

Agenda Item 4. Minutes of the August 3 and 4, 2020 Board Meeting

Meeting minutes from the August 3 and 4, 2020 Board Meeting held in Lincoln, Nebraska.

MINUTES

Nebraska Environmental Trust
3rd Quarter Policy Discussion Session
Monday, August 3, 2020
1:30 p.m.

Nebraska Outdoor Education Center
Lincoln, Nebraska

The Nebraska Environmental Trust Board met at the Outdoor Education Center, Lincoln, Nebraska for the transaction of business. Advance public notice was given through release to news media and official public notice in the "Lincoln Journal Star" on Tuesday, July 21, 2020.

Chairperson Dunn called the meeting to order at 1:33 p.m. Made an announcement about procedures due to COVID regulations.

Roll call was conducted and a quorum was established.

Members present were: Mr. Davidson, Valley; Ms. Vinton, Whitman; Mr. Christen, Steinauer; Mr. Bowen, Humboldt; Mr. Douglas, Nebraska Game and Parks Commission; Mr. Wellman, Nebraska Department of Agriculture; Mr. Macy, Nebraska Department of Environment and Energy; and Mr. Dunn, Omaha.

Members via telephone: Mr. Kanger, Lincoln; Mr. Orr, Blair; and Mr. Bradley, Nebraska Department of Natural Resources.

Members Absent: Mr. Hellbusch, Columbus; Mr. Krohn, Omaha, Dr. Anthone, Nebraska Department of Health and Human Services.

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

Made individual introductions for the audience of the board members and staff due to the larger room and distancing required by COVID.

Mr. Brohman introduced Mr. Rawlinson who gave a history of the Outdoor Education Center and the services they provide and some of their partnerships.

Mr. Brohman received a text from Dr. Anthone noting he was on a conference call with Governor and the White House at 2:00 p.m. and will join after that ended.

Agenda #3: Public Information Update. Ms. Sheila Johnson, Public Information Officer, give an update for the Trust. Reviewed last years media program and gave an explanation of changes and plans for upcoming media program. Ms. Johnson explained the budget in FY 20-21. Publicity in various forms is being implemented through different media outlets and press releases and our social media presence has been strong. Goals, short term increase visibility, promote Trust across the State and the new theme for the upcoming annual report "Investing in Partnerships". The long term goals, ensure the Trust is the beneficiary of the Lottery. We look to continue seeking ways to effectively communicate our message. Roundtable Category Meetings will be advertised closer to the dates. Publicity material reviewed and the signage to grantees at sites. Reviewed the advertising campaign

with media outlets and grantees. Ferguson House not really advertised due to COVID. Website update, we have an older platform, plan to migrate to a newer program. Questions on metrics were brought up by Mr. Wellman and Mr. Macy. We get information from the media outlets to help in determining certain metrics. Mr. Kanger asked about policy on the media questions when it comes to articles, etc. Mr. Davidson asked for data from the lottery on who plays the lottery, etc. Ms. Johnson mentioned there is information from the lottery on who plays etc., how to sign up for membership to get information on the lottery, website, etc. Discussion went on to discuss the mission statement preserve and conserve wording.

Agenda #4: Guest Speaker, Dr. Dirac Twidwell, Assistant Professor, Rangeland Ecologist, Department of Agronomy and Horticulture, University of Nebraska-Lincoln. Discussion on the Eastern Red Cedar epidemic: It's threat to Nebraska and finding a cure. Mr. Brohman introduced Dr. Twidwell. Presentation by Dr. Twidwell was an informative talk and slide presentation going into details of coordinating Eastern Red Cedar control. The presentation showed how prescribed burns benefit the land and techniques to orchestrate the burns for the optimum success. Discussion and questions followed.

Dr. Anthonie arrived at the meeting at 2:39 p.m.

Mr. Krohn joined the meeting by telephone at 3:00 p.m.

Agenda #5: Discuss 5-Year Funding Categories Meetings: Mr. Brohman began the discussion on the Roundtable Funding Categories Meeting. Mr. Brohman visited with hotel locations and asked about the status of their meeting facilities and they suggested we look for alternative ways to hold the meetings based on the fact they were cancelling all of their fall meetings. Mr. Brohman needed to double check but previous conversation with the Attorney General's office was that they didn't have a specific answer but it was decided that Zoom meetings in 2 or 3 different towns across the state would be acceptable. Mr. Brohman made contact with public consultants and the University of Nebraska on setting up Zoom meetings. Mr. Brohman gave the details of the costs that would be involved with the University of Nebraska. Mr. Brohman listed agenda at the last Roundtable Funding Categories Meetings of past years. Need to decide if a Zoom meeting is an option, which direction to go, to use a facilitator and then the dates. Discussion followed. Ms. Scofield from the audience wanted to make a comment on Roundtable Categories Meetings. Ms. Scofield wanted to give her input for an option for written comments. Concerns with connections for Wi-Fi by Ms. Scofield. Ms. Vinton also mentioned Wi-Fi. Discussion about Zoom. Reminder a public hearing has to take place before categories can be changed. Staff will inform as many people as possible through various media sources about the meetings.

Motion By: Mr. Davidson seconded by Mr. Bowen to have Zoom meetings for the Roundtable Categories Meetings.

Voting Aye: Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Douglas; Dr. Anthonie Mr. Wellman; Mr. Macy and Mr. Dunn. Motion Carried.

Discussion about the dates for the meetings. Requested to have meetings in September and October. Create a Doodle Poll to narrow down dates. Mr. Brohman ran down the evolution of the categories.

Agenda Item #6: Performance Review Committee discussion by Mr. Brohman. Want to get clear direction for the Performance Review Committee. Performance Review Committee members are set up in By-Laws. There was a Performance Review Committee last year but not activated. Review of the duties of Performance Review Committee. The Board has asked for an active Performance Review Committee. Mr. Davidson had questions about real property and auditing. Mr. Brohman explained quarterly and final reports. Mr. Macy had input about how grants are performing and metrics. Mr. Bowen had input about automatic triggers. Ms. Vinton asked about revolving funds and tracking when the committee is set up. Mr. Brohman described past revolving fund grants. Mr. Douglas acknowledged that this committee has a big job and duties of the committee will not get figured out in this meeting. Mr. Christen had other questions on revolving funds and land sales. Mr. Davidson stated he feels the board has the accountability with giving out large amount of money and the Performance Review Committee needs to give the full Board recommendations. Mr. Macy noted the State Auditor could possibly do a performance audit. Mr. Wellman strongly supported getting the Performance Committee going. Ms. Tabor said a report is given to the board members for their review in November and the Trust usually uses a reimbursement process. There was a discussion on encumbered funds. There was a discussion on the Rulo Bluffs property.

Mr. Wickersham spoke to the board. He liked witnessing an engaged board. He liked that the public could speak. He spoke about audits and he has been involved on many levels. He cautioned the Board not to have audits become a weapon.

Mr. Wellman commented on performance review. There was additional discussion on the Performance Review Committee and actions to be taken and the Committee should start with real estate. Mr. Dunn discussed getting committee together and come back to report to the board on what they will do. Mr. Wickersham added that projects should be selected randomly and not targeted. It was consensus of the Board to start with real estate. The new Performance Review Committee will move forward. No motion required.

Agenda Item #7: Public Comment/Good of the Order. Audience members who signed in to testify. Mr. Buetler from Lincoln, member of the Friends of Nebraska group, spoke about their group, his historical connection to the Trust and its formation, and recent board actions, Mr. Wellman and Mr. Macy responded to Mr. Buetler that they have spaces to meet with him. Ethan Freese from Lincoln, spoke about concerns about recent project scoring and some Board members' positions on conservation easements. Mr. Christen, Mr. Kanger and Ms. Vinton asked Mr. Freese questions. Dakota Altman from Lincoln, spoke about conservation easements and the blender pump grant. Mr. Macy responded to explain the grant. Mr. Bowen commented on the grant. Mr. Wellman commented on ethanol in how he saw the connection in the mission of the Environmental Trust and how it applies

Agenda # 8: Adjourn: 5:32 p.m.

Respectfully Submitted,



Mark Brohman, Executive Director

MINUTES

Nebraska Environmental Trust
3rd Quarter Board Meeting
Tuesday, August 4, 2020
9:00 a.m.

Nebraska Outdoor Education Center
Lincoln, Nebraska

The Nebraska Environmental Trust Board met at the Nebraska Outdoor Education Center, Lincoln, Nebraska, for the transaction of business. Advance public notice was given through release to news media and official public notice in the "Lincoln Journal Star" on Tuesday, July 21, 2020.

Chairman Dunn called the meeting to order at 9:06 a.m.

Roll call was conducted and a quorum was established.

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

Member via Telephone: Mr. John Orr, Blair and Mr. Bob Krohn, Omaha.

Members absent: Mr. Jim Hellbusch, Columbus and Dr. Anthone, Health and Human Services representative.

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

Agenda Item #3: Minutes of the June 11, 2020 Board Meeting. Minutes of the June 11, 2020 board meeting were received.

Motion by Mr. Macy, seconded by Mr. Christen to accept the minutes as received.

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

Agenda Item #4: Financial Reports. Mr. Dunn stated the Finance Committee met July 21st and reviewed the reports from Game and Parks, internal finance report and Ferguson House report. We ended the year in good shape which is good because COVID-19 messed things up. Ferguson House rentals were down as expected and will probably remain that way for the rest of the year. Mr. Wellman asked if on the report are there any recommendations by the Finance Committee. Mr. Dunn confirmed that there were none. Mr. Macy added that the board does have the opportunity and the right to modify if they so chose. Ms. Vinton asked for report on the distribution of Lottery proceeds. Mr. Brohman gave the report from the Lottery proceeds. The Lottery was apprehensive about this quarter with COVID-19 being a downfall but unexpectedly the allocation was the 3rd highest quarter ever at \$12.5 M. The Lottery said that this was due to the large purchase of scratch tickets. Mr. Christen asked about the defense fund, which it was noted it was coming up in the agenda.

Motion by: Finance Committee to accept the Financial Reports and minutes.

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

Agenda Item #5: Follow-up Discussion from Previous Day if Necessary.

No discussion.

Agenda Item #6: Staff Report

Mr. Brohman asked Ms. Tabor to report on the Grants Administration Report and Ms. Tabor had no late reports. Data conversion went well but grantees were asked to submit only if in dire need of funds, otherwise, no submissions until after September 30, 2020. Modifications by staff were reviewed by Ms. Tabor. Ms. Vinton asked for clarification by Ms. Tabor on Grant # 16-112-3. Budget appeared to be the same but they just used the same format that Ms. Tabor used to request the modification.

Mr. Brohman gave the director's report. The Ferguson House Report numbers are down with some cancellations and one added. Ms. Tabor and Mr. Brohman have been meeting with grantees via ZOOM meetings which has allowed them to see the material, charts, graphs, etc. without contact as we continue to work through COVID issues. We have been working full staff at the Ferguson after rotating in the early stages of COVID. Ms. Tabor was part of an Electric motorcycle dedication in South Sioux City to be used by the police force. Mr. Brohman was part of the lottery RFPD. Mr. Brohman was on committee for the Lottery contract panel to choose the next contract for the full lottery; 2 finalists; 6 on panel which consisted of 3 from inside the lottery and 3 from the outside the Lottery. This will be 7 year contract with option for two three year renewals and the announcement should be soon. It will happen in June/July next summer. Mr. Kanger had question on modification request percentages clarification. It was explained that this was reflective of the total budget of the three years and the report was for just the one year that was in the report.

Agenda Item #7: Report and Recommendations of the Executive Committee with Salary Recommendation for the Executive Director.

Chairman Dunn asked for a motion to proceed to Executive Session.

Motion by Mr. Macy, seconded by Mr. Christen to go into Executive Session to discuss the recommendations by the Executive Board.

Voting Aye: Ms. Vinton; Mr. Bowen; Mr. Douglas; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Davidson; Ms. Vinton and Mr. Dunn. **Motion carried**

Mr. Dunn announced that the Executive Session began at 9:32 a.m.

The board entered into Executive Session for the purpose of discussion of personnel matters specifically the review of the Executive Director, Mark Brohman. Staff and the public were asked to leave the meeting room.

Mr. Brohman was asked to return to the closed executive session for further discussion at 12:15 p.m.

Minutes – August 4, 2020
Nebraska Environmental Trust

Motion by Ms. Vinton, seconded by Mr. Wellman to come out of Executive Session at 12:45 p.m.

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

Motion by Mr. Douglas recommended we receive the minutes by the Executive Committee and approve their recommendations, seconded by Mr. Bowen to receive the Executive Committee's recommendations and approve the salary adjustment for Executive Director, Mark Brohman, of 1.5%.

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

Motion did not carry.

2nd Motion by Mr. Davidson recommended we receive the minutes for a second vote by the Executive Committee and approve their recommendations, seconded by Mr. Bowen to receive the Executive Committee's recommendations and approve the salary adjustment for Executive Director, Mark Brohman, of 1.5%.

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

Motion carried.

Chairperson Dunn mentioned that much was discussed during the previous hours but it was productive, he wanted the public to be informed. Mr. Douglas had to leave the meeting at 12:50 p.m. Mr. Bowen excused himself for a few minutes also to return shortly thereafter.

Agenda Item #8: Grant Modification Requests. Ms. Tabor presented the report also providing printed copies. Ms. Tabor gave an overview and explained that all were six month and one year extensions. Ms. Tabor confirmed that all grant modifications are wrapping up shortly and there were no problems.

Motion by: Mr. Wellman, seconded by Ms. Vinton to approve grant modification requests.
Voting Aye: Mr. Wellman; Mr. Macy; Mr. Kanger; Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Bradley and Mr. Dunn. **Motion carried.**

Agenda Item #9: 2021 Application Cycle. Ms. Tabor presented the request for the board to give staff authority to seek technical reviews for the 2020-21 grant applications from those persons who have participated in the technical review process in past years and from persons showing interest to participate this year.

Ms. Tabor presented the staff recommendation for the Point Allocations for Geographical Location in which staff recommended the approval of awarding 20 points to District VI in the 2021 application cycle. Mr. Kanger had some questions about District I and the amount allocated and it was discussed that District VI was at a point where the Geographic Points could be dropped but at this time to even things out they will remain in District VI.

Motion by: Mr. Wellman, seconded by Mr. Kanger to approve authority for technical reviews and 20 geographical points for projects in District VI.
Voting Aye: Mr. Macy; Mr. Kanger; Mr. Davidson; Mr. Christen; Mr. Bowen; Mr. Bradley; Mr. Wellman and Mr. Dunn. **Abstaining:** Ms. Vinton **Motion carried.**

Agenda Item #10: Report of Grant-Funded Equipment. Ms. Tabor began the discussion on the equipment. All grants awarded for the purchase of personal property (equipment or buildings) require the grantee to hold and maintain the equipment for its useful life, based on State of Nebraska Department of Revenue depreciation schedules. Insurance must be maintained for all equipment valued at \$1,000.00 or more for the useful life of the equipment.

The attachments showed status of equipment as of July 20, 2020 and all equipment still on the inventory. Any equipment that has passed its “useful life” (or End Date) has dropped off of the report already. Government entities are typically self-insured so we do not require proof of insurance on these items. A verification of the status of equipment/buildings that the Trust contributed \$25,000 or more at the time of purchase and status is conducted on an annual basis.

Motion by Ms. Vinton, seconded by Mr. Macy to approve the report on equipment.

Voting Aye: Mr. Kanger; Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Bradley; Mr. Wellman; Mr. Macy and Mr. Dunn. **Motion carried.**

Agenda Item #11: Report on Grant-Funded Real Estate. A discussion began on grant-funded Real Estate. All grants awarded for the purchase of real property (land) require the grantee to continue to pay local property taxes.

*Exception: Grants awarded prior to 1997, which pre-dates the adoption of the current policy, do not require payment of property taxes. The Board also adopted a new mechanism in November 1999, to ensure the payment of property taxes by government entities. New grant awards for real property contain an additional allocation for payment of taxes for up to 15 years for those government entities that are not allowed to pay taxes by law. These funds are paid out to the county in a lump sum.

A list of grants that have acquired real property was provided on pages 11-2 through 11-22. These grantees have been contacted and tax payment status will be updated as the Real Estate section of the grant portal is completed.

We do not require proof of payment of taxes on individual grants with the Nebraska Game & Parks Commission and The Nature Conservancy. We maintain a current letter on file from each entity that indicates they agree to pay taxes on all properties purchased with Trust funds.

Mr. Wellman asked when the real estate have been sold, the date the land was sold be added to the information of those transactions. Ms. Tabor reported to Mr. Wellman that we do have that information in the file and to please let her know when a request for the information is needed to provide that information. Mr. Wellman responded that he would like that documentation on the information provided to them from this point forward. Mr. Bowen asked about 13-140 Papio-Missouri River Natural Resources, the history of taxes and Ms. Tabor explained it is a tax exempt entity and that Sarpy County isn't requiring taxes and they are working on a solution.

Motion by Mr. Davidson, seconded by Mr. Macy to approve the report on Grant Funded Real Estate.

Voting Aye: Mr. Davidson; Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Kanger and Mr. Dunn. **Motion Carried.**

Ms. Tabor continued discussion on the report on defense funds status, reviewed and discussed Summary of easements that defense funds were a part of the NET application and the balance of those defense funds. Not an action item, an information item.

Agenda Item #12: Election of Officers. Chairman Dunn requested nominations for election of Chair and Vice Chair of the board.

Motion by Mr. Bowen, seconded by Mr. Christen to nominate Mr. Kanger as Chairperson.

Voting Aye: Ms. Vinton; Mr. Christen; Mr. Bowen; Mr. Bradley; Mr. Wellman; Mr. Macy; Mr. Davidson and Mr. Christen. **Abstaining:** Mr. Kanger. **Motion carried.**

Chairman Dunn called for nominations for Vice-Chair.

Motion by Mr. Bowen, seconded by Mr. Vinton to nominate Mr. Macy as Vice Chairperson.

Voting Aye: Mr. Christen; Mr. Bowen; Mr. Bradley; Mr. Wellman; Mr. Kanger; Mr. Davidson; Ms. Vinton and Mr. Dunn. **Motion carried.**

Agenda Item #13: Public Comment and Good of the Order. Mr. Chris Beutler from the public wanted to take opportunity to ask clarification on item #7 on agenda, did not hear recommendation on Mr. Brohman's status. Chairperson Dunn restated the recommendation from the Executive Committee. Andy Bishop, Rainwater Basin, Grand Island, noted partnership has been very strong with the Trust and gave a summary of how their projects are doing.

Agenda Item #14: Date and Location of the Next Meeting: November 5, 2020 1:30 p.m., Ferguson House, Lincoln, Nebraska.

Agenda Item #15: Adjourn. Chairman Dunn adjourned at 1:25 p.m.

Respectfully Submitted,



Mark Brohman, Executive Director