

Assembly Bill No. 225—Assemblymen Freeman, Anderson, Gibbons, Williams, Chowning, Arberry, Bache, Beers, Berman, Buckley, Collins, Giunchigliani, Goldwater, Humke, Lee, Leslie, Manendo, Nolan, Parks, Parnell, Price, Smith and Tiffany

Joint Sponsors: Senators Rawson, Schneider, Neal, O’Connell, Townsend, Amodei, Mathews and Shaffer

CHAPTER.....

AN ACT relating to meetings of public bodies; requiring a public body to give written notice to person against whom the public body is considering taking administrative action or property by eminent domain; revising the definition of “meeting” to include and exclude certain gatherings of members of a public body; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. A public body shall not consider at a meeting whether to:*
 - (a) Take administrative action against a person; or*
 - (b) Acquire real property owned by a person by the exercise of the power of eminent domain,*
unless the public body has given written notice to that person of the time and place of the meeting.
- 2. The written notice required pursuant to subsection 1 must be:*
 - (a) Delivered personally to that person at least 5 working days before the meeting; or*
 - (b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.**A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider a matter set forth in subsection 1 relating to that person at a meeting.*
- 3. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.*

Sec. 2. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. “Action” means:
 - (a) A decision made by a majority of the members present during a meeting of a public body;
 - (b) A commitment or promise made by a majority of the members present during a meeting of a public body;
 - (c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or
 - (d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.
2. “Meeting” ~~means the~~ :
 - (a) Except as otherwise provided in paragraph (b), means:*
 - (1) The 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.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, “public body” means any administrative, advisory, executive or legislative body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405. “Public body” does not include the legislature of the State of Nevada.

4. “Quorum” means a simple majority of the constituent membership of a public body or another proportion established by law.