

MINUTES

Nebraska Environmental Trust Board
Special Meeting
Thursday, March 3, 2022
1:00 PM

1. Call to Order

The special meeting of the Nebraska Environmental Trust Board was called to order by Chairman Andersen at 1:00 PM in the LL Hearing Room 031, 245 Fallbrook Blvd, Lincoln, Nebraska.

Roll call was conducted and a quorum was present.

Advance public notice of the meeting and public hearing was published in the Lincoln Journal Star on February 21, 2022. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted in the meeting room.

Members present:

District I: Mr. James Hellbusch, Columbus; Mr. Jeff Kanger, Lincoln; Mr. John Orr, Blair.

District II: Mr. Felix Davidson, Valley; Mr. Paul Dunn, Omaha; Mr. Mark Quandahl, Omaha.

District III: Chairman Josh Andersen, Edgar; Mr. Rod Christen, Steinauer; Mr. Quentin Bowen, Humboldt.

State Agency Representatives: Dr. Gary Anthone, Director, Nebraska Department of Health and Human Services; Vice Chairman Jim Macy, Director, Nebraska Department of Environment and Energy; Mr. Tim McCoy, Director, Nebraska Game & Parks Commission; Mr. Steve Wellman, Director, Nebraska Department of Agriculture.

Members absent:

State Agency Representative: Mr. Tom Riley, P.E., Director, Nebraska Department of Natural Resources.

Staff present:

Mr. Karl Elmshaeuser, Executive Director; Ms. Holly Adams, Grants Administrator; and Ms. Sandra Weaver, Office Specialist.

2. Consent Agenda

Background on consent agenda items

The consent agenda listed the February 3, 2022, Board Meeting Minutes.

Motion by Mr. Wellman, seconded by Mr. Orr, "I move to approve the consent agenda."

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

Absent: Riley

13 Voted Aye. Motion carried.

3. Public Comment

Mr. Rob Schupbach commented on authorized versus proposed funding for the 2022 grant cycle.

Ms. Gail Yanney, Friends of the Environmental Trust, commented on the proposed reduction of funding for grants in the 2022 grant cycle and the direction the Trust is taking.

4. Board Development – Informational reviews

Executive Director Elmshaeuser reported the July 2021 Department of Administrative Services (DAS) Operations Assessment of the Nebraska Environmental Trust (NET) indicated grant eligibility and rating systems were not correctly applied. An eligibility checklist using criteria found in Title 137, Rules and Regulations, was developed in 2022 and adopted as a tool for the Grants Committee and NET Board. The Grants Committee independently reviewed eligibility and scored grant applications. On January 26, 2022, the Grants Committee developed recommendations for funding for the 2022 grant cycle. On February 3, 2022, the Board approved the eligibility list. Director Elmshaeuser noted subjectivity and interpretation played a role in judging grant applications even though no changes were made to the criteria. Currently, the NET Board is engaged with the Center of Operational Excellence (COE) in at least ten project improvements. The work will result in a better understanding of grant eligibility, scoring, and ranking. Revisions of Title 137, Rules and Regulations, may be required to implement some of the project improvements.

Agenda item 7, Director's Report, was addressed before the Public Hearing due to availability of time and no objections from the Board.

1:30 PM - Public Hearing on Proposed Funding List for the 2022 Grant Cycle

As presiding officer, Chairman Andersen opened the public hearing at 1:30 PM to accept testimony on proposed funding for the 2022 grant recommendations under consideration by the Nebraska Environmental Trust Board, pursuant to Nebraska Revised Statute, Sections 81-15,167 through 81-15,176. Written comments were accepted into the record.

Testimony and comments were provided by the following individuals:

Ms. Kathryn Worley, Keep Alliance Beautiful, asked that grant application 22-109 for the Alliance Recycling Center and Education Program be reconsidered for funding.

Mr. Terry Julesgard, Lower Niobrara NRD, commented on the one-year grant extension request for grant project 19-151-3.

Mr. John Bender, Friends of the Environmental Trust, provided testimony concerning the review and scoring for grant eligibility and suggested looking at statute and using the four "shall nots" in Neb. Rev. Stat. § 81-15,176 (2) to rank grants.

The hearing concluded at 1:43 PM.

5. Award of 2022 Grants

Background on agenda item 5

The Committee reviewed 118 applications for eligibility, determined 82 projects were eligible, scored eligible projects, and developed recommendations for funding. Grants Committee members include Chairman Jeff Kanger, Mark Quandahl, Rod Christen, Quentin Bowen, Jim Macy, and Steve Wellman.

Chairman Kanger reported the Committee is recommending funding for 71 grant projects for a total of \$13.8 million. Of these, 35 are new applications, and 36 are carryover projects. As per NET policy, the recommendations were made available to the public on February 18, 2022. Funding is recommended for grant applications receiving a score of 130 or above and includes years two and three. In the past, projects were funded for one year with statements of intent for years two and three. Executive Director Elmshaeuser noted because of the quality of grants

awarded, funding would be set aside for years two and three. Grantees will be assured of funding as long as they meet their contractual obligations. Since this fiscal year is the first year of the biennium, spending authority not used for grants during the 2022 grant cycle will be available in the next cycle. Ms. Adams, Grants Administrator, reported monitoring available funds and expenditures. Monthly reports are provided at quarterly Board meetings showing the balance of expenditures and available funds. Mr. McCoy noted because of the way the Trust was set up, the Game and Parks Commission tracks NET expenditures and unspent authority. If unobligated funds are available in the Trust Fund, an increase in spending authority for grants may be requested in future biennium budget requests.

Motion by Mr. Kanger, seconded by Mr. Orr, “As Chairman representing the Grants Committee, I move that the Nebraska Environmental Trust Board accepts and approves the grant applications, as recommended by the Grants Committee, 22-147, 22-150, 22-207, 22-174, 22-159, 22-173, 22-145, 22-123, 22-148, 22-130, 22-119, 22-209, 22-200, 22-155, 22-157, 22-102, 22-214, 22-146, 22-183, 22-172, 22-138, 22-177, 22-141, 22-182, 22-161, 22-144, 22-178, 22-112, 22-137, 22-217, and 22-162, and authorize the Chairperson and Executive Director to sign the award letters and contracts.”

Discussion: None.

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

Absent: Riley.

13 Voted Aye. Motion carried.

Motion by Mr. Kanger, seconded by Mr. Orr, “As Chairman representing the Grants Committee, I move that the NET Board accepts and approves the grant applications, as recommended by the Grants Committee, 20-174-3, 20-139-3, 20-183-3, 20-157-3, 20-189-3, 20-175-3, 20-162-3, 20-111-3, 20-150-3, 20-219-3, 20-103-3, 20-101-3, 20-115-3, 20-148-3, 20-204-3, 20-179-3, 20-127-3, 20-116-3, 20-143-3, 21-177-2, 21-215-2, 21-122-2, 21-216-2, 21-205-2, 21-144-2, 21-147-2, 21-211-2, 21-193-2, 21-218-2, and 21-162-2, and authorize the Chairperson and Executive Director to sign the award letters and contracts.”

Discussion: None.

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

Absent: Riley.

13 Voted Aye. Motion carried.

Motion by Mr. Kanger, seconded by Mr. Orr, “As Chairman representing the Grants Committee, I move that the NET Board accepts and approves the grant application, as recommended by the Grants Committee, 22-122, and authorize the Chairperson and Executive Director to sign the award letters and contracts.”

Discussion: None.

Voting Aye: Quandahl, Davidson, Christen, Bowen, McCoy, Anthone, Wellman, Macy, Kanger, Hellbusch, Orr, Dunn.

Abstaining: Andersen.

Absent: Riley.

12 Voted Aye. 1 Abstained. Motion carried.

Motion by Mr. Kanger, seconded by Mr. Orr, “As Chairman representing the Grants Committee, I move that the NET Board accepts and approves the grant applications, as recommended by the Grants Committee, 22-143, 22-166, 22-170, 20-171-3, 20-153-3, 21-148-2, 21-197-2, and 21-201-2, and authorize the Chairperson and Executive Director to sign the award letters and contracts.”

Discussion: None.

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

Abstaining: McCoy.

Absent: Riley.

12 Voted Aye. 1 Abstained. Motion carried.

Motion by Mr. Kanger, seconded by Mr. Orr, “As Chairman representing the Grants Committee, I move that the NET Board accepts and approves the grant application, as recommended by the Grants Committee, 21-158-2, and authorize the Chairperson and Executive Director to sign the award letters and contracts.

Discussion: Mr. McCoy noted third year funding was not included in the recommendations for 21-158-2. Ms. Adams, Grants Administrator, stated the project would have typically been reviewed for funding during the next grant cycle. If third year funding is awarded this year, it would be expended from the current fiscal year’s spending authority rather than funded from next fiscal year’s appropriation.

Motion as amended by Mr. McCoy, seconded by Bowen, “I move to amend the motion to include year three, 21-158-3.”

Discussion: None.

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

Absent: Riley.

13 Voted Aye. Motion carried.

Original Motion as amended by Mr. Kanger, seconded by Mr. Orr, “As Chairman representing the Grants Committee, I move that the NET Board accepts and approves the grant applications, as recommended by the Grants Committee, 21-158-2 and 21-158-3, and authorize the Chairperson and Executive Director to sign the award letters and contracts.

Discussion: None.

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

Absent: Riley.

13 Voted Aye. Motion carried.

6. Grant Extension Requests for Projects 19-139-3, 19-151-3, 19-186-3 and 20-145-2

Background on agenda item 6

Grantees may submit extension requests to be reviewed by the Board. These requests do not change the scope of the project. Effective starting with the 2022 grant cycle, extensions to the

funding period may be approved by the Board if the request is received before the expiration date of the funding period. If an extension is approved, the letter of request and any attachments are a binding amendment to the grant agreement.

Motion by Mr. Orr, seconded by Mr. Macy, “I move to approve the City of Lincoln’s request to extend their project 19-139-3, for one year.”

Discussion: Mr. Macy asked if the motion would limit the extension to one year. Ms. Adams, Grants Administrator, noted no policy was in place to limit the number of extensions.

The motion was withdrawn by Mr. Orr and there were no objections from the Board.

Motion by Mr. Orr, seconded by Mr. Macy, “I move to approve the City of Lincoln’s request to extend their project 19-139-3, for one year only.”

Discussion: None.

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

Absent: Riley.

13 Voted Aye. Motion carried.

Motion by Mr. McCoy, seconded by Mr. Davidson, “I move to approve the Lower Niobrara NRD’s request to extend their project 19-151-3 for one year only.”

Discussion: None.

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

Absent: Riley.

13 Voted Aye. Motion carried.

Mr. Quandahl left the meeting at 2:15 PM.

Motion by Mr. Davidson, seconded by Mr. McCoy, “I move to approve UNL’s request to extend their project 19-186-3 for 6 months.”

Discussion: None.

Voting Aye: Wellman, Macy, Kanger, Hellbusch, Orr, Dunn, Davidson, Christen, McCoy, Anthone, Andersen.

Voting Nay: Bowen.

Absent: Quandahl, Riley.

11 Voted Aye. 1 Voted Nay. Motion carried.

Motion by Mr. Orr, seconded by Mr. Davidson, “I move to approve the Nebraska Recycling Council’s request to extend their project 20-145-2 for 6 months only.”

Discussion: None.

Voting Aye: Wellman, Macy, Kanger, Hellbusch, Orr, Dunn, Davidson, Christen, Bowen, McCoy, Anthonie, Andersen.

Absent: Quandahl, Riley.

12 Voted Aye. Motion carried.

7. Directors Report

Executive Director Elmshaeuser reported the Trust is down to three staff members. Applications are being taken for the Grants Assistant position. The Finance Committee will meet on March 10, to look at budget adjustments for the next fiscal year and proposed new language for the NET Grant Contract. The Attorney General's Office provided a definition of "calendar days" and recommended using "calendar days" in proposed language revisions for Article III, Section 4 and Article IV, Section 4 of the Bylaws, as addressed at the Board meeting on February 3, 2022. The need for a new website was identified. The State of Nebraska has a contract with Nebraska Interactive, LLC (NIC Nebraska), but its website services are not available until 2023. Other options for website development are being considered.

8. Next Meeting

Thursday, April 7, 2022, at the Nebraska Department of Environment and Energy, LL Room 031, 245 Fallbrook Blvd., Lincoln, Nebraska, time TBD.

9. Adjourn

Chairman Andersen adjourned the meeting at 2:25 PM.



Karl L. Elmshaeuser
Executive Director