

### **NRS 241.015(3)(b)**

(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, whether in person or by means of electronic communication:

- (1) Which occurs at a social, *ceremonial, or similar* 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) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

### **NRS 241.015(5)**

5. "Quorum" means a simple majority of the *voting* membership of a public body or another proportion established by law. *Except as otherwise provided by law, a vacancy reduces the total membership of the public body until filled.*

### **NRS 241.033 Meeting to consider character, misconduct, competence or health of person or to consider appeal of results of examination: Written notice to person required; exception; public body required to allow person whose character, misconduct, competence or health is to be considered to attend with representative and to present evidence; attendance of additional persons; copy of record.**

1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:
  - (a) Given written notice to that person of the time and place of the meeting; and
  - (b) Received proof of service of the notice.
2. The written notice required pursuant to subsection 1:
  - (a) Except as otherwise provided in subsection 3, must be:
    - (1) Delivered personally to that person *or the attorney representing the person related to the actions for consideration in subsection (1)* at least 5 working days before the meeting; ~~or~~
    - (2) Sent by certified mail to the last known address of that person at least 21 ~~working~~ days before the meeting; *or*
    - (3) *If the person is a current employee of the public body, delivered to the electronic mailbox address assigned by the public body to the employee and delivered to the employee's work location at a time when the employee is required to report to work at least 5 working days before the meeting.*
  - (b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is

warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

- (c) Must include:
  - (1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and
  - (2) A statement of the provisions of subsection 4, if applicable.
3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.
4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:
  - (a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;
  - (b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and
  - (c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.
5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:
  - (a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or
  - (b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.
6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.
7. For the purposes of this section:
  - (a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.
  - (b) Casual or tangential references to a person or the name of a person during a meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.
  - (c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

(Added to NRS by 1993, 2636; A 2005, 977, 2246, 2248; 2011, 2388; 2019, 3624)

**NRS 241.034 Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.**

1. Except as otherwise provided in subsection 3:
  - (a) A public body shall not consider at a meeting whether to:
    - (1) Take administrative action against a person; or

- (2) 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.
    - (b) The written notice required pursuant to paragraph (a) must be:
      - (1) Delivered personally to that person *or the attorney representing the person related to the actions for consideration in subsection (1)* at least 5 working days before the meeting; ~~or~~
      - (2) Sent by certified mail to the last known address of that person at least 21 ~~working~~ days before the meeting; *or*
      - (3) *If the person is a current employee of the public body, delivered to the electronic mailbox address assigned by the public body to the employee and delivered to the employee's work location at a time when the employee is required to report to work at least 5 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 paragraph (a) relating to that person at a meeting.
  2. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.
  3. The written notice otherwise required pursuant to this section is not required if:
    - (a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and
    - (b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.

*(c) The meeting and any action taken fit the definition of "emergency" used NRS 241.020(12).*
  4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.
- (Added to NRS by 2001, 1835; A 2001 Special Session, 155; 2005, 2247)

#### **NRS 241.034(5)**

*5. For purposes of this section, the term "administrative action against a person" means action by a public body that is uniquely personal to a natural person, includes the potential for a negative change in circumstances to the individual, and does not include the denial of an application, such as a licensing application, where a denial leaves the individual in the same position he or she was prior to the action.*

#### **NRS 241.0355 Majority of all members of public body composed solely of elected officials required to take action by vote; abstention not affirmative vote; reduction of quorum.**

1. A public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this subsection, a public body may not count an abstention as a vote in favor of an action.
- ~~2. In a county whose population is 45,000 or more, the provisions of subsection 5 of NRS 281A.420 do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the~~

~~opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required pursuant to NRS 281A.420. The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.~~

**NRS 388.750 Compliance with Open Meeting Law; availability of records; exemption from certain taxes; nondisclosure of contributors.**

1. An educational foundation:
  - (a) Shall *hold open meetings in accordance* ~~comply~~ with the provisions of chapter 241 of NRS *if it meets the definition of a "public body" contained in NRS 241.015(4)*;
  - (b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and
  - (c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 12 of NRS 375.090.
2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.
3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:
  - (a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;
  - (b) Formed pursuant to the laws of this State; and
  - (c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

**NRS 295.217 Appointment of committees to prepare arguments advocating and opposing approval of ballot questions; duties of committees; regulations; preparation of arguments by city clerk if governing body fails to appoint committee; review of arguments; placement of arguments in sample ballots.**

12. *The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.*