



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
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Carson City, Nevada 89701-4717

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**NOTICE OF PUBLIC MEETING**

**OPEN MEETING LAW TASK FORCE**

**DATE:** June 21, 2012  
**TIME:** **3:00 pm**  
**LOCATIONS:** Office of the Attorney General  
Mock Courtroom  
100 N. Carson Street  
Carson City, NV 89701

**VIDEOCONFERENCE TO:**

Office of the Attorney General  
Grant Sawyer Building  
555 W. Washington Ave., Suite 3900  
Room 4500  
Las Vegas, NV 89101

**AGENDA**

1. Call to order and roll call of members of the Open Meeting Law Task Force.
2. Comments from the public – please limit comments to 5 minutes.
3. Discussion, possible revision and correction of March, 28, 2012 meeting minutes. **For possible action.**
4. Assemblyman Pat Hickey has been invited to this meeting to discuss his requested BDR for the 2013 session to amend the OML to limit Legislature's exemption from the OML only when it is in session and to require the OML to apply to interim committees. Other topics for possible discussion include the OML and interim committees, and notice requirements for committees, **For possible action.**
5. Discussion topic: Non-Meeting: NRS 241.015(20(b)(2). Does the statute need to be amended to provide additional procedure to provide guidance and to ensure that legislative purpose is not circumvented? Should notice of a non-meeting appear on an agenda or otherwise be

provided to the public? Who determines who beside the attorney(s) and public body may attend to listen to the attorney's presentation? Does the statute forbid anyone else besides the attorney and the members of the public body to speak? Should a non-meeting procedure be analogous to the statutory procedure specified in NRS 241.033(4) and (5)?

6. Review and discussion of recent Nevada Supreme Court case law and Attorney General Open Meeting law opinions where resolution of issues of law suitable for incorporation/codification into the NRS were discussed or decided. See *Sacramento Newspaper Guild v. Sacramento County Board of Supervisors*, 69 Cal. Rptr. 480 (Cal. Ct. App. 1968); *Dewey v. Redevelopment Agency of the City of Reno*, 119 Nev. 87, 97 (2003); *Del Papa v. Board of Regents*, 114 Nev. 388, 393(1998).

**(the following subsections are "for possible action.)**

- a. codify the definition of "deliberation" as set forth in *Dewey*
- b. amend and clarify the definition of "meeting" to except from its ambit pre-meeting discussions among the members of a public body to either remove or **add** an agenda item (as long as the three day notice period is still applicable). *Schmidt v. Washoe County*, 123 Nev. 128, 135 (2007)
- c. amend or clarify definition of "meeting" to exclude public body "fact finding" trips, site inspections or other similar activities where deliberation and action cannot be taken.
- d. amend or clarify the definition of "meeting" to exclude Retreats sponsored by the public body where no action, promises or commitments are made and provided that such retreats occur no more frequently that quarterly.
- e. codify the definition of "present" (see OML Manual §5.01; 85-19 Op. Att'y Gen. 90,92 (1985); *Del Papa v. Board of Regents*, 114 Nev. 388, 393(1998)(the term "present" as used in OML, determined to be ambiguous).
- f. codify a definition of "working days"; NRS 241.020(2)

**For possible action.**

7. Discussion Topic: (continued discussion from March 28<sup>th</sup> meeting) Whether the OML be amended to require all or only some public bodies i.e. local governments, cities, towns and state government to expand technical capabilities and resources to upload to a website, its agendas, minutes of previous meetings and supporting materials used for public meeting agendas. Discussion of the applicability of this concept to public bodies based on population distinctions. Currently, supporting materials need only be "made available" over the counter. (Fontaine, Brockman and Lipparelli) **For possible action.**
8. Discussion of "performance review" for appointed public officers. Is there any room or need for any shield for this process from the public eye and the OML. (Trevor Hayes); **for possible action. (Items 7 and 8 may be considered together)**
9. Discussion of proposed exemption from OML's prohibition from holding closed meetings for the process of appointing or hiring county CEO/county manager as well as any appointed public officer appointed or a person who serves at the pleasure of a public body. NRS 241.031. (Paul Lipparelli, Jeff Fontaine); Discussion of proposal to exempt County Commissions from the OML only when a quorum negotiates public land/access issues with federal agencies. (Jeff Fontaine). **For possible action. (Items 7 and 8 may be considered together)**

10. Comments from the public – please limit comments to 5 minutes.

11. Adjourn. **For possible Action**

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\* Items may be taken out of order. Two or more items may be combined for consideration by the Task Force. Any item may be removed from the agenda at any time or discussion of an item may be delayed at any time.

Notice of this meeting was posted in the following locations:

Blasdel Building, 209 E. Musser St., Carson City, NV  
Capitol Building, 101 N. Carson Street, Carson City, NV  
Legislative Building, 401 N. Carson Street, Carson City, NV  
Nevada State Library and Archives, 100 Stewart Street, Carson City, NV  
Office of the Attorney General, 100 N. Carson Street, Carson City, NV

Notice of this meeting was faxed for posting to the following location:

Capitol Police, Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas, NV

Notice of this meeting was posted to the following website: <http://ag.state.nv.us/org/bga/gnr/oml/oml.htm>

We are pleased to make reasonable accommodations for members of the public who are disabled and would like to attend the meeting. If special arrangements for the meeting are required, please notify Linda Fitzgerald, Office of the Attorney General, at least one working day before the meeting at (775) 684-1112 or you can fax your request to (775) 684-1108.

