."
  - c. "We may, as long as we do not develop a 'walking quorum.'
  - d. All of the above.
  
4. On your IAC's meeting agenda there is a presentation by one of the college vice president. It is marked, "For discussion only." After the VP completes her presentation, one member cannot help himself and wants to make a motion, "to commend the college's VP on a presentation worthy of the highest honor."
  - a. The IAC may not vote on the motion. There was no action item noticed up. Individual members may thank the VP for a great presentation.
  - b. The VP is great. Vote on the motion!
  
5. You have 12 members on the IAC. A majority (seven) are a quorum and are present for a meeting. There is an agenda item marked, "for action." There is a motion and you and one other member vote against it, so the vote is 5 in favor and 2 opposed. The chair is about to declare the motion "carried." You remember a school board meeting that you attended about a year ago where a majority of those voting voted in favor but that was not a majority of the entire membership of the school board.

- a. You argue that it needs to be a majority of the entire membership of 12 and the motion fails.
  - b. You are shy and decide not to say anything.
  - c. The members of the IAC are not elected and so a majority of the members present may pass a motion as long as a quorum is present.
  - d. Another member mumbles, “Where is the lawyer when you need him?”
6. During a meeting, another member says a “cuss” word by accident. You look over at the secretary hired by the college and you see her sitting next to a laptop computer.
- a. You ask, “Are these meetings recorded? I thought all we did was keep minutes.”
  - b. You think to yourself, “Good thing the recording is not a public document. That member’s spouse hates cussing.”
  - c. The member should watch what he says. Everyone knows minutes are kept and recordings are kept and both are public documents.
7. The IAC secretary does a great job of preparing and posting agendas. An agenda item says:
- “FOR POSSIBLE ACTION: Discussion and action whether to recommend that the college add a program to train hotel/motel managers to the college curriculum.” In the discussion, some members (not you) start to bring up that the area needs more elementary school teachers. You should:
- a. Ask the chair to keep the discussion to the agenda item.
  - b. Ask the erring IAC members to leave the room immediately.
  - c. Keep talking about other programs for training that could be added to the college curriculum.

## SELECTED SECTIONS OF THE NEVADA OPEN MEETING LAW

### NRS 241.015...

As used in this chapter, unless the context otherwise requires:

...

**2. “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.

**3. “Meeting”:**

**(a) Except as otherwise provided in paragraph (b), means:**

**(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.**

**(2) Any series of gatherings of members of a public body at which:**

**(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;**

**(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and**

**(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.**

**(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:**

**(1) Which occurs at a social function if the 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.**

**(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.**

**NRS 241.020**

**1. ... (A) All meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies.**

**...**

**2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:**

**(a) The time, place and location of the meeting.**

**(b) A list of the locations where the notice has been posted.**

**(c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 5 and a list of the locations where the supporting material is available to the public.**

**(d) An agenda consisting of:**

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term “for possible action” next to the appropriate item or, if the item is placed on the agenda pursuant to [NRS 241.0365](#), by placing the term “for possible corrective action” next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. ...

...

**3. Minimum public notice is:**

(a) Posting a copy of the notice 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 at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to [NRS 232.2175](#) not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

...

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3.

...

NRS 241.035

1. Each public body shall keep written minutes of each of its meetings, including:

...

2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public, and a copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge, within 30 working days after the adjournment of the meeting at which taken.

...

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 7, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to [chapter 656](#) of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 1 year after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

#### NRS 241.0355

1. A public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this subsection, a public body may not count an abstention as a vote in favor of an action.