

Part 1 COMPLIANCE CHECKLIST

*This is a checklist to follow when applying the Open Meeting Law.
References in brackets are to the NRS and sections of this manual.*

Does the Open Meeting Law apply?

- _____ Is the entity a public body? [NRS 241.015(3), §§ 3.01-3.08]
- _____ Is the activity exempt from the Open Meeting Law? [§§ 4.01-4.06]
- _____ Is a meeting going to occur? [NRS 241.015(2), §§ 5.01-5.10]
 - _____ Will a quorum of the members of the public body be present? [§ 5.01]
 - _____ To deliberate toward a decision or take action? [§ 5.01]
 - _____ On any matter over which the public body has supervision, control, jurisdiction or advisory power? [§ 5.01]

Agenda (See Sample Form 1)

- _____ Has a clear and complete agenda of all topics to be considered been prepared? [NRS 241.020(2)(c), §§ 6.02, 7.02]
- _____ Does it list *all* topics scheduled to be considered during the meeting? [§§ 6.02, 7.02]
- _____ Have all the topics been clearly described in order to give the public adequate notice? [§§ 6.02, 7.02]
- _____ Does the agenda include a designated period for public comments? Does the agenda state that action may not be taken on the matters considered during this period until specifically included on an agenda as an action item? [§§ 6.02, 7.04, 8.04]
- _____ Does the agenda describe the items on which action may be taken and clearly denote that action may be taken on those items? [§§ 6.02, 7.01]
- _____ Has each closed session been denoted, and if action is to be taken in an open session after the closed session, was it indicated on the agenda? [§§ 7.02, 9.06]

Notice, posting and mailing (See Sample Form 1)

_____ Has written notice of the meeting been prepared? [NRS 241.020(2), § 6.01]

_____ Does it include:

_____ The time, place and location of the meeting? [§ 6.02]

_____ An agenda as prepared in accordance with the above standards?

_____ A list of places where the notice was posted? [§ 6.02]

_____ A statement regarding assistance and accommodations for physically handicapped people? [§ 6.02]

_____ Was the written notice [NRS 241.020(3)(a), § 6.03]

_____ Posted at the principal office of the public body (or if there is no principal office, at the building in which the meeting is to be held)? [§ 6.03]

_____ Posted at not less than three other separate, prominent places within the jurisdiction of the public body? [§ 6.03]

_____ Posted no later than 9 a.m. of the third working day before the meeting (don't count day of meeting)? [§§ 6.03, 6.05]

_____ Was the written notice [NRS 241.020(3)(b), § 6.04]

_____ Mailed at no charge to those who requested a copy? [§§ 6.04, 6.07]

_____ Mailed in the same manner in which the notice is required to be mailed to a member of the body? [§ 6.04]

_____ Delivered to the postal service used by the body no later than 9 a.m. of the third working day before the meeting? [§ 6.04]

_____ Have persons who requested notices of the meeting been informed with the first notice sent to them that their request lapses after six months? [NRS 241.020(3)(b), § 6.04]

_____ If a person's character, alleged misconduct, professional competence, or physical or mental health is going to be considered at the meeting, has that person been given written notice of the time and place of the meeting? [NRS 241.033(1), § 6.09]

_____ Was it personally delivered to the person at least *five working days* before the meeting *or* sent by certified mail to the last known address of that person at

least 21 *working days* before the meeting? (Nevada Athletic Commission is exempt from these timing requirements.) [NRS 241.033(1)-(2)]

_____ Did the public body receive proof of service of the notice before holding the meeting? (Nevada Athletic Commission not exempt from this requirement.) [NRS 241.033(1)-(2)]

Agenda support material made available to public

_____ Upon request, has at least one copy of an agenda, a proposed ordinance or regulation which will be discussed at the meeting, and any other supporting material (except confidential material as detailed in the statute) been provided at no charge to each person who so requests? [NRS 241.020(4), §§ 6.06, 6.07]

Emergency Meeting

_____ Is this an emergency meeting? [NRS 241.020(1) and (5), § 6.08]

_____ Were the circumstances giving rise to the meeting unforeseen?

_____ Is immediate action required?

_____ Has the entity documented the emergency?

_____ Has an agenda been prepared limiting the meeting to the emergency item?

_____ Has an attempt been made to give public notice?

_____ While the notice and agenda requirements may be relaxed in an emergency, are other provisions of the Open Meeting Law complied with (e.g., meeting open and public, minutes kept, etc.)?

Closed Session (See Sample Form 3)

_____ Is a closed session specifically authorized by statute? [NRS 241.030(1), §§ 9.01-9.07]

_____ Have all the requirements of that statute been met?

_____ If a closed session is being conducted to consider character, misconduct, competence, or physical or mental health of a person under NRS 241.033:

_____ Is the subject person an elected member of a public body? If so, a closed session is not authorized. [NRS 241.031, § 9.03]

- _____ Is the closed session to discuss the appointment of any person to public office or as a member of a public body? If so, a closed session is not authorized. [NRS 241.030(3)(e), § 9.03]
- _____ Has the subject been notified as provided above? Is there proof of service? [§ 6.09]
- _____ If a recording was made of the open session, was a recording also made of the closed session? [§ 9.06]
- _____ Was the subject person given a copy of the recording of the closed session if requested? [NRS 241.033(3), § 9.06]
- _____ Have minutes been kept of the closed session? [§ 10.02]
- _____ Have minutes and recordings of the closed session been retained and disposed of in accordance with NRS 241.035(2)? [§ 10.03]
- _____ Was a motion made to go into closed session which specifies the nature of the business to be considered? [NRS 241.030(2), § 9.06]
- _____ Was the discussion limited to that specified in the motion? [§ 9.06]
- _____ Did the public body go back into open session to take action on the subject discussed (unless otherwise provided in a specific statute)? [§ 9.06]

Meeting open to public; accommodations

- _____ Have all persons been permitted to attend? [NRS 241.020(1), § 8.01]
- _____ Was exclusion of witnesses at hearings during the testimony of other witnesses handled properly? [NRS 241.030(2)(c), § 8.06]
- _____ Was exclusion of persons who willfully disrupt a meeting to the extent that its orderly conduct is made impractical handled properly? [NRS 241.030(3)(b), § 8.05]
- _____ Have members of the public been given an opportunity to speak during the public comment period? [NRS 241.020(2)(c)(3), § 8.04]
- _____ Are facilities adequate and open? [§ 8.02]
- _____ Have reasonable efforts been made to assist and accommodate physically handicapped persons desiring to attend? [NRS 241.020(1), § 8.03]

_____ If the meeting is by telephone or video conference, can the public hear each member of the body? [§ 5.05]

_____ Have members of the general public been allowed to record public meetings on audiotape or other means of sound reproduction as long as it in no way interferes with the conduct of the meeting? [NRS 241.035(3), § 8.08]

Stick to agenda; emergency agenda items

_____ Have actual discussions and actions at the meeting been limited to only those items on the agenda? [§ 7.03]

_____ If an item has been added to the agenda as an emergency item: [NRS 241.020(2) and (5), § 6.08]

_____ Was it due to an unforeseen circumstance?

_____ Was immediate action required?

_____ Has the emergency been documented in the minutes?

_____ Did the body refrain from taking action on discussion items or public comment items? [NRS 241.020(2)(c)(3), § 7.04]

Recordings

_____ If any recordings were made of the meeting by the body: [NRS 241.035(4), § 10.04]

_____ Have they been made of the closed session as well as open sessions? [NRS 241.035(5), § 9.06]

_____ Have recordings of open sessions been made available to the public within 30 workings days? [NRS 241.035(2)]

_____ Have all recordings been retained for at least one year after the adjournment of the meeting? [NRS 241.035(4)(a)]

_____ Have recordings of open sessions been treated as public records in accordance with public records statutes? [NRS 241.035(4)(b)]

_____ Have recordings of closed sessions been made available to the subjects of those sessions, if requested? [NRS 241.033(3)]

Minutes (See Sample Form 2)

- _____ Have minutes been prepared of both the open and closed sessions? [NRS 241.035(1), § 10.02]
- _____ Do they include at a minimum the material required by NRS 241.035(1)? [§ 10.02]
- _____ Are minutes of open sessions kept as public records under the public record statutes and NRS 241.035(2)?
- _____ Have minutes of open sessions been made available for inspection by the public within 30 working days after the adjournment of the meeting, retained for at least five years, and otherwise treated as provided in NRS 241.035(2)?
- _____ Have minutes of closed sessions been made available to the subjects of those sessions if requested? [NRS 241.035(2)]

Noncompliance

- _____ Have any areas of noncompliance been corrected? [§§ 11.01, 11.02, 11.03, 11.04]
- _____ If litigation is brought to void an action or seek injunctive or declaratory relief, was it brought within the time periods in NRS 241.037(2)? [§ 11.07]