

## CURRENT:

# Nevada Advisory Council on Federal Assistance By-Laws

### ARTICLE I – NAME

### ARTICLE II – CREATION & PURPOSE

#### Section 1. Creation

In compliance with the legislative session year 2015, Senate Bill (SB) 214, and Governor Brian Sandoval approval, the Council was created.

#### Section 2. Purpose

The Council shall advise and assist state and local agencies with respect to obtaining and maximizing federal assistance.

### ARTICLE III – ROLES & RESPONSIBILITIES

#### Section 1. SB 214

SB 214 includes the Nevada Advisory Council on Federal Assistance responsibilities that the Council shall:

SB 214 includes the Council responsibilities that may:

## PROPOSED

# Nevada Advisory Council on Federal Assistance Bylaws

### Article I – Name

### Article II – Authority & Purpose

#### Section 1. Authority

In compliance with the legislative session year 2015, Senate Bill (SB) 214, and Governor Brian Sandoval's approval, the Council was created. Authority has been codified by Nevada Revised Statute (NRS) 358.

#### Section 2. Purpose

The Council shall advise and assist state and local agencies with respect to obtaining and maximizing federal assistance. Per NRS 358.040(4), "federal assistance" means money, equipment, material or services that may be available to a state or local agency from any agency or authority of the Federal Government pursuant to a federal program.

### Article III – Role & Responsibilities

#### Section 1. Responsibilities

A. The Council shall:

B. The Council may:

#### Section 2. Administrative Support

The Office of Grant Procurement, Coordination and Management within the Department of Administration shall provide the Council with administrative support.

**ARTICLE IV – MEMBERSHIP & TERMS**

**Section 1. Membership**

To the extent practical, persons appointed to the Council are representative of rural and urban areas of Nevada. As established in SB 214, the Council consists of seven (7) members; membership shall include: **Required**

**Representative**

One (1) Senate member, appointed by the Majority Leader of the Senate

One (1) Assembly member, appointed by the Speaker of the Assembly

One (1) non-profit organization member providing grants in the state, appointed by the Governor

One (1) local government member, appointed by the Governor

One (1) private business member, appointed by the Governor

The Director of the Governor’s Finance Office

The Administrator of the Office of Grant Procurement, Coordination, and Management

**Article IV – Membership & Terms**

**Section 1. Membership**

To the extent practical, persons appointed to the Council are representative of rural and urban areas of Nevada. As established in NRS 358, the Council consists of seven (7) members, five (5) of which have voting rights; membership shall include:

Required Representative	Appointed By	Voting Member
One (1) Senate member	The Majority Leader of the Senate	Yes
One (1) Assembly member	The Speaker of the Assembly	Yes
One (1) non-profit organization member providing grants in the state	The Governor	Yes
One (1) local government member	The Governor	Yes
One (1) private business member	The Governor	Yes
The Director of the Governor’s Finance Office	N/A	No
The Administrator of the Office of Grant Procurement, Coordination, and Management	N/A	No

**Section 2. Appointment**

A. Three members of the Council shall be appointed by the Governor.

- B. The Senate member shall be appointed by the Majority Leader of the Senate.
- C. The Assembly member shall be appointed by the Speaker of the Assembly.
  
- D. Nothing in this subsection shall be construed to limit the Governor's authority to make a direct appointment to the Council without prior notification of the Council, or Council Chair.
  
- E. There shall be no compensation for service of Council membership service. While engaged in the business of the Council, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

### **Section 3. Subcommittees**

- A. The Council shall have the ability to create no more than four (4) standing committees, to include: legislative; regulations; special projects; and communications.
- B. Each standing committee must include a minimum of two voting member(s) of the Council.
- C. Each standing committee shall have one (1) Chair who is a member of the Council.
- D. The Council Chair shall appoint the standing committee chairs from the Council, except for the Communications Chair which will be the Council Secretary.

E. Each standing committee, through the standing committee Chair, may appoint additional non-voting members to their committee, as needed based on area of expertise and/or specific projects.

#### **Section 4. Officers**

A. The officers of the Council shall be a Chair, Vice Chair and Secretary. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Council. At the first meeting of each calendar year the Council will elect these officers from its members.

1. Council Chair.

a. Develops the agenda, with input from the council membership;

b. Conducts the Council meetings;

c. Oversees public hearings;

d. Convenes special meetings, as necessary;

e. Appoints chairpersons for any standing committees or work groups that may be formed by the Council;

f. Prepares reports as requested by the Governor, the Legislative Council Bureau (LCB), or Administrator of the Department of Administration, with approval of the Council.

2. Council Vice Chair. Serves in the absence of the Chair.

3. Council Secretary.

a. Is responsible for Standing Committee reports;

b. Ensures minutes are approved timely.

B. Council members may nominate themselves or others for either Chair or Vice Chair.

C. Notification of officer elections shall be posted as a business item on the agenda of a regularly scheduled meeting.

D. Election of each position is determined by a simple majority vote.

E. Terms of officers shall be one (1) year.

#### **Section 5. Terms**

A. A member appointed by the Governor shall serve at the pleasure of the Governor.

B. Each appointed member's term is two (2) years, and shall not serve more than three (3) terms.

C. For the three (3) Council members appointed by the Governor, the Council shall recommend appointments or reappointments to the Governor by June 30 of each odd-numbered year.

D. For the two (2) Council members appointed by Congress members, the Council shall request appointments or reappointments from the Legislative Council Bureau by June 30 of each odd-numbered year.

#### **Section 6. Vacancies**

Vacancies among the Council must be filled in the same manner as the original. The initial term shall be for the remaining length of the vacated term.

#### **Section 7. Resignation**

A member who resigns from the Council must provide written notification to the Council Chair and to the head of the agency or organization he or she was representing. The agency/organization will suggest a replacement candidate for consideration to the Chair who will then forward the consideration to the Governor.

#### **Section 8. Removal**

The Chair shall forward recommendations for a Council member's removal to the Governor and/or Legislative Council Bureau based on inactivity, defined as missing three or more meetings in a calendar year, or a conflict of interest.

#### **Article V – Meetings**

##### **Section 1. Procedures**

All proceedings and actions shall be conducted in accordance with the Nevada Open Meeting law (NRS 241.010 through 241.040, inclusive).

##### **Section 2. Quorum**

A simple majority, four Council members of which three must be voting members, shall constitute a quorum for the transaction of business.

##### **Section 3. Regular Meetings**

The regular meetings of the Council shall be held at least once per calendar year.

##### **Section 4. Special Meetings**

Special meetings may be called by the Chair. A request for special meeting can also be made by other Council members through a written request submitted to the Chair for approval or the Governor can call a special meeting.

#### **Section 5. Notice of Open Meetings**

All regular and special meetings of the Council shall be in compliance with Nevada's Open Meeting law and posted accordingly.

#### **Section 6. Voting**

- A. All actions shall require a simple majority vote of voting Council members. Members participating in a meeting of the Council by means of a conference call, video conference, or other such means that allow for each participant to hear and be heard by each participant at the same time, shall be deemed to be present at such meeting.
- B. Voting on all matters shall be by voice vote and shall be entered in the minutes of the meeting.
- C. Each voting Council member shall have one vote.
- D. The Council Chair will have a vote on any measure before the Council. The Chair may not make or second motions.
- E. There is no substitution of voting members.

#### **Section 7. Record Keeping**

The conduct of all meetings and public access thereto, and the maintaining of all records of the Council shall be governed by Nevada's Open Meeting law, and monitored by the Council Vice Chair.

#### **Article VI – Fiscal Support**

A. As established by NRS 358, the Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

B. Any fiscal administration shall be overseen by the Nevada Department of Administration.

#### **Article VII – Conflict of Interest**

Each council member is responsible to declare when a conflict of interest exists, including any matter that would provide direct personal financial benefit for that member; association; or associated agency. When a conflict of interest exists, the conflicted member will refrain from the voting process. If a conflict of interest is known to exist but is not declared by an individual, one or more members of any group governed by these bylaws may ask that individual to refrain from the voting process.

#### **Article VIII – Statement of Non-Discrimination**



The Council is an equal opportunity / affirmative action entity. Qualified persons are considered for membership without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information or disability, as outlined the state affirmative action plan.

#### **Article IX – Revision of Bylaws**

- A. These bylaws will be reviewed at least every two (2) years or sooner as deemed necessary by the Council. Proposed amendments will be distributed to the Council members in writing at least one week prior to a regularly scheduled or special meeting. These bylaws may be altered, amended or repealed by a majority of the Council members at any regularly scheduled or special meeting in compliance with Nevada’s Open Meeting Law.
- B. These bylaws were approved and adopted at a regularly scheduled meeting of the Nevada Council on Federal Assistance on February 16, 2016.
- C. These bylaws were approved as revised and adopted at a regularly scheduled meeting of the Nevada Advisory Council on Federal Assistance on November 1, 2017.

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# Nevada Advisory Council on Federal Assistance By-Laws

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## ARTICLE I – NAME

Nevada’s state advisory council on federal assistance shall be the Nevada Advisory Council on Federal Assistance (NACFA), herein referred to as the Council.

## ARTICLE II – CREATION AUTHORITY & PURPOSE

### Section 1. ~~Creation Authority~~

In compliance with the legislative session year 2015, Senate Bill (SB) 214, and Governor Brian Sandoval’s approval, the Council was created. Authority has been codified by Nevada Revised Statute (NRS) 358.

Commented [JS1]: Change recommended. Now that the Council is established, its authority is more relevant than its creation.

Commented [JS2]: Addition recommended. Bylaws should reference the codified authority in the event that the statute is revised.

### Section 2. Purpose

The Council shall advise and assist state and local agencies with respect to obtaining and maximizing federal assistance. Per NRS 358.040(4), “federal assistance” means money, equipment, material or services that may be available to a state or local agency from any agency or authority of the Federal Government pursuant to a federal program.

Commented [JS3]: Addition recommended. As this definition is given in NRS to provide scope to the Council’s purpose, it is recommended to include in these bylaws.

## ARTICLE III – ROLES & RESPONSIBILITIES

### Section 1. ~~SB 214~~ Responsibilities

A. ~~SB 214 includes the Nevada Advisory Council on Federal Assistance responsibilities that~~ The Council shall:

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1. On or before December 31<sup>st</sup> of each year, prepare and submit a report outlining the activities and recommendations of the Council to: The Governor, and the Director of the Legislative Counsel Bureau for transmittal.
2. Within the scope of authority, advise and assist state and local agencies with respect to obtaining and maximizing federal assistance.
3. Address methods and models for identifying, procuring, utilizing and maintaining federal assistance, including, without limitation:
  - a. Streamlining regulatory, structural and other barriers to the acquisition of federal assistance that may exist at federal, state or local levels.
  - b. Developing or expanding opportunities for obtaining matching funds for federal assistance.

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- c. Ensuring sufficient personnel and technical expertise in state and local government, and non-profit organizations.
  - d. Developing or expanding opportunities to work with local government and non-profit organizations to achieve common goals.
  - e. Establishing standards for balancing the costs to a state or local agency of maximizing eligibility for federal assistance relative to the ability of the agency to effectively utilize federal assistance.
4. Develop legislative and executive recommendations.

**B. SB 214 includes the Council responsibilities that may:**

1. Request information from state and local agencies for purposes of evaluating and monitoring the success of such agencies.
2. Appoint committees from its members.
3. Engage the services of volunteer workers and consultants without compensation.

**Section 2. Administrative Support**

The Office of Grant Procurement, Coordination and Management within the Department of Administration shall provide the Council with administrative support.

3.

**ARTICLE IV – MEMBERSHIP & TERMS**

**Section 1. Membership**

To the extent practical, persons appointed to the Council are representative of rural and urban areas of Nevada. As established in SB 214 NRS 358, the Council consists of seven (7) members, five (5) of which have voting rights; membership shall include:

Required Representative	Appointed By	Voting Member	Officer Designation	Term Expires
One (1) Senate member, appointed by the Majority Leader of the Senate	The Majority Leader of the Senate	Yes	Senator Pete Goicoechea	10/2017
One (1) Assembly member, appointed by the Speaker of the Assembly	The Speaker of	Yes	Assemblyman Derek Armstrong	10/2017

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 Commented [JS4]: Addition recommended. As the Grant Office provides support to the Council, this should be incorporated into the bylaws to clarify the relationship of the Grant Office to the Council.

FYI Only: Note that an error was introduced into NRS 358.020(8) after enrollment, and the Grant Office is working with LCB to correct this error. NRS currently states that the Office of Finance shall provide the support to the Council.

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Commented [JS5]: Change recommended. Reappointment information was confused throughout these bylaws. Presenting the information more clearly in this table should provide an easy reference.

Commented [JS6]: Addition recommended. Voting membership information has been absent from these bylaws; Voting members are described in NRS 358.020(2).

Commented [JS7]: Change recommended. Including membership appointments, officer designations, or term limit information in the bylaws causes bylaws to be out of date very quickly. On behalf of the Council, the Grant Office can keep a separate document to track Council membership and term information.

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		<u>the Assembly</u>			
One (1) non-profit organization member providing grants in the state, <del>appointed by the Governor</del>	<u>The Governor</u>	<u>Yes</u>	<u>Zanny Marsh, Red Cross</u>	<u>10/2017</u>	
One (1) local government member, <del>appointed by the Governor</del>	<u>The Governor</u>	<u>Yes</u>	<u>Tim Burch, Clark County</u>	<u>10/2017</u>	
One (1) private business member, <del>appointed by the Governor</del>	<u>The Governor</u>	<u>Yes</u>	<u>John Ritter, FOCUS group</u>	<u>10/2017</u>	
The Director of the Governor's Finance Office	<u>N/A</u>	<u>No</u>	<u>James Wells</u>	<u>N/A</u>	
The Administrator of the Office of Grant Procurement, Coordination, and Management	<u>N/A</u>	<u>No</u>	<u>Sheila Lambert</u>	<u>N/A</u>	

**Section 2. Appointment**

- A. ~~Officers and~~ Three members of the Council shall be appointed by the Governor, ~~excluding Senate and Assembly members.~~
- B. The Senate member shall be appointed by the Majority Leader of the Senate.
- C. The Assembly member shall be appointed by the Speaker of the Assembly.
- D. Nothing in this subsection shall be construed to limit the Governor's authority to make a direct appointment to the Council without prior notification of the Council, or Council Chair.
- E. There shall be no compensation for service of Council membership service. While engaged in the business of the Council, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

**Commented [JS8]:** Change required. Recommend striking "officers" as this contradicts Section 4. Officers are elected. Per NRS, only three of seven members are appointed by the Governor.

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**Section 3. Subcommittees**

- A. The Council shall have the ability to create no more than four (4) standing committees, to include: legislative; regulations; special projects; and communications.
- B. Each standing committee must include a minimum of two voting member(s) of the Council.
- C. Each standing committee shall have one (1) Chair who is a voting member of the Council.

**Commented [JS9]:** FYI Only. Per NRS, Council members are entitled to travel allowances; however, the Grant Office does not have budget to support such allowances and no appropriation has been to support Council activities and travel. At the advice of Wayne Howle, the Grant Office is following up with a budget analyst for a preventative solution.

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**Commented [JS10]:** FYI Only. Bylaws are nonbinding. Should the Council choose, it may create more than (4) standing committees.

**Commented [JS11]:** Change recommended. Because of this rule in relationship to rule D below, the Council Secretary must be a voting member of the Council. Note that the Council has been out of compliance with the bylaws by electing Sheila/Connie as Secretary, and this change will correct the issue.

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- D. The Council Chair shall appoint the standing committee chairs from the Council, except for the Communications Chair which will be the Council Secretary.
- E. Each standing committee, through the standing committee Chair, may appoint additional non-voting members to their committee, as needed based on area of expertise and/or specific projects.

**Section 4. Officers**

- A. The officers of the Council shall be a ~~Council~~ Chair, ~~Council~~ Vice Chair and Secretary. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Council. At the first meeting of each calendar year the Council will elect these officers from its members.
  - 1. Council Chair.
    - a. ~~The Council Chair shall d~~Develops the agenda, with input from the council —membership;
    - b. ~~They shall c~~Conducts the Council meetings;
    - c. ~~They shall o~~Oversees public hearings;
    - d. ~~They shall c~~Convenes special meetings, as necessary;
    - e. ~~They shall appoint~~Appoints chairpersons for any standing committees or work groups that may be formed by the Council;
    - f. ~~They shall p~~Prepares reports as requested by the Governor, the Legislative Council Bureau (LCB), or Administrator of the Department of Administration, with approval of the Council.
  - 2. Council ~~Ce~~Vice Chair. Serves in the absence of the Chair.
  - 3. Council Secretary.
    - a. ~~Is R~~Responsible for Standing Committee reports;
    - b. Ensures minutes are approved timely;
- 4. ~~B~~Council members may nominate themselves or others for either Chair or ~~Ce~~ Vice Chair.
- 5. ~~C~~ Notification of officer elections shall be posted as a business item on the agenda of a regularly scheduled meeting.
- 6. ~~D~~ Election of each position is determined by a simple majority vote.
- 7. ~~E~~ Terms of officers shall be every two one (12) years.

**Section 5. Terms**

- A. A member appointed by the Governor shall serve at the pleasure of the Governor.

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Commented [JS12]: Change required. This contradicts the current requirement that officer elections take place every year, which is mandated by NRS.

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Commented [JS13]: Change required. Only three (3) of seven (7) members serve at the pleasure of the Governor (i.e. by appointment) per NRS.

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B. Each appointed member's term is two (2) years, and shall not serve more than three (3) terms.

Commented [JS14]: Change required. Correction per NRS 358.020(5).  
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C. Terms of membership are staggered so that no more than one-third of the Council is up for reappointment each year. For the three (3) Council members appointed by the Governor, the Council shall recommend appointments or reappointments to the Governor by June 30 of each odd-numbered year.

Commented [JS15]: Change required. Staggering is not a requirement in NRS 358 and staggering was not introduced in the bill, though the legislature knows how to incorporate this into a bill, if they choose to. Five council members are appointed; one-third of five is unenforceable as written.

D. For the two (2) Council members appointed by Congress members, the Council shall request appointments or reappointments from the Legislative Council Bureau by June 30 of each odd-numbered year.

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### Section 6. Vacancies

Vacancies among the Council must be filled in the same manner as the original. The initial term shall be for the remaining length of the vacated term.

Commented [JS16]: Change recommended. Clarification needed as all Council members may not be reappointed by the Governor. All terms expire in odd-numbered years and this additional guidance provides a timeline to ensure the Council is fully staffed prior to term expirations in October.

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### Section 7. Resignation

A member who resigns from the Council must provide written notification to the Council Chair of the Council and to the head of the agency or organization he or she was representing. The agency/organization will suggest a replacement candidate for consideration to the Chair who will then forward the consideration to the Governor.

### Section 8. Removal

A. The Chair shall forward recommendations for a Council member's removal to the Governor and/or Legislative Council Bureau based on inactivity, defined as missing three or more meetings in a calendar year, or a conflict of interest.

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## ARTICLE V – MEETINGS

### Section 1. Procedures

All proceedings and actions shall be conducted in accordance with the Nevada Open Meeting law (N.R.S. 241.010 through 241.040, inclusive).

### Section 2. Quorum

A simple majority, ~~three-four~~ Council members of which three must be voting members, shall constitute a quorum for the transaction of business.

Commented [JS17]: Change required. Non-voting members are still Council members and count toward quorum, per NRS. A simple majority of seven is four. However, because of the distinction between non-voting and voting members, three of the four Council members present must be voting members in order to carry a vote.

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### Section 3. Regular Meetings

The regular meetings of the Council shall be held at least once per calendar year.

#### Section 4. Special Meetings

Special meetings may be called by the Chair. A request for special meeting can also be made by other Council members through a written request submitted to the Chair for approval or the Governor can call a special meeting.

#### Section 5. Notice of Open Meetings

All regular and special meetings of the Council shall be in compliance with Nevada's Open Meeting law and posted accordingly.

#### Section 6. Voting

- A. All actions shall require a simple majority vote of voting Council members ~~quorum~~. Members participating in a meeting of the Council by means of a conference call, video conference, or other such means that allow for each participant to hear and be heard by each participant at the same time, shall be deemed to be present at such meeting.
- B. Voting on all matters shall be by voice vote and shall be entered in the minutes of the meeting.
- C. Each voting Council member shall have one vote.
- D. The Council Chair will have a vote on any measure before the Council. The Chair may not make or second motions.
- E. There is no substitution of voting members.

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Commented [JS18]: Change required. This must align with NRS definition of voting council members as a quorum includes non-voting Council members.

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Commented [JS19]: Change required. This must align with NRS definition of voting council members as the Council includes non-voting members.

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#### Section 7. Record Keeping

The conduct of all meetings and public access thereto, and the maintaining of all records of the Council shall be governed by Nevada's Open Meeting law, and monitored by the Council Vice-Chair.

### ARTICLE VI – FISCAL SUPPORT

- A. As established ~~in 2015 SB 214~~ by NRS 358, the Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.
- B. Any fiscal administration shall be overseen by the Nevada Department of Administration.

Commented [JS20]: Change recommended. Bylaws should refer to codified authority.

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**ARTICLE VII – CONFLICT OF INTEREST**

Each council member is responsible to declare when a conflict of interest exists, including any matter that would provide direct personal financial benefit for that member; association; or ~~agency~~ associated agencywith. When a conflict of interest exists, the conflicted member will refrain from the voting process. If a conflict of interest is known to exist but is not declared by an individual, one or more members of any group governed by these bylaws may ask that individual to refrain from the voting process.

**ARTICLE VIII – STATEMENT OF NON-DISCRIMINATION**

The Council is an equal opportunity / affirmative action entity. Qualified persons are considered for membership without regard to race, sex, sexual orientation, gender identity or expression, religion, color, national origin, age, genetic information or disability, as outlined the state affirmative action plan.

**ARTICLE IX – REVISION OF BYLAWS**

A. These bylaws will be reviewed at least every two (2) years or sooner as deemed necessary by the Council. Proposed amendments will be distributed to the Council members in writing at least one week prior to a regularly scheduled or special meeting. These bylaws may be altered, amended or repealed by a majority of the Council members at any regularly scheduled or special meeting in compliance with Nevada’s Open Meeting Law.

B. These bylaws were approved and adopted at a regularly scheduled meeting of the Nevada Council on Federal Assistance on ~~XXXXX, XX~~February 16, 2016~~5~~.

~~B.C.~~ These bylaws were approved as revised and adopted at a regularly scheduled meeting of the Nevada Advisory Council on Federal Assistance on November 1, 2017.

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Commented [JS21]: Change required. The original date of adoption was not included in the bylaws.

Commented [JS22]: Change recommended. Logging revisions within bylaws is a documentation best practice.

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