

## MINUTES

Nebraska Environmental Trust Board  
Special Meeting  
Thursday, January 6, 2022  
6:30 PM

### 1. Call to Order

The virtual board meeting of the Nebraska Environmental Trust was called to order by Chairman Andersen at 6:31 PM at the Ferguson House, 700 South 16<sup>th</sup> Street, Lincoln, Nebraska.

Roll call was conducted and a quorum was present.

Advance public notice was published in the Lincoln Journal Star on December 23, 2021. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted in the meeting room and on Zoom chat.

#### **Members present via Zoom or in person:**

**District I:** Mr. Jim 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 Anthonie, 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. Tom Riley, P.E., Director, Nebraska Department of Natural Resources; Mr. Steve Wellman, Director, Nebraska Department of Agriculture.

**Members absent:** None.

**Staff present via Zoom or in person:** Mr. Karl Elmshaeuser, Executive Director; Ms. Holly Adams, Grants Administrator; Ms. Pam Deines, Grants Assistant; and Ms. Sandra Weaver, Office Specialist.

### 2. December 2, 2021, meeting minutes

#### Background on agenda items 2.a & 2.b

At the 4<sup>th</sup> quarter meeting held December 2, 2021, the Board took action on two items not specifically addressed on the agenda. As recommended by counsel, the Board is ratifying the actions by specifically listing them on the agenda, restating the motion, and conducting a roll call to affirm the action was taken.

#### **a. Ratify December 2, 2021, vote to provide additional compensation to certain Trust staff**

**Motion by** Mr. Riley, seconded by Mr. Davidson, "I move to provide an award of \$500 to NET staff members Ms. Adams, Ms. Deines, and Ms. Weaver."

**Discussion:** None

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

**b. Ratify December 2, 2021, vote to extend the term of the Trust's interim executive director**

**Motion by** Mr. Riley, seconded by Mr. Davidson, "I move to extend the position of Interim Executive Director for Ms. Angela Janda-Craig until Mr. Karl Elmshaeuser begins employment."

**Discussion:** None

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

**c. Ratify December 2, 2021, vote to go into executive session**

Background on agenda item 2.c

At the 4<sup>th</sup> quarter meeting held on December 2, 2021, a unanimous consent was given to go into closed session and the Board did not take a roll call vote. As recommended by counsel, the Board is ratifying the action to enter closed session by specifically listing it on the agenda, restating the motion, and conducting a roll call vote to affirm the action was taken.

**Motion by** Mr. Riley, seconded by Mr. Davidson, "I move 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."

**Discussion:** None

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

**d. Approve December 2, 2021, meeting minutes**

**Motion by** Mr. Riley, seconded by Mr. Davidson, "I move to approve the minutes of the December 2, 2021, Special Board meeting."

**Discussion:** None

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

### 3. Board Development – Informational reviews

Executive Director Elmshaeuser reviewed requirements and procedures with the Board for the following items.

- a. Open Meetings Act – Agenda requirements
- b. Open Meetings Act – Voting requirements
- c. Bylaws – Quorum and Voting requirements
- d. Bylaws – Amending process
- e. Accountability and Disclosure – Conflicts of Interest statement & reporting
- f. Title 137 Rules & Regulations – Amending process
- g. Trust 22 Committee Center of Operational Excellence (COE) process improvement status and recommendations for board training

The Nebraska Environmental Trust (NET) is engaging with the COE to facilitate process improvement. NET staff is scheduled to receive the State of Nebraska Lean Six Sigma training. Board members were encouraged to utilize the on-line Executive Green Belt Training if they are not already certified. Chairman Andersen noted the Department of Administrative Services (DAS) was providing training for NET at no cost.

### 4. Trust 22 Committee

#### **Public Comment:**

Ms. Sandy Scofield, Friends of the Environmental Trust, commented on the Grants improvement process.

#### **a. Adopt & Affirm Grant Eligibility Criteria Checklist Process for 2021-22 cycle**

##### Background on agenda item 4.a

Executive Director Elmshaeuser clarified the Board material should read the Trust 22 Committee is working with staff to improve the Grant process.

The Grants Committee, through the COE process with the Trust 22 Committee, will use an eligibility checklist to assist in making an eligibility determination. The checklist uses current Title 137 rules and regulations with the appropriate sections for the reviewer's reference. The Grants Committee desires to provide transparency concerning the application eligibility process before scoring using current applicable standards.

**Motion by** Mr. Kanger, seconded by Mr. Riley, "I move to adopt and affirm the Grant eligibility criteria checklist process for the 2021-2022 cycle as provided."

**Discussion:** None.

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

**b. Adopt Clarifying Language for Grant Ranking for 2021-2022 cycle**

Background on agenda item 4.b

Explanation of terminology for the approved grant-scoring matrix is not currently provided. Working with NET staff, the Grants Committee and the Trust 22 Committee, through the COE improvement process will find and use existing and established terminology to aid in standardizing scoring of an application with common references.

Mr. Kanger, Chair of the Grants Committee, reported after the Committee has gone through this Grant cycle, additional work will be done by the Trust 22 Committee to clarify the elements of the process.

**Discussion:** None.

**c. Affirm Trust 22 Committee to proceed with recommendations process to clarify Grant eligibility and ranking matrix beginning with the 2022-2023 Grant cycle**

Background on agenda item 4.c

Process improvement may identify needed changes or modifications for existing statutes, Title 137 rules and regulations, bylaws, and NET policies. The Trust 22 Committee will proceed with recommendations to clarify the Grant eligibility and ranking matrix beginning with the 2022-2023 Grant cycle. Any changes to governing documents will be subject to the required steps as provided by law.

**Motion by** Mr. Davidson, seconded by Mr. Kanger, "I move to direct the Grants Committee to continue to pursue process improvements for the 2022-2023 Grant cycle and advise the Board of any recommended changes required."

**Point of Order:** Mr. McCoy addressed the Board that the motion was out of order since it incorrectly directed the Grant Committee. Mr. Davidson's motion was withdrawn.

**Motion by** Mr. McCoy, seconded by Davidson, "I move to direct the Trust 22 Committee to continue to pursue process improvements for the 2022-2023 Grant cycle and advise the Board of any recommended changes required."

**Discussion:** None.

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

**5. Rescind Nebraska Environmental Trust Policy Section X: Public Comment Process**

**Public Comment:**

Mr. Bob Wickersham, Friends of the Environmental Trust, spoke against rescinding Board Policy, Section X.

Background on agenda item 5

NET Board Policy, Section X, currently allows public comment to occur on agenda items as they occur.

Executive Director Elmshaeuser reported public comment at a meeting is established in the Nebraska Open Meetings Act as per Neb. Rev. Stat. § 84-1412. Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions. He stated if Board chooses to rescind the policy, an agenda item would be added for public comment at the beginning of the meeting unless the Board states otherwise. Typically, the public would know the time limit for comments in advance.

**Motion by** Mr. Davidson, seconded by Mr. Bowen, "I move the Board rescinds the Nebraska Environmental Trust Policy Section X: Public Comment Process, effective January 7, 2022."

**Discussion:** Mr. Wellman asked what the structure of public comment at meetings would look like if the policy were rescinded. Executive Director Elmshaeuser confirmed the Board will follow the Open Meetings Act. Mr. Dunn and Mr. Orr expressed that they would like the public comment policy to remain.

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

**Voting Nay:** Orr, Dunn.

**Absent:** None.

**12 Voted Aye. 2 Voted Nay. Motion carried.**

**6. Closed session – Entire motion, roll call vote, restate limitations, time commenced and concluded**

Background on agenda item 6

The NET Board has a pending lawsuit against it and the closed session provides an opportunity to discuss strategy with respect to litigation. Closed session is being held for:

- a. The prevention of needless injury to the reputation of an individual, gifts.
- b. Strategy session with respect to litigation.

**Motion by** Mr. Andersen, seconded by Mr. Davidson, "I move to go into closed session for a strategy session with respect to litigation and for the prevention of needless injury to the reputation of an individual."

Chairman Andersen restated the limitation of the subject matter for closed session.

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

The Board moved into closed session at 7:34 PM.

**Motion by** Mr. Andersen, seconded by Mr. Davidson, "I move to leave closed session for a strategy session with respect to litigation and for the prevention of needless injury to the reputation of an individual."

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

**Absent:** None.

**14 Voted Aye. Motion carried.**

Closed session ended at 8:32 PM.

## 7. Public Comment

No public comment.

## 8. Director and staff reports

Executive Director Karl Elmshaeuser reported the 107<sup>th</sup> Legislative 2<sup>nd</sup> Regular Session began January 5. Bills introduced will continue to be monitored to see if any affect the Trust. Notification was received that the Nebraska Investment Council postponed its proposed legislation concerning capital gains.

Additional items included in the director's report:

- Delivered NET Annual Report to the Governor's Office and the Executive Board of the Legislative Council and uploaded on the Nebraska Legislature website.
- Met with the Game and Parks Commission Budget and Fiscal Administrator to discuss NET budget and expenditures; more will be provided about the budget and finance at the next meeting.
- Reviewing NET contracts, any policy recommendations will be brought to the next board meeting.
- COE process for improvement is continuing on multiple fronts. Board members wishing to utilize the on-line executive green belt training were reminded to contact the Chairman or the Executive Director.
- A Grant Committee eligibility meeting will be held Thursday, January 13, 2022, at 9:30 AM at the Ferguson House.
- Staff continues to process grant payments and clarification requests.
- During first 2 ½ weeks as Executive Director, served as a good will ambassador on behalf of the Trust through outreach to organizations, phone calls, emails, and meet and greet events.

## 9. Next Meeting

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

## 10. Adjourn

Chairman Andersen adjourned the meeting at 8:37 PM.



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Karl L. Elmshaeuser  
Executive Director