

**STATE OF NEVADA
NEVADA COUNCIL FOR THE PREVENTION OF
DOMESTIC VIOLENCE
BYLAWS COMMITTEE**

Minutes of Meeting

January 27, 2009

Office of the Attorney General
5420 Kietzke Lane, Suite 202
Reno, Nevada 89511

Committee Members Present

Russell Smith
Brett Kandt

Committee Members Present Via Teleconference

Patricia Lynch
Bob Zentz

Committee Members Absent

None

Public Present

None

Attorney General's Office Staff Present

Henna Rasul, Deputy Attorney General
Kareen Prentice, Domestic Violence Ombudsman
Kathryn K. Menke, Council Assistant

1. ***Call to order, roll call of members, and introduction.**
Russell Smith called the meeting to order at 2:00 p.m. A roll call was performed and quorum was established.

2. ***Review and approval of minutes from July 29, 2008**
Brett Kandt moved to approve the minutes as submitted; Bob Zentz seconded the motion. The motion carried. Patricia Lynch abstained as she had not been at the meeting.

3. *Discussion, review, and possible amendment to current by-laws.

Henna Rasul stated the bylaws had just been emailed to everyone. The revised bylaws had been approved. General Masto had brought up the issue of committee attendance, and that was the issue to be revisited in this meeting.

Patricia Lynch stated that Article 9 deals with committees. That is the amendment they are looking at. She then read the Article in question.

Russell Smith indicated they were asked to look at the issue of removal of committee members if they were not in attendance so it would not affect the quorum. It looked to him as though there was already a mechanism in place to do that. Brett Kandt suggested they amend the bylaws to state that the chair of the Council would have the authority to remove a committee chair or committee members.

Mr. Kandt said the concern is that if the committee cannot get a quorum together to meet, they are not in a position to hold a meeting and take action. Perhaps it should fall upon the Attorney General as chair of the council to remove or appoint new committee members as necessary in order to have an active committee that can obtain a quorum to carry on business.

Bob Zentz suggested that be brought to the council meeting. Mr. Kandt responded that if the committee made a recommendation, the council could take an action. Bob Zentz mentioned another discussion they had had, regarding not just the chair conducting the meetings, but an attendance issue at the council and the committee meetings. Mr. Kandt stated the bylaws do provide for members being removed as necessary by the council. Judge Lynch indicated the rule was that a committee member can be recommended for removal by a 2/3 vote of the quorum present, subject to the chair's approval.

Mr. Kandt stated statutorily it all resides with the chair. The Attorney General by statute decides who is on the council. Bob Zentz was thinking there should be a requirement that committee members attend a fixed number of meetings each calendar year. Russell Smith responded that was not a good idea, because different committees meet a different number of times. He suggested that if a member has missed two consecutive committee meetings, then they may be removed from the committee by the Attorney General.

Judge Lynch indicated she liked this. The problem they have is getting a quorum on some of the committees because people are not attending. Mr. Kandt responded that meetings are scheduled based upon the staff's polling of the committee members, and identifying a date and time when a

quorum of the committee members indicated they were available for a meeting. It is noticed under the open meeting law, and then when the date and time arrives for that committee meeting, a quorum is not present. So, the committee cannot hold a meeting.

He stated they need to word it in such a way that the absent committee member is responsible for the resulting lack of a quorum. In other words, it cannot read that someone missed a meeting, as there was not a meeting for lack of quorum. It must state clearly they missed a scheduled meeting, which could not occur for lack of quorum. That can give rise to cause to remove the committee member.

Judge Lynch questioned how much detail should be in the bylaws. The language in the bylaws should be kept simple and clean. Mr. Kandt stressed the importance of wording it as a scheduled meeting, to avoid the technicality of whether you can technically miss a meeting that does not take place.

Bob Zentz asked if there was a procedure or process for excused absences. He suggested if there was a committee member who needed to miss a meeting for a legitimate reason, such as family illness, etc., that they have a process for allowing the absence to be excused by the Attorney General. This would be opposed to having it count as a missed meeting which could perhaps lead to his or her removal from the council.

Mr. Kandt suggested that if a member states that he or she cannot attend when a meeting is first being set up, that should be counted as an excused absence even if the meeting takes place if a quorum is available. If something comes up after the meeting has been scheduled, it is incumbent on the committee member to contact staff and let them know they cannot attend. That would be considered an excused absence as well.

Bob Zentz responded as long as they leave the word "may" in there it should be fine. The definitions of "excused" and "justifiable" are so complex. This will allow for some flexibility. Mr. Kandt responded the problem is there are individuals who indicate to staff they will be available and will be present at a certain date and time for a meeting, which then cannot occur because individuals who indicated they would be there don't call in, don't show up for the meeting, with no prior notice to the staff. That is what they are trying to avoid.

Russell Smith stated that everybody's time was pretty convoluted. If a meeting was planned, and it was known he could not be in attendance to begin with, then the quorum would not be counting him. If they just leave it to the committee chairs to approach the Attorney General with

individuals that are having problems with no-call, no-show, then that would be fine. Often the persons have legitimate reasons not to be there. Some of the council members are extremely busy.

Mr. Kandt said that staff does everything possible to make it as convenient as possible for committee members to be at the meetings. Committee members do not have to be physically present. Meetings are held through a teleconference service so that people can call from virtually anywhere. Yet there is still the problem of committees not being able to obtain quorums and carry out their work.

Judge Lynch stated people can be removed from a committee by the committee, but can only be removed from the council by the Attorney General. She read the language from the section of the bylaws in question. She recommended giving the Attorney General the power to remove someone from a committee if they are a problem. Mr. Kandt thought that was a good recommendation because if they have an instance where they are having a problem with a certain individual, the Attorney General can simply remove them from the committee without going the additional step of removing them from the council. That allows the committee to go ahead and hold its meetings.

Then staff can contact that person and determine whether that person is still able to serve in an active role, and if so, clarify if the person wants to get back on the committee. They would not go so far as to actually remove them from the council. That also allows the committee to go ahead and conduct meetings without violating the Open Meeting Law.

Mr. Kandt suggested expanding subsection I to include the council chair in being able to remove committee members from committees. He further suggested they should revise the bylaws to distinguish between the committee chairs and the council chair. Staff would then simply need an email from the Attorney General saying individual X is hereby removed from the committee. That allows them to proceed – notice the meeting, conduct the meeting, and obtain a quorum without the drastic step of having removed that individual from the council.

They can then follow-up with the individual in terms of their future intentions, in terms of being involved with the council and that particular committee. General Masto agreed with this.

Russell Smith stated he would entertain a motion. Brett Kandt moved to amend the existing bylaws under article 9, subsection I, adding the additional language as recommended. Judge Lynch seconded the motion. The motion carried. There were no other amendments to the bylaws addressed at this time.

4. *Establish 2009 goals.

Russell Smith stated one of the goals had already been pointed out by Brett Kandt. He suggested they go through the bylaws and if they see problematic language, they can clean up the bylaws and clarify what is being talked about.

Judge Lynch asked if the bylaws had to be adopted by or approved by the Legislative Council Bureau. Mr. Kandt indicated they do not. He had brought up that issue after the council was codified as a statutory body, because there was some language in the statute that indicated that the council shall adopt rules for its operations, something to that effect. Regulation in the statutes is defined to include rules. He had brought up the question of whether that required adoption under NRS 233B, and the question was taken to LCB. They determined that it did not require formal regulation adoption procedures.

Russell Smith indicated they would submit the proposed changes to the bylaws to all of the committee members, and then have it for the council meeting in a few days.

Mr. Kandt suggested maybe they should put something in the bylaws about the responsibility of council members to provide updated contact information to staff. It is difficult for staff to assist in the operations of the council when they do not have current contact information. Russell Smith indicated they could take a look at that. Other changes could be agendized for future meetings, to be discussed in more depth.

5. *Schedule future meetings and agenda items.

Russell Smith asked for suggestions regarding a good meeting time. All committee members are either present or on the line. He suggested setting a meeting for two months from now. General Masto asked him how often it was necessary for the committee to meet. Judge Lynch indicated once a year. Russell Smith responded they had only met when an issue arose which needed to be discussed.

The issue of committee attendance had come up at the last meeting which had necessitated this meeting. He thinks they only need to meet twice a year. General Masto suggested they meet when issues arise at the council meetings which the committee needs to address.

Judge Lynch stated they should have one meeting per year and other meetings as necessary. They can simply schedule meetings as issues come up, as required.

6. *Public Comment.

There was no public comment.

7. *Adjournment.

Russell Smith adjourned the meeting at 2:29 p.m.