
SENATE BILL NO. 158—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 16, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining by local governments. (BDR 23-704)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to local governments; requiring the governing body of a local government to make certain information available to the public before the governing body meets to approve a collective bargaining agreement or similar agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 If a local government employer is a party to a collective bargaining agreement
2 or similar agreement, existing law requires that the agreement be approved at a
3 public hearing by the governing body of the local government employer. (NRS
4 288.153) **Section 1** of this bill requires that a copy of the proposed agreement and
5 certain supporting material relating to the agreement be made available to the
6 public not less than 3 business days before the hearing, either by posting the
7 documents on the Internet website of the local government or, if the local
8 government does not have such a website, by depositing the documents with the
9 clerk of the governing body. Any document so deposited is a public record and
10 must be open for public inspection.

11 Existing law provides for the public dissemination of any supporting material
12 provided to a public body in connection with a meeting of the body, and establishes
13 the time within which such material must be made available to the public. (NRS
14 241.020) **Section 2** of this bill revises those provisions to conform with the
15 requirements of **section 1**.



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

1 **Section 1.** NRS 288.153 is hereby amended to read as follows:

2 288.153 **1.** Any new, extended or modified collective
3 bargaining agreement or similar agreement between a local
4 government employer and an employee organization must be
5 approved by the governing body of the local government employer
6 at a public hearing. ~~[The]~~

7 **2.** *Not less than 3 business days before the date of the*
8 *hearing, the governing body shall cause the following documents*
9 *to be posted and made available for downloading on the Internet*
10 *website of the local government or, if the local government does*
11 *not have such a website, deposited with the clerk of the governing*
12 *body:*

13 **(a)** *The proposed agreement and any exhibits or other*
14 *attachments to the proposed agreement;*

15 **(b)** *If the proposed agreement is a modification of a previous*
16 *agreement, a document showing any language added to or deleted*
17 *from the previous agreement; and*

18 **(c)** *Any supporting material prepared for the governing body*
19 *and relating to the fiscal impact of the agreement.*

20 **3.** *Any document deposited with the clerk of the governing*
21 *body pursuant to subsection 2 is a public record and must be open*
22 *for public inspection pursuant to NRS 239.010.*

23 **4.** *At the hearing, the* chief executive officer of the local
24 government shall report to the *governing body of the* local
25 government the fiscal impact of the agreement.

26 **Sec. 2.** NRS 241.020 is hereby amended to read as follows:

27 241.020 **1.** Except as otherwise provided by specific statute,
28 all meetings of public bodies must be open and public, and all
29 persons must be permitted to attend any meeting of these public
30 bodies. A meeting that is closed pursuant to a specific statute may
31 only be closed to the extent specified in the statute allowing the
32 meeting to be closed. All other portions of the meeting must be open
33 and public, and the public body must comply with all other
34 provisions of this chapter to the extent not specifically precluded by
35 the specific statute. Public officers and employees responsible for
36 these meetings shall make reasonable efforts to assist and
37 accommodate persons with physical disabilities desiring to attend.

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

41 **(a)** The time, place and location of the meeting.

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



1 (c) The name and contact information for the person designated
2 by the public body from whom a member of the public may request
3 the supporting material for the meeting described in subsection 5
4 and a list of the locations where the supporting material is available
5 to the public.

6 (d) An agenda consisting of:

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

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

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

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

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

24 ➤ The provisions of this subparagraph do not prohibit a public body
25 from taking comments by the general public in addition to what is
26 required pursuant to sub-subparagraph (I) or (II). Regardless of
27 whether a public body takes comments from the general public
28 pursuant to sub-subparagraph (I) or (II), the public body must allow
29 the general public to comment on any matter that is not specifically
30 included on the agenda as an action item at some time before
31 adjournment of the meeting. No action may be taken upon a matter
32 raised during a period devoted to comments by the general
33 public until the matter itself has been specifically included on an
34 agenda as an item upon which action may be taken pursuant to
35 subparagraph (2).

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

40 (5) If, during any portion of the meeting, the public body will
41 consider whether to take administrative action against a person, the
42 name of the person against whom administrative action may be
43 taken.

44 (6) Notification that:

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



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

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

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

10 3. Minimum public notice is:

11 (a) Posting a copy of the notice at the principal office of the
12 public body or, if there is no principal office, at the building in
13 which the meeting is to be held, and at not less than three other
14 separate, prominent places within the jurisdiction of the public body
15 not later than 9 a.m. of the third working day before the meeting;

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

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

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

29 (2) If feasible for the public body and the requester has
30 agreed to receive the public notice by electronic mail, transmitted to
31 the requester by electronic mail sent not later than 9 a.m. of the third
32 working day before the meeting.

33 4. If a public body maintains a website on the Internet or its
34 successor, the public body shall post notice of each of its meetings
35 on its website unless the public body is unable to do so because of
36 technical problems relating to the operation or maintenance of its
37 website. Notice posted pursuant to this subsection is supplemental to
38 and is not a substitute for the minimum public notice required
39 pursuant to subsection 3. The inability of a public body to post
40 notice of a meeting pursuant to this subsection as a result of
41 technical problems with its website shall not be deemed to be a
42 violation of the provisions of this chapter.

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

45 (a) An agenda for a public meeting;



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

3 (c) Subject to the provisions of subsection 6 or 7, as applicable,
4 any other supporting material provided to the members of the public
5 body for an item on the agenda, except materials:

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

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

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

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

19 6. ~~[A]~~ *Unless it must be made available at an earlier time*
20 *pursuant to NRS 288.153, a* copy of supporting material required to
21 be provided upon request pursuant to paragraph (c) of subsection 5
22 must be:

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

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

31 ➤ If the requester has agreed to receive the information and material
32 set forth in subsection 5 by electronic mail, the public body shall, if
33 feasible, provide the information and material by electronic mail.

34 7. ~~[The]~~ *Unless the supporting material must be posted at an*
35 *earlier time pursuant to NRS 288.153, the* governing body of a
36 county or city whose population is 45,000 or more shall post the
37 supporting material described in paragraph (c) of subsection 5 to its
38 website not later than the time the material is provided to the
39 members of the governing body or, if the supporting material is
40 provided to the members of the governing body at a meeting, not
41 later than 24 hours after the conclusion of the meeting. Such posting
42 is supplemental to the right of the public to request the supporting
43 material pursuant to subsection 5. The inability of the governing
44 body, as a result of technical problems with its website, to post



1 supporting material pursuant to this subsection shall not be deemed
2 to be a violation of the provisions of this chapter.

3 8. A public body may provide the public notice, information or
4 supporting material required by this section by electronic mail.
5 Except as otherwise provided in this subsection, if a public body
6 makes such notice, information or supporting material available by
7 electronic mail, the public body shall inquire of a person who
8 requests the notice, information or supporting material if the person
9 will accept receipt by electronic mail. If a public body is required to
10 post the public notice, information or supporting material on its
11 website pursuant to this section, the public body shall inquire of a
12 person who requests the notice, information or supporting material
13 if the person will accept by electronic mail a link to the posting on
14 the website when the documents are made available. The inability of
15 a public body, as a result of technical problems with its electronic
16 mail system, to provide a public notice, information or supporting
17 material or a link to a website required by this section to a person
18 who has agreed to receive such notice, information, supporting
19 material or link by electronic mail shall not be deemed to be a
20 violation of the provisions of this chapter.

21 9. As used in this section, "emergency" means an unforeseen
22 circumstance which requires immediate action and includes, but is
23 not limited to:

24 (a) Disasters caused by fire, flood, earthquake or other natural
25 causes; or

26 (b) Any impairment of the health and safety of the public.

27 **Sec. 3.** This act becomes effective on July 1, 2015.

