

Nevada Advisory Council on Federal Assistance Bylaws

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 – Authority & Purpose

Section 1. Authority

In compliance with the legislative session year 2015, Senate Bill (SB) 214, and legislative session year 2021, Assembly Bill (AB) 445, Council was created (2015) and revised (2021). Authority has been codified by Nevada Revised Statute (NRS) Chapter 358.

Section 2. Purpose

The Council shall advise and assist the Director of the Office of Federal Assistance with developing and carrying out the State Plan for Maximizing Federal Assistance as required by NRS 223.486.

Article III – Role & Responsibilities

Section 1. Responsibilities

A. The Council shall:

1. On or before December 31 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. (*NRS 358.030, subsection 5, paragraphs a-b*).
2. In consultation with the Director of the Office of Federal Assistance, develop and periodically revise a State Plan for Maximizing Federal Assistance.
3. Carry out any training provided by the Director pursuant to paragraph k of subsection 1 of NRS 223.478 to include training opportunities relating to the acquisition and administration of grants, including, without limitation, compliance with requirements during the term of the grant.
4. Within the scope of authority, advise the Director of the Office of Federal Assistance in relation to the report due to the Legislative Counsel Bureau on or before January 1 of each odd-numbered year, regarding all activity to the application for, receipt of and use of grants in Nevada.

5. Address methods for expanding opportunities for obtaining federal assistance and maximizing the amount of federal assistance received by Nevada including without limitation:
 - a. Expanding opportunities for obtaining matching funds for federal assistance through the Nevada Grant Matching Program,
 - b. Methods for streamlining processes, regulatory, structural, and other barriers to the acquisition of federal assistance at the federal, state, and local government level,
 - c. Methods for effective administration of grants, including best practices relating to indirect cost allocation,
 - d. Opportunities for reducing administrative costs associated with obtaining federal assistance,
 - e. Coordination between state agencies, local agencies, tribal governments, and nonprofit organizations to avoid duplication and achieve common goals,
 - f. Tasks that must be performed to improve the administration of grants and a schedule for implementation,
 - g. Identification of performance metrics and targets related to obtaining and maximizing federal assistance and improvement of administration of grants, and
 - h. Best practices for considering whether to respond to a grant opportunity.
 6. Develop legislative and executive recommendations relating to obtaining and maximizing federal assistance in Nevada.
- B. The Council may:
1. Request information from state and local agencies for the purpose 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 Federal Assistance within the Office of the Governor shall provide the Council with administrative support.

Article IV – Membership & Terms

Section 1. Membership

To the extent practical, persons appointed to the Council are representatives of rural and urban areas of Nevada. As established in NRS 358, the Council consists of eleven (11) members, nine (9) 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 |
| One (1) nonprofit organization, local agency, or tribal government representative | The Majority Leader of the Senate | Yes |
| One (1) nonprofit organization, local agency, or tribal government representative | The Speaker of the Assembly | Yes |
| One (1) State Treasure or representative of | The State Treasurer | Yes |
| One (1) State Controller or representative of | The Comptroller's Office | Yes |
| The Director of the Governor's Finance Office | N/A | No |
| The Director of the Office of Federal Assistance | N/A | No |

Section 2. Appointment

- A. One member of the Senate appointed by the Majority Leader of the Senate.
- B. One member of the Assembly appointed by the Speaker of the Assembly.
- C. One member appointed by the Majority Leader of the Senate who represents a nonprofit organization, a local agency, or a tribal government.
- D. One member appointed by the Speaker of the Assembly who represents a nonprofit organization, a local agency, or a tribal government.
- E. One member appointed by the Governor who represents a nonprofit organization that provides grants in Nevada.
- F. One member appointed by the Governor who represents local government.
- G. One member appointed by the Governor who represents private business.
- H. The State Treasurer, who may name a designee to serve on his or her behalf.
- I. The State Controller, who may name a designee to serve on his or behalf.
- J. Nothing in this subsection should 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.
- K. There shall be no compensation 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 the Chair, Vice Chair and Secretary. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Council. Per NRS. 358.030, 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 the Director of the Office of Federal Assistance, 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 Legislative 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 within 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, five Council voting members, shall constitute a quorum for the transaction of business. *Effective July 1, 2023, for bodies not comprised entirely of elected officials, AB52 changes the general definition of a quorum to exclude vacancies.*

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 a 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 358.030, the Council may apply for and receive gifts, grants, and other money from any source for the support of the Council in carrying out the provisions as set forth in NRS 358.040.
- B. Any fiscal administration shall be overseen by the Governor's Office of Federal Assistance.

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 meetings 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.
- D. These bylaws were approved as revised and adopted at a regularly scheduled meeting of the Nevada Advisory Council on Federal Assistance on January 29, 2020.
- E. These bylaws were approved as revised and adopted at a regularly scheduled meeting of the Nevada Advisory Council on Federal Assistance on October 24, 2023.

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