

MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION

TITLE: Board Communication Procedure

POLICY NO: BOARD Proc 3 EFFECTIVE DATE: 10/05/2023

I. INTRODUCTION AND PURPOSE

The purpose of the Board Communication Procedure is to codify a framework for open and effective communication among Board Members and between the Board and external parties.

II. OBJECTIVES

The Board's communication efforts will seek to accomplish the following objectives:

- A. Communicate in a manner that is timely, accurate, consistent, and reflects the views or positions of the Board as a whole;
- B. Raise awareness and educate key parties through communication that increases overall understanding of retirement, reduces complaints, and promotes the long-term stability of the retirement systems; and
- C. Maintain fidelity with transparency and public participation requirements found at Title 2, Chapter 3 of the Montana Code Annotated.

III. PROCEDURE

The Board is responsible for establishing this Board Communication Procedure and has the sole authority to amend it:

A. General Roles and responsibilities

- 1. The Board Chair generally speaks on behalf of the Board. The Vice Chair will speak on behalf of the Board in the absence of the Chair. The Board Chair may delegate this role, as required, to another Board member or MPERA staff;
- 2. Board committee chairpersons are also deemed to be a spokesperson for the Board when the context of the communication is clearly within the scope of the respective committee; and

3. Board member communication shall be consistent with the Board's fiduciary duty to represent the interests of the plan and all plan members.

B. Communication with members, beneficiaries, and employers

1. Discussion of business with a member outside of a Board meeting could result in the Board member's future recusal from subsequent consideration during contested case proceedings of related matters where the Board is acting as a quasi-judicial body;
2. Where the Board is acting as a quasi-judicial body, members should refrain from *ex parte* contact with parties who will be appearing before it or their representatives;
3. Board members will generally direct individuals with personal questions related to member accounts or retirement benefits to appropriate MPERA staff; and
4. Board members will direct concerns or questions concerning any aspect of MPERA operations to the attention of the Director, Deputy Director or other appropriate member of management.

C. Communication among Board members and MPERA staff

1. To support transparency and coordination of activities and resources, material communications between trustees and staff should occur through the Director or Deputy Director;
2. Board members should avoid sending group emails or facilitating impromptu conference calls, video chats, or any other type of communication with a group that could constitute a quorum of the Board that discusses issues before the Board;
3. MPERA staff may send group emails to the Board for the purpose of distributing materials or including the Board on other group internal or external communications.

D. External communication with press, members of the public, and constituency groups

1. Time permitting, and to the extent permitted by State law, Board members should address external communication requests on retirement system-related issues with the Board prior to engaging in the communication;
2. In such communications, Board members should indicate when they are representing a personal position; whether the position is the same or different

from a Board-approved position; or whether a Board-approved position has not yet been established;

3. Board members may indicate publicly that they disagree with a policy or decision of the Board, but should indicate that they agree to adhere to that policy or decision to the extent it is consistent with their fiduciary duties; and
4. All communications as a member of the Board should be consistent with the Board member's fiduciary duty to represent the interests of all plan members.

V. Cross Reference Guide

Section 2-3-101, MCA et seq
Section 2-3-201, MCA et seq

VI. History

Approved 10/05/2023