



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

3/19/2024 10:00 AM  
26 SOUTH B STREET, VIRGINIA CITY, NV

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## MEETING MINUTES

JAY CARMONA  
*CHAIRMAN*

CLAY MITCHELL  
*VICE-CHAIRMAN*

LANCE GILMAN  
*COMMISSIONER*

ANNE LANGER  
*DISTRICT ATTORNEY*

JIM HINDLE  
*CLERK-TREASURER*

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### **Roll Call**

√ Commission Chairman Jay Carmona, √ Commission Vice-Chair Clay Mitchell,  
√ Commissioner Lance Gilman, √ District Attorney Anne Langer, √ Clerk & Treasurer Jim Hindle,  
√ County Manager Austin Osborne, √ Deputy District Attorney Brian Brown

Assessor Jana Seddon  
 Justice of the Peace Eileen Herrington  
√ Recorder Dru McPherson  
√ Sheriff Mike Cullen  
√ County Administrative Officer Honey Coughlin  
 Fire Chief Jeremy Loncar  
√ Comptroller Jennifer McCain  
√ Business Development Manager Lara Mather  
√ Community Development Director Pete Renaud  
√ Emergency Management Director Adam Wilson

√ Human Resources Director Brandie Lopez  
√ IT Director James Deane  
√ Planning Manager Kathy Canfield  
√ Public Works Director Jason Wierzbicki  
 Operations and Project Manager Mike Northan  
√ Senior Center Director Stacy York  
√ Tourism Director Todd Tuttle  
Other:  
√ Storey County School District Superintendent  
Todd Hess

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Total Attendance: 54

In-Person: 29

Zoom: 25

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### **1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

Commissioner Carmona called the meeting to order at 10:04 a.m.

### **2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC COMMENT (No Action):** Gary Schmidt, who introduced himself as a citizen-advocate, alleged that the Board of Commissioners have historically violated the Open Meeting Law by keeping the Liquor Board meetings as part of the larger Board of Commissioners meetings. He said the Liquor Board is a public body and must have its own meetings and comply with the Open Meeting Law, including a posted agenda, a time certain, and its own provisions for public comment. He said he had a public records request and was encouraged to submit it in writing, and there is no requirement to submit a public records request in writing. and so, such direction is in direct violation of the Open Meeting Law. He wants the county commission to address these issues. He submitted a copy of the Open Meeting Law and said there are provisions in the law that violators could be removed from office.

**4. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the agenda for the March 19, 2024, meeting.

Commissioner Mitchell asked that Item #21 be continued, but County Manager Austin Osborne said the Governor's Office of Economic Development will act before the next commission meeting, therefore, Commissioner Mitchell withdrew his request.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's agenda as presented. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**5. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the minutes from the February 6, 2024, meeting.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the minutes from our Feb. 6, 2024, meeting as presented. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**6. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the minutes from the February 15, 2024, meeting.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the minutes from our Feb. 15, 2024, meeting as presented. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**7. CONSENT AGENDA FOR POSSIBLE ACTION:**

I. For possible action, approval of business license first readings:

- A. 775 Electric LLC – Contractor / 130 Alamosa St. ~ Dayton, NV
- B. A Affordable Striping & Sealing – Contractor / 4440 E. Alexander Ste. A ~ Las Vegas, NV
- C. Criterion Construction LLC – Contractor / 2175 Lakeside Dr. ~ Reno, NV
- D. LeafFilter North, LLC – Contractor / 1595 Georgetown Rd ~ Hudson, OH
- E. Legion Solar Power LLC – Contractor / 2645 W. Cheyenne Ave ~ North Las Vegas, NV
- F. LTI Contracting – Contractor / 22631 N. 18th Ave. ~ Phoenix, AZ
- G. MMI Tank Inc. – Contractor / 3240 S. 37th Ave. ~ Phoenix, AZ
- H. Pavers by Porter – Contractor / 645 Tranquil Dr. ~ Sparks, NV
- I. Redline Technical Services LLC – Contractor / 5595 Tarzyn Rd. ~ Fallon, NV
- J. Tahoe Mini Crane Service – Contractor / 213 W. Gardengate Way ~ Carson City, NV

II. Approval of claims in the amount of \$2,557,497.49.

III. Consideration and approval of the Eagleview aerial imagery and software program for a 5-year contract in the amount of \$177,656.38. This is a budgeted item to be paid out of the Assessor's Tech fund.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's Consent agenda as presented.

**Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**8. DISCUSSION ONLY (No Action - No Public Comment):** Committee/Staff Reports

**Fire District**

- New hire firefighter training showed four applicants qualified for two open spots.
- There was a small outdoor fire in Lockwood on Sunday.

**Public Works**

- The Lousetown Road project is out to bid with nine potential bidders.
- The department is restriping Waltham Way and working on Lockwood projects.

**Business Development Office**

- Business Development Officer Lara Mather spoke on federal community funding and federal appropriations from Congress. She explained the process from the first step until the final federal budget. For the 2024/2025 federal budget, the Gold Hill Collection Project and the Sheriff's Substation in McCarran made it through, and will provide between \$450,000 to \$800,000 for the substation, and \$2.5 million to \$4 million for the Gold Hill Collection Project.
- The office is working on 2025/2026 appropriations, which are very competitive. Four projects will be submitted: the Divide Water Project, Lockwood Flood Mitigation, a Mobile Emergency Command Center, and Piper's Opera House, which needs the retaining wall repaired and an underground spring diverted.

### **Emergency Management Department**

- An active shooter tabletop exercise will include the school district and county staff.
- Staff will meet on mitigation with the state to identify projects.
- Hazard mitigation plan will be done this year to meet 2025 compliance requirements.

### **VCTC**

- The Mix and Mingle is coming up April 9, at 6 p.m. at Piper's Opera House, and the chamber of commerce will be presented.
- Had a meeting on the Cultural Corridor at Piper's Opera House, which involved Carson City, Carson Valley, and Virginia City.
- Saturday's Oyster Fry festival was a tremendous success, exceeding expectations. There were more saloon crawl participants than ever. Parking had the same bottlenecks, but the Sheriff's Office was credited for assisting. Four major TV stations promoted it, as did radio stations and social media. The St. Patrick's Day Parade was moved closer to C Street with a viewing area, providing for more safety.
- The staff is doing broadcasts for Women's History Month.
- The Father-Daughter Day and Dance. April 13. All three dances are sold out.
- The 53<sup>rd</sup> Grand Prix will be April 27-28.
- Chili on Comstock will be May 18-19.

### **Recorder's Office**

- Updating the project to make all Recorder's Office Documents searchable online. Personal information has been redacted from all documents the office will begin integrating those images available. US Imaging is also almost finished indexing all deeds and property transfer data back to the early 1860s. To research these documents, go to the Recorder's Office web site. The project is expected to be completed by the end of this fiscal year.

### **Community Development Department**

- Inspectors will be walking C Street to get businesses to clean up the boardwalk.

### **Senior Center**

- Groundbreaking at the Lockwood Community Center will be held on May 1<sup>st</sup> at 11 a.m.

### **County Manager**

- On March 28 there will be a Master Plan town hall in Mark Twain, along with discussions of fire programs. The school district will participate as well. The event will be at 5:30 at the community center.

### **Clerk-Treasurer**

- As of last Friday, candidate filing for the June primary closed.

**9. BOARD COMMENT (No Action - No Public Comment):** None

**10. DISCUSSION ONLY:** Presentation by Storey County School District planned K-8 school facility expansion project.

Storey County School District Superintendent Todd Hess said this important project was to create one campus in Virginia City for all students. He said the need is for safety, not capacity, and he brought this up about seven years ago. This plan would move the Virginia City Middle School and Hugh Gallagher Elementary school to a new facility built next to the Virginia City High School, so all schools will be on a fenced campus. He said the current middle school was built in 1936 and it was good for the time, but after Columbine and subsequent tragedies, more security was needed. Mr. Hess said the second busiest street in town goes right through the middle school campus. He said the district has asked for \$21 million in bonds, to provide 37,000 to 40,000 square feet for a two-story building with the elementary school on one floor and the middle school on another. Mr. Hess showed a PowerPoint presentation to the commission.

Commissioner Mitchell asked about separation of grade levels, and Mr. Hess said there would be separate points of entry, as a separate building would add to the costs.

Public Comment: None

**11. DISCUSSION ONLY:** Presentation by Foundational Public Health Services (FPHS) Assessment for Storey County stakeholders to guide investment in prevention efforts that will help the United States avoid and/or lessen the disruption of future pandemics and epidemics and focus on chronic issues as well as advance equity.

Amy Hyne-Sutherland, Public Health Coordinator for the Nevada Association of Counties offered a PowerPoint presentation on Public Health and preventing future pandemics.

Public Comment: Gary Schmidt praised the effort but wants another screen for PowerPoints so the audience can see the presentations.

**12. DISCUSSION/FOR POSSIBLE ACTION:** Consideration of a letter of interest for appointment of a planning commissioner to serve a remaining term representing Precinct 5 (Highlands District) on the Storey County Planning Commission.

Planning Manager Kathy Canfield recommended Carlos Negrete to fill an absence on the Planning Commission.

Public Comment: None

**Motion:** In accordance with the recommendation by staff, I, Commissioner Mitchell, move to appoint Carlos Negrete to serve Precinct 5 (Highlands District) on the Storey County Planning Commission for the remainder of the current term. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**13. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the draft FY25 Storey County Capital Improvement Plan.

Administrative Officer Honey Coughlin presented a refined project list and a more targeted approach to ensure completion of projects during FY25.

The CIP is a working draft, subject to approval by the final budget. Changes include:

- the removal of Peterbilt Dump Truck Plow Sander, moved to FY27.
- Mark Twain Community Center will have a metal building designed to hold Fire equipment. The design could take six months to a year, so they will be staggered.
- The swimming pool improvements will cost \$10 million, with design costs at 10 percent. Design costs will be split between this and next fiscal year in this draft CIP.
- \$1 million is required to start the design of the new jail.
- The Lousetown Road Project will change under the CIP. The cost is subject to change in relation to how much can be completed over time vs inflation of material and labor.

Commissioner Gilman said he supported the changes and the plan. Commissioner Mitchell agreed, but added he wanted to bring up the parking around the Gold Hill Depot. County Manager Austin reminded the Commissioners that it was just a plan.

Comptroller Jennifer McCain said that there were several rail projects that were removed from the CIP on the advice of the District Attorney's Office.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the presented FY25 Storey County Capital Improvement Plan. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**14. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible action to acknowledge that the \$250,000.00 liability owed by the Nevada Commission for the Reconstruction of the V & T Railway, a body corporate and politic of the State of Nevada, to the County of Storey, a political subdivision of the State of Nevada, which was created in the V&T Interlocal Agreement of 2010 was eliminated in the superseding V&T Interlocal Agreement of 2020, and to direct staff to remove the liability in the appropriate accounting records.

Deputy District Attorney Brian Brown said this is a financial housekeeping item due to an interlocal agreement between the county and the Commission for the Reconstruction of the

V&T Railway. The Commission had planned to provide \$250,000 to add to the County's \$250,000 to purchase the V&T Freight Depot in 2010, and a new agreement was signed in 2020. The Depot was purchased by the County in 2019. The \$250,000 obligation was not carried over and was eliminated by the 2020 agreement, which superseded the 2010 agreement. The property is solely in the name of Storey County, and the Railway Commission owes no debt to Storey County.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to acknowledge that the \$250,000.00 liability owed by the Nevada Commission for the Reconstruction of the V & T Railway, a body corporate and politic of the State of Nevada, to the County of Storey, a political subdivision of the State of Nevada, which was created in the V&T Interlocal Agreement of 2010 was eliminated in the superseding V&T Interlocal Agreement of 2020, direct staff to remove the liability in the appropriate accounting records. Seconded by: Lance Gilman. Vote: Motion passed unanimously.

#### **15. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR LICENSING BOARD**

**16. DISCUSSION/FOR POSSIBLE ACTION:** For consideration and possible approval of the First Reading On-Sale/Off-Sale Liquor License. The applicant is Arturo Valadez, Bonanza Cantina located at 27 North C Street, Virginia City, Nevada.

The item was postponed until the next commission meeting as requested by Chairman Carmona.

Public Comment: Gary Schmidt spoke in favor of the licensee. He said that other license applications are being expedited, such as business licensing in the industrial park, which he supports, and the practice should apply to other licenses throughout the community, especially in our downtown corridor.

**Motion:** I, Commissioner Mitchell, move to continue Item #16, to our next regularly scheduled meeting, which will be April 20, 2024, here at the courthouse and on Zoom.  
**Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

#### **17. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

**18. DISCUSSION ONLY:** Consideration for an additional expenditure of approximately \$885,490.52 for the Lockwood Senior Center Rebuild Project, due to the cost of inflation for goods and services since the initial estimate in January 2023.

Administrative Officer Honey Coughlin said due to a delay accessing portals of Housing and Urban Development, grant funder, costs went up from \$4,759,226.80 (\$559.51 per sf) to \$5,644,717.32 (\$663.62 sf). This is the estimated cost and is expected to rise.

Commissioner Mitchell asked about trends and if HUD portals will be easier for projects in the future. Ms. Coughlin said other entities have had similar issues, and she said she would not seek funding through this agency.

Public Comment: None

- 19. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of Memorandum of Understanding (MOU) between Storey County and CC Communications (ongoing operation of Churchill County, Nevada) to deploy and provide rate structures for fiberoptic broadband internet service to residential, commercial, and enterprise customers in Storey County, and other properly related matters.

IT Director James Deane said this effort would bring fiber optic options to Storey County. He said CC Communications would be a new provider. This MOU will allow CC Communications (ongoing operation of Churchill County, Nevada) to deploy and provide broadband internet services in Storey County. Installation and service rates will be charged to subscribing customers in accordance with the rate schedule enclosed herewith. This item will be preceded by consideration of a Broadband Service Agreement between Storey County and CC Communications for the deployment and maintenance of fiberoptic broadband network infrastructure in Storey County and to provide residential broadband internet, Commercial Broadband Service, and Enterprise Broadband Service.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve Memorandum of Understanding (MOU) between Storey County and CC Communications (ongoing operation of Churchill County, Nevada) to deploy and provide rate structures for fiberoptic broadband internet service to residential, commercial, and enterprise customers in Storey County. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 20. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of Service Provider Agreement between CC Communications (ongoing operation of Churchill County, Nevada) and Storey County for the deployment and maintenance of fiberoptic broadband network infrastructure in Storey County and to provide Residential Broadband Internet, Commercial Broadband Service, and Enterprise Broadband Service for 10 years, with an initial payment of \$1,500,000 made to CC Communications by Storey County, in accordance with the Memorandum of Understanding between the parties approved by the board on or before this agreement, and other properly related matters.



Mr. Deane said this is a budgeted line item for installation that will connect all government buildings. This will support large infrastructure projects in the future and is a long-term investment. He said it was compatible with existing county infrastructure.

Commissioners Gilman and Mitchell supported this item. County Manager Austin Osborne provided additional maps he wanted to be included. He said this is important because it will include broadband services to the residents, not just the government.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the Service Provider Agreement between CC Communications (ongoing operation of Churchill County, Nevada) and Storey County for the deployment and maintenance of fiberoptic broadband network infrastructure in Storey County and to provide Residential Broadband Internet, Commercial Broadband Service, and Enterprise Broadband Service for 10 years, with an initial payment of \$1,500,000 made to CC Communications by Storey County, in accordance with the Memorandum of Understanding between the parties approved by the board on or before this agreement. I further move that we incorporate the addendum of maps that were presented at the meeting today, as well as changing the name on the second exhibit to Exhibit B.

**Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**21. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and consideration of the board's position responding to the Nevada Governor's Office of Economic Development (GOED) requesting from Storey County a letter of acknowledgement regarding an application to GOED for partial Sales and Use Tax Abatement and Personal Property Tax Abatement for a data center planned to operate in Storey County. There are no real property tax abatements proposed. The tax abatements are subject to GOED approval per NRS 360 as a "standard partial abatement" for expansion and recycling.

Mr. Osborne said that in accordance with the state's abatement policy we are asked to acknowledge a data center company coming into Storey County, offering 98 percent of sales and use tax abatement, real property tax of 0 percent, and 75 percent personal property tax abatement. Investment is \$150 million and 10 employees.

Commissioners Gilman and Mitchell supported the letter. Commissioner Mitchell said there was a concern about an incorrect name. He suggested noting the discrepancy in the letter or continuing the item. He was also concerned about the time it took to send the letter to Storey County.

Mr. Austin said he would include Mr. Mitchell's concerns in the letter.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to direct county staff to submit a letter to GOED acknowledging an application to GOED for the specified Data Center Sales and Use Tax Abatement and Personal Property Tax Abatement for a data center planned to operate in Storey County, to include comments about the concerns discussed here on the record.

**Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**22. DISCUSSION/FOR POSSIBLE ACTION:** For consideration and possible approval of business license second readings:

- A. Bonanza Cantina – General / 27 N. C St. ~ Virginia City, NV
- B. FS Solar Nevada LLC – Contractor / 4801 Freidrich Ln. Ste. 100 ~ Austin, TX
- C. Pacific Erectors Inc. – Contractor / 4460 Yankee Hill Rd. ~ Rocklin, CA
- D. The Berg Group LLC – Contractor / 1225 Lakeview Dr. ~ Chaska, MN

Public Comment: Gary Schmidt expressed concerns about conditions imposed on the Bonanza Cantina. He said some say it is harder to open a storefront in Virginia City than it is to start a megaplant in TRIC. He asked that the restaurant owner be refunded for costs he paid to the county.


**Motion:** I, Commissioner Mitchell, move to approve the second readings of business licenses under item #22 listed as A-D. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**23. PUBLIC COMMENT (No Action):** Gary Schmidt said as a candidate for county commissioner, the most important thing is to listen to the people. He said he is proud of Virginia City. He then made a public records request for all policies and procedures and information including educational classes or training. He said violating the open meeting law, required removal from office and any legal advice to the county should be in writing. Mr. Schmidt stated that he was in support of increasing the size of the BoCC to five commissioners.

**24. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

Commissioner Carmona adjourned the meeting at 12:23 p.m.

Respectfully submitted,



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Jim Hindle  
Clerk & Treasurer

**Appendix**  
**to the Minutes of**  
**March 19<sup>th</sup>, 2024 HANDOUTS**  
**IN THE MEETING**

## CHAPTER 241 - MEETINGS OF STATE AND LOCAL AGENCIES

<u>NRS 241.010</u>	<b>Legislative declaration and intent.</b>
<u>NRS 241.015</u>	<b>Definitions.</b>
<u>NRS 241.016</u>	<b>Application of chapter; exempt meetings and proceedings; specific exceptions; circumvention of chapter.</b>
<u>NRS 241.017</u>	<b>Board of Regents to establish requirements for student governments.</b>
<u>NRS 241.020</u>	<b>Meetings to be open and public; size of facilities; limitations on closure of meetings; notice of meetings; copy of materials; exceptions.</b>
<u>NRS 241.023</u>	<b>Requirements for holding meeting by remote technology system.</b>
<u>NRS 241.025</u>	<b>Designee of member of public body not allowed; exception.</b>
<u>NRS 241.028</u>	<b>Holding closed meeting to engage in certain predecisional and deliberative discussions with federal agency.</b>
<u>NRS 241.030</u>	<b>Holding closed meeting to consider character, misconduct, competence or health of person, to prepare, revise, administer or grade examinations or to consider appeal of results of examination; waiver of closure of meeting by certain persons.</b>
<u>NRS 241.031</u>	<b>Meeting to consider character, misconduct or competence of elected member of public body or certain public officers.</b>
<u>NRS 241.033</u>	<b>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.</b>
<u>NRS 241.034</u>	<b>Meeting to consider administrative action against person or acquisition of real property by exercise of power of eminent domain: Written notice required; exception.</b>
<u>NRS 241.035</u>	<b>Public meetings: Minutes; aural and visual reproduction; transcripts.</b>
<u>NRS 241.0353</u>	<b>Certain statements and testimony are privileged.</b>
<u>NRS 241.0355</u>	<b>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.</b>
<u>NRS 241.0357</u>	<b>Authority to delegate decisions regarding litigation.</b>
<u>NRS 241.036</u>	<b>Action taken in violation of chapter void.</b>
<u>NRS 241.0365</u>	<b>Action taken by public body to correct violation of chapter; timeliness of corrective action; effect.</b>
<u>NRS 241.037</u>	<b>Action by Attorney General or person denied right conferred by chapter; limitation on actions.</b>
<u>NRS 241.039</u>	<b>Complaints; enforcement by Attorney General; confidentiality of information compiled during investigation; subpoenas; penalty for failure or refusal to comply with subpoena; exception for public records; completion of investigation.</b>
<u>NRS 241.0395</u>	<b>Inclusion of item acknowledging finding by Attorney General of violation by public body on next agenda of meeting of public body; effect of inclusion.</b>
<u>NRS 241.040</u>	<b>Criminal and civil penalties; members attending meeting in violation of chapter not accomplices; reliance on legal advice.</b>

**NRS 241.010 Legislative declaration and intent.** 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.

(Added to NRS by 1960, 25; A 1977, 1099; 2013, 727; 2019, 3618)

**NRS 241.015 Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, 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, whether in person or by means of electronic communication, 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. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

3. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, 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, whether in person or by means of electronic communication, 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, whether in person or by means of electronic communication:

(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) 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.

4. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons 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 a library foundation as defined in NRS 379.0056, 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, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201; and

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action.

5. "Quorum" means a simple majority of the membership of a public body or another proportion established by law.

6. "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

7. "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

8. "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

(Added to NRS by 1977, 1098; A 1993, 2308, 2624; 1995, 716, 1608; 2001, 1123, 1836; 2009, 2214; 2011, 2384; 2013, 727; 2015, 1054; 2017, 523; 2019, 3619; 2021, 1205)

### **NRS 241.016 Application of chapter; exempt meetings and proceedings; specific exceptions; circumvention of chapter.**

1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding.

È prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

(Added to NRS by 2013, 726; A 2015, 1055; 2017, 57, 990, 1597, 2462, 2510; 2019, 46, 165, 1029, 1076, 1984, 3743, 4025; 2021, 305, 928, 1092, 2337, 3163, 3697)

**NRS 241.017 Board of Regents to establish requirements for student governments.** The Board of Regents of the University of Nevada shall establish for the student governments within the Nevada System of Higher Education requirements equivalent to those of this chapter and shall provide for their enforcement.

(Added to NRS by 1983, 1013; A 1993, 369)—(Substituted in revision for NRS 241.038)

**NRS 241.020 Meetings to be open and public; size of facilities; limitations on closure of meetings; notice of meetings; copy of materials; exceptions.**

1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

(1) Use the remote technology system to hear and observe the meeting;

(2) Participate in the meeting by telephone; and

(3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

(b) A list of the locations where the notice has been posted.

(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

(1) A list of the locations where the supporting material is available to the public; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

È The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No

action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

È The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

È If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a