

**EUREKA COUNTY BOARD OF COMMISSIONERS
OPEN MEETING LAW WORKSHOP
January 16, 2009**

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on January 16, 2009, for an open law meeting workshop. Present were Chairman Jim Ithurralde, Vice Chair Leonard Fiorenzi, Member Mike Page, Clerk & Treasurer Jackie Berg, as well as various County board members and public. The meeting was called to order at 10:00 a.m. and began with the Pledge of Allegiance. The interactive video conference system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Fiorenzi moved to approve the agenda as posted. Commissioner Page seconded the motion. Motion carried 3-0.

**NEVADA ATTORNEY GENERAL'S OFFICE
OPEN MEETING LAW WORKSHOP**

George Taylor, Senior Deputy Attorney General and Open Meeting Law Deputy, from the Nevada Attorney General's Office gave an informational presentation on the Open Meeting Law. Mr. Taylor has been with the Nevada Attorney General's Office for 20 years and conducts many open meeting law workshops throughout the State. Mr. Taylor explained important open meeting law issues, giving examples, and answering questions from the attendees. A slide show presentation was used as the focus point with explanations and question and answer periods. Specific Nevada Revised Statutes (NRS) that pertain to open meeting law issues were cited throughout the presentation.

Open Meeting Law Manual: Mr. Taylor encouraged members of all boards to utilize the Open Meeting Law Manual. The manual explains statutory provisions, requirements, compliance checklists, available forms, and provides examples of open meeting law issues. The Open Meeting Law Manual is available on the Nevada Attorney General's Office website at www.ag.nv.gov. The website can aid in preparing agendas, carrying out open and closed meetings, and minutes preparation.

Public Body: A public body must be a legislative, administrative, advisory, or an executive body of a state or local government. This body must expend or disperse tax revenue or make recommendations to a body that is supported by tax revenue. Mr. Taylor explained that public bodies also include committees or subcommittees appointed by a governmental body. Certain non-profit organizations may also be considered a public body.

Meeting and Quorum: Mr. Taylor explained the assembly of a quorum for a meeting. A meeting is formed when a quorum is present to deliberate toward a decision or take action. A quorum is formed when the simple majority of the public body is present. A constructive quorum may be formed by a series of communications among members of a public body, and this issue was discussed in detail. A series of communications includes serial contact among members, meeting in person, telephone conversations, faxes, and emails.

Cure Provisions: Mr. Taylor described several examples of open meeting law violations in which the public body made the effort to cure, or resolve, the violation immediately. Cure

provisions can be used when an error is recognized. Putting the item of concern on the next agenda can also avoid a violation.

Notice and Agendas: Proper notice must be given prior to a meeting being held. Written notice must: give the time, place, and location of the meeting; state where the agenda was posted; state whether agenda items may be taken out of order; state that reasonable accommodations for physically handicapped individuals can be provided; and give reasonable limitations for public comments. Notice must be posted at least three business days prior to the meeting by 9:00 a.m. Clear and complete statements must be used to describe agenda items and generic descriptions should be avoided. As ruled in Schmidt vs. Washoe County, the public body can remove items from an agenda without violating the law.

Emergency Meetings: An emergency meeting may be carried out if there is any unforeseen circumstance such as a natural disaster or any impairment of public health and safety. During an emergency meeting, only the issues pertaining to the emergency subject can be discussed and acted upon. Written notice does not have to be given in the three day timeframe, but public notice should be given if at all possible. Mr. Taylor recommended publishing minutes as soon as possible after an emergency meeting to notify the public.

Closed Meeting: Mr. Taylor explained that a closed meeting can be held in certain circumstances. These circumstances include: considering character, alleged misconduct, professional competence, mental or physical health, review examinations, examination appeals, or to discuss indebtedness. Elected officials and individuals serving in "at will" positions at the pleasure of the elected body are not entitled to a closed meeting when facing misconduct allegations. Written notice must be given to the involved individual at least five days prior to the meeting. Also, return service from the person who served the individual the notice must be received. The written notice can be sent certified mail to the individual 21 working days prior to the meeting. The notice must include general topics of the closed meeting, the individual's right to legal counsel, and the right to call witnesses and bring forward evidence.

Non-Meetings: When a public body is discussing litigation with legal counsel, then it is considered a non-meeting and does not need to be made public. This is for attorney-client communication purposes only.

Meeting Basics: Mr. Taylor recommended following the agenda as closely as possible. This will keep the meeting focused and allow for business to be conducted accordingly. Legal counsel is typically present to ensure that the agenda is followed and only matters pertaining to the public body's jurisdiction are discussed or acted upon. Deliberation and action items were defined and discussed as well. Reasonable rules for public comments and disruption of public meetings were explained.

PUBLIC COMMENT

Chairman Ithurralde opened the floor to public comments. There were none.

ADJOURNMENT

At 11:57 a.m., Commissioner Fiorenzi made a motion to adjourn the meeting. Commissioner Page seconded the motion. Motion carried 3-0.

Approved this 6th day of February, 2009.

/s/ J.P. Ithurralde
J.P. Ithurralde, Chairman

Attest: /s/ Jackie Berg
Jackie Berg, Clerk