

## **TAB/CAC: Ethics, Open Meeting Law and Voting Issues- by Steven Sweikert, Deputy DA**

### **Ethics and Voting**

County Ethics Policy: Sec. 3(2): Although this Policy does not apply to any advisory board ... the members of those bodies are nonetheless expected to act in an ethical manner in the course of their advisory service to Clark County. Sec. 7(6): ... [TAB, CAC] ... training programs ... include[] ... discussion of applicable laws [etc.] relating to ethics in layperson-friendly language, the manner of obtaining advice on ethics issues, the procedures for reporting alleged ethics violations, and possible sanctions for ethics violations.

TAB/CAC Bylaws: Art. III. F. : All advisory board members shall observe the standards of ethical conduct outlined in Clark County Code, Chapter 2.42 and NRS 281 (note NRS 281 amended and most ethical standard in NRS 281A, which does not bind TAB/CAC)

Ethics Summarized: Avoid even the appearance of impropriety to keep public trust! Don't seek gifts or improper influence. Don't seek unwarranted privileges or preferences. Be careful about doing deals with the government. Don't accept money from a private source for your public duties. Don't use insider information. Don't suppress reports. Don't use government property improperly. Don't influence subordinates for personal gain. When in doubt ask!

Advice, Reporting and Sanctions: Contact your liaison first. If they cannot address it, they can consult DA's Office. Law or Ethics Commission Opinions by may have the answer, but Ethics Commission does not oversee TAB/CAC. CCC 3.30/3.32: TAB/CAC members serve at the pleasure of the commissioners, so any violation or even questionable conduct could result is removal from office. CCC 2.42 may impose misdemeanor \$1K/6 mo. jail.

Disclosure of Actual and Potential Conflicts of Interest: Disclose, Disclose and Disclose! Disclose gifts, financial and personal interests. Discloser must have sufficient information to inform the public of the potential effect of the conflict. Disclosure must be made at the time of consideration. Disclose with enough information, assuming that no one knows anything about you. Disclosure may remove appearance of impropriety.

Abstentions Due to Conflicts of Interest: Disclosure by itself does not require abstention. Abstention is required if a hypothetical reasonable person would have independence of judgment material affected. Abstention is not required for a general benefit, such as a vote to lower everyone taxes. Abstention should not be lightly made, as it is an avoidance of voting/deliberating responsibility. Must disclose why no need to abstain- whether simple or after consultation. If abstain, do not participate in discussion. Even mere statements of fact can be improper advocacy.

### **Nevada Open Meeting Law NRS Chapter 241**

The most Important section is the first: Legislative Intent NRS 241.010: In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

Nevada Open Meeting Law Manual: <http://www.lasvegasnevada.gov/files/OpenMeetingLaw.pdf>

What are "Public Bodies?": TAB/CAC expressly covered by law, but definition can otherwise be complicated. Workgroup?

How is OML Enforced? Action taken in violation are void. Anyone harmed can sue or complain to Attorney General.

What is a covered meeting? Concerns things over which you have advisory power. Meetings can happen on accident or with subterfuge. Lecture and social functions not covered, unless you talk business. Must be a quorum (50%), but avoid "walking quorum" where a series of meeting with few people add up to a quorum.

Agendas: NOT designed for members, but to inform the public so they will know and can decide whether to participate. Items must be "clear and complete." Would the average person know what the item is about? Any rules limiting discussion must be reasonable time, place, and manner limits and be described on the agenda. Must provide for public comment, at the end, and before any item or before all items. Every opportunity is optimal if there is enough time. Agenda and supporting material must be available to public before the meeting.

Closed meetings: Discussions of character, misconduct, competence or physical or mental health can be closed if there is special notice to the individual, who can require they be open. Cannot act or deliberate, only consider/receive info.

Emergency meetings: Unforeseen circumstance which requires immediate action. Advice is likely never action.

Record keeping: Minutes must be kept with date, time, place, members present, substance of matters proposed, discussed or decided, and if requested members votes and public remarks. Meetings must be taped or transcribed. Use a separate tape for closed portions.