

From: [Ryan Herrick](#)
To: [Rebecca Feiden](#); [Danny Peltier](#)
Subject: FW: OML Question
Date: Friday, August 14, 2020 6:48:27 AM

FYI from earlier this week.

From: Rosalie M. Bordelove <RBordelove@ag.nv.gov>
Sent: Monday, August 10, 2020 10:02 AM
To: Ryan Herrick <rherrick@spsca.nv.gov>
Subject: Re: OML Question

Hi Ryan,

While I can't speak to any specific complaints, I can give you the general guidance we've been giving public bodies regarding virtual meetings. Directive 006 specifies email as an example, so accepting public comment via email only is permissible, but accepting it via telephone would always be closer to traditional meeting style. In general, cutting off public comment hours or a day before the meeting starts would probably not comply with the OML and Directive's intent, but we have not issued an opinion on the topic as of now. I have recommended to many public bodies that they read emailed public comment into the record but I'm not sure that it's required by the law and the Directive. The main thing I have been looking to is whether the public is offered an opportunity to be heard and have their comments considered by the public body just as they would be under normal circumstances.

I hope that's helpful and feel free to give me a call if it would be easier to discuss that way.

Rosalie

cell: (831) 419-2646

From: Ryan Herrick <rherrick@spsca.nv.gov>
Sent: Monday, August 10, 2020 8:33 AM
To: Rosalie M. Bordelove
Subject: OML Question

Rosalie,
Welcome back, and congratulations!

I had a quick OML question – It is my understanding that several complaints have been filed against the Reno City Council, Washoe County School District, and the Clark County School District regarding their public comment process under the new virtual model. My understanding is that these

complaints relate to either only allowing public comment via email, or only allowing public comment via email AND setting a time certain when public comment must be submitted. For instance, I know that CCSD only takes public comment via email, AND requires public comment to be submitted by 1:00 pm for their 5:00 pm board meetings. I also know that there is an issue with these boards “summarizing” the public comment received via email.

For whatever its worth, the SPCSA takes public comment via email (by happenstance we set up the public comment email account about six month before the pandemic struck) AND via telephone during the meeting.

Thanks,
Ryan



Ryan Herrick | General Counsel

State of Nevada | State Public Charter School Authority
1749 North Stewart Street Suite 40, Carson City, Nevada 89706

O: 775.687.9159 | F: 702.486.5543 | M: 775.399.3458 | E:

rherrick@spsca.nv.gov

[Subscribe to our E-Mail List](#) | [Follow us on](#)

[Twitter](#) | <http://CharterSchools.nv.gov>

CONFIDENTIALITY - This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. § § 2510-2521, may be covered by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 122g; 34 CFR Part 99, and may contain confidential information or Protected Information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. Violations may result in administrative, civil, or criminal penalties. If you have received this communication in error, please notify sender immediately by e-mail, and delete the message. The State Public Charter School Authority will not accept any liability in respect of such communication that violates our e-mail policy.