

# Water Board Basics: Keys for Success

## Board Meetings

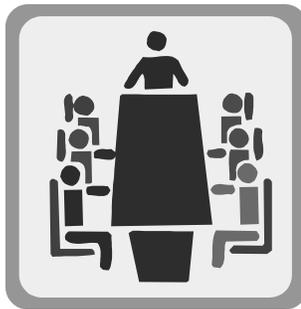
The Boards of publicly owned utilities are required to conduct public meetings, and it is the Board's responsibility to schedule the meetings. Remember — the public utility belongs to the people of the community. Customers have the right to know what is happening with their water system, and it's important that customers have a forum to discuss their concerns. The Board also needs a formal setting to inform its customers. It is recommended that the Board meet once every month. Preferably, the regular monthly board meeting is scheduled for the same day each month.

The Nevada Revised Statutes (NRS) and the Nevada Administrative Codes (NAC) govern most investor-owned utilities and all public utilities. The Statutes are laws passed by the Nevada State Legislature and signed by the Governor. Administrative Codes are regulations adopted by Nevada's public agencies.

Public meetings must be conducted according to The Open Meeting Law (NRS Chapter 241). If your utility does not have a copy of this Chapter, call the Nevada Attorney General's Office in Carson City 775/687-4170; download NRS Chapter 241 directly from the

Internet at [www.leg.state.nv.us/law1.htm](http://www.leg.state.nv.us/law1.htm); or request a copy from technical assistance providers, such as, Rural Community Assistance Corporation (RCAC).

The Nevada Open Meeting Law Manual, Seventh Edition (published by the Attorney General's Office) contains The Law itself and a very readable analysis. It also documents the evolution of the Law through various court cases. The six-page



Compliance Checklist in Chapter 2 is a very useful tool. The Manual contains guidance for closed meeting and personnel sessions. While the Nevada Board and Commission Manual, also authored by the Attorney General's Office, is not a substitute for the official Law, it too is a very helpful source of information.

Follow these tips to conduct successful and law-abiding Board meetings. Board meetings must have a clear written agenda of discussion and action items. The Board's secretary should compile the agenda, with input from the water system operator and other Board members. There must be a section of the agenda that is reserved for public comment. No action can be taken on items brought forth by the public until the items have been specifically included on

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## *Keys for Success: Board Meetings*

the agenda for the next Board meeting. It is very important for the utility's customers to have this opportunity to voice their concerns. An agenda lets the customers know the practices of the utility. It also keeps Board members focused and on-track during the meeting.

The Open Meeting Law states that a public utility must post the agenda of an upcoming public meeting. NRS 241.202 states that the agenda must be posted "not later than 9 a.m. of the third working day before the meeting." For example, if the Board meeting is scheduled to begin on Thursday at 7 p.m., the meeting notice must be posted by Monday at 9 a.m. If the Board meeting is scheduled for Tuesday at 7 p.m., the notice must be posted by the previous Thursday by 9 a.m. The working day is defined as Monday through Friday, excluding holidays.

A meeting agenda must be posted in at least four public places. It must be posted at the Utility's office, or if the utility does not have an office, the agenda must be posted in the place where the meeting will be held. The utility then must post the agenda in three other prominent public places. It is a good idea to post the agenda at the community center, local U.S. Post Office, library and community bulletin board.

The Open Meeting Law recognizes that there are emergencies. The Law defines emergencies as "an unforeseen circumstance which requires immediate action and includes, but is not limited to: disasters caused by fire, flood, earthquake or other natural disaster; or any impairment of the health and safety of the public." Board members should be aware that this is a narrow definition linked to true emergencies. If such an emergency arises, it is important to realize that during these meetings, only emergency issues may be discussed. In other words, an emergency meeting cannot be called to discuss normal business affairs of the utility.

### What constitutes a public meeting?

The Open Meeting Law (NRS 241.015, Paragraph 2) defines a public meeting as a "gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power." This means that a majority (a quorum) of the Board members can be in the same restaurant, sitting at the same table, but they must not "deliberate" matters concerning the utility. In this context, deliberate means to "examine...reasons for or against" a particular decision. This implies that a majority of the Board members are not only discussing matters, but also collectively sharing information to reach a decision. The Open Meeting Law is not intended to restrict purely social gatherings of Board members.

Board members of cooperative associates formed under NRS Chapter 81 or 82 (such as, Mutual Water Companies, Water Users Associations and Nonprofit Water Associations) can have public meetings in accordance with The Open Meeting Law. However, they are not required to comply with The Law because these associations are not "public bodies" as defined by the NRS. A public body is "any administrative, advisory, executive, or legislative body of the state or government which expends or disburses.....tax revenue."

Public meetings, in accordance with The Open Meeting Law, are a must for public water utilities. Well-organized and law-abiding public meetings will keep Board members aware of customer concerns and will ensure that customers know the Board cares about their concerns and issues.