

# **State of Nevada**



## **Board of Finance Policies and Procedures**

**Final approved**

**April 23, 2008**

# Public Meeting and Hearing Procedures

## **These rules shall govern and guide the order of business of the State of Nevada Board of Finance.**

The State of Nevada Board of Finance (hereinafter referred to as the “Board”) was established and exists by virtue of the Nevada Revised Statutes (“NRS”).

NRS Chapter 355 provides as follows:

### **NRS 355.010 Creation; members.**

1. The State Board of Finance is hereby created.
2. The State Board of Finance shall consist of the Governor, the State Controller, the State Treasurer and two other members to be appointed by the Governor for terms of 4 years each.
3. At least one of the members appointed by the Governor shall be actively engaged in commercial banking in this state.

### **NRS 355.020 Salary for appointive members; compensation for members and employees.**

1. The two members appointed by the Governor are each entitled to receive a salary of not more than \$80 per day, as fixed by the Board, for their services while actually engaged in the performance of their duties as members of the Board.
2. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

### **NRS 355.030 Legal adviser; Secretary.**

1. The Attorney General is the legal adviser of the State Board of Finance.
2. The Chief Deputy State Treasurer is ex officio Secretary of the State Board of Finance.

**NRS 355.040 Records.** The State Board of Finance shall keep a permanent record of all its meetings, in which record shall be:

1. Recorded the aye and nay vote of the members of the Board upon all questions presented to the Board.
2. Kept all opinions of the Attorney General as required by the provisions of this chapter.

**NRS 355.045 General duties.** The State Board of Finance shall review and approve or disapprove the policies established by the State Treasurer for investment of money of the State and of money in the Local Government Pooled Investment Fund. The Board shall review both sets of policies at least every 4 months.

## **Purpose and Scope**

The Board shall conduct various proceedings for the purpose of acquiring sufficient information to make fair and reasoned decisions on matters within its statutory jurisdiction. The following rules are intended to secure the just, efficient and accurate resolution of all Board proceedings.

## **Duties and Responsibilities**

Prior to each Board meeting, a package containing information relevant to each agenda item will be provided to each Board member. The Secretary will make a good faith effort to provide the information within a reasonable time period before the meeting to allow Board members time for review prior to the Board meeting. Each Board member has responsibility to review agenda materials, and may always contact the Chair or Secretary for additional information and/or clarification regarding agenda items. The Secretary shall make reasonable efforts to comply with Board member requests for information or clarification prior

to a Board meeting. The Board should make every effort to reach closure on agenda items addressed at a particular meeting.

The Board has the authority to make final determinations regarding any procedure.

### **Secretary**

Pursuant to NRS 355.030, the Chief Deputy Treasurer shall serve ex-officio as Secretary of the Board. The Secretary shall conduct the official correspondence of the Board, act as custodian of its records, notify all members of meetings, and shall furnish other such notices as required by law or by Board regulations. The Secretary shall oversee the performance of the Board's recordkeeping activities with the assistance of staff, as needed.

### **Legal Representation**

Pursuant to NRS 355.030, the Office of the Attorney General will provide legal representation to the Board during each board meeting. The Deputy Attorney General assigned to the State Board of Finance shall ensure that all actions taken are within the jurisdiction of the Board. The Deputy Attorney General assigned to the Board shall review each agenda for compliance with the law prior to posting. The Secretary and Deputy Attorney General assigned to the Board will strive to take every action necessary to ensure that all actions taken by the Board are within the purpose and scope as prescribed in the Nevada Revised Statutes.

### **Staff**

Staff is assigned through the Office of the Treasurer as necessary to perform the record-keeping and other statutory functions of the Board and to oversee the Board's operations.

### **Office hours, location, mailing address and telephone**

The Board's Office shall be deemed located at:

State Capitol Building  
Office of the Treasurer  
101 North Carson Street, Ste 4  
Carson City Nevada 89701

Correspondence shall be addressed to the Secretary. The Board's telephone number shall be (775) 684-5600.

### **Public Information**

A list of tentative dates for Board meetings shall be made available on the Board of Finance page of the State Treasurer's Website. Agendas will be supplied electronically to all those requesting such, in writing for four years. Agendas will be available on the Board of Finance web page within the State Treasurer's Website and publicly noticed according to the current State of Nevada Open Meeting Law requirements. Requests for Board agendas or other information, not available on the Board's web page must be received in writing.

### **Record of Board Actions**

In accordance with Nevada law, minutes of Board meetings and official acts shall be kept by the Secretary. Minutes of Board actions are public records and shall be available for inspection during the ordinary office

hours of the State Treasurer and available on the Board of Finance Section of the State Treasurer's Website. Final minutes shall be in summary form and made available after approval of the Board and shall also be posted on the Board's website.

The Board shall record its meetings by tape recording or other method to provide a verbatim record. Staff shall also be present to record, in writing, a summary of the meeting and the specific action taken, including the votes, motions and attendance of Board members.

### **Custodian of Record**

Persons desiring copies of Board records shall submit a written request to the Secretary, which identifies as particularly as possible the information being sought. Unless otherwise requested, records shall be transmitted in electronic format. Records requested in physical form may require reimbursement according to schedules set by Nevada's Public Records Act.

### **Preparing and Adopting Decisions and Certificates of Action**

The Secretary will be responsible for preparing and validating any certifications of actions of the Board. A request must be made to the Secretary to obtain such certification. Any such request must include the Agenda item and the date on which said item was approved by the Board.

No signs may be displayed in the meeting room during the Board's meetings.

Annually, the Board may review and revise, as necessary, these policies and procedures.

## **Meeting Guidelines**

The Board shall strive for balance in all public meetings, providing the presenter and other proponents and opponents an equal opportunity to speak. Time allocations will vary depending on the size and complexity of any issue. Continued meetings may be held at the discretion of the Board and should be held when additional information and/or negotiations are necessary. Meetings shall be continued as needed until all information requested by the Board is presented and issues requiring negotiation are resolved.

Meetings shall be scheduled every other month as needed. Special meetings shall be called by order of the Chairperson or Secretary for consideration of appropriate Board business. Each member shall be notified via electronic communication and such notice shall contain the place, date, time and subject of the meeting.

Every effort will be made to limit meetings to a maximum of 3 hours. Estimated time allocations may be assigned to each item included in the meeting agenda. Meetings will begin promptly at the scheduled time.

The Secretary will prepare the agenda in consultation with the Chairman of the Board. To be placed on an agenda, any requests and associated materials shall be submitted to the Board through the Secretary to the Board, according to the Board of Finance Tentative Schedule provided on the website and posted in the Office of the State Treasurer (Carson City and Las Vegas). Any request should include information regarding deadlines pertaining to the agenda item being requested. Exceptions may be made only through the Secretary based on the logistics and staffing in coordination with the State of Nevada's Open Meeting Law. Fifteen (15) complete copies of exhibits must be provided to the Secretary by the agency deadline

indicated on the Tentative Schedule. Exhibits should include a cover page briefly summarizing in the simplest terms possible, the nature, purpose and need for the approval from the Board.

### **Quorum**

A quorum of the Board shall consist of not less than 3 members, and a majority vote by the members present shall be necessary to pass a motion unless otherwise specified by law. In the absence of the Chair, the Board may designate a vice Chair, until such time as the Chair is available.

### **General Procedural Guidelines**

All meetings, public hearings and executive sessions shall be held in conformance with the State of Nevada's Open Meeting Laws. Notice, adjournment, or extension of any meeting shall be filed with the Office of the Treasurer and must be publicly posted in conformance with the State of Nevada's Open Meeting Law. The Board's agenda must also be posted.

No meeting or hearing may be opened without a quorum of the Board present (or 3 members) except for the purpose of continuing the meeting to a future date due to lack of a quorum.

A member shall not be qualified to vote on the matter in question:

- (a) If there is a conflict of interest or an appearance of impropriety on the part of the member; or
- (b) As may be otherwise provided under the laws of the State of Nevada.

Board members should be aware that in certain cases the discussion outside of a regularly agendized meeting among members of a governmental body on an issue of public business within the jurisdiction of the body could be a violation of the Open Meeting Law. This is true even if individual conversations occur in serial fashion. Care must be taken to meet the spirit and intent of this requirement whenever communication among Board members occurs by whatever means.

All persons testifying before the Board should address the Chairman of the Board. Unless otherwise permitted by the Chair, discussions between persons testifying before the Board and non-Board members should only occur as authorized by and through the Chair. All other persons shall be silent at the request of the Chair. If a person persists in disorderly behavior during a meeting after warning from the Chair, the Chair may order him or her to withdraw from the meeting. If the disorderly person does not withdraw, the Chair may order the Capitol Police to remove the offender.

### **Motions**

Oral motions and any oral objection to such motions shall be recorded in full in the minutes of the meeting. If the Board finds that the motion requires additional information in order to be fully and fairly considered, the Chair shall order the appropriate party to submit the motion in writing, with supporting information within five (5) business days of the order.

If a motion to approve is subject to some further action, the agency presenting the agenda item is responsible for submitting proof that the further action was fulfilled prior to the Secretary issuing any certification of the action on behalf of the Board.

## **Receiving Testimony**

1. Identify Speaker – People speaking to the Board should always identify themselves before speaking.
2. Credentials – Anyone intending to testify about a matter of a technical nature may be required by the Board to provide, verbally or in writing, the credentials qualifying them to make such technical statements.
3. Time for presentation – Provide the presenter with the specific amount of time allowed for a presentation. At his/her discretion, the Chair may limit each speaker to a specified amount of time and require that further testimony from those speakers be submitted in writing. The Chair will make every effort to allow each interested person to speak, even if only briefly. When speakers cannot make all of their comments within the allotted time, the Chair may provide the address and time frame (final date and time) for submission of further written testimony. Written testimony should be sent to the Board's Office address identified above.

## **Public Participation**

Any person who wishes to speak on the issue or issues which are the subject of the meeting shall place his or her name and address on the attendance list before the start of the agenda item in question. All whose name appears on the list as speaking shall be afforded reasonable time to speak at the appropriate time on the agenda item indicated. Reasonable time shall be determined by the Chair in considering the number of people who wish to be heard, the time allotted for the whole of the agenda and the availability of the facility in which the meeting is being held.

Written comments may be submitted any time from the time notice has been published until the meeting has been adjourned.

## **Recessing, Continuing or Closing the Meeting**

1. Recessing the public meeting – At any point in the public meeting, the Chair may recess the meeting, conduct other Board business, and then re-open the agenda item.
2. Continuations – A continued meeting must always be continued to a date, time and place certain. This may include continuation to a later time during the same meeting when, for example, another posted meeting is due to be started in the same location, or a presenter whose testimony, in the opinion of the Chair is important to the meeting, cannot be in attendance until later in the meeting. Check with other Board members and the Secretary for future meeting dates and available times. The Secretary will provide an update on any discussions between the staff, the presenter or others that have taken place since the last public meeting or any relevant materials received. Meetings continued to a different day must follow the same posting requirements of the State of Nevada's Open Meeting Law.
3. Closing the meeting – The Board shall provide an opportunity for all interested persons to address the Board during the public meeting.