

**NEVADA COUNCIL FOR THE PREVENTION
OF DOMESTIC VIOLENCE
BYLAW / STRUCTURE SUBCOMMITTEE**

NOTICE OF PUBLIC MEETING

Tuesday, July 29, 2008, at 3:00 p.m.

With

Via Teleconference with Public Access Located at:
Office of the Attorney General
5420 Kietzke Lane, Suite 202, Reno, Nevada 89511

AGENDA

Please Note: The Nevada Council for the Prevention of Domestic Violence (“Council”) may address agenda items out of sequence to accommodate persons appearing before the Council or to aid the efficiency or effectiveness of the meeting. The Council may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person (NRS 241.030).

At the discretion of the Chairman, public comment is welcomed by the Council, but will be heard only when that item is reached and will be limited to five minutes per person. A public comment time will also be available as the last item on the agenda. The Chairperson may allow additional time to be given a speaker as time allows and in his/her sole discretion. Once all items on the agenda are completed the meeting will adjourn.

***Asterisks (*) denote items on which Council may take action.
Action by the Council on an item may be to approve, deny, amend, or table.***

1. *Call to order, roll call of members.
2. *Approval of December 11, 2007 minutes.
3. *Review, and approve revisions of the current by-laws.
4. *Schedule future meetings & agenda items.
5. Public Comment.

Note: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. (NRS 241.020)

5. *Adjournment.

This agenda has been sent to all members of the Council and other interested persons who have requested an agenda from the Council. Persons who wish to continue to receive an agenda and notice must request so in writing on an annual basis.

Anyone desiring additional information regarding the meeting is invited to call the Council office at (775) 850-4119. We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Council's Administrative Assistant, Melissa Page, at (775) 850-4119, no later than 48 hours prior to the meeting. Requests for special arrangements made after this time frame cannot be guaranteed.

**THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED
 IN THE FOLLOWING LOCATIONS:**

Office of the Attorney General 100 N Carson Street Carson City, Nevada 89701	Office of the Attorney General 5420 Kietzke Lane, Ste 202 Reno, Nevada 89511	Grant Sawyer State Office Building 555 E. Washington Avenue Las Vegas, Nevada 89101
Jean Nidetch Women's Center University of Nevada, Las Vegas 4505 Maryland Parkway Las Vegas, Nevada 89154	Safe Nest 2915 W. Charleston Blvd., #12 Las Vegas, Nevada 89102	Reno City Hall One E. First Street Reno, Nevada 89501
	Nevada Network Against Domestic Violence 220 South Rock Boulevard, Suite 7 Reno Nevada 89502	

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

Minutes of Meeting

July 29, 2008 at 3:00 p.m.

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

Committee Members Present

Brett Kandt
Russell Smith

Committee Members Present Via Teleconference

Bob Zentz

Committee Members Absent

None

Public Present

None

Attorney General's Office staff present

Henna Rasul
Melissa Page

1. ***Call to order, roll call of members, and introduction.**
Brett Kandt called the meeting to order at 3:10 p.m. A roll call was taken and quorum was established.

2. ***Review and Approve Minutes from December 11, 2007 meeting.**
Brett Kandt moved to approve the Minutes from December 11, 2007. Russell Smith seconded the motion and the Minutes were approved.

3. *Review and Approve Revisions of the current By-Laws

Brett Kandt started the meeting by stating that under Article 7, Meetings, Subsection C, it says that a simple majority of the voting members shall constitute a quorum. He did not know if some issue had come up with ex-officio members, but the fact of the matter is that anytime the Council/Committee takes an action as a public body, all the requirements for having a quorum and what we need to do to take an action is set forth in NRS Chapter 241. So, he does not think they need to re-state it. Obviously, they are going to have to conform with the requirements of the Chapter. The Chapter defines what an action is.

A Committee member stated it spells it right out under Item D, in Chapter 241. Brett Kandt indicated that would apply whether they had it in the bylaws or not. In terms of the whole process of the Council conducting business and taking action, it has to comply with NRS 241 anyway, so, he just does not think the Council needs to state that. Henna Rasul, Deputy Attorney General, stated that the language at the end prior to the Attorney General's signature line is taken from the bylaws that were previously enacted by the Council, and what the Council followed previously. Mr. Kandt responded that maybe that was where it came up, was the issue of amendments. He stated it seemed to him that, although it is up to the group, but that amending the Bylaws is an action that would have to comply with NRS 241 and the requirements for having a quorum. Action means a decision by the majority of members present during a meeting of a public body.

Obviously the amendment provision in the bylaws they have inherited requires a supermajority. The issue is do they think they need a supermajority to do that. Ms. Rasul responded that typically bylaws do have that language. It is kind of a standard to have 2/3 instead of a majority. Mr. Kandt responded that if the group thinks they should have a supermajority to amend the bylaws that is fine. Ms. Rasul suggested that maybe the end of the document could be changed to a simple majority instead of 2/3. She stated that if the Committee wants to be consistent, they can just put in a simple majority. Russell Smith stated it is better to spell it out, to conform with Chapter 241. Mr. Kandt responded that we already conform with Chapter 241, the Committee would just be re-stating the law. He indicated the Open Meeting Law section was just a re-statement. Ms. Rasul remarked that just for formality purposes, it would not hurt to have that in there.

Mr. Kandt stated the voting section seem to him to be redundant also, because the simple majority is already established under law, and under the proxy section, no state body has the authority to use proxies unless their statute provides that a member of that board can designate somebody to vote in their place. A Council member indicated that the

statutes dictate what districts meetings can be held in, such as rural districts. To the extent it insures that the Council is following the law, then maybe it is a good thing to re-state it. Mr. Kandt did note that several of the things they are stating in here are already established by law; whether they were in the bylaws or not, they would still have to abide by them. Russell Smith stated he thought they could just re-state them; they were already in the chapter, and that is all they are doing.

When members of the Committee then go and read the bylaws it tells them exactly, some members who are not as familiar with the NRS rely on the bylaws. They are being restated as a simple place for members to go and find what they are supposed to be doing. He suggested leaving it in there. The only question it comes down to is when they are going to amend the bylaws, do they want it to stay with Chapter 241, that is, a simple majority, or do we want it to have a supermajority of 2/3. He agreed with Henna Rasul that amending the bylaws requires a supermajority; most of the Boards that he is on have that. Ms. Rasul remarked that they can keep in line with the Open Meeting Law just by having a simple majority. She stated it is their decision.

Most of these cannot be changed anyway because they are a re-statement of NRS 241. Mr. Kandt proposed they change Article Seven, meeting D, to say that all meetings will be held in accordance with NRS 241, the Open Meeting Law. It is more than just the notice requirements; that Chapter requires a lot of things. Just stating that we are going to give notice in accordance with the Open Meeting Law is insufficient; the Committee has to do everything in accordance with the Open Meeting Law. He therefore proposed amending that subsection to say "Council Meetings shall be conducted in accordance with the Open Meeting Law, NRS Chapter 241". He thinks then it makes it incumbent upon the Council Members to insure that all requirements of NRS Chapter 241 are followed.

Mr. Kandt stated that section E is a bit redundant; although it shows that members want to get their minutes, they do not want to show up at the meeting without them. They get them when the Agenda is sent out. He indicated he did not care if that was still in there or not. In Article 8, voting, the issue is do they want to have a separate section on amendments that requires a 2/3 vote as opposed to a simple majority, or should the simple majority be sufficient for amending the bylaws. He thinks a simple majority is sufficient. Mr. Smith agreed; when they begin to require more than what the law is, then they begin to have problems with hold-ups at meetings and cannot get business taken care of. If they just say in the bylaws that the Minutes are furnished prior to the meeting, without a time frame, such as 5 days before, then some people will claim they did not get their minutes in a timely fashion and then business doesn't get conducted. He suggested he would like to recommend, so the Committee does not

have a lot of argument at the meeting to get these passed, using the words "By a simple majority, in accordance with NRS 241".

Mr. Kandt stated that ultimately all that matters is that they are following Chapter 241. He further stated that NRS 241.035 has all the requirements for minutes, so once again do they need to state this, or say that it will be in accordance with Chapter 241. Mr. Kandt stated that on voting the issue is to they need 2/3 to amend the bylaws, should they just take out Article 10. He discussed the wording he would change. It is superfluous, but they could leave in the statement that no proxy voting would be allowed. In the section on Committee, he suggested changes to Article 9E, that meeting shall be conducted in accordance with the Open Meeting Law. Mr. Smith suggested that they leave Article 10 in, just because a lot of it is a restatement, they are going to have a lot of people who are going to ask the question about amendments. He stated that amendments should be passed by a simple majority in accordance with NRS Chapter 241, because that will stop a lot of argument.

Mr. Kandt stated he had been making notes, and if he and Russell Smith agreed on this one, they could give it to Henna and she could look at it. They went over the language to be in the bylaws. Mr. Smith suggested having the amendments in accordance with NRS 241, because otherwise people at the meetings would argue about this. Mr. Kandt had written down all of the changes, it was indicated they would give it to Ms. Rasul to review once she had returned to the office.

Mr. Smith stated what they were doing is just making it all conform. They changed the wording of Article 10 to a simple majority, they made changes consistently throughout to be in accordance with NRS Chapter 241. Although they are restating a lot of Chapter 241, they are putting in there where it is coming from. They discussed most of it is a restatement of 241, since most of the members of the Committee will not know to go to the Statutes, this way it gives them a guideline. They can pull up the bylaws for this Committee, read them, and then act in accordance to that. Ms. Rasul responded she thought that was a good idea and she agreed with it. With some simple changes, they have got it where it will be consistent, and will be something they can present to the whole committee at the next meeting.

Ms. Rasul then asked if the Committee had already voted on it. They had not. Mr. Kandt suggested that instead of making the blind reference to the Chapter, they could actually site the actual section where it came from. Mr. Smith and Ms. Rasul agreed with that. Mr. Kandt indicated he would write this up in a redline version, and email it to Melissa Page and Henna Rasul. Mr. Smith agreed this sounded great.

Mr. Kandt clarified what changes had been agreed to. He stated that they are all attorneys and are all very familiar with the Open Meeting Law, but there are a lot of folks who serve on the Council who are not attorneys, and don't necessarily even serve in government roles, and the purpose of the bylaws is to make it easier for them to serve and follow the rules. This will enable people on the Council to conduct meetings without being a legal expert.

Brett Kandt moved to submit the recommended changes to the Council for their consideration. Russell Smith seconded the motion. The motion passed. In accordance with the action they had just taken, Mr. Smith stated Brett would do a redline version and send it out to everybody. He asked Henna to have it placed on the Agenda for the Council to take a look at as a whole.

Mr. Kandt stated it might not be a bad thing to add somewhere in the bylaws, under the duties of the Council on Article 3D, to cite the statute that established those duties, so that everybody understands that under the bylaws those are statutory duties. It is statute NRS 228.490. Russell Smith mentioned that a preamble would be the ideal here. Mr. Kandt responded that a preamble that cited that the Nevada Council for the Prevention of Domestic Violence is created pursuant to or is established pursuant to NRS 228.480 through NRS 228.490. He suggested maybe that would be easier. They could also put it somewhere within the section called "Council Defined." Mr. Smith agreed this might be better.

He also stated if they do the preamble, they should state that the Council is created by the statutes and their meetings are governed by the statutes. He also suggested they recognize that statute 241 is the one that governs the way the Council does business, and 228 is the statute that creates it. Mr. Kandt clarified the wording of the preamble. Mr. Smith responded that as they read the body of the document, it will take people back up to the preamble. The bylaws automatically have to come into conformity with the statutes when they change. If a statute changes, the Council has to change their restatement. Mr. Kandt further elaborated on the wording of the preamble. Mr. Kandt moved that the Committee add a preamble to that effect. Russell Smith seconded the motion. The motion carried. Ms. Rasul clarified that the preamble language had been established.

Mr. Smith then indicated that they would all be able to take a look at that; when it all reads as a whole, it might read horribly. Sometimes that is the way it goes, there have been times when they have thought something is going to be great, then they put it into a motion, and then when they are scratching stuff it goes out. Mr. Kandt responded that it did not hurt to emphasize that they have to follow the Open Meeting Law. The Attorney General feels strongly about that, because the Attorney General has to

enforce the Open Meeting Law. Mr. Smith responded that that is something they have to be very careful about, being a Committee that is directed by the Attorney General. He then asked if there were any matters to be discussed on the current bylaws. Ms. Rasul clarified that Statute 241 would not be quoted in the body of the bylaws any more; Mr. Smith responded that, yes, it would be, but they were doing the preamble so everybody knows that the Council is governed by that. If someone joins the Council a month from now and they get the bylaws, one of the very first things they are going to read is that the Open Meeting Law applies, before they get down into the body of the bylaws. Ms. Rasul responded that sounded good. Mr. Kandt stated it emphasizes for non-attorneys that there are limitations on what the Council can do in a meeting; that is important. He stated he serves on a Citizens Advisory Board where most of the people are just regular citizens. It was explained to that Board at the onset that they are subject to the Open Meeting Law. He mentioned the Agenda had been distributed in error, and that folks sometimes just did not understand the Open Meeting Law. That in fact is why, when he does the redline version, he will email it to Henna, and she will send it to the other Committee members. There will not be the impression of a serial communication. That is why it is important to reiterate those types of things.

He thought there had been some discussion or issue about Article 5, Subsection H, that the Domestic Violence Ombudsman will serve as an Ex Officio Member of the Council. Ms. Rasul stated that was the opposite of what the Attorney General had wanted, she had wanted the person to be a non-voting member. Mr. Smith stated that by definition the Ombudsman was a non-voting member. Mr. Kandt responded that is where he was confused, to him Ex-Officio means that you are a member by virtue of the fact that you hold that office. He stated they needed to figure that out.

He stated that the Attorney General is an Ex-Officio member of the Nevada Prosecution Advisory Council, that has always been interpreted to mean that whoever is the Attorney General is automatically a member of the Prosecution Advisory Council. However, that person still votes as a voting member. They are required to obtain a quorum and take action. That is his understanding of what Ex-Officio means. So, if they wanted the Ombudsman to be a non-voting member, they should change the wording in the bylaws.

Ms. Rasul responded that the Attorney General had assumed that "Ex-Officio" meant that the person is a non-voting member. She stated they would want to make sure what the official definition of an "Ex-Officio" member is. Mr. Smith responded they had gone through George Taylor when he was on the Coalition, because they had two Ex-Officio members.

Their Ex-Officio members are over grants that come into the Coalition, therefore it was specified they were non-voting members.

Mr. Kandt stated the “Ex-Officio” means you hold the position on the body by virtue of your holding an office or a position, not because of your name. He stated Kareen Prentice is on the body because she is the Domestic Violence Ombudsman. He is on the body because he got appointed, not as the Executive Director of the Prosecution Advisory Council, but as himself. So, if he left he would be leaving as Brett Kandt, whereas if Kareen left, the next DV Ombudsman would be a member of the Council.

Ms. Rasul responded that she did understand that, but that there should be more clarity and more research in terms of what is the implied role of an Ex-Officio member. Russell Smith responded that George Taylor had told them normally they are not voting members, however he felt that specifying it as voting or non-voting was a better way to do it. Ms. Rasul indicated she did not see a problem with putting that language in there. Russell Smith then clarified the way that particular phrase would read. This would make sure that everybody would understand it in the same way and there would be no disagreement over any portion of it. Ms. Rasul agreed.

Brett Kandt then read the definition of “Ex-Officio” from Black’s Law Dictionary. This definition matched his understanding of the term. Russell Smith indicated he is correct; George Taylor had told him it would be better to clarify if they were voting or non-voting. He had actually had them as voting members until that was revoked. Mr. Kandt then read from Roberts Rules of Order. In this definition, Ex-Officio members do have the right to vote. Ms. Rasul thought these rules applied to all types of boards. Mr. Kandt stated they cannot restrict the right to vote but they are going to have to make it clear. In that regard, he asked if it was not the preference of the Council that the DV Ombudsman not vote. He suggested they propose certain amendments to the Council. Russell Smith seconded that motion. The motion carried.

Russell Smith then asked if there was anything else in these articles they needed to address. One of the issues that had come up at the last meeting, back when they were first going to change these into statutes, regarding the Attorney General being able to dismiss someone from the Council. Ms. Rasul responded she had already printed that out in the bylaws. Mr. Smith stated it was clear that the Attorney General is the one who can dismiss somebody.

Mr. Kandt responded there are certain duties implied in the office, and that under NRS 228.42 it states the Council must not consist of more than 30 members appointed by the Attorney General; that also carries with it the

power to remove. Russell Smith referred to the bylaws which address absences, and the circumstances under which a member may be removed from the Council. The chair has the final say in this removal, and may also appoint other members as she deems necessary.

In closing remarks, Mr. Kandt stated that the bylaws are supposed to reflect how a body wants to operate. In their situation, because it is a public body, they also have to make sure it complies with all of the statutory requirements. He indicated he would draft the bylaws, and forward them to Henna Rasul; she could then forward them to the Council. Mr. Smith remarked they had time to keep working on this before the next Council meeting.

4. *Schedule Future Meetings and Agenda Items

Mr. Smith reported that as far as this Agenda item was concerned, he would prefer that at the next board meeting, (depending on what the board decides to do as a whole with the bylaws), they meet afterward and set up a date for the next meeting. They will not discuss any agenda items. Mr. Kandt moved that they work through the Committee's assistance to coordinate a meeting date that works for all of the members at the conclusion of the next council meeting. They have to make it clear that the Committee's assistant is coordinating a meeting date amongst the members; they are not actually having a genuine meeting.

5. *Public Comment

None

6. *Adjournment

The meeting was adjourned at 3:58 p.m.