

Via Email

February 20, 2026

Nevada Department of Business & Industry
CIC Task Force

Re: Agenda Item 5.1 — Definition of “Meeting” Under NRS 116

Dear Director Sanchez and Members of the CIC Task Force:

I submit the following comments regarding Agenda Item 5.1 addressing the definition of a “meeting” under NRS Chapter 116 and refer the Task Force to my July 2025 NRS 233B petition currently on file with the Division addressing this same issue.

I find it difficult to explain — and frankly inexplicable — that NRS Chapter 116, now nearly four decades old, still does not define the term “meeting,” despite the statute regulating in great detail, and under extraordinary legislative scrutiny, how executive boards must conduct meetings, when owners may attend them, and what subjects may be discussed privately.

I find Advisory Opinion 11-01 equally confusing. The Opinion squarely asks what constitutes a meeting, acknowledges the ambiguity, and ultimately provides no definition or regulatory resolution. The question was identified yet left unanswered for more than fifteen years, during which no regulatory action or rulemaking has engaged to clarify it.

The discussion materials for this agenda are potentially misleading in framing NRS 116 as not containing a provision “explicitly authorizing action without a meeting.” Correctly understood, nothing in NRS 116 suggests meetings exist only when formal action occurs. The statute regulates meetings based on subjects discussed and participation rights, not merely votes.

NRS 116.31083 establishes notice requirements and guarantees owners the right to attend and speak before the executive board. NRS 116.31085 strictly limits the matters that may be discussed in executive session. These provisions make sense only if the Legislature intended deliberation — not just final votes — to occur within the meeting structure. If a quorum may freely deliberate association business outside noticed meetings so long as no vote occurs, the statutory limits on executive session become meaningless.

Chapter 116 repeatedly assumes that board business occurs in meetings observable by owners. Participation rights exist so owners may hear the reasoning behind decisions before they are finalized. Allowing deliberations to occur through workshops, serial communications, or email exchanges — simply because they are not labeled meetings — preserves the form of transparency while eliminating its substance.

In 2011, as noted in Advisory Opinion 11-01, the Legislature directly considered Assembly Bill 389, which proposed applying Nevada’s Open Meeting Law to common-interest communities. Legislative testimony described associations as “the form of self-government closest to the

people” and emphasized openness and homeowner participation as core governance principles. The proposal was not adopted because lawmakers concluded portions of NRS Chapter 116 already provided stronger meeting notice protections than those contained in the Open Meeting Law and did not wish homeowners to be left “worse off in terms of notice.” The Legislature therefore preserved Chapter 116 as Nevada’s tailored transparency framework for associations — not a private corporate governance model.

The real issue before the Task Force is the absence of a statutory definition. When statutes omit commonly understood terms, it is routine and appropriate to look to related Nevada statutes for guidance. Nevada already has a well-developed definition of “meeting” used for public bodies under the Open Meeting Law. While NRS Chapter 241 does not apply directly to common-interest communities, its definition provides a logical and consistent framework for filling the gap in Chapter 116.

As explained in the Nevada Attorney General’s Open Meeting Law training materials, a meeting requires: **Quorum + Deliberation or Action.**

Where:

- **Quorum** means a simple majority of the total body or other proportion established by law;
- **Deliberate** means collectively to examine, weigh, and reflect upon the reasons for or against an action; and
- **Action** means a majority vote of the members present.

The same materials further explain that serial communications or “walking quorums” constitute a constructive meeting and that electronic communication between a quorum of members can constitute a meeting.

This definition recognizes that deliberation itself — not merely voting — is the core concern of open governance. Applying this definition does not import the Open Meeting Law wholesale. It simply provides a coherent meaning for a term Chapter 116 relies upon but never defines.

Chapter 82 is a default statute. Chapter 116 is a specialized governance framework enacted precisely because homeowners associations exercise powers unlike ordinary nonprofits. Allowing Chapter 82 to authorize deliberation outside meetings would allow the general statute to override the specific one and would nullify owner participation rights expressly created by Chapter 116.

I respectfully request that the Task Force recommend adoption of a definition consistent with Nevada’s established governance framework: *a gathering of a quorum of directors, whether in person, through remote technology, or by means of electronic communication, to deliberate toward a decision or to take action on association business.*

Such clarification would align interpretation with legislative intent, restore consistency statewide, and preserve the transparency principles embedded throughout NRS Chapter 116.

Interpreting “meeting” otherwise would allow deliberation to occur in settings where owners possess no statutory right to observe or participate, a result inconsistent with the structure of Chapter 116 itself.

Thank you for your consideration.

Respectfully submitted,

/s/ Mike Kosor

Mike Kosor
NVHOAReform.com

