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August 19, 2026

Via U.S Mail

Bryce Henderson
[REDACTED]
[REDACTED]
[REDACTED]

**Re: Open Meeting Law Complaint, OAG File No. 13897-535
Las Vegas City Council**

Dear Mr. Henderson:

The Office of the Attorney General (“OAG”) is in receipt of your complaint (“Complaint”) alleging violations of the Open Meeting Law, NRS Chapter 241, (“OML”) by the Las Vegas City Council (“Council”) regarding its February 19, 2025, 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 of the Complaint included a review of the Complaint, the Response on behalf of the Council, and the agenda, minutes and recording of the Council’s February 19, 2025, meeting. After investigating the Complaint, the OAG determines that the Council did not violate the OML as alleged in the Complaint but cautions the Council that changes to its agendas regarding placement of special public comment periods is likely necessary to avoid future violations of the OML.

FACTUAL BACKGROUND

The Council held a public meeting on February 19, 2025. The agenda for the meeting listed two periods of public comment, one at the beginning of the meeting and one at the end. Item 8 on the agenda read:

Public comment during this portion of the Agenda must be limited to matters on the Agenda for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Item 42 on the agenda related to the potential establishment of an Animal Advisory Committee. There was no additional public comment period listed specific to Item 42.

The meeting started at 9:00 a.m. with opening remarks, a prayer, recitation of the Pledge of Allegiance, a swearing in and other ceremonial matters including pauses for photographs. Approximately 37 minutes after the start of the meeting, the Mayor called the first public comment period, Item 8, and announced that there were children present waiting for Item 35 but that the Council had a hard stop at 10:00 a.m. to recess for an attorney-client session. She then asked that those wishing to speak on Item 42 not speak so that public comment could finish quickly. She noted that public comment on Item 42 could be heard when the item was later called. The Mayor further set a time limit of 2 minutes per person.

Early in the public comment period, the Complainant made comment regarding Item 42 and was able to complete his comments. The Mayor then reiterated her request that she did not want anyone speaking on Item 42 because of the 10:00 a.m. recess time. Four other individuals made public comment uninterrupted, including one relating to Item 42. Another member of the public approached to make comment and the Mayor asked him if his comments could wait until later, which he said was ok. The Mayor then moved on to Item 35.

Immediately after the close of Item 35, about 1 hour and 4 minutes into the meeting, the Mayor announced that the Council would recess for an attorney-client session and reconvene at 11:00 a.m. After the recess, the Mayor moved on to the item on the agenda after the first public comment period. Councilwoman Seaman asked if public comment would continue because it had never been

closed and was informed by the City Attorney that public comment was over, except for Item 42, which would be heard later.

Item 42 was called about 2 hours and 47 minutes into the meeting and began with a public comment period limited to 2 minutes per person. Public comment lasted for approximately 30 minutes with all commenters given an opportunity to speak prior to discussion and a vote on the item.

Complainant filed the instant complaint alleging the Council violated the OML by (1) moving public comment on Item 42 to later in the meeting; (2) failing to list on the agenda that public comment on Item 42 would be taken separately; and (3) failing to “close” the first public comment period. The Council argued in its response that because Complainant was able to make his public comment uninterrupted, he does not have standing to bring this complaint and there was no violation because separating the public comment periods was not viewpoint based and no one was denied the ability to make their comment.

LEGAL ANALYSIS

The Las Vegas City Council is a “public body” as defined in NRS 241.015(5), and therefore, the Council is subject to OML.

A. Complainant has standing to bring this complaint.

As a preliminary matter, the Council has argued that Complainant does not have standing to bring the instant complaint because he was able to make public comment at the meeting uninterrupted. The OAG disagrees. NRS 241.039(2) generally requires the OAG to investigate any OML complaint filed within 120 days of the alleged violation as this complaint was. NRS 241.039(3) further addresses standing by allowing the OAG to decline to investigate a complaint if the “interests of the person who filed the complaint are not significantly affected by the action of the public body.” However, a person’s interests are significantly affected by the action if the person is “a natural person who resides within the geographic area over which the public body has jurisdiction.” NRS 241.039(3)(b)(1). The Complainant listed an address within the jurisdiction of the Council and the OAG does not have reason to believe it to be inaccurate nor has the Council made that argument. Thus, the OAG finds that Complainant has standing to bring the instant complaint and the OAG is required to issue this opinion.

B. A public body may separate public comment periods by topic or agenda item.

Complainant alleges that the Council's decision to move the public comment period for Item 42 to when the item was heard violates the OML. The Council argues that so long as organization of public comment is viewpoint neutral, it is permitted under the OML.

The OML contains minimum requirements for public comment, but expressly does not prohibit a public body from taking comments by the general public in addition to the minimum. NRS 241.021(3). Specifically, public comment must be taken by the public body:

- (a) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before adjournment of the meeting; or
- (b) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

NRS 241.021(1). Both public comment options ensure that the public has an opportunity to be heard prior to the public body taking action. Restrictions on speech during public meetings are permitted to maintain decorum and order in the proceeding. *Reza v. Pearce*, 806 F.3d 497, 504 (9th Cir. 2015). However, restrictions may not be enforced in a manner that is not viewpoint neutral. *Kindt v. Santa Monica Rent Control Bd.*, 67 F.3d 266, 272 (1995). Courts have found that restrictions on public comment must not be applied unreasonably or arbitrarily. *Chaffe v. San Francisco Public Library Com.*, 134 Cal. App. 4th 109, 115, 36 Cal. Rptr. 3d 1, 5 (Cal. Ct. App. 2005).

In this instance, the Council wanted to restrict public comments by requiring those who wanted to speak on Item 42 to make their comments during Item 42 and not during the public comment period at the beginning of the meeting. This restriction is viewpoint neutral and the evidence indicates it was applied in a viewpoint neutral fashion. Thus, the OAG does not find a violation of the OML in the decision to split the public comment period up by agenda item.

C. When a public body will restrict comments by topic or agenda item, the restriction must be listed on the agenda.

Complainant further alleges that if the Council were planning to separate out public comment on Item 42, it counted as a restriction required to be listed on the agenda. The OAG agrees with the principle—where a public body is going to refuse to hear public comment on a specific item during a public comment period listed on the agenda, that restriction is required to be listed on the agenda. However, the meeting shows no restriction on public comment was actually applied. In addition, if the OML requires public comment be permitted for that specific item prior to it being acted upon, the alternative public comment period must also be listed.

NRS 241.020(3)(d) requires an agenda to list periods devoted to comments by the general public and any restrictions on those comments. The agenda for the meeting at issue listed two public comment periods, the first of which was early on the agenda and was devoted to action items. It was not until the the public comment period was called, 37 minutes into the meeting, that public was informed they would need to wait until Item 42 was called to make comment on that item.¹ However, despite the Mayor’s requests that commenters on Item 42 wait until the item was called, she did not cut off or prevent commenters who spoke on Item 42 at that time. Complainant argues that there may have been individuals who were unable to stay for the later public comment period. The OAG does not find a violation of the OML in this instance because it does not possess evidence that any individual was prevented from making their comment due to the change in restrictions. However, the OAG cautions the Council in the future to clearly notify the public via its public notice agenda, when public comment on specific items will be restricted, and refrain from unadgendized restrictions.

D. The OML does not address specific terminology for “closing” an agenda item.

The Complaint alleges that failure to officially “close” the first public comment period was a violation of the OML. The OML is silent with respect to how agenda items are called and motions are made. Thus, the failure to declare the public comment period “closed” prior to moving on to other items does not

¹ The OAG also notes that the Council’s reasoning for significantly limiting the first public comment period was due to scheduling and organizational issues of the Council’s own making. The Council conducted many ceremonial items at the beginning of the meeting and left less than 23 minutes for public comment prior to a recess it knew of ahead of time and had scheduled itself. Had there been general commenters that were cut off and not returned to after the recess, this may have led to a violation.

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result in an OML violation. No evidence was submitted that any individuals were restricted from commenting by the closure.

CONCLUSION

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

Sincerely,

AARON D. FORD
Attorney General

By: /s/ Rosalie Bordelove
ROSALIE BORDELOVE
Chief Deputy Attorney General

cc: Timothy J. Geswein, Esq., Deputy City Attorney