



CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

At the Nevada Policy Research Institute

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NPRI comments on Nevada Supreme Court hearing its Open Meeting Law complaint

LAS VEGAS — The Nevada Supreme Court has just concluded a prehearing conference — essentially oral arguments — on an appeal filed by NPRI’s Center for Justice and Constitutional Litigation. The appeal is part of NPRI’s efforts to defend Nevada’s Open Meeting Law, and the Supreme Court will decide whether the lower court erred in failing to grant a preliminary injunction and by whom the case will be heard.

After the prehearing conference, Joseph Becker, chief legal officer and director of CJCL, issued the following statement:

Unless Nevada’s Open Meeting Law is defended in cases such as this, it will become a dead letter, twisted and ignored by government officials who dislike following the law and taking public comment before making their decisions.

This case is about protecting openness in government and citizen participation, which is why we appreciate the Nevada Supreme Court’s willingness to hear our appeal on an expedited basis.

Nevada’s high court has traditionally been a stalwart defender of transparency and openness in government. We urge the Court to protect the ability of citizens to offer public comment before a vote by affirming that the chairperson must verbally offer a time for public comment, instead of forcing citizens to guess when it is their time to speak.

The appeal stems from a case filed by NPRI and Karen Gray in the Eighth Judicial District Court on Aug. 3, 2012, alleging that the Clark County Regional Debt Management Commission violated Nevada’s Open Meeting Law ([NRS Chapter 241](#)) at a June 7 meeting, when it approved the Clark County School District’s \$669 million property-tax increase for the fall ballot without seeking comment from the public before proceeding to vote.

Nevada’s Open Meeting Law, at [NRS 241.020\(2\)\(c\)\(3\)](#), requires that public comment must be taken “before the public body takes action on the item.” Another provision in the chapter, [NRS](#)

[241.036](#), states that: “The action of any public body taken in violation of any provision of this chapter is void.”

The Supreme Court has not announced when it will issue its ruling, but given the case’s implications for the fall ballot, a ruling is expected promptly.

Read more:

Supreme Court Order Resolving Motion, Directing Expedited Transmission of District Court Record, and Setting Prehearing Conference in *Nevada Policy Research Institute, et al. v. CCSD, et al.* is available at: <http://justice.npri.org/assets/cases/2012/08/order-resolving-motion.pdf>.

CJCL’s Emergency Petition for Writ of Mandamus in *Nevada Policy Research Institute, et al. v. CCSD, et al.* is available at: <http://justice.npri.org/assets/cases/2012/08/writ-motion-to-strike.pdf>.

Complete Writ Exhibits in *Nevada Policy Research Institute, et al. v. CCSD, et al.* are available at: <http://justice.npri.org/assets/cases/2012/08/complete-writ-exhibits.pdf>.

NPRI President Andy Matthews describes the arguments and implications of this case: <http://www.lvrj.com/opinion/law-requires-a-clear-call-for-public-comments-168303806.html>.

CJCL’s Open Meeting Law Violation Complaint in *Nevada Policy Research Institute, et al. v. CCSD, et al.* is available at: http://www.npri.org/docLib/20120807_Nevada_Policy_Research_Institute_v._Clark_County_School_District.pdf.

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