

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* and Governor Brian Sandoval's approval, the Council was created *(2015) and revised (2021)*. Authority has been codified by Nevada Revised Statute (NRS) 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* ~~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:

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.
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; and*

4. *Within the scope of authority, advise the Director of the Office of Federal Assistance 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. Within the scope of authority, advise and assist state and local agencies with respect to obtaining and maximizing federal assistance.~~
- ~~7. 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.~~
 - ~~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.~~

8. 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* ~~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 representatives of rural and urban areas of Nevada. As established in NRS 358, the Council consists of *eleven (11)* ~~seven (7)~~ members, *nine (9)* ~~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

Required Representative	Appointed By	Voting Member
One (1) private business member	The Governor	Yes
<i>One (1) nonprofit organization, local agency, or tribal government representative</i>	<i>The Majority Leader of the Senate</i>	<i>Yes</i>
<i>One (1) nonprofit organization, local agency, or tribal government representative</i>	<i>The Speaker of the Assembly</i>	<i>Yes</i>
<i>One (1) State Treasurer or representative of</i>	<i>The State Treasurer</i>	<i>Yes</i>
<i>One (1) State Controller or representative of</i>	<i>The Controllers Office</i>	<i>Yes</i>
The Director of the Governor's Finance Office	N/A	No
The Administrator <i>Director of the Office of Federal Assistance</i> the Office of Grant Procurement, Coordination, and Management	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, and*
- I. The State Controller, who may name a designee to serve on his or behalf.*

- ~~J. Three members of the Council shall be appointed by the Governor.~~
- ~~K. The Senate member shall be appointed by the Majority Leader of the Senate.~~
- ~~L. The Assembly member shall be appointed by the Speaker of the Assembly.~~
- M. 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.
- N. 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 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. 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, ~~five~~ ^{four} Council 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 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* ~~accept~~ gifts, grants and *other money* ~~donations~~ from any source for the support of the Council in carrying out the provisions *as set forth in NRS 358.040* ~~of this section~~.
- B. Any fiscal administration shall be overseen by the *Governor's Office of Federal Assistance* ~~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 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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Nevada Advisory Council on Federal Assistance Bylaws Changes

Date of Revision	Section of Revision	Summary of Revision
06/2023	Article II Section 1. Authority	Updated reference to Legislative Bills providing authority and guidance to the Council including removal of reference to any particular administration
06/2023	Article II Section 2. Purpose	Revised purpose, removing old language and replacing with existing language found in NRS 223.486
06/2023	Article III Section 1. Responsibilities	Added A, #2, edited A#3 to reflect NRS change from AB 445, Added A #4 through #4 to reflect AB 445. Removed Language, #6-#7. Edited A#8 to include current language
06/2023	Article III Section 2. Administrative Support	Updated language to reflect administrative role of the Office of Federal Assistance, reflective of NRS and AB445
06/2023	Article IV Section 1. Membership	Revised membership to reflect changes in AB 445 and expansion of council
06/2023	Article IV Section 2. Appointment	Revised appointment information to reflect changes in AB 445 and expansion of council
06/2023	Article V Section 2. Quorum	Revised a simple majority from four to five and cleaned up language – quorum reflects expansion of voting members per AB 445
06/2023	Article VI –Fiscal Support	Revised language for ease of reading and citation to NRS including the role of the Office in fiscal administration of the Council
06/2023	Article IV –Revision of Bylaws	Added E. to reflect current revision and adoption TBD in August of 2023

NRS 358.020 Creation; membership; terms; vacancies; allowances and expenses; administrative support.

1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following 11 members:

- (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 this State.
- (f) One member appointed by the Governor who represents a local government.
- (g) One member appointed by the Governor who represents private businesses.
- (h) The State Treasurer, who may name a designee to serve on the Council on his or her behalf.
- (i) The State Controller, who may name a designee to serve on the Council on his or her behalf.
- (j) The Chief of the Budget Division of the Office of Finance.
- (k) The Director of the Office of Federal Assistance.

2. The members described in:

- (a) Paragraphs (a) to (i), inclusive, of subsection 1 are voting members.
- (b) Paragraphs (j) and (k) of subsection 1 are nonvoting members.

3. The Governor shall, to the extent practicable, collaborate to ensure that the persons appointed pursuant to paragraphs (e), (f) and (g) of subsection 1 are representative of the urban and rural areas of this State.

4. Each appointed member of the Council serves a term of 2 years.

5. An appointed member of the Council:

- (a) May be reappointed.
- (b) Shall not serve more than three terms.

6. Any vacancy occurring in the appointed membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs. A member appointed to fill a vacancy shall serve as a member of the Council for the remainder of the original term of appointment.

7. Each member of the Council:

- (a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

8. The Office of Federal Assistance shall provide the Council with administrative support.

(Added to NRS by 2015, 2969; A 2021, 3710, 3711)