

NEVADA OPEN MEETING LAW OPINION TOPICAL GUIDE



September 2021

**CITY ATTORNEY’S OFFICE – OPEN MEETING LAW OPINION TOPICAL GUIDE –
September 2021**



I. Action (241.015; 241.020(2)(d)(2)-(5); 241.030; 241.0355, and; 241.036)	4
II. Administrative Actions (241.020(2)(d)(4)-(5); 241.030; 241.031; 241.033, and; 241.034).....	5
III. Agenda (241.020(2)(d), and; 241.020(6)).....	5
a) Clear and Complete (241.020(2)(d)(1)-(2))	5
b) Confidential Matters (241.020(6)(c), and; 241.035(2))	10
c) Errors	10
d) For Possible Action (241.020(2)(d)(2)).....	11
e) Revisions	12
f) Sticking to the Agenda (241.020(6)).....	12
g) Supporting Materials (241.020(2)(c); (6)(c), and; (7)-(9)).....	13
h) Tabling Items (241.020(6)).....	18
i) Taking Multiple Actions under One Item (241.020(6)).....	18
IV. Appointments (241.030(4)(d))	18
V. Attorney Meetings and Litigation (241.015(3)(b)(2)).....	20
VI. Audio Recordings (241.035(2)-(7)).....	21
VII. Briefings (241.015(1)-(3) &(5); 241.016(4), and; 241.0355(1)).....	21
VIII. Closed Meetings (241.016(3)(b); 241.020(1), (4) & (6); 241.030(1) & (4); 241.031; 241.033, and; 241.035(2), (4) & (6)).....	22
IX. Corrective Action (241.020(2)(d)(2), and; 241.0365)).....	24
X. Deliberation (241.015(2)).....	26
XI. Discussions of Character, Alleged Misconduct, Professional Incompetence, Physical or Mental Health of a Person (241.030; 241.031; 241.033; 241.034(3), and; 241.035(2)(a)).....	28
XII. Emergency Meetings (241.020(2) & (10))	31
XIII. Investigative Committees (241.015(4)).....	31
XIV. Minutes (241.035).....	32
XV. OML Enforcement (241.039)	34
XVI. Polling	35
XVII. Public Bodies (241.015(4); 241.016)	35
a) General	35
b) Advisory or Subcommittees	38
c) Members-Elect	40

**CITY ATTORNEY’S OFFICE – OPEN MEETING LAW OPINION TOPICAL GUIDE –
September 2021**



d) Non-Profit Organizations.....	41
e) Quasi-Judicial Proceedings (241.016(1))	41
XVIII. Public Body Gatherings (241.015(3)(b)(1), and; 241.016(4)).....	41
XIX. Public Comment (241.020(3)-(7)).....	42
a) General	42
b) Disruptive, Slanderous or Offensive (241.0353(2))	45
c) Matters Brought Up During Comment (241.020(d)(3)(II)).....	47
d) Restrictions on Public Comment (241.020(2)(d)(7))	48
XX. Public Notice (241.020(2)-(9)).....	49
XXI. Serial Communications (241.015(3)(2))	52
XXII. Staff Meetings	54
XXIII. Staff Reports	54
XXIV. Tele/Video Conferences (241.010(2)).....	55
XXV. Voting Requirements (241.0355).....	55



I. Action (241.015; 241.020(2)(d)(2)-(5); 241.030; 241.0355, and; 241.036)

13897-247 (2/2/18) [Churchill County Board of County Commissioners]

Whether Board violated OML when it met, deliberated, and took action on a waiver request without proper notice to the public although supporting material for the meeting contained a memorandum containing the request; *see also* Supporting Material, Corrective Action, Public Notice.

13897-242 (1/4/18) [Incline Village General Improvement District Board]

Whether the counsel's presentation to the Board regarding OML complaints was an "action" of a public body.

13897-177 (5/4/16) [Fernley Swimming Pool District Bd.]

Whether Fernley violated OML when it met, deliberated, and took action without proper notice to the public, an agenda, or an emergency situation; *see also* Agenda, Corrective Action, Emergency Meetings, Public Notice.

13897-178 (4/20/16) [Nevada Bd. of Massage Therapists]

Whether Bd. members violated the OML by holding serial communications with a staff attorney which culminated in an action to terminate the executive director; *see also* Serial Communications.

13897-305 (1/19/19) [Incline Village General Improvement District]

Whether an individual Board member's Letter of Support regarding public funds expenditure constituted "taking action" outside of an open meeting.

13897-274 (8/1/18) [Washoe County School District Oversight Panel for School Facilities]

Whether the OAG could investigate violations by the Panel in 2014 and 2016, when the Panel took action outside of a public meeting and outside of the presence of a quorum.

13897-269 (8/1/18) [Washoe County Planning Commission]

Whether allegations that Commission violated OML under NRS 241.015 are sustainable without evidence that Commission approved development project prior to public meeting; *see also* Restrictions on Public Comment.

13897-268 (6/25/18) [Nye County Board of Commissioners; Belmont Town Advisory Board]

Whether the Board took action without notice when members of the Board spoke individually with the Nye County Commissioner, to discuss a potential utility easement; *see also* Agenda: Clear and Complete.



13897-257 (1/17/19) [The Incline Village General Improvement District Board of Trustees]

Whether the Board violated the OML when a quorum of Board members deliberated and took action to authorize the initiation of a lawsuit in a closed meeting; *see also* Action.

13897-294 (10/2/18) [Incline Village General Improvement District]

Whether the Board violated OML by failing to provide a “clear and complete” description of the agenda topic that was considered and decided during the meeting. *See also* Agenda: Clear and Complete.

13897-273 (10/2/19) [McDermitt Fire District Board]

Whether the Board violated OML by taking action to approve a yearly budget and submitting it to the county comptroller’s office without properly agendizing the item or taking the action in an open public meeting. *See also* Agenda; Corrective Action.

II. Administrative Actions (241.020(2)(d)(4)-(5); 241.030; 241.031; 241.033, and; 241.034)

13897-218 (2/24/17) [City Council of Ely]

Whether a public body intending to consider taking administrative action regarding a person must include the name of the person in the agenda to comply with OML; *see also* Agenda-Clear and Complete, Agenda-Supporting Materials, Appointments, Attorney Meeting and Litigation, Closed Meeting, Minutes, Public Comment, Staff Reports.

III. Agenda (241.020(2)(d), and; 241.020(6))

a) Clear and Complete (241.020(2)(d)(1)-(2))

13897-236 (10/23/17) [Nevada State Board of Nursing]

Whether the agenda failed to meet the “clear and complete statement” requirement because it described an “Executive Director Report” and another item for “Review, discussion and possible action regarding the roles” of an advisory committee.

13897-234 (10/23/17) [Incline Village General Improvement District Bd.]

Whether the agenda failed to meet the “clear and complete statement” requirement because it described a lease modification without stating that the modification might involve lease termination and execution of a purchase agreement and new lease.



13897-227 (06/21/17) [Regional Transportation Commission of Southern Nevada]

Whether supporting material that is used by staff in a presentation must be provided to interested parties in advance of the meeting if it was not provided to the government body. Whether staff can encourage citizens to show up and oppose an agenda item; *see also* Agenda-Supporting Materials and Public Comment.

13897-232 (5/25/17) [Nevada Tax Commission]

Whether the Commission violated the OML by failing to expressly state that the regulations to be adopted under an agenda item pertained to the regulation and taxation of marijuana; whether the Commission violated the spirit of the OML by deviating from its regular practice of including a description of the subject matter of the regulations in agenda items.

13897-220 (5/26/17) [City Council of Reno]

Whether the failure to include the \$3.5 million in-kind contribution to the developer's sewer fees resulted in the November Agenda failing the clear and complete standard and resulted in an OML violation; Whether ratification of the agreement pursuant to the December Agenda constitute correction action; *see also* Agenda-Supporting Materials, Corrective Action.

13897-218 (2/24/17) [City Council of Ely]

Whether a public body considering taking administrative action regarding a person must include the name of the person in the agenda to comply with OML; whether the public understood the potential action that could be taken from the agenda; *see also* Administrative Action, Agenda-Supporting Materials, Appointments, Attorney Meeting and Litigation, Closed Meeting, Minutes, Public Comment, Staff Reports.

13897-215 (1/27/17) [Douglas County School District Bd.]

Can a Bd. take actions on recommendations from District staff; did the agenda item provide a clear and complete statement of the topic to be considered and the potential action to be taken.

13897-204 (9/30/16) [Incline Village General Improvement District Bd.]

Does OML require an agenda item to include speculation as to the full impact that a decision might have on the public to be considered clear and complete.

13897-203 (9/29/16) [Carson City Airport Authority Bd.]

Whether the Bd. violated OML by deliberating working around OML, appointing an official representative, or providing a report of healthcare costs only to the Bd. and not the public.

13897-197 (7/26/16) [Pahrump Public Lands Advisory Committee]

Was sufficient notice and supporting documents provided to the public for discussion and action; *see also* Public Notice.



13897-191 (6/2/16) [Douglas County Bd. of Commissioners]

Was the agenda item clear and complete or was the agenda drafted to create confusion; *see also* Public Comment.

13897-189 (4/27/16) [Lyon County Bd. of County Commissioners]

Whether an agenda item is sufficiently clear and complete when the result of the vote expands the details in the topic.

13897-188 (6/2/16) [Douglas County Bd. of Commissioners]

Whether the agenda item was unclear, incomplete, and left the public confused because of combined agenda items and no specificity about what votes would be taken; *see also* Public Comment.

13897-177 (5/4/16) [Fernley Swimming Pool District Bd.]

Whether Fernley violated OML when it met, deliberated, and took action without proper notice to the public, without an agenda, and without an emergency situation; *see also* Action, Corrective Action, Emergency Meetings, Public Notice.

13897-152/153/154 (4/11/16) [Oriental Medicine Board]

Was the public regulation workshop properly noticed through the agenda; *see also* Public Comment, Public Notice, Workshops.

10-052 (12/21/10) [Mineral County Bd. of Commissioners]

Whether use of the phrase "... and all matters related thereto" at the end of an agenda item violates the OML's clear and complete requirement.

10-049 (12/17/10) [Mineral County Bd. of Commissioners]

Whether use of the phrase "... and all matters related thereto" at the end of an agenda item violates the OML's clear and complete requirement.

09-044 (12/17/09) [Douglas County Bd. of Commissioners]

Whether a clear and complete agenda means that the public body must disclose comparisons with prior reports, budgets, etc. if the item is to be discussed at a subsequent public meeting.

09-014 (6/30/09) [Virgin Valley Water District]

Whether improper postings of agenda items concealing the actual topic of discussion violates the "clear and complete rule" of NRS 241.020(2)(c)(1).



99-01 (1/5/99) [Reno City Council]

Whether the Council complied with the clear and complete requirement of OML; Five factors to determine compliance are: (1) Agenda items must be described with clear and complete detail so that the public will receive notice of what is to be discussed, (2) Use a standard of reasonableness in preparing the agenda and keep in mind the spirit of OML, (3) Purpose of the agenda is to give the public notice of what its government is doing, has done, or may do, (4) Avoid use of vague or general language as a mere subterfuge, (5) An agenda may never be drafted with the intent of creating confusion or uncertainty as to the items to be considered or for the purpose of concealing any matter from public notice.

99-03 (1/11/99) [Reno Sparks Convention and Visitor's Authority]

Whether the Authority's agendas' general format is defective and violates OML because it does not describe what the rules relate to or the nature of the rules and generic terms like "Staff Report" and "New Business" do not provide clear and complete statements of the topics; *see also* Staff Reports.

00-021 (9/7/00) [Churchill County School Bd.]

Whether "Approval of Personnel Action" and "Additional Possible Action Items" agenda items are sufficiently clear and complete to comply with OML; *see also* Closed Meeting.

***Sandoval v. Board of Regents*, 119 Nev. 148 (2003) [Bd. of Regents of the University]**

Whether the discussion at public meetings exceeded the scope of the "clear and complete" statement of topics listed on the agendas in violation of OML; whether the district court properly applied the "germane standard" or whether OML requires a more stringent standard.

***Schmidt v. Washoe County*, 123 Nev. 128 (2007) abrogated by *Buzz Stew, LLC, v. North Las Vegas*, 124 Nev. 224 (2008) [Washoe County Board of Commissioners]**

What procedure, if any, a public body must follow before pulling an item from its agenda; under what circumstances, can regularly-scheduled caucus meetings qualify as "special" meetings under NRS 244.090.

13897-268 (6/25/18) [Nye County Board of Commissioners; Belmont Town Advisory Board]

Whether the Board violated the OML when it incorrectly listed an Assessor Parcel Number ("APN") without any other identifying information for the parcel, *see also* Action.

13897-255 (5/2/18) [Enterprise Town Advisory Board]

Whether the Board violated OML under 241.020(2)(d)(1) by not adding every item requested by member(s) of the public to their agenda; *see also* Supporting Materials.



13897-314 (5/07/19) [Mineral County Board of Commissioners]

Whether the Board violated the OML by having misleading agenda and resulting minutes that did not clearly state that the business license was for cultivating, manufacturing, and selling cannabis.

13897-354 (7/22/20) [FFCL - City Council of Boulder City]

Whether the Board violated the OML by including an agenda items that violated the requirement that agenda items be “clear and complete;” whether the Board unilaterally removed an agenda item; whether the Board the OML was violated when Mayor McManus disregarded the City Attorney’s warnings and attempted to persuade other Councilmembers that they were not obligated to follow the City Attorney’s advice.

13897-317 (10/02/19) [Nye county Board of Commissioners']

Whether the Board violated the OML by not having a clear and complete agenda and whether Nye county’s public request fees are unreasonable.

13897-344 (8/14/20) [FFCL - Douglas County Board of Commissioners]

Whether the Board violated the OML by having an agenda item that was too vague and generic with phrases like “and other properly related matters;” whether the Board’s discussion of the proposed development agreement between Parks Ranch Holdings, LLC, and Douglas County was premature under NRS 278.0201 (3).

13897-376 (12/08/20) [Douglas County Public Library Board of Trustees]

Whether the Board violated the OML by including an agenda item that did not clearly and completely list the potential actions that could be taken in listing an audit request and not mentioning money or other actions.

13897-340, 345, 345, & 347 (8/19/20) [FFCL - Douglas County Board of County Commissioners]

Whether the Board violated the OML by having a vague description of the agenda items; whether the Deputy District Attorney General Mary Anne Martine violated the OML by failing to disclose a conflict of interest; and whether Development Agreement with Park Ranch LLC and Douglass County is null for the County’s failure to comply with the requirements pf NRS 278.220.

13897-334 (4/16/21) [Mesquite City Council]

Whether the Board violated the OML by failing to add the vote of an item to a future agenda and whether Board violated the OML by having serial communications between a quorum of members. *see also* Deliberation.



13897-365 (10/05/20) [Clark County School District, Superintendent Jesus F. Jara]

Whether the Board violated NRS Chapter 241 by failing to include a clear and complete statement of topics scheduled to be considered during one of its meetings; Whether the Board violated NRS Chapter 241 by failing to clearly denote action items on its agenda and filing to use “for possible action” next to the appropriate item.

13897-287 (10/2/18) [Incline Village General Improvement District Board of Trustees (IVGID)]

Whether the Board violated OML by failing to provide a “clear and complete statement of topics scheduled to be considered during the meeting.” *See also* Agenda: Supporting Materials; Minutes.

13897-294 (10/2/18) [Incline Village General Improvement District]

Whether the Board violated OML by failing to provide a “clear and complete” description of the agenda topic that was considered and decided during the meeting. *See also* Action.

b) Confidential Matters (241.020(6)(c), and; 241.035(2))

13897-199 (8/10/16) [Public Utilities Commission of Nevada]

Whether redacting the address and phone number from a Director candidate’s resume violates the OML; *see also* Agenda-Supporting Materials, OML Enforcement, Public Bodies, Staff Meeting.

13897-355 (12/08/20) [Reno City Council]

Whether the Board violated the OML by failing to have clear and complete statements of the topics to be considered in the Council’s November and December meeting agendas.

c) Errors

13897-176 (4/21/16) [Lander County Convention and Tourism Authority Board]

Whether the Bd. can take corrective action for an inadvertent error such as meeting time to ensure all public comments are recorded before adjournment; *see also* Corrective Action, Public Comment.



13897-331 (7/29/20) [Reno City Council]

Whether the Board violated the OML by improperly referencing the “Downtown Reno Partnership,” and whether the District website also improperly references the “Downtown Reno Partnership.”

d) For Possible Action (241.020(2)(d)(2))

13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Whether the Board’s agenda items violated the OML for failure to include the words “for possible action;” *see also* Agenda – Supporting Materials, Corrective Action, Public Notice; Audio Recording, Minutes, Public Body Gatherings.

09-029 (11/4/09) [Henderson City Council]

Whether the Council’s balloting process to select a new Council member to fill an unexpired term was a secret vote; whether the selection process interfered with the public’s right to hear Council’s deliberation and/or assessment of various candidates for the vacant Council position; whether the unsigned ballots resulted in non-recording of each members vote.

03-007/010 (3/21/03) [Nevada State Committee of Blind Vendors]

Whether the agenda item, “Proposal of Positive Solutions,” was clear and complete; *see also* Public Comment.

99-03 (1/11/99) [Reno Sparks Convention and Visitor’s Authority]

Whether the general format for the Authority’s agendas are defective and violate OML because generic terms like “Staff Report” and “New Business” do not adequately describe the items upon which action will be taken; *see also* Agenda-Clear and Complete, Staff Reports.

13897-288 (7/19/18) [Discovery Charter School Receiver]

Whether the Receiver violated OML when it did not notice Findings of Fact and Conclusions of Law resulting from OAG investigations in the exact manner required by the AOG on the Agenda; Whether the Receiver violated OML by not properly noticing an item for which a meeting did not occur; *see also*: Public Bodies, Public Notice.

13897-256 (8/1/18) [Mineral County Board of Commissioners]

Whether the Board violated the OML when it delayed taking action on selection of a candidate for the position of Mineral County Fire Chief; *see also* Serial Communication, Closed Meeting.



e) Revisions

13897-171/180 (4/18/16) [Incline Village General Improvement District Board]

Whether the public notice and revised agenda complied with NRS 241.035(2); *see also* Public Comment-Disruptive and Restrictions, Public Notice.

f) Sticking to the Agenda (241.020(6))

10-014 (2/25/10) [Pershing General Hospital Bd. of Trustees]

Whether the Bd.'s discussion of an agenda item exceeded the scope of the topic so that no notice was given to the public of the discussion; *see also* Discussions of Character.

09-031 (10/22/09) [Nevada Bd. of Wildlife Commissioners]

Whether discussion exceeded the scope of the agenda item.

99-09 (7/28/99) [Elko County Bd. of County Commissioners]

Whether OML was violated when the public body took action on budget items when the agenda stated "budget workshop" for "review and discussion" of budget; whether OML was violated when the public body used a tape recorder as the only record of the meeting, the basis for written minutes, and periodically turned the tape recorder off throughout the meeting.

98-03 (7/7/98) [Washoe County School District Bd. of Trustees]

Whether the Bd. violated OML when it considered and formed a consensus without a formal vote on matters not listed on the meeting agenda; *see also* Public Bodies-Advisory or Subcommittees.

***Sandoval v. Board of Regents*, 119 Nev. 148 (2003) [Bd. of Regents of the University]**

Whether the discussion at public meetings exceeded the scope of the "clear and complete" statement of topic listed on the agendas in violation of OML; whether the district court properly applied the "germane standard" or whether OML requires a more stringent standard.

13897-235 (10/23/17) [Belmont Town Advisory Bd.]

Whether the Board may refuse to place a discussion item on its agenda. Whether the Board is required to include items on its agenda at the request of members of the public; *see also* Audio Recording, Minutes, Public Comment.



13897-326 (7/22/20) [Mineral County Board of Commissioners]

Whether the Board violated the OML by exceeding the scope on an agenda item; Whether the meeting minutes were complete; and whether there were serial communications between two Board members.

13897-336 (7/29/20) [Mineral County Board of Commissioners]

Whether the Board violated the OML by exceeding the scope of its agenda; and whether a motion made regarding an agenda item fit within the agenda item as written. *See also* serial communications.

13897-359 (10/08/20) [Nye County Board of County Commissioners]

Whether the Board violated the OML by having two Commissioners state their positions regarding the appeal of a parcel fee increase that was not on the agenda; whether the Board violated the OML by only hearing one viewpoint on the appeal and preventing the other side from speaking.

13897-338 & 339 (8/14/20) [FFCL - Minden Town Board and Douglas County Planning Commission]

Whether the Board violated the OML by discussing and taking action on an item that was not properly noticed on the meeting agenda and whether the Douglas County Planning Commission discussed and took action on an item that was not properly noticed on the meeting agenda.

13897-342 (8/24/20) [Nye County Board of County Commissioners]

Whether the Board violated the OML by voting on a motion that was not a part of the agenda; Whether the Board violated the OML by not having the public nuisance heading within the 30–40-day requirement; and Whether the Board violated the OML by allowing Commissioner Wichman make misleading statements to the public during public meetings.

g) Supporting Materials (241.020(2)(c); (6)(c), and; (7)-(9))

13897-247 (2/2/18) [Churchill County Board of County Commissioners]

Whether Board violated OML when it met, deliberated, and took action on a waiver request without proper notice to the public although supporting material for the meeting contained a memorandum containing the request; *see also* Action, Corrective Action, Public Notice.

13897-243 (2/14/18) [City Council of Boulder City]

Whether resumes are supporting material for Council members' interview and consideration of city attorney candidates. Whether the Council failed to timely provide the resumes to the public



upon request. Whether the requirements of the NRS 239 (Open Records) preempt or negate the OML requirements with respect to supporting material. Whether “direct requests” from members of the public for supporting material are required to trigger the duty to make such material available; *see also* Corrective Action.

13897-248 (12/21/17) [Nevada Charter School Authority]

Whether the OML requires that supporting material be provided for an agenda even if no supporting material is provided to the members of the public body.

13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Whether the Board’s agenda violated the OML for failure to include the list of locations where supporting material is available and the designated person from whom the public may request supporting material; *see also* Agenda – For Possible Action, Corrective Action, Public Notice; Audio Recording, Minutes.

13897-227 (06/21/17) [Regional Transportation Commission of Southern Nevada]

Whether supporting material that is used by staff in a presentation must be provided to interested parties in advance of the meeting if it was not provided to the government body. Whether staff can encourage citizens to show up and oppose an agenda item; *see also* Agenda- Clear and Complete and Public Comment.

13897-220 (5/26/17) [City Council of Reno]

Whether the failure to include the \$3.5 million in-kind contribution to the developer’s sewer fees result in the November Agenda failing the clear and complete standard and result in an OML violation; whether ratification of the agreement pursuant to the December Agenda constitute correction action; *see also*, Agenda-Clear and Complete, Corrective Action.

13897-218 (2/24/17) [City Council of Ely]

Whether supporting materials for public meetings must be available upon request, for pick up at the time sent to the members of the public body, or at any meeting; *see also* Administrative Action, Agenda-Clear and Complete, Appointments, Attorney Meeting and Litigation, Closed Meeting, Minutes, Public Comment, Staff Reports.

13897-215 (1/27/17) [Douglas County School District Bd.]

Can a Bd. take actions on recommendations from District staff; did the agenda item number provide a clear and complete statement of the topic to be considered and the potential action to be taken.



13897-212 (1/6/17) [Nevada Bd. of Examiners for Social Workers]

Whether the Bd. violated OML by not providing supporting materials to a member of the public who requested the materials during the meeting when the supporting materials were unavailable before the meeting; *see also* Public Comment.

13897-208 (11/7/16) [Washoe County Board of County Commissioners]

Whether the OML requires that supporting materials are accurate; *see also* Serial Communications, Public Comment.

13897-203 (9/29/16) [Carson City Airport Authority Bd.]

Whether the Bd. violated OML by deliberating working around OML, appointing an official representative, or providing a healthcare costs report only to the Bd. and not the public.

13897-199 (8/10/16) [Public Utilities Commission of Nevada]

Whether redacting the address and phone number from a Director candidate's resume violates the OML; *see also* Agenda-Confidential Matters, OML Enforcement, Public Bodies, Staff Meeting.

13897-197 (7/26/16) [Pahrump Public Lands Advisory Committee]

Was sufficient notice and supporting documents provided for discussion and action; *see also* Public Notice.

13897-138 (4/28/15) [Smith Valley Park and Recreation Board]

Whether the OML requires a public body to include on every agenda a person from whom any member of the public may request supporting documents, a list of public locations for supporting documents, and provide supporting documents upon request.

10-027 (7/20/10) [Fernley City Council]

Whether a Councilman's impromptu discussion of a fugitive document not included in the agenda packet given to the public three days before the meeting as supporting material violated OML.

10-028 (7/8/10) [Humboldt County Regional Planning Commission]

Whether a DA may deny a public records request for a topic to be discussed at an open meeting if he or she believes the document was shielded by attorney client privilege because the document was a confidential communication.



10-008 (5/3/10) [Churchill County Bd. of Commissioners]

Whether a settlement agreement must be attached to the notice and agenda; whether the public body has a duty to provide supporting materials even when the public does not request the materials; *see also* Attorney Meetings and Litigation.

09-021 (8/18/09) [Fernley City Council]

Whether Council's inability to make supporting material for an agenda item available upon request by the public is a violation of NRS 241.020(5) and (6).

08-040 (5/8/09) [Clark County Bd. of School Trustees]

Whether an email communication to staff and the Bd. is shielded by executive privilege when the email is sent before decision making and deliberative.

00-036 (9/25/00) [Clark County School District Bd. of Trustees]

Whether the Bd. can keep the pink sheet, a supporting document which includes the educational history and employment background of a candidate for appointment, confidential until after the appointment; *see also* Appointment.

00-025 (10/3/00) [Lyon County School Bd.]

Whether supporting materials must be provided immediately upon request at the office of the public body or at the meeting; whether the Bd. must provide minutes of the prior meeting where those minutes are on the agenda for possible action by the Bd.

99-07 (2/4/99) [Letter to Attorneys who advise public bodies]

Whether charging fees in the form of a subscription for mailing notices and agendas of meetings violates OML.

***DR Partners v. Board of County Commissioners*, 116 Nev. 616 (2000) [Clark County Bd. of County Commissioners]**

Whether the County's claim of confidentiality based upon a "deliberative process" privilege protects the County from disclosing redacted portions of their cellular telephone records.

13897-301 (1/18/19) [Storey County Board of County Commissioners]

Whether the Board violated the OML by not providing to the public or members of the Board, hard copies of a power point presentation that was viewed during a public meeting.



13897-255 (5/2/18) [Enterprise Town Advisory Board]

Whether the Board is required to obtain a specific amount of supporting material prior to taking action on an agenda item; *see also* Agenda.

13897-238 (5/1/18) [Yerington/Mason Valley Fire Protection Dist.]

Whether Fire Department violated OML under NRS 241.020, when it failed to provide supporting materials to a member of the public, based on member's standing request for supporting materials.

13897-324 (7/22/20) [White Pine County Fire District Board of Commissioners]

Whether the Board violated the OML by failing to provide supporting material for an agenda item and by cancelling a town hall meeting that was already scheduled.

13897-363 (1/28/21) [FFCL - Nevada State Board of Veterinary Medical Examiners]

Whether the Board violated the OML by having board members vote on an agenda item without being provided any information to make an informed decision; Whether the Board may vote on agenda item when no explanation or supporting documentation is provided; Whether the public may learn if funds approved by the board were used for the specific purpose mentioned during Board action; Whether the Board's insurance could cover legal fees if actions were taken by a Board member in his official capacity; Whether the Board violated NRS Chapter 241 by failing to include a clear and complete statement of topics scheduled to be considered during a board meeting. *see also* Clear and Complete.

13897-318 (10/02/19) [Nye County and Friends of the Belmont Courthouse]

Whether Nye County and Friends of the Belmont Courthouse is a public body and violated the OML. Also, whether the County violated the OML by failing to provide background documentation for an agenda item during one of its meetings.

13897-287 (10/2/18) [Incline Village General Improvement District Board of Trustees (IVGID)]

Whether the Board violated OML by failing to include "correspondence received by the district" in its board packet. *See also* Agenda: Clear and Complete; Minutes.



h) Tabling Items (241.020(6))

13897-198 (9/21/16) [Bd. of Examiners for Marriage and Family Therapists and Clinical Professional Counselors]

Whether agenda items can be tabled after the Board is forced to conclude a meeting due to a quorum no longer being present; *see also* Minutes, Public Comment.

00-018 (6/8/00) [Nevada State Apprenticeship Council]

Whether tabling an agenda item because of a letter in response to the agenda item constitutes a new action on a matter not appearing on the meeting agenda.

***Schmidt v. Washoe County*, 123 Nev. 128 (2007) abrogated by *Buzz Stew, LLC, v. North Las Vegas*, 124 Nev. 224 (2008) [Washoe County Board of Commissioners]**

What procedure, if any, a public body must follow before pulling an item from its agenda; under what circumstances can regularly-scheduled caucus meetings qualify as “special” meetings under NRS 244.090.

i) Taking Multiple Actions under One Item (241.020(6))

13897-188 (6/2/16) [Douglas County Bd. of Commissioners]

Whether the agenda item was unclear, incomplete, and left the public confused because of combined agenda items and no specificity about what votes would be taken; *see also* Public Comment.

IV. Appointments (241.030(4)(d))

13897-218 (2/24/17) [City Council of Ely]

Whether agenda items need to list the names of potential appointees to confirm appointment; *see also* Administrative Action, Agenda-Clear and Complete, Agenda-Supporting Materials, Attorney Meeting and Litigation, Closed Meeting, Minutes, Public Comment, Staff Reports.

13897-222 (3/1/17) [Las Vegas Stadium Authority Bd. of Directors]

Whether appointing new Bd. members after a poll of current Bd. members violates OML; *see also* Polling, Serial Communications.



13897-223 (3/20/17) [City Council of Boulder City]

Whether a private meeting before appointment of a new Director violates OML; *see also* Closed Meeting, Corrective Action, Deliberation, Serial Communications.

13897-145 (7/24/15) [Bd. of Public Employees Benefits Program]

Whether a person's name has to be on the agenda if the public body is appointing him or her to public office.

13897-141 (1/12/16) [Washoe County School District Bd.]

Whether an interim public official can be appointed when the agenda item only states discussion of the search for a new public official; *see also* Corrective Action.

08-005 (3/7/08) [Lyon County School District]

Whether a Bd. has sufficient justification for keeping records of applicants and possible appointees confidential until after approval by the Bd.

09-026 (8/12/09) [Fernley City Council]

Whether Council's denial of a request to access and review all of initial city manager candidates' applications and resumes was a violation of the OML.

00-036 (9/25/00) [Clark County School District Bd. of Trustees]

Whether the Bd. can keep the educational history and employment background of a candidate for appointment confidential until after the appointment; *see also* Agenda-Supporting Materials.

***University and Community College System v. DR Partners*, 117 Nev. 195 (2001) [University and Community College System]**

Who is a "public officer" within the context of open meeting law; whether a community college president is a "public officer" within the two part definition of NRS 281.005.

***City Council of the City of Reno v. Reno Newspapers, Inc.*, 105 Nev. 886 (1989) [Reno City Council]**

Whether the permanent injunction was too broad in scope; whether the closed meeting violated OML; whether evidence is sufficient to support a contempt citation.



V. Attorney Meetings and Litigation (241.015(3)(b)(2))

13897-254 (2/5/18) [Lincoln County School District Bd. of Trustees]

Whether a “walking quorum” is established outside of a public meeting when members did not discuss any vote or contemplated motions during a meeting with the board’s counsel regarding potential litigation; *see also* Public Body Gatherings.

13897-224 & 226 (10/19/17) [Incline Village General Improvement District Bd.]

Whether the closed meeting was an attorney-client conference exempt from the definition of “meeting” in OML; *see also* Closed Meeting.

13897-229 (5/8/17) [Douglas County Board of County Commissioners]

Whether the Bd. violated the OML by recessing the meeting to consult legal counsel during consideration of an agenda item; *see also*, Closed Meetings.

13897-218 (2/24/17) [City Council of Ely]

Whether the OML contains an exception to the definition of “meeting” when a quorum of members of the public body meet with an attorney retained or employed by the public body about potential or existing litigation; *see also* Administrative Action, Agenda-Clear and Complete, Agenda-Supporting Materials, Appointments, Closed Meetings, Minutes, Public Comment, Staff Reports.

13897-205 (1/24/17) [Reno City Council]

Whether a closed meeting with an attorney hired by the Council is exempt from the definition of “meeting” in OML; *see also* Closed Meeting.

13897-202 (9/28/16) [Reno City Council]

Whether the closed meeting was an attorney-client conference exempt from the definition of “meeting” in OML; *see also* Closed Meeting.

10-008 (5/3/10) [Churchill County Bd. of Commissioners]

Whether a settlement agreement must be attached to the notice and agenda; *see also* Agenda-supporting materials.

02-019 (5/20/02) [Airport Authority of Washoe County]

Whether a meeting held for the purpose of attorney-client discussion of potential and existing litigation constitutes a “meeting” as defined by OML and is subject to OML.



***Dewey v. Redevelopment Agency*, 119 Nev. 87 (2003) [Reno Redevelopment Agency]**

Whether the city attorney's absence and the lack of a quorum at the briefings complied with OML; *see also* Briefings, Deliberation, Public Bodies, Serial Communications.

VI. Audio Recordings (241.035(2)-(7))

13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Whether the Board failed to make a copy of audio recording available in accordance with NRS 241.035(2) when it first refused, then later offered for the requestor to come listen to the recording; *see also* Agenda - For Possible Action, Supporting Materials, Corrective Action, Public Notice, Minutes, Public Body Gatherings.

13897-237 (12/13/17) [White Pine County Bd. of Commissioners]

Whether the Board failed to make a copy of meeting minutes or audio recording available to the public within 30 days in accordance with NRS 241.035(2); *see also* Minutes. Whether the Board failed to approve meeting minutes or audio recording available to the public within 45 days or at the next meeting of the body in accordance with NRS 241.035(1). Whether the OML requires the Board to post meeting minutes or audio recordings on its website; *see also* Minutes. Whether the Board violated the OML by failing to set forth a verbatim transcript of the proceedings in the meeting minutes.

13897-235 (10/23/17) [Belmont Town Advisory Bd.]

Whether the Board failed to make a copy of meeting minutes or audio recording available to the public within 30 days in accordance with NRS 241.035(2); *see also* Agenda, Public Comment, Minutes.

13897-217 (12/30/16) [Ely City Council]

Whether charging public members for copies of audio recordings of council meetings violates NRS 241.035(2); *see also* Deliberation, Minutes, Public Comment.

VII. Briefings (241.015(1)-(3) &(5); 241.016(4), and; 241.0355(1))

13897-233 (10/19/17) [Incline Village General Improvement District Bd.]

Whether one-on-one meetings between board members and the board's general manager consisted of "serial communications" violating the OML.



13897-214/216 (3/2/17) [Humboldt County Hospital Bd.]

Whether a private meeting of less than a quorum consisted of “serial communications” violating the OML; when a subcommittee of a bd. is subject to the OML.

***Dewey v. Redevelopment Agency*, 119 Nev. 87 (2003) [Reno Redevelopment Agency]**

Whether back-to-back staff briefings attended by less than a quorum of a public body violates the OML; *see also* Attorney Meetings and Litigation, Deliberation, Public Bodies, Serial Communication.

13897-262 (10/3/18) [Boulder City Airport Advisory Committee]

Whether a nonpublic meeting of less than a quorum violated OML under NRS 241.015(3) when purposes of meeting were to discuss changes to Committee membership and structure.

VIII. Closed Meetings (241.016(3)(b); 241.020(1), (4) & (6); 241.030(1) & (4); 241.031; 241.033, and; 241.035(2), (4) & (6))

13897-224 & 226 (10/19/17) [Incline Village General Improvement District Bd.]

Whether the closed meeting was an attorney-client conference exempt from the definition of “meeting” in OML; *see also* Closed Meeting.

13897-229 (5/8/17) [Douglas County Board of County Commissioners]

Whether the Board violated the OML by recessing the meeting to consult legal counsel during consideration of the Agenda Item; *see also*, Attorney Meetings and Litigation.

13897-223 (3/20/17) [City Council of Boulder City]

Whether the private meeting before appointing a new Director violates OML; *see also* Appointments, Corrective Action, Deliberation, Serial Communications.

13897-218 (2/24/17) [City Council of Ely]

Whether the OML contains a closed meeting exception to the definition of “meeting” when a quorum of members of the public body meet with an attorney retained or employed by the public body about potential or existing litigation; *see also* Administrative Action, Agenda-Clear and Complete, Agenda-Supporting Materials, Appointments, Attorney Meetings and Litigation, Minutes, Public Comment, Staff Reports.



13897-205 (1/24/17) [Reno City Council]

Whether a closed meeting with an attorney hired by the Council is exempt from the definition of “meeting” in OML; *see also* Attorney Meetings and Litigation.

13897-202 (9/28/16) [Reno City Council]

Whether the closed meeting was an attorney-client conference exempt from the definition of “meeting” in OML; *see also* Attorney Meetings and Litigation.

13897-172 (4/22/16) [Round Mountain Town Bd.]

Whether a closed meeting was held to consider an appointed public official’s character; *see also* Discussions of Character.

13897-193 (6/28/16) [Nevada Bd. of Medical Examiners]

Whether OML applies to closed investigative committee meetings; *see also* Investigative Committees.

10-020 (6/22/10) [Clark County Bd. of School Trustees]

What is the allowable scope of exempt closed meetings; can closed meetings circumvent the legislative intent or be used as a shield to improperly discuss persons or any other issue not within the scope of the exemption.

00-043 (1/24/01) [Storey County School District]

Whether the Bd. is required to notice an individual who is briefly mentioned in a closed meeting; whether any closed session conducted during a public meeting must be tape-recorded.

00-021 (9/7/00) [Churchill County School Bd.]

Whether a Bd. can consider a pending arbitration meeting and possible administrative changes beyond the competency of employees and candidates in a closed meeting; *see also* Agenda-Clear and Complete.

***Chanos v. Nevada Tax Commission*, 124 Nev. 232 (2008) [Nevada Tax Commission]**

How limited is the tax appeal closed meeting exception; can the Tax Commission close all meetings at a taxpayer’s request or only hold closed meetings when receiving confidential information, questioning the parties, and hearing argument concerning the confidential information.



***McKay v. Board of Supervisors*, 102 Nev. 644 (1986) [Carson City Board of Supervisors]**

Whether an authorized closed meeting considering the character, alleged misconduct, professional competence, or physical or mental health of a person includes terminating a city manager in a closed meeting; *see also* Deliberation, Serial Communications.

***Davis v. Churchill County Sch. Bd.*, 616 F. Supp. 1310 (D. Nev. 1985) [Churchill County Sch. Bd.]**

Whether statutes exempting student disciplinary proceedings from OML and allowing closed meetings violates equal protection; *see also* Minutes.

13897-284 (06/26/18) [Nevada Board of Regents]

Whether the Board violated OML when less than a quorum of Board members met and discussed Board business.

13897-256 (8/1/18) [Mineral County Board of Commissioners]

Whether an accusation that the Board violated the OML by having a closed meeting is valid without evidence to support such allegation; *see also* Serial Communication, For Possible Action.

13897-360 (10/2/20) [Humboldt County School District]

Whether the Board violated the OML by negotiating the superintendent's contact and salary in a closed session; whether it is unlawful for current Humboldt County School District Board of Trustees member to owe money to the Humboldt County School District for the private costs associated with taking their respective spouses on school-board-associated trips.

IX. Corrective Action (241.020(2)(d)(2), and; 241.0365))

13897-247 (2/2/18) [Churchill County Board of County Commissioners]

Whether Board properly took corrective action within 30 days of the OML violation; *see also* Action, Supporting Material, Public Notice.

13897-243 (2/14/18) [City Council of Boulder City]

Violations of OML provisions relating to supporting material resulted in corrective action: posting of AG's findings of fact and conclusions of law on the next agenda and in supporting materials; *see also* Supporting Material.



13897-260 (2/21/18) [Incline Village General Improvement District – Audit Committee]

Violations of OML provisions relating to the failure to approve minutes within the require timeframe 15 times resulted in corrective action: posting of AG's findings of fact and conclusions of law on the next agenda and in supporting materials; *see also* Minutes.

13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Violations of OML provisions relating to agenda items and availability of audio recordings resulted in corrective action: posting of AG's findings of fact and conclusions of law on the next agenda and in supporting materials with recommendation of OML training; *see also* Agenda - For Possible Action, Supporting Materials, Public Notice, Audio Recording, Minutes, Public Body Gatherings.

13897-220 (5/26/17) [City Council of Reno]

Whether the failure to include the \$3.5 million in-kind contribution to the developer's sewer fees resulted in the November Agenda failing the clear and complete standard and resulted in an OML violation; whether ratification of the agreement pursuant to the December Agenda constitute correction action; *see also*, Agenda-Clear and Complete, Agenda-Supporting Materials.

13897-223 (3/20/17) [City Council of Boulder City]

Whether a public meeting for appointment after a closed meeting which violated OML corrects the violation; *see also* Appointments, Closed Meeting, Deliberation, Serial Communications.

13897-177 (5/4/16) [Fernley Swimming Pool District Bd.]

Whether Fernley took proper corrective action to ratify a prior vote that violated the OML; *see also* Action, Agenda, Emergency Meetings, and Public Notice.

13897-176 (4/21/16) [Lander County Convention and Tourism Authority Board]

Whether the Bd. can take corrective action for an inadvertent error, such as meeting time, to ensure all public comments are recorded before adjournment; *see also* Error, Public Comment.

13897-217 (12/30/16) [Ely City Council]

Whether acknowledging the violation at a public meeting and taking action to remedy the violation concludes any further action by the Office of the Attorney General; *see also* Audio Recordings, Deliberation, Minutes.

13897-141 (1/12/16) [Washoe County School District Bd.]

Whether prior to adjournment the Bd. can rescind their vote that violated the OML to mitigate the violation; *see also* Appointments.



13897-273 (10/2/19) [McDermitt Fire District Board]

Violations of OML provisions relating to taking action without properly agendaizing the item or taking the action in an open public meeting and failing to provide access to agenda and minutes which resulted in corrective action: posting of AG's findings of fact and conclusions of law on the next agenda and in supporting materials. *See also* Action; Agenda.

X. Deliberation (241.015(2))

13897-224 & 226 (10/19/17) [Incline Village General Improvement District Bd.]

Whether "training sessions" conducted by counsel and attended only by board members qualifies as deliberation.

13897-230 (5/25/17) [City Council of Ely]

Whether the Ely City Council violated the OML by continued deliberation on a pending agenda item during a brief recess.

13897-223 (3/20/17) [City Council of Boulder City]

Whether the private meeting that included a quorum of the Council to deliberate appointing a new Director violates OML; *see also* Appointments, Closed Meeting, Corrective Action, Serial Communications.

13897-217 (12/30/16) [Ely City Council]

Whether free copies of minutes and audio recordings of meetings allow the public access to the Council's deliberations in accordance with the legislative intent of OML; *see also* Audio Recording, Corrective Action, Minutes.

10-024 (9/10/10) [Clark County School District Bd. of Trustees]

Whether the OML was violated when a quorum of the Bd. gathered at a publicly noticed, regularly scheduled meeting of a Bd. standing committee, without prior notice and publication of an agenda, and where the Trustees only listened to the meeting but did not participate in it.

07-011 (6/11/07) [Lyon County Bd. of County Commissioners]

Whether three Commissioners deliberated and acted upon the removal of the Manager without the benefit of an open public meeting that has been duly noticed.



***McKay v. Board of Supervisors*, 102 Nev. 644 (1986) [Carson City Board of Supervisors]**

Whether considering the character, alleged misconduct, professional competence, or physical or mental health of a person constitutes “deliberations” under the OML; *see also* Closed Meetings, Serial Communications.

***Dewey v. Redevelopment Agency*, 119 Nev. 87 (2003) [Reno Redevelopment Agency]**

Whether discussions with less than a quorum of the public body constitutes “deliberations” under the OML; *see also* Attorney Meetings and Litigation, Briefings, Public Bodies, Serial Communications.

***Sacramento Newspapers Guild v. County Bd. of Supervisors*, 69 Cal.Rptr. 480 (Cal. App. 1968) [Sacramento County Bd. of Supervisors]**

Does the term “meeting” as used in OML extend to informal sessions or conferences of Bd. members designed for discussion of public business; does deliberation not only mean collective discussion, but also the collective acquisition or exchange of facts preliminary to the ultimate decision; *see also* Public Body Gathering.

13897-257 (1/17/19) [The Incline Village General Improvement District Board of Trustees]

Whether the Board violated the OML when a quorum of Board members deliberated and took action to authorize the initiation of a lawsuit in a closed meeting; *see also* Action.

13897-328 (7/22/20) [Lyon County Board of Commissioners]

Whether the Board violated the OML by discussing how to address an agenda item during recess; Whether the District Attorney’s violated the OML by discussing a agenda item with a private attorney; and whether the Board violated the OML by failing to follow Robert’s Rules of Order.

13897-358 (10/05/20) [Northern Nye County Hospital District Board of Trustees]

Whether the Board violated the OML because two of the board members were allegedly discussing and taking action outside of a public meeting.



XI. Discussions of Character, Alleged Misconduct, Professional Incompetence, Physical or Mental Health of a Person (241.030;

241.031; 241.033; 241.034(3), and; 241.035(2)(a))

13897-252 (1/4/18) [Nevada Library Cooperative]

Did the Cooperative violated NRS 241.033 by failing to provide notice to a person whose character, alleged misconduct, and professional competence was discussed at the public meeting.

13897-228 (5/24/17) [Mineral County School District Board]

Whether an email chain resulted in serial communications outside a public meeting violated OML; whether an email chain constituted a discussion of complainant's character, alleged misconduct, and professional competence without notice to her in violation of the OML; *see also* Serial Communications.

13897-209 (10/10/16) [Nevada Bd. of Dental Examiners Budget and Finance Committee]

Did the Bd. violate NRS 241.033 by failing to provide notice to a person whose character, alleged misconduct, and professional incompetence was discussed at the public meeting; *see also* Public Comment.

13897-172 (4/22/16) [Round Mountain Town Bd.]

Whether the discussion of a person's character was a casual reference and therefore not subject to OML; *see also* Closed Meeting.

10-014 (2/25/10) [Pershing General Hospital Bd. of Trustees]

Whether the Bd. violated OML's requirement to notice each person whose character, professional competence, and alleged misconduct will be considered by the Bd.; *see also* Agenda-Sticking to the Agenda.

08-037 (2/26/09) [Crescent Valley Town Advisory Board]

Whether discussions of competence and character of a person, without prior notice to the person, started by the public and joined by the Bd. violates the OML; *see also* Public Notice.



04-006 (4/10/04) [University and Community College System, Bd. of Regents]

Whether notice must be given to individuals whose character may be grounds for disciplinary or other administrative action based on a prior meeting when during the meeting at issue, the individuals were purposefully not discussed to comply with OML.

03-017 (4/21/03) [Conservation District of Southern Nevada Board of Supervisors]

Whether responding to concerns about a terminated employee raised by associate members amounted to a meeting to consider the character, professional conduct, or alleged misconduct of the terminated employee requiring notice to the person under OML.

03-031 (12/14/03) [Mineral County School District]

Whether a Bd. must notify a person that his or her character, alleged misconduct, or professional competence will be discussed in a closed meeting to comply with OML.

03-009 (3/21/03) [Bd. of the Gateways to Success Public Charter School]

Whether discussion of a pending lawsuit filed by a member of the public who was named during an open meeting constitutes discussions of “character, alleged misconduct, professional incompetence, physical or mental health” requiring notice to the person to comply with OML.

***State Bd. of Psychological Examiners v. Norman*, 100 Nev. 241 (1984) [State Bd. of Psychological Examiners]**

Can a psychologist’s license be revoked without a public hearing, notice, and factual findings.

13897-261 (5/2/18) [Sparks City Counsel]

Whether the City Council violated the OML under NRS 241.033 when it considered and discussed authorization of the City to appeal an arbitration decision between the City and a member of the public; *see also* Public Body Gatherings.

13897-302 (10/11/19) [County Board of Commissioners]

Whether the Board violated the OML when a board member discussed the Mesquite’s constable misconduct without proper notice to the individual.

13897-312 (10/02/19) [Douglas County Board of Commissioners]

Whether the Board violated the OML by failing to provide written personal notice that a board member’s competence and character would be discussed at the meeting. *See also* Public Body Gatherings. *See also* Agenda, Tele/Video Conferences.



13897-307 (07/22/20) [Nevada State Board of Architecture, Interior Design and Residential Design]

Whether the Board violated the OML by discussing the complainant's professional competence during a Board meeting without providing notice as required by NRS 241. 033.

13897-351 (08/05/20) [Lander County Commissioners]

Whether the Board violated the OML by failing to provide timely personal notice to the complainant when their character, alleged misconduct, professional competence, or health would be considered; *see also* Agenda.

13897-333 (07/29/20) [City of Reno Civil Service Commission]

Whether the Board violated the OML by failing to provide written personal notice to Fire Equipment Operator Joshua Bell and Fire Equipment Operator Wayne Tellez before considering their request for an extension of a promotional probationary period for these individuals at the Board meeting.

13897-299 (10/12/18) [Ely City Council]

Whether the Board violated OML by considering and deliberating on, without proper notice, the character and/or competence of the Complainant.

13897-287 (10/2/18) [Incline Village General Improvement District Board of Trustees (IVGID)]

Whether the Board violated OML by failing to include all comments made during public comment in the meeting minutes. *See also* Agenda: Supporting Materials; Agenda: Clear and Complete.

13897-293 (10/18/18) [Washoe County School District]

Whether the Board violated OML by failing to require persons who give public comment to provide their name and fill out a public comment card. *See also* Public Comment: Matters Brought up During Public Comment.

13897-297 (11/20/18) [Storey County Board of Commissioners]

Whether the Board violated OML by failing to include documents provided during public comment in the meeting minutes.



XII. Emergency Meetings (241.020(2) & (10))

13897-177 (5/4/16) [Fernley Swimming Pool District Bd.]

Whether Fernley violated OML when it met, deliberated, and took action without proper notice to the public, without an agenda, and without an emergency situation; see also Action, Agenda, Corrective Action, Public Notice.

00-029 (8/9/00) [Lander County Commission]

Whether a statutory deadline for submitting ballot questions constitutes an emergency defined as “an unforeseen circumstance which requires immediate action and includes, but is not limited to: (a) Disasters caused by fire, flood, earthquake or other natural causes; or (b) any impairment of the health and safety of the public.”

01-039 (8/20/01) [Humboldt County Commissioners and Humboldt County District Attorney]

Whether there was an imminent threat to the public health and safety or a reasonably unforeseen situation which required immediate action which allowed the Commission to disregard the three day posting requirement of the OML.

04-011 (6/15/04) [Silver Springs General Improvement District Bd.]

Whether the General Manager not abiding by the contract and serving the agreed upon three weeks before leaving was unforeseeable and was immediate action required to provide for the day-to-day operations allowing a Bd. to hold an emergency meeting in compliance with OML.

07-028 (9/18/07) [Mineral County School Bd.]

Whether firing an employee at a Bd. meeting can justify an emergency meeting to fill the vacant position.

XIII. Investigative Committees (241.015(4))

13897-193 (3/28/16) [Nevada Bd. of Medical Examiners]

Whether OML is applicable to investigative committee meetings; whether confidentiality extends to conversations, documentation, and all other information gathered as a result of the investigation; *see also* Closed Meeting.



XIV. Minutes (241.035)

13897-260 (2/21/18) [Incline Village General Improvement District – Audit Committee]

Violations of OML provisions relating to the failure to approve minutes within the required timeframe 15 times resulted in corrective action. Whether (i) requests for revisions by members of the public, (ii) power outage during a meeting before minutes were approved, (iii) recent discovery of an important gap in the minutes, or (iv) failure of a board member to provide all requested revisions to the clerk, is “good cause” excusing timely approval of the minutes; *see also* Corrective Action.

13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Whether the Board failed to make a copy of audio recording available in accordance with NRS 241.035(2) when it first refused, then later offered for the requestor to come listen to the recording; *see also* Agenda - For Possible Action, Supporting Materials, Corrective Action, Public Notice, Audio Recording, Public Body Gatherings.

13897-237 (12/13/17) [White Pine County Bd. of Commissioners]

Whether the Board failed to make a copy of meeting minutes or audio recording available to the public within 30 days in accordance with NRS 241.035(2); *see also* Audio Recording. Whether the Board failed to approve meeting minutes or audio recording available to the public within 45 days or at the next meeting of the body in accordance with NRS 241.035(1). Whether the OML requires the Board to post meeting minutes or audio recordings on its website; *see also* Audio Recording. Whether the Board violated the OML by failing to set forth a verbatim transcript of the proceedings in the meeting minutes.

13897-235 (10/23/17) [Belmont Town Advisory Bd.]

Whether the Board failed to make a copy of meeting minutes or audio recording available to the public within 30 days in accordance with NRS 241.035(2); *see also* Agenda, Audio Recording, Public Comment. Whether a public body is required to include information in the minutes at the request of a member of the public when the information is the public comment of another person.

13897-160 (4/12/16) [Humboldt General Hospital]

Whether the Bd. made a good faith effort to provide the meeting minutes from a failed server within the required time frame to avoid violating the OML.



13897-198 (9/21/16) [Bd. of Examiners for Marriage and Family Therapists and Clinical Professional Counselors]

Whether posting the minutes of a meeting outside the required 45 day time frame and not recording all discussion in the minutes violates OML; *see also* Agenda-Tabling Items, Public Comment.

13897-217 (12/30/16) [Ely City Council]

Whether charging public members for copies of minutes of council meetings violates NRS 241.035(2); *see also* Audio Recording, Corrective Action, Deliberation.

13897-218 (2/24/17) [City Council of Ely]

Whether the OML requires public bodies to keep written minutes and provide the minutes to the public within 30 working days after adjournment of the meeting; *see also* Administrative Action, Agenda-Clear and Complete, Agenda-Supporting Materials, Appointments, Attorney Meeting and Litigation, Closed Meeting, Public Comment, Staff Reports.

10-047 (11/8/10) [Fernley City Council]

Whether unofficial draft minutes must be made available to the public at the same time Council members receive them; whether draft minutes must be uploaded to the website.

08-011 (6/9/08) [Clark County Bd. of School Trustees]

Whether the OML (NRS 241.035) is violated when a public body does not include in its minutes text the verbatim statement of a public body member when the member demands that certain remarks be included verbatim.

13897-311 (1/19/19) [I Can Do Anything Charter School Board]

Whether the Board violated the OML when it failed to post Board meeting minutes on the Board's website.

13897-263 (6/26/18) [Incline Village General Improvement District]

Whether NRS 241.035(1)(d) requires a member of the public to be present and address a public body for that member's written statement(s) to be made part of the public body's minutes.

13897-319 (10/02/19) [Washoe County Commissioners]

Whether the Board violated the OML when it did not include the substance of written statements in the meeting minutes.



13897-298 (7/22/20) [Division of Health Care Financing and Policy]

Whether the Division of Health Care Financing and Policy is subject to the OML regulations; Whether the Division of Health Care Financing and policy violated the OML by failing to post minutes of workshops from 2015- 2018.

13897-330 (7/29/20) [Incline Village General Improvement District]

Whether the Board violated the OML by including five written statements in the minutes when none of the individuals who submitted the statements were physically present at the meeting or made an affirmative request to include their statement with the minutes.

13897-356 (10/05/20) [McDermitt Fire Protection District Meeting Minutes]

Whether the Board violated the OML by failing to provide the complainant with the meeting minutes associated with the April and June 2019 agendas.

13897-380 (12/08/20) [Nevada System of Higher Education Board of Regents]

Whether the Board violated the OML by failing to upload meeting minutes for their open public meetings from July 22,2020 through September 29, 2020.

13897-370 (12/08/20) [Reno-Tahoe Airport Authority]

Whether the Board violated the OML by discouraging public oversight by threatening to charge for minutes and recordings of public meeting; Whether the Board violated the OML by neglecting their duty to make minutes of public meetings available within 20 days of the meeting; Whether the Board violated the OML by failing to keep minutes from committee meetings posted.

XV. OML Enforcement (241.039)

13897-239 (11/2/17) [Storey County Board of Commissioners]

Whether the Board's alleged failure to have deputized counsel present at public meeting is a violation of the OML.

13897-245 (1/4/18) [Incline Village General Improvement District]

Whether the OML or NRS 239 grant the Office of the Attorney General any powers with respect to alleged public records violations.



13897-199 (8/10/16) [Public Utilities Commission of Nevada]

Whether after the limitations period for legal action expires, the OAG can require the Commission to place the Findings of Fact and Conclusions of Law on the next agenda and include them in the supporting material for the meeting; *see also* Agenda-Confidential Matter and Supporting Documents, Public Bodies, Staff Meeting.

01-011 (5/10/01) [Ely City Council]

Whether a suit can be brought against a public body more than 120 days after the action objected to was taken by the public body.

13897-316 (10/02/19) [Incline Village General Improvement District Board of Trustees Audit Committee]

Whether the Board violated the OML by not including the Office of the Attorney General's opinion on its agenda and in its supporting materials as required by NRS 241.0395(1).

XVI. Polling

13897-222 (3/1/17) [Las Vegas Stadium Authority Bd. of Directors]

Whether polling of Bd. nominees for new Bd. positions by a third party violates OML; *see also* Appointments, Serial Communications.

***Del Papa v. Board of Regents*, 114 Nev. 388 (1988) [Bd. of Regents of the University and Community College System of Nevada]**

Whether OML was violated when the Bd. took a position on advisory by responding to criticisms from a member via a non-public poll using fax or telephone; *see also* Public Bodies, Serial Communication, Tele/Video Conferences.

XVII. Public Bodies (241.015(4); 241.016)

a) General

13897-251 (1/4/18) [Public Utilities Commission of Nevada Chairman]

Whether a PUCN-sponsored General Consumer Session attended by the Chairman is a meeting of a "public body" under the OML.



13897-246 (12/21/17) [Discovery Charter School Receiver]

Whether the receiver of a charter school is a “public body” under the OML.

13897-183 (2/25/16) [Southern Nevada Regional Housing Authority]

Whether ad hoc committees or any subsidiaries thereof are public bodies when they make recommendations or make decisions which are then presented to a public body for ratification or other action; *see also* Public Bodies-Advisory or Subcommittees.

13897-199 (8/10/16) [Public Utilities Commission of Nevada]

Whether a committee appointed by the Commission constitutes a “public body” and is subject to the OML; *see also* Agenda-Confidential Matters and Supporting Documents, OML Enforcement, Staff Meeting.

13897-192 (10/19/16) [Humboldt County Insurance Benefits Review Committee]

Whether a multimember group appointed by a public body to give recommendations to that public body is also a “public body” subject to the OML.

13897-214/216 (3/2/17) [Humboldt County Hospital Bd.]

Whether a private meeting of less than a quorum consisted of “serial communications” violating the OML; when a subcommittee of a board is subject to the OML.

00-055 (3/12/01) [Valley Electric Association, Inc.]

Whether Valley Electric is a “public body” defined as an “administrative, advisory, executive, or legislative body of the state or local government.”

99-035 (4/3/00) [Carson City Senior Citizens Center]

Whether a non-profit organization supported in whole or in part by tax revenue is a “public body” subject to the OML.

99-05 (1/12/99) [Economic Development Authority of Western Nevada]

Whether a privately formed corporation that was not organized by and does not owe its existence to any government body, was not organized to perform any administrative, executive, advisory, or legislative function, and does not perform a government function is a “public body” subject to the OML.



00-030 (4/12/01) [Community Development Corporation and Eureka County Development Council]

Whether the receipt of money from a public body transforms a private corporation into a public body subject to the OML; whether a non-profit formed at the direction of a public body and incorporated by a quorum of Commissioners that used funds from the public body and whose assets revert to the public body upon dissolution constitutes a “public body” subject to the OML.

02-014 (6/11/02) [Storey County Cemetery Bd. f/k/a Cemetery Advisory Committee]

Whether a committee formally appointed by a public body for the purpose of making recommendation to the public body and supported in whole or in part by tax revenue is subject to the OML.

10-011 (4/12/10) [Civil Bench/Bar Committee]

Whether the Committee was formed by elected public officials, and even if the Committee was formed by elected public officials, did those elected public officials constitute a public body thereby making the Committee a public body subject to the OML.

09-038 (9/23/09) [Nevada Sheriffs' and Chiefs' Association]

Whether an active domestic non-profit corporation is a “public body” subject to the OML.

07-042 (1/30/08) [Nevada Discovery Museum]

Whether the Museum is subject to the OML because of the legislative grant of public funds for construction and initial operations; see also Public Body Gatherings.

03-043 (2/10/04) [Mountain City Visitor Center Bd. of Trustees]

Whether the Bd. is a “public body” subject to the OML when it does not owe its existence to or have a relationship with state or local governments beyond receipt of flow-through federal grant money.

10-051 (1/4/11) [Nevada Humane Society]

Whether the Nevada Humane Society is a public body subject to the OML because of its contractual relationship with the County Regional Animal Services Center.

***Dewey v. Redevelopment Agency*, 119 Nev. 87 (2003) [Reno Redevelopment Agency]**

Whether back-to-back staff briefings attended by less than a quorum of a public body violates the OML; *see also* Attorney Meetings and Litigation, Briefings, Deliberation, Serial Communications.



***Del Papa v. Board of Regents*, 114 Nev. 388 (1988) [Board of Regents of the University and Community College System of Nevada]**

Whether a quorum of a public body using serial electronic communication to deliberate a decision or to make a decision on any matter which the public body has supervision, control, jurisdiction, or advisory power violates OML; *see also* Polling, Serial Communications, Tele/Video Conferences.

13897-288 (7/19/18) [Discovery Charter School Receiver]

Whether the Receiver is a “public body” since it is subject to a court order requiring it to hold public meetings consistent with the OML; *see also*: Agenda, Public Notice.

13897-286 (6/26/18) [Reno II Lakegrove Homeowners Association Board of Directors]

Whether the HOA constitutes a “public body” when it was (1) not formed by a public body; (2) does not act in an administrative, advisory, or executive capacity to perform local government functions; and (3) is not supported in part by tax revenue from a public body.

13897-275 (8/1/18) [Nevada Department of Corrections]

Whether individual members of the DOC’s Interim Finance Committee, acting in an individual capacity, constitute a “public body.”

13897-296 (10/22/18) [Nye County School District Board of Trustees]

Whether the Board violated OML by refusing an agenda request item for being late and because submission deadlines are difficult to obtain. *See also Dewey v. Redevelopment Agency*, 119 Nev. 87, 64 P.3d 1070 (2003)

b) Advisory or Subcommittees

13897-183 (2/25/16) [Southern Nevada Regional Housing Authority]

Whether the OML applies to advisory or subcommittees when any input or assistance from these committees regarding a matter under the Bd.’s control and jurisdiction is deemed a “decision” within the meaning of the OML; *see also* Public Bodies-General.

13897-190 (7/26/16) [Douglas County Citizens Flood Control and Roads Task Force]

Whether a task force created by a Bd. where its recommendations influenced Bd. decisions becomes a “public body” subject to the OML.



13897-192 (10/19/16) [Humboldt County Insurance Benefits Review Committee]

Whether a multimember group appointed by a public body to give recommendations to that public body is also a “public body” subject to the OML.

13897-214/216 (3/2/17) [Humboldt County Hospital Bd.]

Whether a private meeting of less than a quorum consisted of “serial communications” violating the OML; when a subcommittee of a board is subject to the OML.

10-010 (4/7/10) [Clark County Bd. of School Superintendent’s Educational Opportunity Advisory Committee]

Whether the advisory committee is a “public body” subject to the OML based on how the committee was formed, its purpose, and who appointed the members.

02-010 (4/18/02) [Subcommittee of the Commission on Ethics]

Whether a group appointed by a public body, given the task of making decisions for or recommendations to the public body, is subject to the OML.

02-014 (6/11/02) [Storey County Cemetery Bd. f/k/a Cemetery Advisory Committee]

Whether a committee formally appointed by a public body for the purpose of making recommendations to the public body and supported in whole or in part by tax revenue is subject to the OML.

07-025 (7/17/07) [Walker Basin Project Stakeholders Group]

Whether a committee designed to be an open forum for discussion of issues regarding a project is a “public body” subject to OML.

07-030 (9/10/07) [Citizen Advisory Panel for a Financially Feasible Approach to Providing FIRE/EMS Services]

Whether the Panel is a “public body” subject to OML if it is a temporary advisory body charged with a limited task, without any policy making or delegated decision making authority, and appointed or invited by an individual executive head of an agency.

07-027 (8/15/07) [Washoe County Commission Citizen Committee]

Whether dividing a committee into study groups fits the definition of a “public body” and whether the study groups were engaged in a “meeting” requiring OML compliance.



98-03 (7/7/98) [Washoe County School District Bd. of Trustees]

Whether a subcommittee informally appointed by the Bd. president conducted meetings violating OML; see also Agenda-Sticking to the Agenda.

98-04 (7/7/98) [Washoe County School District Bd. of Trustees]

Whether members of subcommittees acting as individual factfinders are subject to the OML.

08-014 (7/2/08) [White Pine County Bd. of Commissioners and Ely City Council]

Whether negotiating teams from two public bodies that met in a closed meeting violates the OML; *see also* Staff Meetings.

00-010 (6/16/00) [Washoe County Commission]

Whether action items allowing a subcommittee to purchase property is sufficiently clear and complete to comply with OML.

99-035 (4/3/00) [Carson City Senior Citizens Center]

Whether a non-profit organization supported in whole or in part by tax revenue is a “public body” subject to the OML.

(10/02/19) [Skyland General Improvement District]

Whether the fence subcommittee of the Skyland General Improvement District is subject to OML because of their recommendations to the District.

c) Members-Elect

99-06 (3/19/99) [Topaz Ranch Estates General Improvement District]

Whether OML applies to members-elect of public bodies even before they are sworn in to office.

01-003/008 (4/12/01) [Pershing County Bd. of Commissioners]

Whether members elected to a Bd. or Commission, but have yet to assume the office, are subject to OML; whether a quorum of Bd. members took part in a closed meeting when one of the members was only elected.



d) Non-Profit Organizations

00-030 (4/12/01) [Community Development Corporation and Eureka County Development Council]

Whether the receipt of money from a public body transforms a private corporation into a public body subject to the OML; whether a non-profit formed at the direction of a public body and incorporated by a quorum of Commissioners that used funds from the public body and whose assets revert to the public body upon dissolution constitutes a “public body” subject to the OML.

10-051 (1/4/11) [Nevada Humane Society]

Whether the Nevada Humane Society is a “public body” subject to the OML even though it is a non-profit corporation not an administrative, executive, legislative, or advisory body of state or local government.

e) Quasi-Judicial Proceedings (241.016(1))

Stockmeier v. Nevada Dept. of Corrections, 124 Nev. 313 (2008) [Nevada Dept. of Corrections]

Can an offender seek money damages for OML violations even when declarative and injunctive reliefs were moot; when the Psych Panel considers new allegations, must it comply with OML.

XVIII. Public Body Gatherings (241.015(3)(b)(1), and; 241.016(4))

13897-254 (2/5/18) [Lincoln County School District Bd. of Trustees]

Whether a “walking quorum” is established outside of a public meeting when members did not discuss any vote or contemplated motions during a meeting with the board’s counsel regarding potential litigation; *see also* Attorney Meetings and Litigation.

13897-253 (1/4/18) [Reno City Planning Commission]

Whether quorum was lost when commissioner threatened to depart meeting. Whether associations and meetings by members of public bodies with private persons and associations violate the OML.

13897-244 (1/4/18) [Incline Village General Improvement District Board]

Whether the counsel’s OML training session with the Board was a “meeting” of a public body.



13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Whether the School's "Meet and Greet" for parents to meet teachers and administrators was "meeting" under the OML; *see also* Agenda - For Possible Action, Supporting Materials, Public Notice, Audio Recording, Minutes.

00-057 (2/14/01) [Clark County School District]

Whether a dedication of a service facility is a "meeting" of a public body subject to OML.

***Sacramento Newspapers Guild v. County Bd. of Supervisors*, 69 Cal.Rptr. 480 (Cal. App. 1968) [Sacramento County Bd. of Supervisors]**

Does the term "meeting" as used in OML extend to informal sessions or conferences of bd. members designed for discussion of public business; *see also* Deliberation.

13897-272 (6/26/18) [Nevada Department of Education]

Whether the Nevada Department of Education violated the OML when it held an open meeting on a religious holiday, when much of the public would not be able to attend, and when the meeting location was not large enough to accommodate all interested public.

13897-261 (5/2/18) [Sparks City Counsel]

Whether the city violated OML under NRS 241.015(3) when it held a private conference with its attorney to discuss a potential appeal; *see also* Discussions of Character, Alleged Misconduct, Professional Incompetence, Physical or Mental Health of a Person.

13897-329 (7/22/20) [Workforce Connections Programs Committee Meeting]

Whether the Board violated the OML by failing to accommodate to the complainant's disability as asking him to sit during the meeting.

XIX. Public Comment (241.020(3)-(7))

a) General

13897-235 (10/23/17) [Belmont Town Advisory Bd.]

Whether the Board may refuse to place a discussion item on its agenda. Whether the Board is required to include items on its agenda at the request of members of the public; *see also* Agenda, Minutes.



13897-231 (12/13/17) [Washoe County Board of County Commissioners]

Whether the OML requires public bodies to take public comment during an agenda item on which no action will be taken.

13897-224 & 226 (10/19/17) [Incline Village General Improvement District Bd.]

Whether requiring a speaker to face the board during public comment is a reasonable restriction; whether counsel to the board has authority to stop a public speaker.

13897-227 (06/21/17) [Regional Transportation Commission of Southern Nevada]

Whether supporting material that is used by staff in a presentation must be provided to interested parties in advance of the meeting if it was not provided to the government body. Whether staff can encourage citizens to show up and oppose an agenda item; *see also* Agenda-Clear and Complete and Agenda-Supporting Materials.

13897-152/153/154 (4/11/16) [Oriental Medicine Board]

Did the public regulation workshop monitor violate the OML by placing time limits on public comment; *see also* Agenda, Public Notice.

13897-165 (4/26/16) [Bd. of Trustees for Lander County School District]

Whether an OML violation occurs when all members who wish to comment on a specific issue get the chance to speak in a public meeting.

13897-181 (2/12/16) [Lyon County Planning Commission]

Whether claims suggesting suppression of a public comment without evidence can rise to an OML violation.

13897-188 (6/2/16) [Douglas County Bd. of Commissioners]

Whether taking public comment on an agenda item combining three distinct items prevented the public from commenting separately on each item violating the OML; *see also* Agenda.

13897-191 (6/2/16) [Douglas County Bd. of Commissioners]

Whether the restrictions on public comment were unreasonable and violated the OML; *see also* Agenda.



13897-198 (9/21/16) [Bd. of Examiners for Marriage and Family Therapists and Clinical Professional Counselors]

Whether a Bd. member can be heard taking public comment at the beginning of the meeting and before meeting adjournment complying with the OML; *see also* Agenda-Tabling Items, Minutes.

13897-206 (9/29/16) [Nevada Bd. of Dental Examiners Budget and Finance Committee]

Whether denying public comment during discussion of an action item violates OML.

13897-209 (10/10/16) [Nevada Bd. of Dental Examiners Budget and Finance Committee]

Did the Bd. violated NRS 241.020 by not allowing public comment during discussion of individual agenda items; *see also* Discussion of Character.

13897-208 (11/7/16) [Washoe County Board of County Commissioners]

Whether the Bd. took public comment prior to the appointment vote; *see also* Agenda-Supporting Material, Serial Communications.

13897-212 (1/6/17) [Nevada Bd. of Examiners for Social Workers]

Whether the Bd. complied with NRS 241.020(2)(d)(3)(I) by taking public comment at the beginning of the meeting and before adjournment of the meeting; *see also* Agenda-Supporting Documents.

13897-218 (2/24/17) [City Council of Ely]

Whether reviews of public comment recordings show that the public could not hear the Council; *see also* Administrative Action, Agenda-Clear and Complete, Agenda-Supporting Materials, Appointments, Attorney Meeting and Litigation, Closed Meeting, Minutes, Staff Reports.

10-021 (7/6/10) [Henderson City Council]

Whether the OML allows Council staff to present “official” updates or reports to the Council during public comment; whether the OML is violated if members of the public are given “unequal speaking time” during public comment based on the speaker’s apparent political influence.

07-019 (7/17/07) [Truckee-Carson Irrigation District Bd. of Trustees]

Whether the failure to call for public comment following the action item for a decision by the Bd. to rescind the previously approved offer violated the OML; whether the Bd.’s declaration that public comment will be taken as time permits fulfills the requirement of NRS 241.020(2)(c)(3) that every public body meeting provide a period for public comment.



03-007/010 (3/21/03) [Nevada State Committee of Blind Vendors]

Whether the OML requires public bodies to take public comment during each agenda item, treat all members of the public equally, and inform the public about public comment restrictions before the meeting; *see also* Agenda-Clear and Complete.

00-047 (4/27/01) [Regional Transportation Commission]

What limitations may a public body place on a member's participation in the public comment period of the meeting when that person's comments are not pertinent to or consider matters outside the scope of the body's authority and are disruptive; what discretion does a public body have to refuse to place an item on its public meeting agenda if a member of the public asks that such item be placed on the agenda.

13897-383.2 (4/13/21) [Clark County Board of County Commissioners]

Whether the Board violated the OML by listing an action item of substantial public interest prior to the first public comment period in violation of NRS 241.020 (3)(d)(3).

13897-381 (4/14/21) [FFCL - Daniel Rolle]

Whether the Las Vegas City Council violated the OML by placing time restrictions on public comments when activists are present at meetings; Whether the City Council violated the OML by demanding that only "positive" comments be made; Whether the City Council violated the OML by improperly making comments in response to comments made by the public; Whether the City Council violated the OML by allegedly using intimidation tactics on member of the public; and Whether the City Council violated the OML by having an individual pulled from a meeting and cited for a misdemeanor for interrupting the Council during the July 22,2020 Council meeting.

b) Disruptive, Slanderous or Offensive (241.0353(2))

13897-171/180 (4/18/16) [Incline Village General Improvement District Board]

Whether the Bd. can stop public comment without violating OML when they deem the comments slanderous, offensive, and willfully disruptive; *see also* Agenda-Revisions, Public Comment-Restrictions, Public Notice.

13897-179 (4/13/16) [Ely City Council]

Whether the OML requires willfully disruptive members of the public to be removed from public meetings.



13897-184 (4/19/16) [Southern Nevada Regional Housing Authority Bd. of Commissioners]

Whether public comment is subject to reasonable time, place, and manner restrictions, but absent willful disruption of a meeting due to irrelevant comment, repetitive comments, inflammatory comments, or irrational behavior, the public has a right to speak.

13897-187 (4/13/16) [Ely City Council]

Whether the OML requires willfully disruptive members of the public to be removed from public meetings; whether restrictions on public comment must be written in the agenda.

11-035 (12/23/11) [Nevada Personnel Commission]

Whether public bodies may remove a disruptive member of the public from a meeting; whether public bodies may impose reasonable time, place, and manner restrictions on public comment.

10-006 (4/13/10) [Clark County School Bd. of Trustees]

Whether a member of the public can be removed from the public meeting after intentional loud disruptions; whether a public body must make answers to questions available or discuss the issues during public comment.

***NY Times v. Sullivan*, 376 US 254 (1964) [Montgomery Commissioner]**

Whether libelous per se liability, as applied to an action brought by a public official against critics of his official conduct, abridges the freedom of speech and of the press guaranteed by the First and Fourteenth Amendments; what level of libel immunity and what standard of review is granted to public officials and their critics.

***White v. City of Norwalk*, 900 F.2d 1421 (9th Cir. 1990) [Norwalk City Council]**

Whether an ordinance restricting speakers when their speech “disrupts, disturbs or otherwise impedes the conduct” of the meeting is overbroad and too restricted violating the OML.

***Reza v. Pearce*, 806 F.3d 497 (9th Cir. 2015) [Arizona Senate]**

Whether public officials can restrict speech and access to a limited public forum after disruptive behavior; is the public comment restriction reasonable in light of the purpose served by the limited forum; did the public official violate Reza’s First Amendment rights.



c) Matters Brought Up During Comment (241.020(d)(3)(II))

11-035 (12/23/11) [Nevada Personnel Commission]

Whether public bodies may remove a disruptive member of the public from a meeting; whether public bodies may impose reasonable time, place, and manner restrictions on public comment.

00-047 (4/27/01) [Regional Transportation Commission]

What limitations may a public body place on a member of the public's participation in the public comment period of the meeting when that person's comments are not pertinent to or consider matters outside the scope of the body's authority and are disruptive; what discretion does a public body have to refuse to place an item on its public meeting agenda if a member of the public asks that such item be placed on the agenda.

01-012 (5/21/01) [Reno City Council]

Whether public bodies can adopt rules and regulations that deny a member of the public the right to speak at a public meeting during the public comment period even when the restrictions are content and person neutral.

01-022 (5/31/01) [Clark County Bd. of Commissioners]

Whether during public comment, the Bd. can limit public comments; whether the public can talk about aspects of the item not listed on the agenda.

13897-320 (5/16/19) [Washoe County School District Board of Trustees]

Whether the Board violated the OML by taking action during a public comment period on a matter that was not on the agenda.

13897-325 (10/15/19) [Nye County Commissioners]

Whether the Board violated the OML by responding to an initial general public comment during an unrelated agenda item.

13897-343 (07/29/20) [Reno City Council]

Whether the Board violated the OML by failing to make the complainant's four comments a part of the meeting materials; and whether the Board violated the OML by actively soliciting public comments online but subsequently failing to equally consider the comments because they did not include them in the meeting record.



d) Restrictions on Public Comment (241.020(2)(d)(7))

13897-171/180 (4/18/16) [Incline Village General Improvement District Board]

Whether the failure to include the substance of a person's remarks during public comment violated NRS 241.035(1)(d); *see also* Public Comment-Disruptive, Public Notice, Revisions.

13897-269 (8/1/18) [Washoe County Planning Commission]

Whether the Commission violated OML under NRS 241.020(2)(d)(7) when it interrupted comments by a member of the public during a public comment period; *see also* Action.

13897-278 (7/20/20) [Incline Village General Improvement District]

Whether the Board violated the OML by issuing a public comment advisory statement that "discouraged public comment."

13897-349 (7/29/20) [Board of Storey County Commissioners]

Whether the Board violated the OML by not allowing the complainant to ask questions and referring him to ask those questions to another public body outside of the meeting.

13897-373 (12/08/20) [FFCL - Reno City Council]

Whether the Board violated the OML by not allowing the general public to comment at teleconference meeting, and whether discussion on one of the agenda items violated the OML's clear and complete standard.

13897-277 (7/20/20) [Elko County Board of County Commissioners]

Whether the Board violated the OML by taking judicial action against an individual that did not allow him to attend public meetings.

13897-372 (4/12/21) [FFCL - Clark County School District Board of Trustees]

Whether the Board violated the OML by unlawfully setting a public comment deadline three hours prior to the start of the meeting and positing supporting material to its website less than one hour prior to the meeting.

13897-283 (5/7/19) [Incline Village General Improvement District Board of Trustees (IVGID)]

Whether the Board violated OML by restricting public comment to the public comment periods at the beginning and end of the meeting. Also, whether the Chair exceeded her authority when she did not allow a vote on the request for additional public comment after a valid motion was pending.



13897-293 (10/18/18) [Washoe County School District]

Whether the Board violated OML by restricting public comment to issues not on the agenda during the initial public comment period at the beginning of the meeting. *See also* Minutes.

XX. Public Notice (241.020(2)-(9))

13897-247 (2/2/18) [Churchill County Board of County Commissioners]

Whether Board violated OML when it met, deliberated, and took action on a waiver request without proper notice to the public although supporting material for the meeting contained a memorandum containing the request; *see also* Action, Supporting Material, Corrective Action.

13897-240 & 241 (12/21/17) [Discovery Charter School Governing Bd.]

Whether the agenda was posted in accordance with NRS 241.020(3)(b); *see also* Agenda - For Possible Action, Supporting Materials, Audio Recording, Minutes, Public Body Gatherings.

13897-152/153/154 (4/11/16) [Oriental Medicine Board]

Was the public regulation workshop properly noticed through the agenda; *see also* Agenda, Public Comment, Workshops.

13897-171/180 (4/18/16) [Incline Village General Improvement District Board]

Whether the public notice and revised agenda complied with NRS 241.035(2); *see also* Revisions, Public Comment-Disruptive and Restrictions.

13897-176 (4/21/16) [Lander County Convention and Tourism Authority Board]

Whether the Bd. can take corrective action for an inadvertent error, such as meeting time, to ensure all public comments are recorded before adjournment; *see also* Corrective Action, Error.

13897-177 (5/4/16) [Fernley Swimming Pool District Bd.] [Fernley Swimming Pool District Bd.]

Whether Fernley violated OML when it met, deliberated, and took action without proper notice to the public, without an agenda, and without an emergency situation; *see also* Action, Agenda, Corrective Action, Emergency Meetings.

13897-197 (7/26/16) [Pahrump Public Lands Advisory Committee]

Was sufficient notice provided for discussion and action; did Pahrump comply with the website posting requirements of the OML; *see also* Agenda.



08-037 (2/26/09) [Crescent Valley Town Advisory Board]

Whether discussions of competence and the character of a person, without prior notice to the person or an agenda item notice to the public, violates the OML; *see also* Discussions of Character.

04-001 (5/06/04) [Washoe County Bd. of Equalization]

Whether a Bd. violates OML by failing to post the agenda for a meeting on a website that the Bd. does not maintain; *see also* Serial Communications.

00-015 (4/7/00) [Public Employees' Benefit Program Board of Directors]

Whether pursuant to NRS 241.020, written notice and agenda of a public meeting must be posted at the principle office of the public body and at not less than three separate prominent places within the public body's jurisdiction not later than 9a.m. of the third working day before the meeting.

00-040 (2/5/01) [Joint City/County Impact Alleviation Committee]

Whether OML requires a public body meet within the county; whether written notice must be given three days in advance.

13897-288 (7/19/18) [Discovery Charter School Receiver]

Whether the Receiver violated OML when it sent notice of public meeting via postal service when a public citizen requested notice by e-mail; *see also* Agenda, Public Bodies.

13897-250/ 258 (5/02/18) [Discovery Charter School Governing Board Receiver]

Whether the Receiver violated OML when it failed to: 1) timely deliver public notice of a public meeting; 2) properly document postings of public meeting notices; and/or 3) notify public that requests for meeting notices lapse 6 months after initial request.

13897-304 (5/07/19) [Sparks City Council]

Whether the Sparks City Council violated OML when they did not mail a copy of the public notice agenda to a constituent after the constituent requested it in a Planning Commission meeting.

13897-362 (4/14/21) [FFCL - Nevada Prep Charter School Governing Board]

Whether the Board violated the OML by failing to send notice to complainant of their January 22,2020 meeting three working days before the meeting.



13897-383.1 (4/14/21) [Nevada Commission on Autism Spectrum Disorders - Workforce Development Subcommittee]

Whether the Board violated the OML by failing to provide proper notice and agenda for their December 11, 2020 meeting.

13897-295 & 300 (7/20/20) [FFCL - I Can Do Anything Charter High School, Board of Directors]

Whether the Board violated the OML by failing to post its agenda on its website prior to the meeting; whether the Board violated the OML by closing a portion of its meeting to discuss its response to a complaint filed with the OAG.

13897-279 (7/20/20) [Public Employees' Retirement System of Nevada Retirement Board]

Whether the Board violated the OML by not giving the Complainant notice that his reemployment application would be heard by the Board in future meetings.

13897-352 (8/05/20) [Clark County School District Board of Trustees]

Whether the Board violated the OML by failing to announce vacancies to the NIAAA Control Board.

13897-289 (7/20/20) [FFCL - Armagosa Valley Town Board]

Whether the Board violated the OML by failing to notify a business about an agenda item where they were going to make them a letter requesting action; Whether the Board violated the OML by incorrectly placing the deliberation of the towns tentative budget in "Town Office Reports," instead of "General business;" Whether the Board violated the OML by failing to hold a workshop prior to discussing the town budget; and Whether the Board violated the OML by taking action on an item that was not properly noticed on the meeting agenda.

13897-384 (8/6/21) [FFCL – Nevada System of Higher Education Board of Regents]

Whether the Board violated the OML by: 1) failing to provide adequate written notice of the meeting; denied testimony of two witnesses; 3) failed to call a witness at the meeting; 4) failed to provide the notice of a witness; 5) permitted participation of a witness in an inappropriate manner; 6) exceeded the scope of the issues to be discussed; 7) failed to provide written notice of ability to provide evidence at the hearing; 8) discussed matters not specified in the notice; 9) inappropriately handled the exclusion of witnesses; 10) exceeded the bounds of the written notice during discussion and action; and 11) failed to provide minutes of the meeting.



13897-368 (8/23/21) [Tahoe Regional Planning Agency]

Whether the Board violated the OML by failing to provide adequate notice of the meeting, that it did not allow sufficient public participation and that it improperly distributed supporting material to the Governing Board.

XXI. Serial Communications (241.015(3)(2))

13897-228 (5/24/17) [Mineral County School District Board]

Whether an email chain resulted in serial communications outside a public meeting violating the OML; whether an email chain constituted a discussion of complainant's character, alleged misconduct, and professional competence without notice to her in violation of the OML; *see also* Discussions of Character, Alleged Misconduct, Professional Incompetence or the Mental Health of a Person.

13897-178 (4/20/16) [Nevada Bd. of Massage Therapists]

Whether members of the Bd. violated the OML by holding serial communications with a staff attorney which culminated in an action to terminate the Executive Director; *see also* Action.

13897-208 (11/7/16) [Washoe County Board of County Commissioners]

Whether the Bd. engaged in serial communications outside a public meeting regarding appointments; *see also* Agenda-Supporting Materials, Public Comment.

13897-222 (3/1/17) [Las Vegas Stadium Authority Bd. of Directors]

Whether polling of Bd. nominees for new positions by a third party means that the Bd. engaged in serial communications violating OML; *see also* Appointments, Polling.

13897-214/216 (3/2/17) [Humboldt County Hospital Bd.]

Whether a private meeting of less than a quorum consisted of "serial communications" violating the OML; when a subcommittee of a board is subject to the OML.

13897-223 (3/20/17) [City Council of Boulder City]

Whether a private meeting scheduled through a series of email communications with Council members to meet a candidate before appointment violates OML; *see also* Appointments, Closed Meeting, Corrective Action, Deliberation.



***Del Papa v. Board of Regents*, 114 Nev. 388 (1988) [Board of Regents of the University and Community College System of Nevada]**

Whether a quorum of a public body using serial electronic communications to deliberate a decision or to make a decision on any matter which the public body has supervision, control, jurisdiction, or advisory power violates OML; *see also* Polling, Public Bodies, Tele/Video Conferences.

***Dewey v. Redevelopment Agency*, 119 Nev. 87 (2003) [Reno Redevelopment Agency]**

Whether, absent substantial evidence of serial communications to support a finding of action or deliberation towards a decision, private back-to-back briefings violate OML; *see also* Attorney Meetings and Litigation, Briefings, Deliberation, Public Bodies.

04-001 (5/06/04) [Washoe County Bd. of Equalization]

Whether there was substantial evidence to support an allegation of serial communications in violation of OML; *see also* Public Notice.

13897-256 (8/1/18) [Mineral County Board of Commissioners]

Whether the Board violated OML when it held a telephonic interview for consideration in filling the vacancy for Mineral County Fire Chief, and whether an accusation that the Board violate OML by use of serial communications is valid without evidence; *see also* Closed Meeting; For Possible Action.

13897-313 (5/7/19) [Incline Village General Improvement District]

Whether three trustees violated the OML law by attending a gathering where it is alleged that the trustees were deliberating the upcoming election of the Board of Trustees.

13897-321 (9/16/19) [D. Kevin Moore, Board Member]

Whether a Board member violated the OML by sending an email to the entire Board discussing a proposed postponement of the Board meeting.

13897-358 (10/05/20) [Northern Nye County Hospital District Board of Trustees]

Whether the Board violated the OML because two of the board members were allegedly discussing and taking action outside of a public meeting.

13897-367 (12/08/20) [Northern Nye County Hospital District Board of Trustees]

Whether the Board violated the OML by allegedly having a meeting with a quorum of Board members at the Salvation Army building without providing notice or allowing the public to attend.



[13897-336](#) (7/29/20) [Mineral County Board of Commissioners]

Whether there was serial communication between two board members; *See also* Agenda.

XXII. Staff Meetings

[13897-199](#) (8/10/16) [Public Utilities Commission of Nevada]

Whether public meetings are required to receive reports regarding staff involvement on external committees; *see also* Agenda-Confidential Matters, OML Enforcement, Public Bodies.

[03-036](#) (1/20/04) [Desert Conservation Program Implementation Monitoring Committee]

Whether staff meetings within an agency or interagency meetings of groups which have no independent legal authority, no independent budget, and no formal mission or purpose falls within the definition of “public body” if these groups, as a group, do not advise or make recommendations to a public body.

[08-014](#) (7/2/08) [White Pine County Bd. of Commissioners and Ely City Council]

Whether OML applies to internal staff meetings of an executive agency or interagency staff meetings; *see also* Public Bodies-Advisory Committees or Subcommittees.

[03-018/021](#) (4/21/03) [Community College of Southern Nevada, Faculty Senate]

Whether the Faculty Senate performs a governmental function which subjects the Senate as a “public body” to OML or merely promotes the interests of the faculty.

XXIII. Staff Reports

[13897-203](#) (9/29/16) [Carson City Airport Authority Bd.]

Whether the Bd. violated OML by deliberating working around OML, appointing an official representative, or providing a staff report of healthcare costs only to the Bd. and not the public.

[13897-218](#) (2/24/17) [City Council of Ely]

Whether agendas listing “reports” by various City officials need details as to what the reports contain when the report do not lead to discussion, deliberation, or action; *see also* Administrative Action, Agenda-Clear and Complete, Agenda-Supporting Materials, Appointments, Attorney Meeting and Litigation, Closed Meeting, Minutes, Public Comment.



99-03 (1/11/99) [Reno Sparks Convention and Visitor's Authority]

Whether the general format for the Authority's agendas are defective and violate OML because generic terms like "Staff Report" and "New Business" do not adequately describe the items upon which action could be taken and do not provide clear and complete statements of the topics; *see also* Agenda-Clear and Complete, For Possible Action.

XXIV. Tele/Video Conferences (241.010(2))

13897-182 (4/12/16) [Nevada Bd. of Wildlife Commissioners]

Whether NRS 241.010 is violated when audio difficulties occur during teleconference access to a public meeting and the Bd. acts reasonably in response to the problem.

***Del Papa v. Board of Regents*, 114 Nev. 388 (1988) [Board of Regents of the University and Community College System of Nevada]**

Whether OML was violated when the board took a position on advisory by responding to criticisms from a member via a non-public vote using fax or telephone; *see also* Polling, Public Bodies, Serial Communications.

XXV. Voting Requirements (241.0355)

09-017 (5/29/09) [Nevada System of Higher Education Bd. of Regents]

Whether NRS 241.0355(1), a statutory mandate requiring a majority vote of the elected public body's membership before it may take action, is applicable to committees created or established under authority of Regents' Bylaws or its Code.

01-052 (12/11/01) [Carson River Advisory Committee]

What are the voting requirements for this type of public body; whether an abstention should be considered a vote, and if so, whether it should be deemed to be a vote in favor or in opposition to a particular proposition.

13897-152/153/154 (4/11/16) [Oriental Medicine Board]

Whether the public regulation workshop monitor violated the OML by enforcing time limits on public comment; *see also* Agenda-Clear and Complete, Public Notice.