

## MINUTES

Nebraska Environmental Trust  
2nd Quarter Board Meeting  
Thursday, April 8, 2021  
1:30 p.m.

Nebraska Department of Environment and Energy  
Lower Level Conference Room  
245 Fallbrook Blvd.  
Lincoln, Nebraska 68521

The Nebraska Environmental Trust Board met at the Nebraska Department of Environment and Energy, Lower Level Conference Room, 245 Fallbrook Blvd., Lincoln, Nebraska for the transaction of business. Advanced public notice was given through release to news media and official public notice in the "Lincoln Journal Star" on Monday, March 15, 2021.

Chairman Kanger called the meeting to order at 1:30 p.m.

Roll call was conducted and a quorum was established.

**Members present were:** Mr. John Orr, Blair; Mr. Paul Dunn, Omaha; Mr. Mark Quandahl, Omaha; Mr. Josh Andersen, Edgar; Mr. Rod Christen, Steinaur; Mr. Quentin Bowen, Humboldt; Mr. Tom Riley, Department of Natural Resources; Mr. Jim Macy, Nebraska Department of Environment and Energy; Mr. Steve Wellman, Nebraska Department of Agriculture and Mr. Jeff Kanger, Lincoln.

**Members absent:** Mr. Jim Hellbusch, Columbus; Mr. Felix Davidson, Valley; Mr. Jim Douglas, Nebraska Game and Parks Commission; and Dr. Gary Anthonie, Nebraska Department of Health and Human Services.

**Staff present:** Mr. Mark Brohman, Executive Director; Ms. Holly Adams, Grants Administrator; Ms. Sheila Johnson, Public Information Officer; and Ms. Pam Deines, Administrative Secretary.

Chairman Kanger asked to silence all devices for the meeting and discussed details for the sign in sheet to speak at the Public Hearing.

Chairman Kanger requested the board and staff introduce themselves to the public. Mr. Kanger introduced the Parliamentarian, Lori Bucholz, PRP, to the entire group. Ms. Burcholz also served as the Public Hearing Officer for the Public Hearing.

Chairman Kanger addressed the procedure the board will be taking to type the motions on the screen, seconds on the motions and if needed breaks to make sure the motions are typed and on display on the projected screen visible and clear for all the board members and the audience.

**Agenda Item #3: DAS Update of Performance Audit.** Chairman Kanger introduced Jason Jackson, assigned to the Performance Audit Report. Mr. Jackson is the Director of the Department of Administrative Services. Two people joining him in this Performance Audit are Kenny Zoeller, Chief Government Performance Officer, and Don Arp Jr., who also sits on the Governor's Cabinet is the Director of the Crime Commission, previously spent 5 years serving as the Deputy Director of the Center on Operational Excellence and in the legislature with the Performance Audit Committee. Mr. Jackson wanted to share why he is at the meeting today with the full board. Mr. Jackson updated the Board on the proceedings of the Performance Audit. The Administrative Services performs the Performance Audit to look at performance, efficiency, legal and regulatory objectives, best practices and any gaps. The goal is to manage our objectives and start right away. Mr. Quandahl asked about coordination with the auditor's office. Mr. Jackson responded it is a separate / complimentary relationship. Mr. Orr asked about the anticipated time line. Mr. Jackson thought a couple of months, contingent on findings.

**Agenda Item #4: Minutes of the February 2, 2021 Board Meeting:** Minutes of the February 2, 2021 board meetings were presented to the board.

**Motion By:** Mr. Quandahl; **Seconded By:** Mr. Orr to approve the minutes.

**Open for Discussion:** Mr. Macy noted a correction on page 7, Agenda Item #6, to insert the word "and" on the 5<sup>th</sup> line up from the bottom between the words "find and describe."

The correction to the minutes was made and accepted.

**Voting Aye:** Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Macy; and Mr. Kanger.

**Abstaining:** Mr. Wellman.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 voted Ayes. 1 Abstaining. Motion carried.**

**Agenda Item #5: Financial Reports and Finance Committee Report and Recommendations:** Chairman Kanger listed a timeline once discussion on Agenda Item #5 began. He noted we will have to break for the Public Hearing at 2:00 and immediately after the Public Hearing go to Agenda Item #7. After completing Agenda Item #7, we will resume Agenda Item #5. Mr. Kanger proceeded to inform the full board we have a guest, Pat Cole, from the Nebraska Game and Parks Commission, attending and available for questions relating to the Finance Committee.

Mr. Kanger called on Mr. Andersen, Finance Committee Chair. Mr. Andersen proceeded to review the Finance Committee meeting from March 12, 2021. Members met via Zoom, present were Mr. Andersen; Mr. Hellbusch; Mr. Quandahl and Mr. Macy. In general, expenses are below the usual amount this time of year partially due to one staff position being vacant. The lease with the Nebraska Community Electric Alliance is no longer a part of the income because they opted to move out of the building. General discussion about the duties the Finance Committee given by the full board. The Committee will present and

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discuss each motion with the full board. During the review of assigned tasks, the Finance Committee found other items they wanted to bring to the Board.

The Finance Committee wanted to discuss transfer of funds between grants. The Finance Committee discussed prospective payments, and pointed out there is no written policy in place. The Finance Committee questioned the funding cycle and the lack of written policy.

Mr. Kanger introduced Pat Cole, Administrator for Budget and Fiscal Division, at the Nebraska Game and Parks Commission, who was present to answer questions and describe their role with the Environmental Trust budget. Mr. Cole noted the Trust's Budget is completely controlled by the Trust, but it is included within the Game and Parks Commission's Budget. The Budget and Fiscal Division monitors to make sure the Trust abides by the rules and regulations.

Mr. Quandahl asked Mr. Cole, how much time it requires to take care of the accounting for the Environmental Trust and second how much they are reimbursed for taking care of the Environmental Trust's budget. Mr. Cole responded to last part of the question in that the Game and Park's Commission is not reimbursed for working with the Environmental Trust and the budget. He said, the Trust has authority to contract but back to when Mary Harding was the Director it was decided otherwise. The accounting fees are sent by the State Accounting, based on costs in two ways, costs with the money spent and then looking at document counts. Based on costs, the Trust has a lot money that goes through accounting. Based on documents there is minimal cost. Therefore, it was determined that because the Game and Parks does spend time it was determined to use the cost basis format. On the Budget Report the charge is not from Game and Parks, it is a portion passed on from the State charges to the Game and Parks Commission. Mr. Quandahl also asked if there was a Memorandum of Understanding to this effect that Mr. Cole knows of. Mr. Cole responded "No". Mr. Kanger asked if there were any other questions for Mr. Cole. Seeing none Mr. Kanger thanked Mr. Cole for his time. Mr. Orr asked if the Finance Committee had followed up on the policy progress. Mr. Kanger informed Mr. Orr it is in the motions to follow.

**Motion By:** Mr. Anderson, **Seconded By:** Mr. Macy: Committee did not accept the Grants Disbursement Report but did approve the Game and Parks Commission Report, the Budget Summary Sheets and Ferguson House Expenses of the March 12, 2021 Finance Committee meeting.

**Open for Discussion:** No Discussion.

**Voting Aye:** Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 voted Aye: Motion carried**

**Motion By:** Mr. Andersen and **Seconded By:** Mr. Orr to approve the minutes of the March 12, 2021 Finance Committee meeting.

**Open for Discussion:** No Discussion.

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**Voting Aye:** Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr and Mr. Kanger.

**Abstaining:** Mr. Dunn

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 voted Aye: 1 Abstaining: Motion carried.**

1:55 p.m. break before Public Hearing to allow people to sign in if they would like to and any other business before beginning the public hearing.

Mr. Kanger announced it was time for the public hearing and reminded the board that after the hearing has concluded Agenda Item #7 will be next. Mr. Kanger introduced Lori Bucholz, Parliamentarian and public hearing officer.

Ms. Bucholz announced the beginning of the public hearing at 2:00 p.m. and proceeded with the public hearing on the 2021 Grant Recommendations under consideration by the Nebraska Environmental Trust Board pursuant to provisions of Nebraska state statute.

Lori Bucholz announced she was acting as the presiding officer for this public hearing. Notice of this hearing was published in the Lincoln Journal Star on March 15, 2021. A copy of this notice of public hearing was submitted for the record as Exhibit 1.

Ms. Bucholz stated, "Testimony shall be directed at the business and purpose of this hearing. Any testimony not so directed or that which is repetitious shall be terminated and excluded from the record. Each person presenting testimony, when called upon, will be given three minutes to testify including, stating his or her full name and address and declare whether he or she is appearing as an individual or on the behalf of another person or organization, which shall be named. Written testimony has been submitted to Ms. Adams, who shall accept it into the record. We will take testimony in the following order: first staff will present their report and recommendations, then those who have signed in to speak will be taken in the order they have registered, and finally we will take testimony from those who have not registered but wish to present comments for the record. If you did not register, but wish to testify, you will be recognized one at a time to testify.

When you get at 2 minutes, I will hold up a yellow card, when you get to 3 minutes I will hold up a red card, so you have a total of three minutes to report.

Ms. Adams, will you please present the staff report."

Ms. Adams proceeded with the Staff Report included in the board book for board members.

**Exhibit 1** – Notice of this hearing on the 2021 grant recommendations was published in the Lincoln Journal Star on March 15, 2021. I submit this affidavit as Exhibit 1. Notice was also posted on the Environmental Trust website and on the State of Nebraska public meeting calendar.

**Exhibit 2** – This report from staff will be submitted as Exhibit 2.

**Exhibit 3** – In the grant application cycle, 123 applications were submitted to the Trust by the September 8, 2020, deadline. A summary of all applications was provided to board members in September 2020, along with an index of projects by application number. The Trust publicized the summary of applications by posting the summary on our web site and issuing a press release inviting comments on the applications throughout the review process. I submit a copy of the press release dated September 9, 2020 as Exhibit 3.

**Exhibit 4** – Items of correspondence regarding the 2021 award recommendations through April 2, 2021 were sent to the NET Board members. Correspondence is included as Exhibit 4

**Exhibit 5** – Serving this Subcommittee were Jeff Kanger, District 1; John Orr, District 1; Felix Davidson, District 2; Tom Riley, Department of Natural Resources; Steve Wellman, Department of Agriculture; and, Quentin Bowen, District 3 as Chair. The committee met three times in the course of this evaluation cycle: November 5 and December 16, 2020, and January 7, 2021.

We requested reviews on 115 of the 123 applications from members of the Technical Advisory Committee for evaluation of design and technical sufficiency. Technical evaluations and staff comments were presented to the Subcommittee to consider with each application.

Ms. Adams said she was entering the report and recommendations of the Grants Committee and the modified rank order list, accepted by the board at its February 2, 2021 meeting at the Nebraska Department of Environment and Energy's office in Lincoln, Nebraska into the record today as Exhibit 5. The following information is included as part of this exhibit:

1. **Rank Order Listing**
2. **Award Distribution Map**
3. **Rating Results Sheets**
4. **Minutes**

The accepted recommendations provide for the distribution of 114 projects totaling \$19,864,901, including statements of intents for 2020 year two projects, for \$7,406,589, and 2019 year three projects, for \$1,688,728.

Recommendations also include 16 new second year intents for \$4,797,050 and a third year intent of \$3,300,000 on one new project.

**Exhibit 6** – Since the acceptance of the modified Grants Committee recommendations on February 2, 2021, the Trust has publicized the rank order list through media releases via the wire service and posting of the rank order list on our website ([www.environmentaltrust.nebraska.org](http://www.environmentaltrust.nebraska.org)). I submit a copy of the press release dated February 5, 2021 announcing the recommendation list as Exhibit 6.

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Letters announcing the recommendations and the date of this hearing were sent via email to all applicants on March 3, 2021. The Trust has the required cash on hand to make these awards as recommended.

Mr. Kanger asked if there were any questions, there were none. Ms. Bucholz asked if Ms. Adams had any written public comments at this time. Ms. Adams responded they could be found in the board book on pages 7-23 thru 7-31, and one from the Nature Conservancy was handed out at this meeting and should be in front of the board members.

Ms. Bucholz called on Becky Ravenkamp to testify. She was present on behalf on Lewis and Clark Natural Resource District. She spoke on Project #20-175.

Ms. Bucholz called on Mace Hack to testify. He is the State Director of the Nature Conservancy of Nebraska, here in representation for the organization, 1007 Leavenworth Street, Omaha, Nebraska. Speaking on the Project #21-184. He mentioned that he hoped the Board had seen the letter from their board chair Dr. Jim Armitage. He wanted to correct a figure that was mentioned at the last board meeting. In the testimony, the cost stated was \$513/acre; that was an error, in fact, the cost was actually \$223/acre.

Ms. Bucholz called on Sandy Scofield to testify. Ms. Scofield is the new Chair of the "Friends of the Environmental Trust" and was there on behalf the "Friends". They provided material to Chairman Kanger, their interest is in the Trust.

Ms. Bucholz stated these were all the names on the list and asked if any other person or organization wish to testify. There were no others, she noted. It is now 2:16 p.m., we will close the public hearing. On Behalf of the Nebraska Environmental Trust, I express our appreciation for your testimony and attendance today and we are now officially closed.

Mr. Kanger said he would like to move to Agenda Item #7, the award of the 2021 grants provided there are no objections from members of the board; seeing none, he proceeded to Agenda Item #7.

**Agenda Item #7: Award of 2021 Grants:**

Mr. Kanger stated at its meeting, February 2, 2021 the board modified the recommendations of the Grants Committee for 2021 NET grant awards. You will find the recommendations in your board book on pages 7-2 through 7-13. The requested amounts and recommended amounts are included on pages 7-14 through 7-18.

Mr. Kanger asked if any NET board members wish at this time, before discussion and vote on the recommendations, to amend any of the grants recommendations as proposed.

Mr. Kanger acknowledged Mr. Christen.

**Motion By:** Mr. Christen; **Seconded By:** Mr. Andersen; Move to fund grant 21-140, on page 7-6, at \$132,010 in year one, which funding will provide support for a ventilation filter system for the welding area, habitat education, an outdoor classroom, a percentage of a

community classroom, and technical support for such community classroom, and \$56,857 in year two.

**Open for Discussion:** Mr. Andersen asked where this money would come from. Mr. Kanger explained the available funds created at the last board meeting. Mr. Quandahl asked about discussing it at the last meeting but Mr. Christen stated the project had no further discussion at that meeting. Mr. Orr spoke as a person who was on the Grants Committee that this project was well below the cut off line of reviewed grants, he asked if Mr. Bowen or Mr. Brohman knew how far below the cut-off this project fell. Mr. Bowen, Chair of the Grants Committee, said far below and Mr. Brohman said it was 45 projects below the cut-off. Mr. Orr, as part of Grants Committee, feels we should stay with what the Grants Committee decided.

Mr. Dunn wanted to reaffirm what Mr. Orr had stated.

Mr. Christen stated the motion is modifying some of the funding, eliminates the energy savings portion of the grant, consisting of the LED lighting, and completely focuses on outdoor education and resource education part of the grant and asks that it be considered when looking at the ranking.

Mr. Wellman asked about the ranking sheet and if it could be available. Ms. Adams brought up the sheet on the screen. Mr. Wellman wanted to see the Grants Committee members' scores. The scores were given by Ms. Adams.

Mr. Christen was curious with the project's low score and restated some of the project's benefits.

**Voting Aye:** Mr. Andersen; Mr. Christen; and Mr. Quandahl

**Voting Nay:** Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**3 Voted Aye: 7 Voted Nay: Motion failed.**

Mr. Bowen wanted to clarify GEO points played a big role in the ranking order of the grants and that particular grant.

**Motion By:** Mr. Bowen, **Seconded By:** Mr. Macy; Move to award the grants, at the level outlined in the grant package on page 7-2, for applications: 21-133, 21-177, 21-118, 21-107, 21-148, 21-106, 21-215, 21-130, 21-108, 21-152, 21-197, 21-122, 21-201, 21-124, 21-104, 21-123, 21-216, and 21-111.

**Open for Discussion:** No Discussion.

**Voting Aye:** Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Orr; Move to award the grants, at the level outlined in the grant package on page 7-3, for applications: 21-145, 21-205, 21-144, 21-147, 21-209, 21-213, 21-115, 21-211, 21-193, 21-138, 21-169, 21-218, and 21-162.

**Open for Discussion:** No Discussion.

**Voting Aye:** Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Christen; Move to award the grants, at the level outlined in the grant package on page 7-4, for applications: 21-139, 21-176, 21-178, 21-212, 21-180, 21-116, 21-173, 21-210, 21-172, and 21-125.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Wellman; Move to award grant 21-158 Nebraska Department of Natural Resources on page 7-2, at the level outlined in the grant package.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; and Mr. Kanger.

**Abstaining:** Mr. Riley

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 Voted Aye: 1 Abstaining: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Orr; Move to award the Year 3 grants, at the level outlined in the grant package on page 7-9, for applications: 19-169-3, 19-146-3, 19-101-3, 19-138-3, 19-162-3, 19-173-3, 19-186-3, 19-202-3, 19-175-3, 19-145-3, 19-200-3, 19-150-3, 19-139-3, 19-115-3, 19-151-3, 19-189-3, and 19-136-3.

**Open for Discussion:** Mr. Orr seconded the motion but acknowledged that Mr. Bowen said 19-175-3 twice and forgot 19-145-3, which Mr. Bowen corrected.

**Voting Aye:** Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**



**Motion By:** Mr. Bowen; **Seconded By:** Mr. Quandahl; Move to award the Year 3 grants, at the level outlined in the grant package on page 7-10, for applications: 19-191-3, 19-107-3, 19-104-3, 19-110-3, 19-142-3, 19-123-3, 19-132-3, and 19-147-3.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Riley; Move to award the Year 2 grants, at the level outlined in the grant package on page 7-10, for applications: 20-174-2, 20-139-2, 20-165-2, 20-168-2, 20-183-2, and 20-157-2.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

Chairman Kanger wanted to take a break in the motions to allow those who signed up to comment on Agenda Item #7, the opportunity to speak. Mr. Mace Hack and Mr. Steve Knoche were listed on the sheet. Mr. Hack offered no additional comments. Mr. Knoche noted the project he wanted to speak on, Lewiston Schools Project 21-140, had already been voted on.

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Orr; Move to award the Year 2 grants, at the level outlined in the grant package on page 7-11, for applications: 20-121-2, 20-189-2, 20-182-2, 20-188-2, 20-123-2, 20-176-2, 20-129-2, 20-122-2, 20-142-2, 20-194-2, 20-175-2, 20-167-2, 20-162-2, 20-186-2, 20-187-2, 20-134-2, and 20-111-2.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Riley; Move to award the Year 2 grants, at the level outlined in the grant package on page 7-12, for applications: 20-150-2, 20-219-2, 20-103-2, 20-128-2, 20-171-2, 20-191-2, 20-145-2, 20-101-2, 20-115-2, 20-153-2, 20-192-2, 20-130-2, 20-132-2, 20-131-2, 20-148-2, 20-204-2, and 20-179-2.

**Open for Discussion:** No Discussion

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**Voting Aye:** Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Quandahl: Move to award the Year 2 grants, at the level outlined in the grant package on page 7-13, for applications: 20-114-2, 20-127-2, 20-135-2, 20-116-2, 20-143-2, and 20-193-2.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Wellman: move to award grant 20-137-2 Nebraska Department of Environment and Energy and Green Plains Inc. on page 7-11, at the level outlined in the grant package.

**Open for Discussion:** No Discussion

**Voting Aye:** Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen and Mr. Wellman.

**Voting Nay:** Mr. Dunn; Mr. Orr; and Mr. Kanger.

**Abstaining:** Mr. Riley and Mr. Macy.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**5 Voted Aye: 3 Voted Nay: 2 Abstaining: Motion failed.**

Mr. Kanger announces Agenda Item #7 is complete so the meeting will resume with the Finance Committee motions from Agenda Item #5 and the motions will be displayed on the screen. Mr. Andersen, Chairman of the Finance Committee began discussion on reviewing request of the board to review policies. Mr. Kanger asked if there were any objections to taking the motions individually, there were none. He noted that we may shift C and D.

Mr. Andersen gave a background on the motions. Board gave directions to the Finance Committee to review the policies on the grants in order to be more consistent, fair and transparent.

**Finance Committee Motion A:** Referring to **Policy Section VI: Grantee Conditions**, modify **Section I: Grant Modification Requests:** Requests for extensions to the funding period may be approved by the Board if the request is received by the Trust prior to the expiration date of the funding period.

**Open for Discussion:** Mr. Orr asked if it should include the word “only”, as in only approved by the Board. Ms. Bucholz added some input on the policy wording. Mr. Wellman asked for clarity on this motion “all the requests have to be made prior to expiration?” Mr.

Brohman clarified that this has always been the practice. Mr. Dunn stated he was unclear on the direction of all three of these because it has been the practice of the staff taking action and the board taking action and that seemed to be the focus of discussion from the last board meeting. What determines a staff action versus taking it to the board? This didn't seem to clear up to that line, is the board going to go through every single one, every single time, if that is the intent, ok, but it seems a bit excessive. In extensions, it was that the staff could extend up through the third year because statutorily that is what we were allowed to do originally, if it was to go beyond the three years it would come to the Board. For that case, Mr. Dunn is going to vote against it because it lacks clarity and needs to be re-worked. Mr. Bowen mentioned he thought it was the intent. Ms. Bucholz asked to make sure Mr. Andersen read the motion to include the word "only". Mr. Andersen re-read the motion including the word "only". Mr. Brohman wanted to make clear the grantee cannot do any work without the extension approval by the Board from the April meeting to the August meeting. Mr. Orr asked if the grantees can adjust and Mr. Brohman said they can but the unplanned things that happen can play a part in the completion, like COVID and the bomb cyclone. Mr. Riley questioned which grant cycle this would start with. Mr. Andersen clarified that it would start with the 2022 grant cycle. Mr. Riley thought the motion should be modified on the motion to include starting with 2022 grant cycle. Mr. Andersen re-read the motion to include, starting with 2022 grant cycle. Mr. Bowen compared this action to prospective payments, with grantees working at their own risk. Ms. Bucholz asked to re-read the motion again.

**Finance Committee Motion A:** Referring to **Policy Section VI: Grantee Conditions**, modify **Section I: Grant Modification Requests:** Requests for extensions to the funding period may only be approved by the Board if the request is received by the Trust prior to the expiration date of the funding period. This policy is effective starting with the 2022 grant cycle.

**Voting Aye:** Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; and Mr. Kanger.

**Voting Nay:** Mr. Dunn.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 Voted Aye: 1 Voted Nay: Motion Carried.**

Mr. Kanger called on Mr. Andersen to proceed with the next motion. Mr. Andersen noted this motion brought to the board for their consideration to address modifications of funding categories within a grant. At the previous Board meeting, there was discussion on funding categories and what staff could approve and what should be brought before the Board.

**Finance Committee Motion B:** Referring to **Policy Section VI: Grantee Conditions**, modify **Section I: Grant Modification Requests:** Requests for budget changes within a grant may be approved by staff if less than \$10,000 and received by the Trust prior to the expiration date of the funding period.

Mr. Andersen amended the motion projected on the screen, to be consistent with the previous motion, by adding the statement, "This policy is effective starting with the 2022 grant cycle".

**Finance Committee Motion B:** Referring to **Policy Section VI: Grantee Conditions**, modify **Section I: Grant Modification Requests:** Requests for budget changes within a grant may be approved by staff if less than \$10,000 and received by the Trust prior to the expiration date of the funding period. This policy is effective starting with the 2022 grant cycle.

Mr. Kanger asked if there was any objection with this addition, there were no objections.

**Open for Discussion:** Mr. Wellman asked how \$10,000 was determined to be the figure. Mr. Quandahl noted that figure was discussed at the last board meeting. Mr. Wellman noted, if \$10,000 is not the right amount, it can be adjusted at a future time. He feels it is good practice for the Board to give guidance to current and future staff on what their role is and it is not the Board's job to micro manage and do the daily things but give the staff guidance. Mr. Dunn stated that this motion does address, specific for staff approval, up to \$10,000 shifts, but there are two ways to look at it. You can look at the percentage of the grant as one trigger or if the grant was moving funds into certain categories. In the past, modifications shifting funds into staff/personnel categories would trigger board approval. This is why he will vote against this motion. Mr. Orr feels that by clarifying it, starting with the 2022 cycle, will allow grant applicants to prepare for the change.

**Voting Aye:** Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Quandahl; and Mr. Kanger.

**Voting Nay:** Mr. Dunn.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 Voted Aye: 1 Voted Nay: Motion Carried.**

Mr. Kanger called Mr. Andersen to proceed with Motion D. Mr. Andersen states this motion clearly defines what funding period is. As the Finance Committee dug into policies and working through grant disbursements, it was clear there is not a defined funding period for a 1-year, 2-year or 3-year grants.

**Finance Committee Motion D:** Referring to **Policy Section VI: Grantee Conditions**, add **Section J: Funding Period:** A grant-funding period is defined by annual periods beginning July 1st and ending June 30th unless otherwise approved by the board.

Mr. Andersen amended the motion projected on the screen, to be consistent with the previous motions, by adding the statement, "This policy is effective starting with the 2022 grant cycle".

**Finance Committee Motion D:** Referring to **Policy Section VI: Grantee Conditions**, add **Section J: Funding Period:** A grant-funding period is defined by annual periods beginning July 1st and ending June 30th unless otherwise approved by the board. This policy is effective starting with the 2022 grant cycle. Mr. Kanger asked if there was any objection to the amended motion. Seeing none, he asked for any discussion.

**Open for Discussion:** Mr. Orr asked if we have looked at how many awarded grant projects start before July 1. What is the percentage of those that start the work because of

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weather, season, etc? Mr. Andersen replied you couldn't start work without money. Mr. Orr asked why not begin May 1 if they are awarded in April. Mr. Quandahl stated it coincides with the State Appropriation fiscal year. Mr. Riley thanked him for clarification of going with the fiscal year and he feels it makes sense to start with the 2024 grants allowing current grants to be completed. Mr. Bowen does not feel that it is necessary he believes 2022 is enough time. Mr. Kanger asked Mr. Andersen if it would affect any of the grants just discussed in the new grants cycle. Mr. Andersen replied new grants of 2022 cycle. Mr. Kanger restated Mr. Andersen's reply "new grants requests in the 2022 cycle". Mr. Kanger asked if there were any objections and there were none. Mr. Kanger asked to have the motion amended to include that clarification. Mr. Dunn stated that the State's fiscal year does not fit well with the nature of many things the grantees do. Grantees who submitted a one-year grant typically would now submit a two-year grant instead to get work done. He believes this policy needs more work and input. Mr. Riley thinks Mr. Dunn's concept is what he was describing and agrees what might be a one-year grant will result in multi-year grants. Mr. Bowen would like to ask for the background from the Finance Committee on the reason you thought to bring this motion to the board with a start date and end date, to clarify to the board and audience. Mr. Andersen said the disbursement documents from the last meeting showed some had outstanding grants that could be cleared up. He noted there were over 280 open grants. Mr. Macy added, to be more transparent, we need to have a rule we can follow, be on the same page, and follow the state fiscal year. Allowing grantees to know when to apply and when they will receive payment. Mr. Quandahl understands Mr. Dunn and Mr. Riley's concerns but we are operating by the State fiscal year and should follow that fiscal year. Mr. Dunn feels it does a great dis-service to staff to imply that we are doing grants without any start date or end date, nothing of that is true. The start is when the contract is signed by the grantee and the expiration date is June 30 because it is what we were working with under the fiscal calendar of the State. He will vote against because he feels it is not well thought out. Mr. Kanger has concerns for applicants in cases where they spend funds before final awards are made. He wanted to thank the Committee for all of their work. There was discussion on when grantees can start projects and when they can get paid. It was noted this motion was to define the funding period and not the address other issues.

**Voting Aye:** Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Macy; Mr. Quandahl; and Mr. Kanger.

**Voting Nay:** Mr. Riley and Mr. Dunn.

**Abstaining:** Mr. Wellman and Mr. Orr.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**6 Voted Aye: 2 Voted Nay: 2 Abstained: Motion Carried.**

Mr. Kanger called on Mr. Andersen about Motion C and Ms. Bucholz wanted to clarify which motion we were discussing. Mr. Andersen proceeded with an introduction of Motion C. Mr. Andersen noted the funding period defined was from July 1 to June 30. This motion is to give a time period for any funds that remain that can come back to the Trust. There are some grants out there but we do not know how many.

**Finance Committee Motion C: Referring to Policy Section VI: Grantee Conditions, modify Section I: Grant Modification Requests:** All remaining project funds shall be returned to the trust within 30 days of the end of the funding period.

Mr. Andersen amended the motion projected on the screen, to be consistent with the previous motions, by adding the statement, “This policy is effective starting with the 2022 grant cycle”.

Any objection the clarification or modification? Hearing or seeing none.

**Finance Committee Motion C: Referring to Policy Section VI: Grantee Conditions, modify Section I: Grant Modification Requests:** All remaining project funds shall be returned to the trust within 30 days of the end of the funding period. This policy is effective starting with new grant requests with the 2022 grant cycle.

**Open for Discussion:** Clarification by Mr. Riley, what project funds are being talked about, those that are just waiting or have not been asked for by the recipients or funds that have been prospectively given ahead of time? Mr. Andersen’s explanation is they are trying to figure it out. The intent is to look for prospective funds. Mr. Riley asked how it is handled now. Mr. Anderson said a loose policy is in effect right now. Mr. Brohman explained that some of the contractors are not getting some of the invoices in on time. Mr. Riley also confirmed that if a contractor has a sub-contractor they are not going to make that 30 day time period. Mr. Bowen asked how if grantees were being treated differently when it came to the payment of funds. Mr. Andersen said they had no firm count on the number of prospective payments at this time. Mr. Dunn feels the motion needs more clarity. He understands what the Committee is trying to get at. He feels the use of the word “funds” to describe everyone’s money not pinpointing specifically where it was paid out is the crux of this issue. Mr. Quandahl said as the two “new guys” to the Board, we saw that there were prospective payments made by the Trust that we wanted to know more about. The motion was designed to eliminate the practice by the Nebraska Environmental Trust and if anyone has any other suggestions to craft a motion for this it can be presented. Mr. Riley as a follow-up, has a similar comment, Mr. Andersen identified the problem. When you said there is no way to know the numbers, but to build a solution before you really don’t know, so I would caution putting in a fix until you really had all of the information. For example, let’s find a way to get a report so we really know what the numbers are and it sounds like we don’t yet, then we can wrap around a better policy decision when we understand that problem better. For that, Mr. Riley feels this motion should be set aside and working more digging in and getting information. Mr. Orr goes along with the thoughts of others on giving out money ahead of time and maybe new policy should be reimbursing only and maybe there wouldn’t be this problem. Mr. Kanger called on Mr. Andersen. He said he appreciated the comments having had discussion as a committee but we could not get into it because we did not have the authority by the board to look at that at the last meeting. Mr. Kanger called on Mr. Dunn. Mr. Dunn, regarding issue of doing only reimbursements and that is by an overwhelming majority how we pay everybody there are those few that need the help for whatever reason need the prospective payment. Because they do not have the cash on hand to do whatever work available; if you took that away, that ability entirely, he feels it would reduce the eligibility of number and diversity of grant applicants. Because some are

so small they know that they cannot be burdened with reimbursements for particular things whether it be for a piece of equipment or anything else. He thinks we should work on a policy for what we do for prospective payments. Mr. Wellman sees some concerns, he would prefer to operate on the reimbursements only, but also understands the comments Mr. Dunn made, some entities do not have the cash up front. For this particular one he feels we need to give more thought on how we are disbursing the funds and if we do give any prospective funds it is clear at that time they are paid back if they are not spent with that I would like to take more time and table the motion. Seconded by Mr. Orr. Mr. Kanger took a moment to consult with the Parliamentarian. Ms. Bucholz said to table to motion only delays the discussion until later this meeting. Mr. Kanger's idea is if we want to discuss at another meeting we would have to send it back to the Finance Committee for further work on some of the details and re-visit at the August meeting. Mr. Wellman agrees to do that and feels it needs more work. Mr. Bowen wants to make sure that the Finance Committee has full authority to delve into it to see the full scope to see where the prospective payments are used. Mr. Wellman asked how Finance Committee doesn't have the ability to get into those numbers, any board member should have ability to get any information requested, financial or otherwise, from the organization. Mr. Kanger explained that is not that they do not have the ability to get the information, it is on Committee scope and that is subjective so that is what Mr. Bowen is getting at. Getting to Mr. Wellman's point is that of the scope between committee charters and board mandate it is on the table for those folks to look at. Motion remitted back to Finance Committee to report to the board at the August board meeting. No objections.

**Finance Committee Motion E: Referring to Policy Section VI: Grantee Conditions, add Section J Funding Period:** The ending date of the funding period may precede the termination date specified in the grant contract. (See Section VII: Post Completion Procedure and Report, A & B).

This is referring to existing policy. The intent of this policy is to give staff and grantees flexibility in preparing closing documentation to close out grants even after the funding period had ended.

**Open for Discussion:** Mr. Dunn said he finally understands through discussion but did not understand the description in the written statement. He feels it lacks clarity and does not feel it can be interpreted long term the way it is written. Mr. Dunn will be voting against it because of that factor. Mr. Bowen asked if we could move this, like the last motion, to re-work in Committee. Mr. Riley agrees with that. He stated, just a point of clarity, thinking about contract closeout, is it the intent here to really say that contract work ends on, whatever day you want to call it, April 30<sup>th</sup>, that you are still able to submit any kind of invoice for reimbursement at a time later than your contract day. Is that really what they are trying to square up on this? Do we define the closing time from the end of the contract? All the work has to be done by a certain time, but you can still request your reimbursement after. Do we define a closing time? Mr. Riley stated to finish up on a contract with somebody, now submit for reimbursement, are you creating a window to do that. Mr. Andersen stated yes, because now we have defined a funding period on the contract, one year, 365 days running from July 1 through June 30, and it recognizes that staff and grantees need additional time to get bills, reimbursement documents prepared and things

like that. He states they referred back to the policy manual when they were trying to define. Motion remitted back to Finance Committee to report to the Board. No objections.

**Finance Committee Motion F:** Referring to, **Policy Section VI: Grantee Conditions**, add **Section J Funding Period:** Grant expenses, which occur solely during the grant-funding period, are eligible to be disbursed to the grantee. Do not pay prior to contract.

This policy recommendation from Committee refers to grant expenses which occur solely within or during the grant-funding period are eligible to be disbursed to the grantee. There have been questions raised by the Board. How this would look, would you be eligible and when? The Committee is looking at grants disbursement, reported quarterly, an update on the grants and where NET's money is being paid to grantee. The Committee found there were payments going back to January for grants that are being approved in April before the signed April grant or April/May contract. Mr. Andersen said it essentially makes the first year like 1 ½ years. Mr. Andersen said it makes it really messy for recordkeeping for the staff trying to separate and it is not clear on the disbursement reports so it is hard for the Committee to track for accountability.

**Open for Discussion:** Mr. Orr asked, once the contract is signed in April sometime, can invoices be submitted for May and June or no work can be done until July 1. Mr. Andersen said only work done during the Grant funding cycle (1 year/365 days) is eligible for reimbursement. Mr. Andersen said this is an attempt to put a start and a stop to the funding. Mr. Andersen continued yes, you can do work in advance, but, it is problematic on many levels. Mr. Riley added you are defining notice to proceed to correspond to the funding time on the contract. The contract has to say that no work can be done and you can't even start to do the work unless they get reimbursed for it. Any contract has to have specific time for reimbursements breaking down all of these policies and being taken separately is confusing. Mr. Quandahl thinks the intent the Committee was trying to catch, not to manage the work being done during the contract, but the work being done in January and February, before this Board approves the grants, and that are being submitted for reimbursement. He understands the wording about not proceeding with payment before work is done and this may need to be worked on. The Committee was trying to address this topic. Mr. Riley appreciates the work of the Finance Committee. He worries that this could set bad policy and more work needs to be done. Mr. Wellman wants to have it stated that there is no reimbursement for any work prior to signing of the contract. Once the contract is signed, they can be reimbursed for work in May and June. He noted that by the time they submit May and June receipts, it will probably be July and this issue should go back to Committee. Mr. Bowen asked the Agency Directors how Federal grants compare, as his experience has been you can't spend money before the contract is signed. Mr. Wellman described letters of intent. Mr. Kanger asked, since we have spent a lot of time approving grants for the upcoming cycle, have we made any payments to grants that could be affected by this. Mr. Kanger asked staff what the status was on this. Both Mr. Brohman and Ms. Adams confirmed that no payments have been made at this point and no payments are made before a contract is signed. Ms. Buchulz asked what if the grantees are reliant on the money. It was noted, the applicants are not relying on the money because it is not guaranteed to them. Mr. Christen commented the he didn't want the grantees to think they had the money before it was awarded. Mr. Wellman noted the reimbursement policy



needed to be changed. Mr. Kanger wants to remit this back to Committee for further work. Mr. Kanger asked if anyone wanted to make a motion to address the current grants and reimbursements back to January. Mr. Riley restated that we need to consider the certain grantees who may need this help and even this has been done the past years, we cannot make a change without some clarification to the grantees, which has not been provided in the last 3 months. Mr. Macy thinks we have seen both big grants and very small grants that have encountered this, and that's the policy issue we have been trying to figure out. Mr. Macy has a question for Ms. Adams, "how hard is it to go back and figure out how many of these have been out there in the last 5 years?" Ms. Adams asked if he meant prospective payments. Mr. Macy replied yes. Ms. Adams commented it would be easier if it were within the last year or so, because only the last 2 years are completely in the database at this time. It would be difficult to sort through the files to find prospective payments and it would take a lot of time to get this information. Mr. Bowen asked if we need a motion to remit this back to Committee, and Mr. Kanger told him no, as long there is unanimous consent. Mr. Dunn also agreed but wanted to ask if the topic of prospective payments is in the Committee discussion. Mr. Kanger told him yes and if there were no objections, he is going to remit this to the Finance Committee for further discussion and work. There were no objections.

**Finance Committee Motion G:** NET staff to explore comprehensive list of alternative locations and space for NET operations that may better facilitate the realization of the vision, mission and purpose of the NET with a report to the full board at the Third Quarter 2021 meeting.

Mr. Andersen started by explaining that these motions brought to the Board at the last meeting and had many parts to them so the Board asked the Finance Committee to break them down into pieces.

**Open for Discussion:** Mr. Quandahl also expressed the first group of motions he presented was too much. He wanted to make it into smaller manageable pieces. Mr. Dunn thinks the staff has enough on their plate and really do not need to have this added at this time for no apparent reason. Mr. Dunn stated he would be voting "no" because of that reason.

**Voting Aye:** Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; and Mr. Kanger.

**Voting Nay:** Mr. Orr and Mr. Dunn.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**8 Voted Aye: 2 Voted Nay: Motion Carried.**

**Finance Committee Motion H:** NET to make permanent the suspension of outside private event rentals of the Ferguson House, effective immediately.

Mr. Quandahl explained the Finance Committee thoughts on the motion. He also thought the income is not significant in the budget. Mr. Wellman asked who has the authority to rent out the property. Mr. Brohman explained DAS Building Division has given that authority to the Executive Director to manage. The revenue from the rentals is deposited into the Ferguson House Fund. This revenue is used for utilities, janitorial services, building

maintenance and other related items. Currently, our cost is less than \$3/sq. ft. and the rental revenues pay for those other costs. Two rentals are still pending. They were booked prior to COVID. Mr. Bowen pointed out the time spent speaking on the Ferguson House is an excellent reason not to continue in having events.

**Voting Aye:** Mr. Riley; Mr. Macy; Mr. Orr; Mr. Quandahl; Mr. Andersen; Mr. Christen; and Mr. Bowen.

**Voting Nay:** Mr. Wellman; Mr. Dunn and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**7 Voted Aye: 3 Voted Nay: Motion Carried.**

Mr. Andersen wanted to thank the board for the comments.

Mr. Kanger noted that on the advice of the Attorney General's office, this item be addressed separately from the earlier Finance Committee motions. This is not a Finance Committee motion.

**Agenda Item #6: Discuss permanently eliminating all tours, open houses and internal public viewing of the Ferguson House:**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Christen; Moved to permanently eliminating all tours, open houses and internal public viewing of the Ferguson House effective immediately.

**Open for Discussion:** Mr. Riley asked as the current leasee, do we have the full authority to proceed with this action or does DAS have some say. Mr. Brohman responded, he does not think we have authority because it is a historic and public building. Mr. Bowen asked if this was a recommendation from the Attorney General's office. Mr. Kanger responded it was just the structure of motion not merits of the motion. Mr. Quandahl believes this is outside of our mission and there are security and privacy issues. Mr. Wellman believes this is out of our focus but we do not have the authority to ban the public from the building. For that reason, he will be voting no. Mr. Orr asked if we should get the advice from the Attorney General's office if we have the authority to ban the public from the house. Ms. Bucholz advises that we take this to the next quarterly meeting to allow the proper time to investigate our authority to take this action. Mr. Kanger asked if there is any objection to sending it to the Finance Committee for clarification of our authority to be discussed at the next quarterly board meeting.

Break until 4:25 p.m. (Mr. Wellman returned at 4:30 p.m.)

**Agenda Item #8: Staff Report:**

- a.) **Legislative Update:** Mr. Kanger called on Mr. Brohman for the legislative update. Mr. Brohman reviewed all of the Legislative Bills that affect the Environmental Trust.

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- a. There were 684 new bills introduced this session. The Legislature has set adjournment for June 10. They are a little past midway of the 90 day session.
- b. LB 83: Change the Open Meetings Act to provide for virtual conferencing. Introduced by Senator Flood. On Select File
- c. LB 112: Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act. Introduced by Senator Albrecht. In Government, Military and Veterans Affairs Committee
- d. LB 213: Provide for an efficiency review of state agencies. Introduced by Senator Briese. In Agriculture Government, Military and Veterans Affairs Committee
- e. LB 380: Appropriate funds for the expenses of the State for biennium ending June 30, 2023. Introduced by Speaker Hilgers at the request of the Governor. In Appropriations Committee
- f. LR34: Interim study to examine the structure and funding of the Nebraska Environmental Trust. Introduced by Senator Slama. Referred to Executive Board
- g. Director Brohman attended the hearing for LB 380 on February 5, as directed by the Board and was available for questions from the Appropriations Committee, but did not testify.

**b.) Grants Administration Report:** Ms. Adams gave the report to the board members. Ms. Adams reviewed late reports with an update on their status and budget modification requests that were approved prior to the board meeting.

**d.) Director's Comments:** Reviewed the handouts that were handed out prior to the meeting, and described the Soil Health for Nebraska Wealth, The Nebraska Healthy Soils Task Force Report. Beyond the Schools has a ribbon cutting they invited the NET Board to and Mr. Brohman will follow up with an email to the Board when he receives the specific information. Lottery proceeds were the highest recorded since 2016, but are expected to drop with the introduction of the casinos eventually. Mr. Wellman pointed out that the Healthy Soils Task Force was terminated by the Unicameral and is no longer in existence as of 01/01/2021. Mr. Brohman thanked Mr. Wellman for the correction and clarified they are breaking into smaller groups.

**Agenda Item #9: Grant Modifications Request:**

Mr. Kanger called on anyone who wanted to testify on the Grant Modifications. Ms. Bucholz will monitor a 3 minute limit to testify.

Elizabeth Elliott, Director, League of Transportation and Utilities, City of Lincoln (575 S. 10<sup>th</sup> Street, Suite 308, Lincoln NE 68508) addressed the Board and asked that they approve the extension on Project 18-164 City of Lincoln StarTran.

Timothy McCoy, Deputy Director, Nebraska Game and Parks Commission, (2200 N. 33<sup>rd</sup> Street, Lincoln NE, 68503) addressed the Board and asked for an extension on Project #18-

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114-2. Mr. Riley will be abstaining from the vote because he is going to be making decision on water rights

Andy Bishop, Rain Water Basin Joint Venture, (2550 North N. Diers Ave, STE L, Grand Island NE) addressed projects 17-113-3, 18-121 and 18-122.

Mike Davis, Transit Manager, City of Lincoln, (710 J Street, Lincoln, NE) addressed project 18-164.

Chelsea Johnson, Conservation Nebraska, (6030 S. 57<sup>th</sup> Street, STE B, Lincoln NE). addressed project 20-151.

Mr. Wellman had some question about procedure and how we can address the requests from pages 9-2 to 9-6. Mr. Kanger noted that we can take them in multiple ways.

**Motion By:** Mr. Wellman; **Seconded By:** Mr. Macy; Move to approve extension requests from pages 9-2 to 9-6. Except for 20-108, 18-107-3, and 19-193.

**Open for Discussion:** Mr. Bowen questioned if we should be extending grants that are 3 or 4 years old. Should we consider setting precedence on the number of extensions, regardless of circumstances? Mr. Macy and Mr. Wellman agreed on the thoughts of Mr. Bowen. Mr. Wellman also stated based on the past 2 years they have been unordinary so it does fit into receiving an extension. After this, we will have a policy to limit the extensions. Mr. Riley agrees with Director Wellman. Mr. Bowen also agreed on a policy in the future. Mr. Dunn expressed his concern for the grantees who have never applied before you are changing the rules. Mr. Quandahl was also concerned on the wording. Mr. Orr noted, lumping all the extensions together, is not the best solution. Mr. Wellman is consistent in wanting to clean up the grants with some leniency because of 2019 and 2020. Mr. Riley, noted, not one size shoe fits all, but these are all unique projects. This is only addressing the grants right now. Mr. Bowen has a question on where we are on the motion. Mr. Bowen disagrees with the amendment. Mr. Bowen wants a guarantee that we set policy limiting extensions before he votes for the amendments. Mr. Andersen wanted to draw the attention to the table Ms. Adams created and use it for reference. Mr. Kanger asks if there is any objection to the motion as amended. Mr. Dunn answered yes. Mr. Kanger states we are voting on adding the amendment (with the understanding that it is the final extension of their grant.)

**Voting Aye:** Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Wellman; Mr. Macy; and Mr. Kanger.

**Voting Nay:** Mr. Dunn; Mr. Bowen; and Mr. Riley

**Abstaining:** Mr. Orr

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**6 Voted Aye: 3 Voted Nay: 1 Abstaining: Motion Carried.**

Mr. Riley feels you are punishing the first time grantee for the other grantees who have extended longer than necessary. Mr. Dunn suggested adding "if the column labeled "prior

extensions (in years)” is 2 or greater.” Mr. Kanger asked if there was any objection to adding this language to the main motion. No Objections.

**Amended Modification:** Mr. Wellman; **Seconded By:** Mr. Macy; Moves to approve extension requests from pages 9-2 to 9-6 with the understanding that it is the final extension of their grant, if the column labeled “prior extensions (in years)” is 2 or greater. Except for 20-108, 18-107-3, and 19-193.

**Voting Aye:** Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Christen; Mr. Riley; Mr. Wellman; Mr. Macy; and Mr. Kanger.

**Voting Nay:** Mr. Andersen and Mr. Bowen.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**8 Voted Aye: 2 Voted Nay: Motion Carried.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Macy; Move to approve the extension requests 20-108, 18-107-3, and 19-193 with the understanding that it is the final extension of their grant, unless the column labeled “prior extensions (in years)” is 1 or greater.

**Voting Aye:** Mr. Dunn; Mr. Quandahl; Mr. Wellman; Mr. Macy and Mr. Orr.

**Voting Nay:** Mr. Andersen and Mr. Bowen.

**Abstaining:** Mr. Christen; Mr. Riley; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**5 Voted Aye: 2 Voted Nay: 3 Abstains: Motion Failed.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Orr; Move to approve the extension requests 20-108, 18-107-3, and 19-193, with the understanding that they will be eligible for only one more extension.

**Voting Aye:** Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Wellman; Mr. Macy; Mr. Orr; and Mr. Dunn.

**Abstaining:** Mr. Riley and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**8 Voted Aye: 2 Abstains: Motion Carried.**

Ms. Adams described the 6-month extension for 20-103, which arrived after the board book was sent out; and the 1-year extension for 20-137, which was originally told an extension was not required but in fact it was needed.

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Andersen; I move to approve the 6-month extension for 20-103 and the 1 year extension of 20-137 with the understanding that they will be eligible for only one more extension.

**Voting Aye:** Mr. Andersen; Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Orr; Mr. Dunn; Mr. Quandahl; and Mr. Kanger.

**Abstaining:** Mr. Macy.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 Voted Aye: 1 Abstaining: Motion Carried.**

**Motion By:** Mr. Quandahl; **Seconded By:** Mr. Andersen; Move to deny all grant modification requests on pages 9-7 through 9-8.

**Open for Discussion:** Mr. Quandahl noticed that most of the modification requests changes the nature from the original request of the grants. It would appear that all of them could be a separate grant request and a number of them are from the Board of Regents, noticed they showed up on the late list, and Mr. Quandahl moves to deny all of them. Ms. Adams wanted to clarify that the projects have different contacts. Mr. Quandahl acknowledged but clarifies that they are still under the Board of Regents.

**Voting Aye:** Mr. Macy; Mr. Quandahl; Mr. Kanger; and Mr. Andersen.  
**Voting Nay:** Mr. Wellman; Mr. Orr; Mr. Dunn; Mr. Bowen and Mr. Riley.  
**Abstaining:** Mr. Christen.  
**Absentee:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.  
**4 Voted Aye: 5 Voted Nay: 1 Abstaining: Motion Failed.**

Ms. Adams reviewed some modifications that came in after the board book was completed (19-146-2, 19-132-2 and 18-119-2). Mr. Macy asked Ms. Adams a question about 9-7 thru 9-8 if there are any grants that could not wait until August. Ms. Adams replied that some of the grants are expiring this June.

**Motion By:** Mr. Macy; **and Seconded By:** Mr. Orr; Postpone those grants that are not going to expire on 06/30/2021 to be considered at the August Board meeting, so that the Department of Administrative Services can do a full review on substantial policy issues that these may be affected by.

**Open for Discussion:** Mr. Christen began discussion with reviewing each one individually, that for instance the one that he is familiar with, the Five Rivers RC&D grant the did get funds for travel and education and couldn't complete because of COVID, and it put things back on the landscape. Mr. Dunn noted that many budget modifications make a positive or neutral change in their budgets. Mr. Bowen has noticed that there are grantees that are able to spend all of their funds and some that turn funds back. He is going to vote for modifications, unless it is egregious amount.

**Withdrawn by Mr. Macy and Mr. Orr.**

**Motion By:** Mr. Bowen; **Seconded By:** Mr. Wellman; Move to accept all grant modification requests on pages 9-7 through 9-8 and 19-146-2, 19-132-2, and 18-119-2.

**Voting Aye:** Mr. Christen; Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; and Mr. Dunn.  
**Voting Nay:** Mr. Quandahl; Mr. Andersen; and Mr. Kanger.  
**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.  
**7 Voted Aye: 3 Voted Nay: Motion Carried.**

Ms. Adams explained the requested modification for 20-186 on page 9-9.

**Motion By:** Mr. Andersen; **Seconded By;** Mr. Wellman; Move to approve the project modification 20-186 on page 9-9.

**Voting Aye:** Mr. Bowen; Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion Carried.**

**Agenda Item #10: Performance Review Committee Report and Recommendations.**

Mr. Kanger called on Mr. Brohman to start the discussion. The Committee did not have a quorum. Mr. Davidson plans on another meeting after our Board meeting. The Committee went over discussion points. Goals of Committee is to get some best practices and standards identified for the Grants Committee and to use when ranking projects. These items would be a request at the time of the grant application. The Committee would also address site visits, acquisitions and easements as the next step. Mr. Christen had nothing to add other than there was good discussion.

**Agenda Item #11: Executive Committee Report, Recommendations and Executive Director's Performance Plan.**

The Executive Committee met to follow up on Mr. Brohman's performance improvement plan from the August board meeting. Mr. Davidson took minutes. Mr. Kanger scanned through the summary of the minutes in the board book and he did not think they reconciled with those minutes. Mr. Kanger asked to withdraw pages 11-2 thru 11-3 from the packet. There were no objections.

**Motion By:** Committee to extend the performance improvement plan as amended with the new SMART goals.

**Voting Aye:** Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Dunn; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; and Mr. Kanger.

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**10 Voted Aye: Motion Carried.**

**Agenda Item #12: Chairman Update and Planning Discussion:**

Mr. Kanger addressed that there are a lot of things going on. The Executive Committee talked about creating a working group to look at all of the working parts and assigning Committees to look at different aspects, including the litigation and the updates from the audits. A brainstorm came up with a committee called Trust 22 that would meet monthly. The Committee would examine things like applicant timelines, consequences, and previous items discussed today. There would be a timeline set. The Chairman asked if any board members were interested to reach out to him, as he will be assigning members to this committee.

**Motion By:** Mr. Andersen; **Seconded By:** Mr. Orr; Move the Board to create an Ad Hoc Committee to focus on recruitment, procedures, polices, and efficiencies. The Committee shall consist of five people appointed by the chair and shall meet monthly. The committee is

in place until January 1, 2023, or until the board dissolves the committee, or whichever comes first.

**Voting Aye:** Mr. Riley; Mr. Wellman; Mr. Macy; Mr. Orr; Mr. Quandahl; Mr. Andersen; Mr. Christen; Mr. Bowen; and Mr. Kanger.

**Abstaining:** Mr. Dunn

**Absent:** Mr. Davidson; Mr. Hellbusch, Mr. Douglas and Dr. Anthone.

**9 Voted Aye: 1 Abstaining: Motion Carried.**

Mr. Kanger asked staff to assist with the Expense Reimbursement documents and the Statement in the Financial Interests for the citizen board members.

**Agenda Item #13: Adopt 2022 Calendar**

Mr. Brohman presented the calendar for 2022 set one year in advance to help in scheduling the upcoming year. Mr. Macy suggested that we start earlier so we can adjourn by 5:00 p.m. Mr. Riley asked to send out a calendar reminder for next year.

**Agenda Item #14: Public Comment and Good of the Order**


Andy Bishop wanted to address the projects funded by the Nebraska Environmental Trust, expressed how appreciative they are and will acknowledge this in a press release. He noted 25 Whooping Cranes used Trust projects this spring.

John Denton shared his comments with the board members. Appreciates setting changes for 2022 rather than changing in the middle of the grant process.

**Agenda Item #13: Date and Location of the next meeting.** The next meeting set to be August 2 & 3, 2021, final date(s) and times to be determined.

**Agenda Item #14: Adjourn;** Mr. Kanger adjourned the meeting at 6:14 p.m.

Respectfully submitted,



Mark A. Brohman  
Executive Director