



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

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July 25, 2013

Steve Sanson
P. O. Box 28211
Las Vegas, Nevada 89126

Re: Open Meeting Law Complaint / AG File No. 13-013
Las Vegas Metro Police Department Fiscal Affairs Committee

Dear Mr. Sanson:

Your Open Meeting Law Complaint (NRS Chapter 241) alleges that Clark County Sheriff Doug Gillespie met with the Las Vegas Metropolitan Police Department Fiscal Affairs Committee (FAC) in a closed meeting (April 22, 2013). You've alleged this was a violation of the Open Meeting Law (OML).

We requested a response to the Complaint from FAC; a public body subject to the Open Meeting Law. The Office of the District Attorney, which is legal counsel for FAC, provided a response that included the agenda, minutes from the April 22, 2013, FAC meeting, and affidavits from Clark County Commissioner Stephen Sisolak and Las Vegas City Councilman Stavros Anthony. Both men are designated by their respective elected public body to sit on FAC.

Agenda Item 19¹ from the April 22, 2013, FAC meeting indicated that the meeting was a closed exempt (from the OML) proceeding under NRS 288.220(4).² NRS

¹ Item 19. Conduct a Closed Exempt Proceeding With Management Representatives Pursuant to NRS 288.220(4) Regarding Negotiation with Collective Bargaining Units.

² NRS 288.220 Certain proceedings not required to be open or public. The following proceedings, required by or pursuant to this Chapter, are not subject to any provision of NRS which requires a meeting to be open or public:

288.220(1) exempts any negotiation or informal discussion between a local government employer and an employee organization whether conducted by the governing body or through a representative or representatives.

FAC's response and affidavits, from two members in attendance at the meeting, indicate that the President of the Police Protective Association (PPA; the employee association) made a presentation of its current offer to LVMPD (employer). The PPA and the LVMPD were then involved in negotiating a replacement collective bargaining agreement. No decisions or action was taken at this meeting by the FAC.

However, please note that any decision to approve a collective bargaining agreement must be done through a publicly noticed agenda together with underlying facts such as the cost of the agreement, and a public hearing must precede any action by the employer on the new agreement. See NRS 288.153. Any approval of a pay increase would then be a matter of public record available to the Nevada Legislature.

This proceeding was statutorily exempt from the Open Meeting Law requirements regarding open and public meetings.

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1. Any negotiation or informal discussion between a local government employer and an employee organization or employees as individuals, whether conducted by the governing body or through a representative or representatives.
 2. Any meeting of a mediator with either party or both parties to a negotiation.
 3. Any meeting or investigation conducted by a fact finder.
 4. Any meeting of the governing body of a local government employer with its management representative or representatives.
 5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.
- (Added to NRS by 1969, 1380; A 1971, 600, 1508; 1977, 1368; 1979, 287)

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We are closing our file on this matter.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By: 
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Open Meeting Law
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GHT/rmh

cc: Mary-Anne Miller, County Counsel for LVMPD Fiscal Affairs Committee
LVMPD Fiscal Affairs Committee members:
Jim Hammer, Independent
Ricki Barlow, Councilman
Stavros Anthony, Councilman
Larry Brown, Commissioner
Steve Sisolak, Commissioner
Anna Marie Robinson, LVMPD Clerk