

MINUTES

Nebraska Environmental Trust Board
4th Quarter Board Meeting
Thursday, December 2, 2021
6:30 PM

The 4th Quarter Board meeting of the Nebraska Environmental Trust was held at the Nebraska Department of Environment and Energy, Lower Level Hearing Room 031, 245 Fallbrook Blvd., Lincoln, Nebraska. Advance public notice was given on the Nebraska Public Meeting Calendar at nebraska.gov/calendar/index.cgi and published in the Lincoln Journal Star on November 19, 2021.

Chairman Josh Andersen called the meeting to order at 6:32 PM and noted the location of the Open Meetings Act. A copy of reproducible written material to be discussed during the open meeting was provided in accordance with the Open Meetings Act. Attendees were asked to silence their cell phones.

Roll call was conducted and a quorum was confirmed.

Members present: Chairman Josh Andersen, Edgar; Vice Chairman Jim Macy, Nebraska Department of Environment and Energy; Mr. Jeff Kanger, Lincoln; Mr. Jim Hellbusch, Columbus; Mr. John Orr, Blair; Mr. Felix Davidson, Valley; Mr. Paul Dunn, Omaha; Mr. Mark Quandahl, Omaha; Mr. Rod Christen, Steinauer; Mr. Quentin Bowen, Humboldt; Mr. Tim McCoy, Nebraska Game & Parks Commission; Mr. Tom Riley, P.E., Nebraska Department of Natural Resources.

Members absent: Dr. Gary Anthone, Department of Health and Human Services; Mr. Steve Wellman, Nebraska Department of Agriculture.

Staff present: Ms. Angela Janda-Craig, Interim Executive Director, Ms. Holly Adams, Grants Administrator; Ms. Pam Deines, Grants Assistant; and Ms. Sandra Weaver, Office Specialist.

Parliamentarian present: Ms. Lori Bucholz, PRP.

Agenda Item 3. Minutes for September 16, 2021, Special Board Meeting

Motion by Mr. Quandahl, seconded by Mr. Orr to approve the minutes of the September 16, 2021, Special Board meeting.

Voting Aye: Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, Riley, Macy, Kanger, Andersen.

Abstain: McCoy.

Absent: Anthone, Wellman.

11 Voted Aye, 1 Abstain. Motion carried.

Agenda Item 4. Discussion Concerning Meeting Minutes Format

Motion by Mr. Davidson, seconded by Mr. Christen to discuss the format of the meeting minutes.

Voting Aye: Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Macy, Kanger, Hellbusch, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

After discussion, the Board instructed staff to use an action-based format for the minutes going forward. Chairman Andersen noted Parliamentarian Bucholz offered to provide assistance. Mr. Riley will forward a brief outline published on the Nebraska Attorney General's website for public meeting minutes and voting procedures as per Neb. Rev. Stat. § 84-1413.

Agenda Item 5. Written Submission of Proposed Bylaw Amendments

Motion by Mr. Quandahl, seconded by Mr. Christen to table Agenda Item 5 until the 1st Quarter Board meeting on February 3, 2022. Without objection, the **motion was amended** to the 1st Quarter Board meeting in 2022.

Voting Aye: Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Kanger, Hellbusch, Orr, Andersen.

Absent: Anthone, Wellman, Macy (temporarily stepped out of meeting).

11 Voted Aye. Motion carried.

Agenda Item 6. Finance Committee Report

Mr. Quandahl, Chair of the Finance Committee, reported the Committee met December 2, 2021, immediately preceding the Board meeting. The financial reports and the Grants Administrator Report were reviewed and accepted. A Nebraska Lottery beneficiary briefing was presented to the Finance Committee and its attendees by Mr. Brian Rockey, Director; Ms. Jill Marshall, Marketing Director; and Mr. Dennis Nelson, Finance Director of the Nebraska Lottery and Charitable Gaming Division. From the lottery proceeds, approximately 23 - 24% profit is directed to various beneficiaries, including the Nebraska Environmental Trust. In FY 2021-22, the Trust will receive an estimated distribution of 21.81 million dollars. This amount is significantly higher than in past years. The effect of casino gambling on future lottery revenue is unknown, but an estimated reduction of up to 10% in sales and proceeds could result.

Motion by Mr. Riley, seconded by Mr. Orr to accept the Finance Committee report.

Voting Aye: Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Kanger, Hellbusch, Orr, Dunn, Andersen.

Abstain: Macy.

Absent: Anthone, Wellman.

11 Voted Aye. 1 Abstain. Motion carried.

Agenda Item 7. Staff Report

Ms. Adams, Grants Administrator, presented the Grant Administration Report and updated the Board on the late reports from grantees and the grant modifications approved by staff.

New grant modification policies passed at the Board meeting on April 4, 2021, will begin on all 2022 grant projects. Modification requests for \$10,000 or more and extension requests will be required to come to the Board. Ms. Adams noted all of the staff approved modifications were below \$10,000.

Public Comment:

Mike Sotak, Fyra Engineering

Mike Murphy, Middle Niobrara Natural Resources District

Agenda Item 8. Grant Modifications Requests

Ms. Adams presented the requests to the Board for budget modifications, extensions, and modifications to projects.

Budget Modification Requests

- 18-121-2 Nebraska Community Foundation, Loup River Prescribed Fire Training Exchange – *Requesting approval to move funds from the Grass Deferment & Tree Removal category into the Prescribed Fire Equipment, Outreach, Prescribed Fire Implementation, and Prescribed Fire Incentive categories.*
- 19-139-3 Lincoln Parks and Recreation Dept., Prairie Corridor on Haines Branch, Phase III – *Requesting approval to move funds from their Conservation category into the Habitat category.*
- 19-192-2 BOR-UNL, Beneficial impact of injected air into a subsurface drip irrigation system on plant growth and uptake of emerging antibiotics using runoff from a feedlot. – *Requesting approval to move funds from supplies and travel categories into their salaries and benefits categories.*
- 20-146 Central Platte NRD, Richard Plautz Crane Viewing Site Restoration Project – *Requesting approval to move funds from large tree removal, silt fencing, and live pole planting categories into clearing and grubbing, seeding and mulching, and quartzite rip rap categories.*

Motion by Mr. Quandahl, seconded by Mr. Orr to deny grant budget modifications for 18-121-2, 19-139-3, 19-192-2, and 20-146.

Motion as amended by Mr. Davidson, seconded by Mr. Orr to separate discussion and vote for grant budget modifications for 18-121-2, 19-139-3, 19-192-2 as a group and vote on the grant budget modification for 20-146 separately.

Voting Aye: Davidson, Christen, McCoy, Riley, Macy, Kanger, Hellbusch, Orr, Quandahl, Andersen.

Voting Nay: Bowen, Dunn.

Absent: Anthone, Wellman.

10 Voted Aye. 2 Voted Nay. Motion carried.

Motion by Mr. Quandahl, second by Mr. Orr to deny budget modifications for 18-121-2, 19-139-3, and 19-192-2.

Voting Aye: Christen, McCoy, Macy, Kanger, Hellbusch, Orr, Quandahl, Davidson, Andersen.

Voting Nay: Bowen, Riley, Dunn.

Absent: Anthone, Wellman.

9 Voted Aye. 3 Voted Nay. Motion carried.

Motion by Mr. Davidson, second by Mr. Christen to approve the budget modification request for 20-146.

Voting Aye: Bowen, McCoy, Riley, Macy, Kanger, Hellbusch, Orr, Dunn, Quandahl, Davidson, Andersen.

Voting Nay: Quandahl.

Absent: Anthone, Wellman.
11 Voted Aye. 1 Voted Nay. Motion carried.

Extension Requests

- 19-145-3 Friends of Heron Haven, Nature Education and Capital Improvements at Heron Haven - *Requesting six-month extension*
- 19-132-3 The Xerces Society, Nebraska Bumble Bee Atlas - *Requesting six-month extension*
- 20-168-2 BOR-UNL, Direct removal of groundwater nitrate coupling water treatment and algae growth - *Requesting one-year extension*

Motion by Mr. Riley, second by Mr. Davidson to approve the grant extensions for 19-145-3, 19-132-3, and 20-168-2.

Motion as amended by Mr. Davidson, seconded by Mr. Hellbusch to approve the grant extensions for 19-145-3, 19-132-3, and 20-168-2 with the stipulation that they will only be one-time extensions.

Voting Aye: McCoy, Macy, Kanger, Hellbusch, Orr, Quandahl, Davidson, Christen, Bowen, Andersen.

Voting Nay: Dunn, Riley.

Absent: Anthone, Wellman.

10 Voted Aye. 2 Voted Nay. Motion carried.

After further discussion, the **original motion was amended** to approve 19-145-3, 19-132-3, and 20-168-2 for a one-time extension.

Voting Aye: Riley, Macy, Kanger, Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Request for Modification to Project

- 20-104 Middle Niobrara NRD (MNNRD) - Long Pine Creek Watershed Restoration, Phase 3 - *Requesting to shift project one half-mile upstream in the Long Pine Creek Watershed with a one-year extension for the project.*
- 20-103-2 Nebraska Academy of Sciences (NAS) - Nebr. Environmental Public Information & Education Mini-Grant Program - *Requesting to change grant cycle from quarterly to three times a year – fall, spring, and summer and increase their mini-grant award limit from \$3,000 to \$5,000 due to inflation.*

Motion by Mr. Orr, seconded by Mr. Dunn to approve the grant modification request for 20-104 with a one-time extension for one year.

Voting Aye: Riley, Macy, Kanger, Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Motion by Mr. Dunn, seconded by Mr. Bowen to approve the grant modification request for 20-103-2.

Voting Aye: Macy, Kanger, Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Agenda Item 9. Grants Committee Report

Mr. Kanger, Chair of the Grants Committee, reported the Nebraska Environmental Trust (NET) received 119 new grant applications totaling \$30,536,587. There are 37 statement of intents, for the second and third years of projects, totaling \$5,984,276. The Trust is engaging with the Nebraska Department of Administrative Services (DAS), Center of Operational Excellence (COE) for performance improvement analysis with special emphasis on grant application, approval, and administration process. The COE is working on mapping and recommendations for performance improvement sought to be used on this year's grant scoring process. It will add clarity to both the Grants Committee and the Board. Since time is a factor, some special meetings could be required to look at the COE recommendations.

Agenda Item 10. Trust 22 Committee Report

The Trust 22 Committee met with the COE on November 22, 2021. Chairman Andersen reported DAS decided to waive its fee for the COE services. A maximum expenditure of \$5,000 for services was approved by the NET Board on September 16, 2021.

Agenda Item 11. Post Completion Reports Update

Ms. Adams, Grants Administrator, reported 94 projects were expired or completed by November 23, 2021. Although expired, three projects did not submit a final report as requested. The Post Completion Report is available at <https://drive.google.com/drive/folders/11nVx-6sN03q7fLsZpicvwp76nwhy25f?usp=sharing>.

Motion by Mr. Riley, seconded by Mr. Davidson to close all grants on the report with the exception of 16-130, 18-152, and 19-152.

Voting Aye: Macy, Kanger, Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Motion amended by Mr. Riley, seconded by Mr. Christen to close grants 16-130, 18-152, and 19-152 with ineligibility for grants in the future. After discussion, the amended motion was withdrawn without objection.

Ms. Adams will continue contacting the three organizations that did not submit a final report. The grantees will be asked to meet the dollar amount proposed to match the grant funds. No further funding will be expended for these grant projects.

Agenda Item 12. Executive Committee Report

Chairman Andersen briefed the Board on the actions of the Executive Committee, serving as a Search Committee. An applicant was sought to fill the vacant position of executive director. The

Committee followed a process advised by the Nebraska Attorney General's Office. After a consultant screened 61 applications, six were selected for interview by the Search Committee. Follow-up interviews were conducted for three selected candidates. The Search Committee met on November 30, 2021, and selected one candidate by unanimous vote to present to the Board for consideration at its next meeting.

Applications were screened applying criteria stated in the profile with a particular emphasis on:

- Executive Director or senior management experience
- Experience in agriculture, conservation, or environmental fields
- Government, public policy, communication experience
- Grant making experience
- Diversity
- Nebraska or Nebraska-related experience

Mr. Quandahl stated motions were being brought to the Board for the Executive Committee.

Motion by Mr. Quandahl, seconded by Mr. Orr to provide an award of \$500 to NET staff members Ms. Adams, Ms. Deines, and Ms. Weaver.

Voting Aye: Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Macy, Kanger, Hellbusch, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Mr. Quandahl reported the purpose of the awards was to thank staff for exemplary service in keeping the functions of the Nebraska Environmental Trust going during a tumultuous time and without a permanent executive director.

Chairman Andersen stated Board policy gives the Executive Committee authority to appoint an interim director for up to 30 days. Time beyond that period requires an action from the Board to extend the appointment.

Motion by Mr. Orr, seconded by Mr. McCoy for the Board to extend the position of Interim Executive Director for Ms. Angela Janda-Craig until Mr. Karl Elmshaeuser begins employment.

Voting Aye: Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Macy, Kanger, Hellbusch, Orr, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried

Recommendation for Executive Director

The Executive Committee recommended Mr. Karl Elmshaeuser for the position of executive director for the Nebraska Environmental Trust. Chair Andersen asked Mr. Elmshaeuser to come before the Board to introduce himself and take questions.

Agenda Item 13. Finalist(s) Statement and Question/Answers with the Board

Finalist Karl Elmshaeuser came before the Board and described the management and leadership experience he would bring to the table. He shared his vision to improve processes to move the Nebraska Environmental Trust forward. After answering questions from board

members, Mr. Elmshaeuser stated his desire was to fill a position where his experience, knowledge, and skills would better the organization.

Agenda Item 14. Executive Session

Motion by Chairman Andersen, second by Kanger to go into closed session for executive director candidate discussion and a confidential grantee financial matter not a matter of public information to prevent needless injury to their reputation.

By unanimous consent, the Board moved into closed session at 8:36 PM.

Motion by Mr. Riley, seconded by Mr. Christen to leave closed session for executive director candidate discussion and a confidential grantee financial matter not a matter of public information to prevent needless injury to their reputation.

Voting Aye: Kanger, Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Macy, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Closed session ended at 9:27 PM.

Agenda Item 15. Motion/Vote to Offer Executive Director Position to Candidate

Motion by Mr. Riley, seconded by Mr. Davidson to extend an offer to Mr. Karl Elmshaeuser for the position of Executive Director for the Nebraska Environmental Trust at an annual salary of \$111,900.

Voting Aye: Hellbusch, Orr, Dunn, Quandahl, Davidson, Christen, Bowen, McCoy, Riley, Macy, Kanger, Andersen.

Absent: Anthone, Wellman.

12 Voted Aye. Motion carried.

Agenda Item 16. Public Comment and Good of the Order

Sandy Scofield, Friends of the Environmental Trust
Andy Bishop, Rainwater Basin Joint Venture

Agenda Item 17. Date and Location of Next Meeting

Thursday, February 3, 2022, time and location to be determined.

Agenda Item 18. Adjourn

Chairman Andersen adjourned the meeting at 9:36 PM.



Angela Janda-Craig
Interim Executive Director