

QUICK COMMENTS FROM JEFFREY CHURCH, views are mine.

Summary: What I see here is an attempt to curtail free speech and public input and the OML Task Force should be supporting free speech.

I'd like to be added to the Task Force as a Watchdog for such rights. I'm polite, respectful and knowledgeable on the issue.

There are many issues and it is complicated.

Where there is no physical location is there a provision for folks to mail in comments or phone in as not everyone has computer access at the time of meetings?

I see clapping as an ongoing issue when the Board does it in some cases but prohibits it from the public in others. Reasonable clapping is a legitimate forum of public input short of having each person speak.

While comments may be at the end of a meeting, please address reasonable. Is it reasonable for folks to wait for time uncertain up to 6 or more hours without food or water? I think not. Is there an ADA exception and how would that be handled? Some folks deviate speaking for example under consent than deviating and de facto making general comments in other matters to avoid the end of meeting restriction creating a double standard but by the time the Board Chair realizes they were duped, too late.

From a Sample agenda: (look carefully)

NOTE: Items on the agenda may be taken out of order; combined with other items; removed from the agenda; moved to the agenda of another meeting; moved to or from the Consent agenda; or may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time but may be heard later. The Consent agenda is a single agenda item and is consider as a block and will not be read aloud. The Board of Trustees may take recesses at the discretion of the Board President.

So this says wrongfully that the President may remove Public Comment completely. Not so I hope!

"members of the public wishing to speak on a consent agenda item should submit a "Citizens Request to Speak"

Warning Will Robinson: one neither has to be a Citizen not do they request to speak. It is a right. And further how do you address whistleblowers that request to be anonymous. I note that anyone can make up a name in writing or verbally but how do you address that?

From the May meeting that I was blocked from:

NRS 241 New Provision

A public body may refuse to accept public comment relating to issues of fact or law in a contested case before it until after that case has reached a final decision and any pending petitions for judicial review are concluded.

- Free Speech issues. I understand the intent not to taint any decision but citizens are the taxpayer/ owners of government and should be able to express opinions on litigation that can drag on for years through out the process and appeals.
- Just for example: A govt body is in litigation supporting gender identity issues and members of the public oppose that. They should not be prohibited from commenting. They may also object to the cost of litigation that be expensive on minor matters or matters being addressed in courts elsewhere. They should have every right to opine.

I am highly concerned about all of this as any restriction on free speech with threats of criminal or civil liability is a non-starter. The first time a speaker is sued or prosecuted, it will be the death of free speech. Remember that public speaking for may is stressful and folks are nervous and speaking without notes that make in haste make inaccurate or inappropriate comments but that should not create a mechanism to be sued or arrested.

NRS 241.0353 Certain statements and testimony are privileged. 1. Any statement which is made by a member of a public body during the course of a public meeting is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2 . Subject to a qualified privilege, a A witness who is testifying before a public body under oath and subject to the penalties of NRS 199.120 may publish defamatory matter as part of a public meeting. It is unlawful to misrepresent any fact knowingly when testifying before a public body. 3. Nothing in this chapter shall confer any privilege or protection for statements beyond those privileges and protections otherwise provided by law.

2. Regardless of whether a public body takes comments from the general public pursuant to paragraph (a) or (b) of subsection 1, the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. Each period of public comment must allow each speaker no less than three minutes to provide comment to the public body. (At least one portion of the meeting)

Actually, I disagree with three minutes across the Board. For example they might offer 1 minute at start and three minutes at the end. That is better than some are moving to with just 3 minutes at time uncertain at the end.

BTW: What happens after along meeting is for some reason a quorum ceases to exist before public comment? Is the entire meeting void? Having GENERAL public comment only at the end is bad bad bad. There are so many 'think outside the box'

options. Another is allowing 3 min pre-recorded comment to played at the end so folks can go in another room- comment and scoot. That actually saves times and avoid disruptions.

Again please consider my addition to the Task Force.

Please err on the side of free speech and do not act to curtail such.

General Public Comment at the end of a long meeting- time uncertain subject to change- is NOT acceptable nor reasonable.

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