

BOARD OF REGENTS  
BRIEFING PAPER

**1. Agenda Item Title: Establish a Market Fluctuation Account**  
**Meeting Date: March 10-11, 2011**

**2. BACKGROUND & POLICY CONTEXT OF ISSUE:**

At its December 2010 meeting, the Investment & Facilities Committee approved the establishment of a market fluctuation account that could be utilized to finance monthly distributions to NSHE institutions when the operating pool is unable to generate sufficient investment income on a temporary basis due to market downturns.

**3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

Approval of the amendment to Board Policy regarding the establishment a market fluctuation account.

**4. IMPETUS (WHY NOW?):**

The Investment and Facilities Committee approved the establishment of a market fluctuation account at its December 2010 meeting and requested that the amendment to Board Policy be submitted for review at the Committee's meeting in March 2011.

**5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:**

The modification to Board Policy is necessary based on the actions taken by the Investment & Facilities Committee at its December 2010 meeting.

**6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:**

Unless the Committee desires to reverse its decision on the establishment of a market fluctuation account, this, or a similar action, is required.

**7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:**

**8. COMPLIANCE WITH BOARD POLICY:**

- Consistent With Current Board Policy: Title #\_\_\_\_\_ Chapter #\_\_\_\_\_ Section #\_\_\_\_\_
- X Amends Current Board Policy: Title #4 Chapter #10 Section #5f
- Amends Current Procedures & Guidelines Manual: Chapter #\_\_\_\_\_ Section #\_\_\_\_\_
- Other: \_\_\_\_\_

Fiscal Impact:    Yes X    No\_\_\_\_\_

Explain: Amounts may deposited into the market fluctuation account through a transfer from the reserve balance in the operating pool or through a portion of the monthly distribution allocated to institutions from the operating pool

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**POLICY PROPOSAL**  
**TITLE 4, CHAPTER 10, SECTION 5F**  
**Market Fluctuation Account**

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

**Section 5. Statement of Investment Objectives and Policies for the Operating Funds**

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F. Distribution Policy

1. It is the policy of the Board of Regents to pool all NSHE cash assets for investment in accordance with guidelines stated in the following Section 5 of this Chapter.
2. Except as provided herein, effective July 1, 1996, the NSHE Banking and Investment Office will, on a monthly basis, make a distribution to all NSHE institutions an amount equal to a set percentage of the institutions' average daily cash balance.
  - a. The allocation by the Board of Regents to the institutions is established with the understanding that each institution will assume responsibility for the cash basis payment of all expenses not provided for by the state appropriated budgets including, but not limited to, employment perquisites, interview and recruiting expenses and litigation expenses.
3. Distributions from the Fund will be made monthly at an appropriate rate as determined by the Committee. In order to minimize the potential for a shortfall relative to expectations, the Committee will establish a spending rate on a bi-annual basis to allow the institutions to develop their bi-annual budgets with greater certainty. Each quarterly period, the Committee will review the rate relative to the investment outlook and current surplus or deficit to consider its continued appropriateness.
4. The distribution policy is administered by the Banking and Investment Office in accordance with the Uniform Management of Institutional Funds Act, adopted by the Regents on August 30, 1984 in accordance with the authority granted to them by *Nevada Revised Statutes* (NRS) 396.380 and NRS 396.420 to control and invest the System's funds.
5. *A market fluctuation account may be established within the Fund. The account may be utilized to finance monthly distributions to NSHE institutions when the operating pool is unable to generate sufficient investment income on a temporary basis due to market downturns or other equivalent events. Funds may be deposited into the account through a transfer from the reserve balance in the operating pool or through a portion of the monthly distribution allocated to the institutions from the operating pool. The account shall not exceed an amount equal to five percent of the balance of the operating pool. All funds deposited into or transferred out of the account require the approval of the Board of Regents upon recommendation of the Chancellor and the Investment and Facilities Committee.*