



**NEVADA COMMISSION for the RECONSTRUCTION of the V&T RAILWAY
("V&T Railway Commission")
Agenda Report**

Date Submitted: 06/21/21

Meeting Date Requested: 06/24/21

Time Requested: 10 Minutes

To: NEVADA COMMISSION for the RECONSTRUCTION of the V&T RAILWAY Commissioners

From: Michael Rowe (michael@rowelawoffices.net)

Subject Title: Discussion and possible action regarding the V&T Railway Commission ethics, conflict of interest, and Open Meeting Law policies.

Staff Summary: The commission will review and possibly modify the existing conflicts of interest policy and be advised by counsel about the requirements of the Open Meeting Law, NRS 241. The commission may elect to adopt a policy containing the statutory requirements of an open meeting law policy.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify) Presentation Only

Recommended Board Action:

I move to approve the modification of the existing conflicts of interest policy and to adopt a policy containing the statutory requirements of an open meeting law policy.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 241

Fiscal Impact: n/a

Funding Source: n/a

Supporting Material/Attachments: Conflict of Interest Policy w Acknowledgement

Prepared By: Chris Kipp, Carson City Culture & Tourism Authority's Operations Manager

NEVADA COMMISSION FOR THE RECONSTRUCTION OF THE V&T RAILWAY

CONFLICT OF INTEREST POLICY

1. The Nevada Commission for the Reconstruction of the V&T Railway ("Commission") is composed of Commissioners who are public officers within the meaning of NRS 281.4365, which defines a public officer as a person elected or appointed to a position which is established by the constitution of the State of Nevada, a statute of this State or an ordinance of any of its counties or incorporated cities, and which involves the exercise of a public power, trust or duty.

2. Each member of the Commission must be familiar with NRS 281.411 through NRS 281.533 "Ethics in Government", which law may also be cited as the Nevada Ethics in Government Law.

3. Members of the Commission, its subcontractors, employees, agents for any purpose and committee members (whether members of the Commission, subcontractors or volunteers) must be alert for potential conflict of interest situations or relationships that are, or give the appearance of, a conflict of interest. Should a question of whether a conflict of interest exists present itself to a member of the Commission, subcontractor or employee, the Commissioner, subcontractor or employee may request an opinion from general counsel to the Commission, then an opinion from the State Commission on Ethics pursuant to NRS 281.511. General counsel and the Nevada Commission on Ethics shall render an opinion interpreting the statutory ethical standards and apply the standard to a given set of facts and circumstances, upon request from a public officer, subcontractor or employee who is seeking guidance on questions which directly relate to the propriety of his or her own past, present or future conduct as a Commissioner, subcontractor or employee.

4. When an issue of conflict of interest, or appearance of fairness, arises, the affected Commissioner, subcontractor or employee shall first seek the advice of general counsel to the Commission, and upon an opinion being rendered, shall conform to the advice of the Commission's general counsel. However, if the affected Commissioner, subcontractor or employee disagrees with the advice of general counsel to the Commission, and desires to seek an opinion from the State Commission on Ethics, the Commissioner, subcontractor or employee may do so subject to the rules, regulations and requirements of the State Commission on Ethics. Pending such opinion from the State Commission on Ethics, the affected Commissioner, subcontractor or employee shall conform his or her conduct to the advice of general counsel to the Commission

until such time as the State Commission on Ethics renders an opinion.

5. After an opinion from the Commission's general counsel is rendered and the affected individual desires to solicit an opinion from the State Commission on Ethics, the Commission may by majority vote exclude the affected individual from voting on any matter where a potential legal conflict between the Commission and the member is to be discussed and/or acted upon, or on any matter which the Commission believes the affected individual has a potential conflict of interest until such time as an opinion from the Nevada State Commission on Ethics is received. Similarly, the Commission may by majority vote suspend the performing of services by a subcontractor pursuant to a written subcontract, or suspend the provision of employee services, and exclude the employee or subcontractor from participation in any matter where a potential conflict of interest involving the affected person is to be discussed and/or acted upon, or on any matter which the Commission believes the subcontractor or employee has a potential conflict of interest until such time as an opinion from the Nevada State Commission on Ethics is received.

6. The opinion of the Commission's general counsel shall govern the conduct of the Commissioner, subcontractor or employee until such time as an opinion from the State Commission on Ethics is received. Thereafter, the opinion of the State Commission on Ethics shall govern the conduct of the Commissioner, subcontractor or employee.

DECLARATION AND FINDINGS

1. It is hereby declared to be the public policy of the Commission that:

(a) A public office is a public trust and shall be held for the sole benefit of the people.

(b) A public officer, subcontractor or employee must commit himself to avoid conflicts between his private interests and those of the general public whom he serves.

2. The Commission finds that:

(a) The increasing complexity of Commission government, projects, contracts and activities relating to the reconstruction of the railroad more and more closely relates to private life and enterprise and enlarges the potential for conflict of interest.

(b) To enhance the public's faith in the integrity and impartiality of public officers, subcontractors to the Commission and employees of the Commission, adequate guidelines are required to show the appropriate separation between the roles of persons who are both public servants and private citizens.

GENERAL RULES OF CONDUCT

1. All members of the Commission are persons appointed to the Commission which is a public body created by the Nevada Legislature as codified in the Nevada Revised Statutes. The position of Commissioner involves the exercise of a public trust, power or duty. The official duties of the Commissioners include the formulation of a budget for the Commission and the authorization of the expenditure of the Commission's funds.

2. Except as provided in subparagraph 2(a), no member of the Commission may be interested, directly or indirectly in any property purchased for the use of the Commission, in any purchase or sale of property belonging to the Commission, or in any contract made by the Commission for the acquisition of any property, project or improvement by the Commission.

(a) The Commission may purchase supplies or contract for services for the Commission from one of its members, when not to do so would be a great inconvenience, but the member from whom the supplies are to be bought, or with whom the contract for services is to be made, shall not vote upon the allowance of the purchase or contract. If the purchase is made or contract let by competitive bidding, the bid of a member of the Board may be accepted only if he is the lowest responsible and responsive bidder.

3. Except as provided in paragraph 2(a), it is against the policy of the Commission for a member of the Commission:

(a) To become a contractor under any contract or order for supplies or any other kind of contract authorized by the Commission, or to be in any manner interested, directly or indirectly, as a principal, in any kind of contract so authorized.

(b) To be interested in any contract made by the Commission of which he or she is a member, or to be a purchaser or to be interested in any purchase or sale made by the Commission.

(c) The Commission may purchase supplies or enter into a contract for services for the Commission as provided in paragraph 2(a) above.

(d) Any contract made in violation of sub-paragraphs 3(a) and 3(b) may be declared void at the instance of the Commission or of any other person interested in the contract except the member of the Commission prohibited in paragraphs 2 and 3 from making or being interested in the contract.

4. A Commissioner, subcontractor or employee of the Commission shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend to improperly influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties.

5. A Commissioner, subcontractor or employee shall not use his or her position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself or herself, any member of his or her household, any business entity in which he or she has a significant pecuniary interest, or any other person.

6. No Commissioner, subcontractor or employee shall participate as an agent of the Commission in the negotiation or execution of a contract between the Commission and any private business in which he or she has a significant pecuniary interest, except as provided in this policy.

7. No Commissioner, subcontractor or employee shall accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his or her duties as a public officer, subcontractor or employee.

8. If a Commissioner, subcontractor or employee acquires, through his or her public duties or relationships, any information which by law or practice is not at the time available to the people generally, he or she shall not use the information to further the pecuniary interests of himself or herself or any other person or business entity.

9. No Commissioner, subcontractor or employee shall suppress any governmental report or other document because it might tend to affect unfavorably his or her pecuniary interest.

10. No Commissioner, subcontractor or employee shall use governmental time, property, equipment or other facility to benefit his or her personal or financial interest.

11. No Commissioner, subcontractor or employee shall attempt to benefit his or her personal or financial interests through the

influence of a subordinate.

12. No Commissioner, subcontractor or employee shall seek other employment or contract through the use of his or her official position.

13. No Commissioner, subcontractor or employee shall accept or receive an honorarium.

(a) A honorarium paid on behalf of a Commissioner, subcontractor or employee to a charitable organization from which the Commissioner, subcontractor or employee does not derive any financial benefit is deemed not to be accepted or received by the Commissioner, subcontractor or employee for the purposes of this paragraph.

(b) This policy does not prohibit:

(i) The receipt of payment for work performed outside the normal course of a person's Commission office or employment if the performance of that work is consistent with the applicable policies of the Commission regarding supplemental employment.

(ii) The receipt of an honorarium by the spouse of a Commissioner, subcontractor or employee if it is related to the spouse's profession or occupation.

(c) As used in this paragraph, "Honorarium" means the payment of money or anything of value for an appearance or speech by the Commissioner, subcontractor or employee in his or her capacity as a Commissioner, subcontractor or employee. The term does not include the payment of:

(i) The actual and necessary cost incurred by the Commissioner, subcontractor or employee, his or her spouse or his or her aid for transportation and for lodging and meals while the Commissioner, subcontractor or employee is away from his or her residence.

(ii) Compensation which would otherwise have been earned by the Commissioner, subcontractor or employee in the normal course of his Commission office or employment.

(iii) A fee for a speech related to the Commissioner's, subcontractor's or employee's profession or occupation outside of his or her Commission office, contract or employment if other members of the profession or occupation are

ordinarily compensated for such a speech; and the fee paid to the Commissioner, subcontractor or employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the Commissioner, subcontractor or employee for a comparable speech.

(iv) A fee for a speech delivered to an organization of other elected officers.

GUIDELINES FOR DETERMINATION OF CONDUCT

The Commission adopts the following guidelines as an aid to the Commissioners, subcontractors of the Commission, and the employees of the Commission to assist in the determination of whether or not a conflict of interest is presented:

1. Any time a Commissioner, subcontractor or employee is not, or does not appear to be, for any reason, impartial, the Commissioner, subcontractor or employee has a conflict of interest.

2. Even the appearance of a conflict of interest must be avoided.

3. A Commissioner, subcontractor or employee of the Commission who may have a potential or actual conflict of interest shall fully disclose the source and nature of the conflict to the Commission at a regularly scheduled Commission meeting.

4. A Commissioner, subcontractor or an employee may seek advice from the Commission's general counsel regarding whether a conflict of interest exists such that it should preclude the Commissioner, subcontractor or employee from voting or acting on a matter at issue.

5. Any Commissioner, subcontractor or employee may request an opinion from the Commission's general counsel. If the affected Commissioner, subcontractor or employee disagrees with the advice of Commission's general counsel, he or she may seek an opinion from State Commission on Ethics.

6. A member of the Commission, its subcontractors and employees shall refrain from voting or acting on any matter where a conflict may exist in order to assure compliance with his or her fiduciary duties to the Commission and to the public it serves, and to conform his or her conduct to NRS 281 "Ethics in Government Law". An employee or subcontractor shall refrain from taking any act on any matter where a conflict may exist in order to assure compliance with his or her duties to the Commission and to conform

to NRS 281 "Ethics in Government Law".

ADOPTED this 7th of November, 2005, by the following vote:

AYES:

NAYES:

ABSENT:

ATTEST:

ROBERT S. HADFIELD, Chairman
Nevada Commission for the
Reconstruction of the
V&T Railway

APPROVED AS TO FORM AND CONTENT:

MICHAEL SMILEY ROWE, ESQ.
General Counsel
Nevada Commission for the
Reconstruction of the
V&T Railway

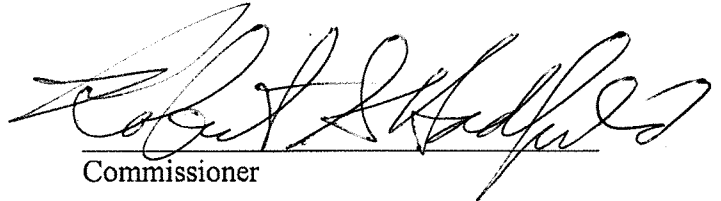
CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, Robert S. Hadfield, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

I acknowledge that, for so long as I serve as a member of the Commission, I am bound by, and will comply with, all of the requirements of the Commission's Conflict of Interest Policy.

Dated this ____ day of July, 2009.



Commissioner

CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, Doug N. Johnson, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

I acknowledge that, for so long as I serve as a member of the Commission, I am bound by, and will comply with, all of the requirements of the Commission's Conflict of Interest Policy.

Dated this 30th day of July, 2009.


Commissioner

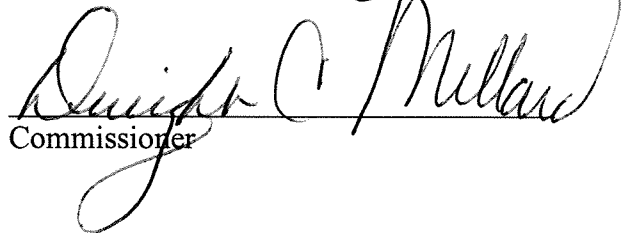
CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, Dwight C Millard, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

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Dated this 3rd day of August, 2009.


Commissioner

CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, Bonnie Weber, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

I acknowledge that, for so long as I serve as a member of the Commission, I am bound by, and will comply with, all of the requirements of the Commission's Conflict of Interest Policy.

Dated this 3 day of August, 2009.

Bonnie Weber
Commissioner

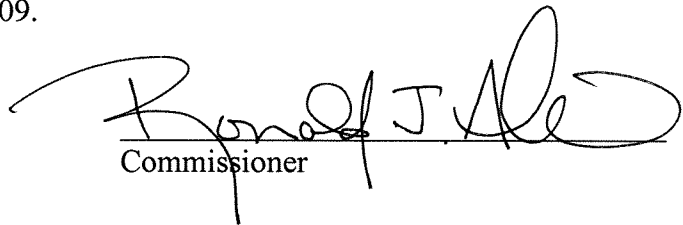
CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, Ronald J. Allen, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

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Dated this 3 day of August, 2009.


Commissioner

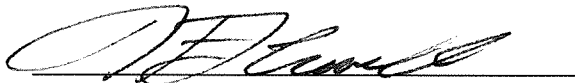
CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, Robert L. Crowell, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

I acknowledge that, for so long as I serve as a member of the Commission, I am bound by, and will comply with, all of the requirements of the Commission's Conflict of Interest Policy.

Dated this 3rd day of August, 2009.


Commissioner

CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, JOHN FLANAGAN, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

I acknowledge that, for so long as I serve as a member of the Commission, I am bound by, and will comply with, all of the requirements of the Commission's Conflict of Interest Policy.

Dated this 3 day of August, 2009.

John Flanagan
Commissioner

CONFLICT OF INTEREST POLICY

ACKNOWLEDGMENT

I, LARRY MCPHERSON, a duly serving Commissioner of the Nevada Commission for the Reconstruction of the V&T Railway ("Commission"), and hereby make this verification that I have been presented with a copy of the Commission's Conflict of Interest Policy adopted by the Commission on 7 November 2005. I have read the Commission's Conflict of Interest Policy and know the contents thereof.

I acknowledge that, for so long as I serve as a member of the Commission, I am bound by, and will comply with, all of the requirements of the Commission's Conflict of Interest Policy.

Dated this 3 day of August, 2009.


Commissioner