

Off-Highway Vehicle Commission Basic Board Training

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Open Meeting Law

- Attorney General Manual
- NRS Chapter 241
- Robert's Rules of Order

Open Meeting Law

- Purpose:
- “. . . the Legislature finds and declares that all public bodies exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”
 - NRS 241.010

Open Meeting Law

- “. . . deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.” NRS 241.015 (3)(a)((1)).

Open Meeting Law

- Meeting
 - Quorum
 - Walking Quorum
 - Social Gatherings
 - E-mail
 - Telephonic meetings

Open Meeting Law

- Agenda Items
 - Discretion of the Chair
 - Add at any time prior to 3-day notice
 - Remove at any time
 - “Have all the topics been described clearly in the agenda in order to give the public adequate notice?”
 - OML Manual p. 8
- Support Materials
 - Handouts
 - Slides, video

Open Meeting Law

- Public Comment
- Record
- Actions that do not comply
- Fine for violation
- Advise of Counsel

Ethics

- NRS Chapter 281A.
- “Public officer” means a person who is:
 - (a) Elected or appointed to a position which:
 - (1) Is established by the Constitution of the State of Nevada, a statute of this State . . . ; and
 - (2) Involves the exercise of a public power, trust or duty;

Ethics

- **NRS 281A.400**
- 1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties.

Ethics

- 2. A public officer or employee shall not use the public officer's or employee's position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for the public officer or employee, any business entity in which the public officer or employee has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity to the interests of that person. As used in this subsection, "unwarranted" means without justification or adequate reason.

Ethics

- 4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of the public officer's or employee's duties as a public officer or employee.

Ethics

- If a public officer or employee acquires, through the public officer's or employee's public duties or relationships, any information which by law or practice is not at the time available to people generally, the public officer or employee shall not use the information to further a significant pecuniary interest of the public officer or employee or any other person or business entity.

Ethics

- 9. A public officer or employee shall not attempt to benefit a significant personal or pecuniary interest of the public officer or employee through the influence of a subordinate.

Ethics

- 10. A public officer or employee shall not seek other employment or contracts through the use of the public officer's or employee's official position.

Ethics

- NRS 218A.420
- 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:
 - (a) Regarding which the public officer or employee has accepted a gift or loan;
 - (b) In which the public officer or employee has a significant pecuniary interest; or
 - (c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person,

Ethics

- without disclosing information concerning the gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of the person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, or upon the person to whom the public officer or employee has a commitment in a private capacity.

Ethics

- Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body.

Ethics

- NRS 281A.420 (5) “. . . if a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.”

Questions??

- Bottom Line:
 - When in doubt, call.