

MINUTES

Nebraska Environmental Trust
2nd Quarter Board Meeting
Thursday, June 11, 2020
1:30 p.m.

Ferguson House
Lincoln, Nebraska

The Nebraska Environmental Trust Board met at the Ferguson House, Lincoln, Nebraska for the transaction of business. Advanced public notice was given by release to news media and official public notice in the "Lincoln Journal Star" on Wednesday, May 20, 2020 and Tuesday, June 2, 2020.

The meeting was conducted via Zoom and Marie Gregoire, the technical monitor reviewed the Zoom meeting procedures prior to calling the meeting to order.

The meeting was called to order at 1:41 p.m.

Roll call was conducted and a quorum was established.

Members present were: Mr. Jim Hellbusch, Columbus; Mr. Felix Davidson, Valley; Ms. Sherry Vinton, Whitman; Mr. Rod Christen, Steinauer; Mr. Quentin Bowen, Humboldt; Mr. Jim Douglas, Nebraska Game and Parks Commission; Mr. Jesse Bradley, Nebraska Department of Natural Resources; Mr. Steve Wellman, Nebraska Department of Agriculture; Mr. Jim Macy, Nebraska Department of Environmental Quality; and Mr. Paul Dunn, Omaha.

Members absent: Mr. Jeff Kanger, Lincoln; Mr. John Orr, Blair; Mr. Bob Krohn, Omaha and Dr. Gary Anthone, Nebraska Department of Health and Human Services.

Staff present were: Mr. Mark Brohman, Executive Director; Ms. Marilyn Tabor, Grants Administrator; Ms. Allison Majerus, Grants Assistant; Ms. Sheila Johnson, Public Information Officer and Ms. Pam Deines, Administrative Secretary.

Agenda Item #3: Minutes of the February 4, 2020 Board Meeting. Minutes of the February 4, 2020 board meeting were received. Discussion. Ms. Vinton wanted to revise the minutes and insert into the minutes the following text "On page 6 of the minutes, strike my name from **Mr. Bowen, Ms. Vinton and Mr. Christen also commented on their perspective of the motion.** Add after the "**Discussion about Regulations that allow revision of Grant Committee recommendations.**" Ms. Vinton raised a Point of Order to the executive director and read from: Title 137 - Nebraska Environmental Trust Board, Chapter 6, 005 Action by the Board on Eligibility Recommendations. The Board may adopt or revise and adopt the recommendations of the Grants Committee. No other additions or corrections.

Motion by Mr. Wellman to accept minutes with the changes that Ms. Vinton added, seconded by Mr. Christen.

Voting Aye: Mr. Hellbusch; Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Wellman; Mr. Macy; and Mr. Dunn.

Abstaining: Mr. Douglas and Mr. Bradley

Absent: Mr. Orr; Mr. Krohn; Mr. Kanger and Dr. Anthone. Motion carried.

Agenda Item #4: Financial Reports. Mr. Brohman presented the report. The Game and Parks Division Budget reports which show the expenses paid out, grants disbursement report, monies paid out to the individual grants, and proceeds allocation which has March included was handed out at the meeting. Lottery proceeds were good before the COVID-19 pandemic started. The second quarter will be lower, but in visiting with Brian Rockey, the Lottery Executive Director, he mentioned that the scratch tickets and Nebraska Pick 5 have had strong sales amid all the COVID-19, which will result in sales being better than anticipated. Minutes from the Finance Committee were discussed. In the budget review we are at 90% in the budget year. We are at 84% on Personnel section and overall 79% in the budget summary, and a detailed breakdown on the new budget sheet format with specific details and explanatory side notes. In comparison of the actual percentage of 74% and where it could be at this point in the yearly budget, 91%, we are doing well on expenditures. Ferguson House income is down. We have the Finance Committee recommendation of a flat budget for the biennial budget request except for distribution of aid increasing by \$500,000 in the second year.

Motion by Finance Committee to approve all the financial reports as received and approve the biennial budget request.

Voting Aye to Approve Recommendations: Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Hellbusch and Mr. Dunn.

Absent: Mr. Orr; Mr. Krohn; Mr. Kanger; and Dr. Anthone. Motion carried.

Agenda Item #5: Staff Report. a.) Legislative Update. Mr. Brohman provided the update information on the Legislative bills we are monitoring. LR 286 was being watched but Senator Brewer had LR 286 withdrawn. The Legislature will be reconvening July 20th and adjourn August 13th, 2020.

b.) Grant Administration Report. Late reports: NET record keeping has been converted to the on-line grant portal. We are testing the reporting system and have asked grantees to wait until after the quarter ending June 30, 2020 to submit reports. Modifications approved by staff: Ms. Tabor reviewed each grant modification. Discussion.

c.) Ferguson House Report. Mr. Brohman presented the report. Big gap in the events at the Ferguson House, a reflection of the COVID-19 pandemic shutdowns. Some have cancelled their event and some have rescheduled.

d.) Director's Report. Mr. Brohman presented his report. Mr. Brohman mentioned the Endowment Fund is transferring, \$700,000 to the Trust Fund, as per direction of the board. We have ordered the replacement vehicle. Minor masonry work done on the wall around the

house with some more needed. Also please note the handout from Dr. Tridwell, he was unable to attend a previously scheduled meeting before the outbreak but wanted to make sure we had some information available.

Dr. Anthone joined the meeting.

Public Hearing: Convened at 2:03 p.m. ended at 3:34 p.m. central time.

Public Hearing: Convened at 2:03 p.m. On the proposed funding list 2020 Grant Cycle. Mr. John Adams acted as the hearing officer. There were 18 people signed up to speak at the public hearing. First, Ms. Tabor presented the staff report on proposed funding recommendations for the 2020 Grant Cycle, the individuals who signed up to speak have the opportunity followed by those making requests during the meeting. Mr. Jeff Kanger joined the meeting at 2:47 p.m. The hearing closed at 3:34 p.m. central time. There were a total of 22 testifiers participating in the Zoom meeting and at one point there were 125 logged into the Zoom meeting.

Agenda Item #6: Award of 2020 General Grants.

Distribution of ballots to the board members were sent the night of Wednesday June 10, 2020, some were resent. Explanation of the ballot was given by Chairperson Dunn. Ballots being received, tallied and break until 4:00 p.m. central time.

Motion is the ballot and the vote taken. All projects on the ballot passed.

Absent: Mr. Orr and Mr. Krohn. Motion carried.

Agenda Item #7: Grant Modification Reports.

Ms. Tabor led the discussion on the grant modifications and extensions. Ms. Tabor read each modification and extensions as requested. Discussion followed. It was presented that the projects due on June 30, 2020, be allowed some more time based on what the entire world and work force has faced in the last two years with flooding and the COVID-19. Point of clarification Mr. Wellman asked if the extension is for the projects that will be ending on June 30, 2020.

Motion by Mr. Douglas to accept the grant modifications and also provide a 6-month extension for the grants ending on June 30th, 2020 due to COVID-19 pandemic. Seconded by Mr. Christen.

Voting Aye: Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch; Mr. Davidson and Mr. Dunn.

Absent: Mr. Orr, Mr. Krohn and Dr. Anthone. Motion carried.

Agenda Item #8 Accept 2021 Calendar

Mr. Brohman and Chairperson Dunn started the discussion on the proposed calendar and the change that was discussed at the February board meeting. No dates had conflicts for any

board member. The question was brought up about possibly having an evening or weekend meeting in the future. Discussion on the question on time of day for meetings. It was thought to be an idea to consider but first the dates are determined then the times can be set in place later.

Motion by Mr. Macy to accept the 2021 Calendar and seconded by Mr. Davidson.
Voting Aye: Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch and Mr. Dunn.
Absent: Mr. Orr; Mr. Krohn and Dr. Anthone. Motion carried.

Agenda Item #10 Public Comment and Good of the Order. Mr. Macy noted he appreciated the number of comments heard from the public on the grants process. He was troubled that the public felt we had strayed from the procedures and doesn't believe we had. He wanted us to think of something that could be done in letting the public know that procedures were followed. Mr. Hellbusch agreed and stated that the full board gets its opportunity to vote on all grants. Mr. Bowen noted the board acted within the rules and noted the Legislative Research document from September, 2012. Mr. Douglas mentioned many testifiers today didn't believe there was the right kind of transparency. He said he wasn't at the February meeting at that point in time, but some felt the changes were made swiftly and had been previously discussed by those wanting the changes, he didn't know if that was the case, but if we want to maintain the public's trust and support we need to be transparent. The public has to have confidence in our process. Mr. Bowen noted the transparency issues began before the February meeting. Ms. Vinton mentioned huge strides have been made and the Grants Committee is now under the Open Meetings laws and the board doesn't rubber stamp the Grants Committee recommendations. She wanted to know how we will reassure the public that the process was followed because misinformation was apparent at the meeting and would like to see a letter produced. Mr. Davidson commented on it was really a permanent land easement issue and not ethanol. He said we need to be more transparent and improve the process. If the grant process is going to be weighted by certain factors, in this instance land easements, the grantees need to know. He thought the Grants Committee should look at this issue. Mr. Macy said the Performance Review Committee needs to look at this issue. He suggested we reduce information pertaining to the Ferguson House and look at grant metrics (are applications working, are they meeting expectations, see what we fund, look at categories, etc.). The Performance Review Committee makes recommendations to the board. Mr. Christen noted we are dealing with the same issues over time. Our mission statement does not include the word "preserve". Certain grants are favored over others because of being perpetual. There needs to be an attempt to level the playing field and not favor some grants over others. Mr. Hellbusch noted a paragraph was needed that ethics were not violated and everything was right according to the rules regulations should be in a letter. Mr. Kanger would like to mention, if a letter is drafted, the great lengths of time the board took reading all letters and time staff spent disseminating letters before the meeting. Letters were read with respect and open minds. Mr. Christen noted projects involving land acquisitions and easements require maintenance. He asked, Can that land owner apply for funds? He would encourage that. Mr. Davidson agreed with long-term maintenance and he is looking forward to being a part of NET.

Public response to speak. Mr. Andy Bishop asked to speak. Mr. Bishop is the coordinator of the Rainwater Basin Joint Venture. He gave an overview and thanked the NET board for being a part of their project.

Motion by: Mr. Wellman that the board took proper steps, followed our rules and regulations governing the activities of the NET as we properly discussed and voted on these grants. Seconded by Mr. Christen.

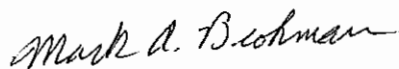
Voting Aye: Mr. Bowen; Mr. Douglas; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Hellbusch; Mr. Davidson; Ms. Vinton; Mr. Christen and Mr. Dunn.

Absent: Mr. Orr, Mr. Krohn and Dr. Anthone.

Agenda Item #11: Date and Location of Next Meeting. The next meeting will be held on Monday/Tuesday, August 3-4, 2020, at the Ferguson House in Lincoln, unless the COVID-19 continues to cause issues and we have to find a different venue.

Agenda Item #12: Adjourn. Mr. Dunn adjourned the meeting at 5:14 p.m.

Respectfully submitted,



Mark A. Brohman
Executive Director