

CRAIG A. NEWBY
First Assistant Attorney General

AARON D. FORD
Attorney General

LESLIE NINO PIRO
General Counsel

CHRISTINE JONES BRADY
Assistant Attorney General

HEIDI PARRY STERN
Solicitor General



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

1 State of Nevada Way, Suite 100
Las Vegas, Nevada 89119

August 19, 2026

Via U.S. Mail

Evan D. Schwab, Esq.
7455 Arroyo Crossing Parkway, Suite 220
Las Vegas, Nevada 89113

**Re: Open Meeting Law Complaint, OAG File No. 13897-520
Las Vegas City Council**

Dear Mr. Schwab,

The Office of the Attorney General (“OAG”) has reviewed your complaint (“Complaint”) alleging violations of the Open Meeting Law (“OML”) at the Las Vegas City Council’s (“LVCC”) July 17, 2024, meeting.

The OAG has statutory enforcement powers under the OML and the authority to investigate and prosecute violations of the OML. NRS 241.037; NRS 241.039; NRS 241.040. The OAG’s investigation included a review of the Complaint, the Response on behalf of the LVCC, and the agenda, minutes and video recording for the LVCC’s July 17, 2024, meeting. After investigating the Complaint, the OAG determines that the LVCC did not violate the OML as alleged in the Complaint.

FACTUAL BACKGROUND

The LVCC held a public meeting on July 17, 2024, at 9:00 a.m. at the Council Chambers, 495 South Main Street Las Vegas, NV 89101. The agenda was properly posted in compliance with OML and included clear instructions

for accessing the meeting and submitting public comment. As required under NRS 241.020, public comment was scheduled for each item on the agenda.

On August 19, 2024, a formal complaint was submitted by attorney Evan D. Schwab on behalf of thirteen individuals who participated in public comment during the July 17, 2024, LVCC meeting. The complaint centers on two agenda items—numbers 63 and 64—which involved zoning and land use changes to accommodate a proposed Church of Jesus Christ of Latter-Day Saints Temple (“LDS”). The complainants allege that the agenda failed to indicate time limitations for public comment in advance, that the one-minute limit enforced at the meeting was excessively short, and that organizing speakers based on viewpoint may have constituted discriminatory practice under Nevada's OML.

The meeting lasted a total of 8 hours and 17 minutes, with discussion on Agenda Items 63 and 64 beginning after five hours of earlier proceedings. The total discussion time for the items was approximately 3 hours and 15 minutes. During presentations, counsel for both the LVCC and the LDS Temple were allotted 20 minutes. The LDS Temple’s counsel used the full allotment of 21 minutes and 16 seconds. The LVCC’s counsel was granted an additional 1 minute and 16 seconds to match the LDS Temple’s time allotment.

Public comment was held over a span of approximately 1 hour and 10 minutes. A total of 48 individuals offered comments—24 opposing and 24 supporting the proposed development. Commenters were instructed to state their names and addresses separately from their one-minute comment time, ensuring that identification did not encroach upon their speaking allotment.

At the conclusion of the public comment period, the mayor announced that only those with new, non-repetitive input would be allowed additional time. A final speaker in support of the LDS Temple addressed the LVCC for one-minute, referencing the Religious Land Use and Institutionalized Persons Act.

On behalf of the LVCC, attorney Timothy Geswein submitted a response asserting that the agenda’s language—indicating public comment “may be limited”—satisfies OML notice requirements. He argued that, given the size of the audience and physical constraints of the venue, public comment was structured to allow 24 presentations from both sides and individual one-minute statements divided evenly across viewpoints. All speakers were permitted to address the LVCC, and none were denied participation. The extended

discussion time for the agenda items—more than three hours—was cited as evidence of the LVCC’s effort to enable inclusive dialogue and comprehensive review.

LEGAL ANALYSIS

A. Agenda Notice Complied with OML Requirements Despite Absence of a Specific Time Limit

NRS 241.020(3)(d) requires public bodies to provide notice of any known limitations on public comment when posting an agenda. The statute does not mandate exact time designations but emphasizes that any constraints affecting public participation must be clearly conveyed in advance. This provision is designed to promote transparency and give members of the public a meaningful opportunity to prepare their remarks accordingly. The posted agenda for the July 17, 2024, LVCC meeting stated that public comment “may be limited,” but did not specify any quantitative restriction such as a one-minute speaking limit. That limit was instead imposed during the meeting itself. While the law tolerates that general advisories when the length of public comment cannot be known beforehand, the absence of a clear, predetermined time constraint arguably falls short of best practices in public notice.

It is important to note that, once imposed, the time limit was applied evenly and announced publicly, to ensure transparency and uniformity, minimizing the potential for procedural surprises or unequal treatment. Additionally, commenters were allowed to state their names and addresses without using their allotted time—further indicating some effort to ensure fair participation.

While the agenda’s language met the minimal requirement of warning that public comment could be curtailed, the failure to disclose a specific one-minute limit may undermine the spirit of transparency intended by NRS 241.020(3)(d). Nonetheless, because the limitation was uniformly applied and announced in an open forum, this omission does not constitute a legal violation, though it reflects a need for more robust notice practices in future meetings.

B. The OML was Not Violated as the One-Minute Limit Reflected a Reasonable Procedural Measure

NRS 241.020(3)(d)(7) permits public bodies to impose time restrictions on public comment so long as those limits are “reasonable.” The statute does not define a fixed minimum or maximum duration but incorporates the overarching principle that speakers must be allowed a fair opportunity to express their views in relation to public matters.

Numerous federal and state court decisions have addressed reasonable speaking limits within public meetings. For instance, in *Raygor v. Bd. Cnty. Comm’rs of Cnty of El Paso*, 21 P.3d 432, 438 (Colo. App. 2000), a 90-second limit for a high turnout meeting was upheld. Similarly, *Shero v. City of Grove, Okl.*, 510 F.3d 1196 (10th Cir. 2007), endorsed a three-minute ceiling, designed to promote an orderly and efficient meeting. The overarching theme in these rulings is that brevity does not equal suppression, provided the time constraint is viewpoint-neutral, uniformly enforced, and proportionate to logistical circumstances.

The LVCC limited individual comments to one-minute each, resulting in a public comment segment of approximately 1 hour 10 minutes. This accommodated 48 speakers—24 in support and 24 in opposition. The limit was announced during the meeting, enforced evenly across viewpoints, and did not count personal identification time against speaker allotments. The OAG notes that this public comment segment and limitation was specific to agenda items 63 and 64 as they garnered the large turnout and number of speakers.

Given the volume of participants, the late hour of deliberation, and the LVCC’s expressed intent to allow maximum inclusion within manageable time constraints, the one-minute rule served as a pragmatic balancing measure. Commenters retained access to alternative channels—including written submission and designated representatives—further mitigating any perceived constraints.

Although a one-minute limit may initially appear restrictive, and might not be reasonable in other circumstances, its application during the July 17, 2024, meeting was consistent with statutory requirements and judicial expectations of reasonableness. The LVCC tailored the limitation to procedural measures, maintained neutrality in enforcement, and afforded wide access to speak. This measure does not violate NRS 241.020.

C. Speaker Grouping Reflected Procedural Neutrality and Did Not Violate the OML

NRS 241.020(3)(d)(7) prohibits the imposition of public comment limitations based on the viewpoint expressed. Courts have consistently upheld that public bodies may impose reasonable regulations on the timing, location, and format of public comment, provided such rules are applied uniformly and do not discriminate based on viewpoint. For example, in *Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998), the court affirmed that time, place, and manner restrictions must be content-neutral, narrowly tailored to serve a significant government interest, and leave open ample alternative channels for communication. Similarly, in *Kindt v. Sant Monica Rent Control Bd.*, 67 F.3d 266, 271 (9th Cir. 1995), the Ninth Circuit upheld a rule limiting public comment to three minutes per item, finding it a reasonable mechanism for maintaining orderly meetings.

At the July 17, 2024, meeting, speakers were grouped into for and against categories regarding the proposed temple. The groupings were announced transparently, and no individual was excluded based on their perspective.

Though some complaints imply that grouping by viewpoint may itself be discriminatory, there is no evidence that the LVCC used this method to suppress opposition or amplify support. Rather, the structuring appears designed to streamline the process and manage equal representation under time constraints. In fact, the mayor announced that only individuals with new, non-repetitive input would be allowed additional time, and an additional speaker was allowed. The accommodation to speakers with new information supports the interpretation that the limitation was not intended to suppress opposition but was instead calculated minimize repetitive comments and preserve time for new information. No preferential treatment was given, and commenters from both positions received public recognition and full procedural access.

The decision to group speakers by viewpoint did not constitute unlawful discrimination under NRS 241.020(3)(d)(7). The practice was neutrally administered, publicly disclosed, and executed in a manner that allowed equal participation. Such organization falls squarely within permissible time and manner limitations supported by both statute and precedent.

CONCLUSION

Upon review of your Complaint and available evidence, the OAG has determined that no violation of the OML has occurred. The OAG will close the file regarding this matter.

Sincerely,

AARON D. FORD
Attorney General

By: /s/ Stephanie Itkin-Goodman
STEPHANIE ITKIN-GOODMAN
Deputy Attorney General

cc: Timothy J. Geswein, Esq., counsel to the City of Las Vegas