

## MINUTES

Nebraska Environmental Trust Board  
Second Quarter Meeting  
Thursday, April 7, 2022  
1:00 PM

### 1. Call to Order

The second quarter 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 March 28, 2022. The agenda and documents to be considered at the meeting were provided. The Open Meetings Act was posted in the meeting room entrance.

#### **Members present:**

**District I:** Mr. Jeff Kanger, Lincoln. **District II:** Mr. Felix Davidson, Valley; Mr. Paul Dunn, Omaha; Mr. Mark Quandahl, Omaha. **District III:** Chairman Josh Andersen, Edgar; Mr. Rod Christen, Steinauer; **State Agency Representatives:** Dr. Gary Anthone, Director, Nebraska Department of Health and Human Services; Mr. Tim McCoy, Director, Nebraska Game & Parks Commission; Mr. Tom Riley, P.E., Director, Nebraska Department of Natural Resources.

#### **Members absent:**

**District I:** Mr. James Hellbusch, Columbus; Mr. John Orr, Blair. **District III:** Mr. Quentin Bowen, Humboldt. **State Agency Representatives:** Vice Chairman Jim Macy, Director, Nebraska Department of Environment and Energy; Mr. Steve Wellman, Director, Nebraska Department of Agriculture.

Mr. Macy arrived after roll call at 1:03 PM.

#### **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 included the March 3, 2022, Board meeting minutes, financial reports, approval to set financials aside for audit, and the Grant Administration Report.

**Motion by** Mr. Davidson, seconded by Mr. Riley, "I move to approve the consent agenda."

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

### 3. Public Comment

Ms. Lindsay Rogers, Nebraska Game and Parks Commission, commented on the extension request for grant project 20-191-2.

Mr. Timothy McCoy, Nebraska Game and Parks Commission, commented on the extension request for grant project 18-114-2.

Mr. Don Blankenau, representing Central Platte NRD, commented on the request to transfer the conservation easement on grant project 09-113.

Mr. Tim Kalkowski, Nebraska Grazing Lands Coalition, commented on the organization's accomplishments through grants funded by the Nebraska Environmental Trust.

Mr. Wayne Rasmussen, Nebraska Grazing Lands Coalition, commented on the organization's purpose and the extension request for grant project 19-107-3.

Mr. Alex McKiernan, Nebraska Grazing Lands Coalition, commented on the extension request for grant project 19-107-3.

Mr. Tyler Weishahn, Lower Big Blue NRD, commented on the extension requests for 20-186-2 and 20-187-2.

Mr. Dayle Williamson, Friends of the Environmental Trust, commented on the proposed bylaw amendments.

Mr. David Geier, Nebraska Gamblers Assistance, commented on the organization's history and the sublease of its office at the Ferguson House.

#### 4. Board Development – Informational reviews

##### Background on informational reviews

Board development provides an opportunity for Board members and staff to review statutes, rules and regulations, and policies and procedures and become more familiar with the documents that govern NET's operations.

##### a. Records Retention Policy

Schedule 124, State Agencies General Records, February 2, 2020, contains records common to most state government agencies. The retention schedule, which is approved by the State Records Administrator, provides ongoing authority to dispose of records. The Nebraska Environmental Trust policy Section II: Committees, C. Grants Committee, contains the records policy for grants. Executive Director Elmshaeuser stated an update for the Board policy would be needed to reflect current processes and requirements. Internal controls need to be established to retrieve, evaluate, organize, and process NET records for disposition.

##### b. Public Records Requests

Neb. Rev. Stat. § 84-712 contains the basic rule for open public records. The Nebraska Public Records Statutes may be found at <https://ago.nebraska.gov/public-records>. Executive Director Elmshaeuser noted that the federal term *Freedom of Information Act (FOIA)* is often confused for a Nebraska public records request. A copy of the Nebraska Environmental Trust (NET) public records policy was provided and will be reviewed later for possible changes.

Chairman Andersen proposed changing the agenda order to address agenda item 8 before agenda item 5, allowing the Board to utilize revised amendments during the remainder of the meeting.

**Motion by** Mr. Quandahl, seconded by Mr. Davidson, "I move that agenda item 8 is addressed before agenda item 5.

**Discussion:** None.

**Voting Aye:** Quandahl, Davidson, Christen, McCoy, Anthone, Riley, Macy, Kanger, Andersen.  
**Voting Nay:** Dunn.  
**Absent:** Bowen, Hellbusch, Orr, Wellman.  
**9 Voted Aye. 1 Voted Nay. Motion carried.**

The Board addressed agenda item 8 before agenda item 5 as approved by affirmative vote.

## 5. Finance Committee Report and Recommendations

### a. Charge Point History and Contract

#### Background for Charge Point

Executive Director Elmshaeuser outlined the history of the Charge Point station located on the Ferguson House property. Installation of a Charge Point station for an electric vehicle was approved by the NET Board on November 3, 2015. The meeting minutes stated the plug-in would be installed at no cost through a Nebraska Community Energy Alliance (NCEA) grant and the Trust would only need to pay for electricity. Although the installation was free, the Charge Point agreement specifies the subscriber is solely responsible for the maintenance, service, repair, and replacement. Electricity fees are in addition to the agreement expenses. Currently, NET is paying \$705 a year for a service plan and \$789 was paid in 2019 for plug repair, parts and shipping. Total revenue received since 2016 is less than \$700.

Executive Director Elmshaeuser asked the Board to consider whether budgeting and expending funds should be continued for the service plan, electricity, and potential maintenance costs. The current service agreement expires in December 2023.

Mr. Macy requested that the consequences of proprietary versus open source be investigated and to make sure state requirements for the Charge Point installation were followed.

### b. Nebraska Gamblers Assistance Sublease

#### Background for Sublease

On July 1, 2004, the NET entered into a Property Management Agreement with the Department of Administrative Services (DAS) for the Ferguson House and is allowed to sublease. Problem Gambling has had a sublease with NET since 2014. In FY 2021-22, NET is charged \$280 a month by DAS for the space and Problem Gambling pays \$625 rent per month to NET. Additional overhead expenses such as utilities are paid by NET. The last sublease expired on December 31, 2021.

**Motion by** Mr. Kanger, seconded by Mr. Davidson, “I move that the Nebraska Commission on Problem Gambling be given a thirty day notice of cancellation with a month to month provision until the Department of Administrative Services finds a new location not to exceed 12 months from the notice.”

**Discussion:** Mr. Davidson stated that the Environmental Trust should be focused on the administration of the Environmental Trust and not real estate management. The general direction for staff should be to find a suitable office, focus on the work of the Trust, and extricate themselves from real estate management.

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

**c. Finance Committee Report**

Finance Committee Chairman Quandahl reported the Finance Committee met on March 10, 2022, and discussed budget status adjustments and grant contract revisions.

**d. Basic Grant Contract Review and Approval**

Background of Grant Contract Review

The Trust 22 Committee has been working with the State of Nebraska Center of Operational Excellence (COE) to improve NET processes. Efforts are carried out within the statutes, bylaws, rules and regulations, as well as current NET policies. A need was identified to improve the way contractual grant requirements are addressed.

Mr. Quandahl reported the Board directed the Finance Committee to review and suggest revisions to the current NET Grant Contract at its meeting on April 8, 2021. Executive Director Elmshaeuser, Grants Administrator Adams, Mr. Quandahl, Chairman Andersen, Mr. Davidson, and the Finance Committee, the COE, and the Attorney General's Office participated in the contract draft review. Input into the draft contract also included recommendations from the 2021 audit from the Auditor of Public Accounts, the 2021 DAS Operations Assessment, previous resolutions and specifications from the NET Board, and best practices for grant administration. Suggestions from the Friends of the Nebraska Environmental Trust and grantees were also taken into consideration. DocuSign will be implemented with the new contract. The Finance Committee Chairman, a representative from the Attorney General's office, and the NET Executive Director met for a final review to incorporate additional changes as needed.

**Motion by Mr. Kanger**, seconded by Mr. Davidson, "I move that the NET Board approves the standard conditions grant contract that is applicable to all grants and the Executive Director shall have discretion to negotiate specific conditions as allowed in Title 137, Chapter 9, Section 002."

**Discussion:** None.

**Voting Aye:** Riley, Macy, Kanger, Dunn, Quandahl, Davidson, Christen, McCoy, Anthonie, Andersen.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

The meeting recessed at 3:00 p.m. and reconvened at 3:10 p.m.

**e. Budget Adjustments for FY 2022-23 NET and Ferguson House**

Background of Budget Adjustments

The Finance Committee develops the biennial and annual budget for Board approval; develops policy guidelines for Board approval regarding fund solicitation, receipt, and fund development programming; makes recommendations to the Board on designation of receipts to the Funds of the Trust; and carries out any responsibility, duty or authority delegated to it by the Board.

Executive Director Elmshaeuser reported LB 380, 2021 and LB 1101, 2022 have set the expenditure authorization for FY 2022-23, the second year of the biennium budget. Rollover amounts from FY 2021-22 are not finalized. The focus for FY 2022-23 will be on internal budget items for the grant portal, grant monitoring, and website development. These items have been identified as priorities through the Trust 22 Committee's efforts as part of the Center of Operational Excellence NET Board project.

**Motion by** Mr. Quandahl, seconded by Mr. Davidson, “I move that the Nebraska Environmental Trust Board allow the Executive Director to make internal budget adjustments as needed to be efficient and effective with the appropriations as set by the Nebraska legislature for the Nebraska Environmental Trust for fiscal year 2022-23 by statutes and as reviewed by the Finance Committee.”

**Discussion:** None.

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

**f. Ferguson House notice to terminate agreement**

Background of Budget Adjustments

The NET entered into a Property Management Agreement with DAS on July 1, 2004, for the Ferguson House. From the agreement, “Additionally, notwithstanding anything else contained in this paragraph, any of the parties has a right to terminate this Property Management Agreement for any reason upon twelve (12) months written notice to the other party.”

**Motion by** Mr. Quandahl, seconded by Mr. Davidson, “I move that the Nebraska Environmental Trust notifies the Nebraska Department of Administration Services in writing that the Nebraska Environmental Trust will terminate the Ferguson House Property Management Agreement on June 30, 2023.”

**Discussion:** Mr. Riley expressed concern about where the Board would move. Executive Director Elmshaeuser clarified that although there would be a termination notice to DAS, the NET would have a 12-month period to either move or modify the contract.

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

**6. Grant Modification Requests**

Background of Grant Modification Requests

Grantees may submit budget and project modifications and extension requests to be reviewed by the Board. These requests do not change the scope of the project. If approved, their letter of request and any attachments are a binding amendment to their grant agreement.

Executive Director Elmshaeuser provided Board policy, Section VI, I. Grant Modification Requests, language from Title 137, Chapter 9, Section 010, and Neb. Rev. Stat § 81-15,175. Grants Administrator Adams reported many of the grant projects would expire on June 30, 2022. A large number of extension requests were received because the next quarterly meeting will be in August. Mr. Dunn reminded the Board that before the policy change, staff could have extended a grant project up to a total of three years without Board approval. Ms. Adams noted the modification request policy had been applied early for consistency and to avoid confusion between the 2022 projects and existing grant projects.

Chairman Andersen recommended addressing the extension and the budget modification requests at the same time for projects 19-107-3 and 19-205-2.

- a. **Extensions (27): Project number 18-107-3, 18-114-2, 18-116-2, 18-182, 19-104-3, 19-107-3, 19-110-3, 19-111-2, 19-162-3, 19-173-3, 19-194, 19-205-2, 20-121-2, 20-123-2, 20-134-2, 20-165-2, 20-182-2, 20-186-2, 20-187-2, 20-188-2, 20-191-2, 20-193-2, 21-106, 21-118, 21-139, 21-169, 21-173, and 21-213**

**Motion by Mr. Kanger, seconded by Mr. Macy, “I move to approve the Department of Natural Resources’ request to extend project 18-107-3 for one year.”**

**Discussion:** None.

**Voting Aye:** Kanger, Dunn, Quandahl, Davidson, Christen, McCoy, Anthon, Macy, Andersen.  
**Abstained:** Riley.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Abstained. Motion carried.**

**Motion by Mr. Kanger, seconded by Mr. Davidson, “I move to approve Nebraska Game and Parks Commission’s request to extend project 18-114-2 for one year.”**

**Discussion:** None.

**Voting Aye:** Dunn, Quandahl, Davidson, Christen, Anthon, Macy, Kanger, Andersen.

**Abstained:** McCoy, Riley.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**8 Voted Aye. 2 Abstained. Motion carried.**

**Motion by Mr. Kanger, seconded by Mr. Davidson, “I move to approve the Nebraska Game and Parks Commission’s request to extend project 19-194 for six months.”**

**Discussion:** None.

**Voting Aye:** Dunn, Quandahl, Davidson, Christen, Anthon, Riley, Macy, Kanger, Andersen.

**Abstained:** McCoy.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Abstained. Motion carried.**

**Motion by Mr. Kanger, seconded by Mr. Davidson, “I move to approve the Nebraska Game and Parks Commission’s request to extend project 20-191-2 for one year.”**

**Discussion:** None.

**Voting Aye:** Dunn, Quandahl, Davidson, Christen, Anthon, Riley, Macy, Kanger, Andersen.

**Abstained:** McCoy.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Abstained. Motion carried.**

**Motion by Mr. Davidson, seconded by Mr. Macy, “I move to approve the Nebraska Grazing Lands Coalition’s request to extend project 19-107-3 for six months.”**

**Discussion:** Chairman Andersen noted that there was also a budget modification request for project 19-107-3.

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

**Motion by** Mr. Davidson, seconded by Mr. Macy, “I move to approve the Nebraska Grazing Lands Coalition’s request to extend project 19-107-3 for six months and approve the requested budget modification to move funding from the Equipment and Liability Insurance categories into the Education and Burn Boss categories.”

**Discussion:** Mr. Riley noted project 19-107-3 might not be completed in six months because of possible drought.

**Motion as amended by** Mr. Riley, seconded by Mr. Macy, “I move to change the six-month extension to a one-year extension for project 19-107-3.

**Voting Aye:** Davidson, Christen, McCoy, Anthone, Riley, Macy, Kanger, Dunn, Andersen.

**Voting Nay:** Quandahl.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Voted Nay. Motion carried.**

**Original motion as amended by** Mr. Davidson, seconded by Mr. Macy, “I move to approve the Nebraska Grazing Lands Coalition’s request to extend project 19-107-3 for one year and approve the requested budget modification to move funding from the Equipment and Liability Insurance categories into the Education and Burn Boss categories.”

**Discussion:** Mr. Quandahl stated he would vote no since he believed the modifications would be appropriate for a new grant application or grant cycle. The three-year deadline in statute is included in the grant contract.

**Voting Aye:** Davidson, Christen, McCoy, Anthone, Riley, Macy, Kanger, Dunn, Andersen.

**Voting Nay:** Quandahl.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Voted Nay. Motion carried.**

**Motion by** Mr. McCoy, seconded by Mr. Davidson, “I move to approve the Board of Regents (BOR) - University of Nebraska Lincoln’s request to extend project 19-205-2 for six months and to approve the budget modification request to move funding from the Benefits and Travel categories into the Salaries, Supplies, and Operating categories.”

**Discussion:** Mr. Quandahl stated he would vote no since he believed moving funding into Salaries, Supplies, and Operating categories is a separate grant request.

**Voting Aye:** Christen, McCoy, Anthone, Riley, Dunn, Davidson.

**Voting Nay:** Andersen, Kanger, Quandahl.

**Abstained:** Macy.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**6 Voted Aye. 3 Voted Nay. 1 Abstained. Motion carried.**

**Motion by** Mr. Riley, seconded by Mr. Davidson, “I move to approve the extension requests for the balance of the grant projects listed on pages 6-2 through 6-5.

**Discussion:** Mr. Christen noted an extension request was received for project 21-173 even though all of the awarded funding had been paid to the grantee. Ms. Adams stated the equipment was purchased but an extension was needed to use the equipment to complete the project proposed in the original application. Mr. Dunn questioned whether the motion should be amended to list each project number individually to clarify which projects were approved for an extension.

**Motion as amended by Mr. Dunn, seconded by Riley, “I move to approve extension requests for projects 18-116-2, 18-182, 19-104-3, 19-110-3, 19-111-2, 19-162-3, 19-173-3, 20-121-2, 20-123-2, 20-134-2, 20-165-2, 20-182-2, 20-186-2, 20-187-2, 20-188-2, 20-193-2, 21-106, 21-118, 21-139, 21-169, 21-173, and 21-213.”**

**Discussion:** Mr. Davidson suggested tasking staff with some tactical problem solving to improve the process for the grant modifications going forward and report any recommendations to the Board.

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

**Original motion as amended by Mr. Riley, seconded by Davidson, “I move to approve the extension requests for 18-116-2, 18-182, 19-104-3, 19-110-3, 19-111-2, 19-162-3, 19-173-3, 20-121-2, 20-123-2, 20-134-2, 20-165-2, 20-182-2, 20-186-2, 20-187-2, 20-188-2, 20-193-2, 21-106, 21-118, 21-139, 21-169, 21-173, and 21-213.”**

**Discussion:** Mr. Quandahl questioned why some grants were not completed and stated since he could not vote to approve all of the extension requests in the motion, his vote would be no. Mr. Christen noted there were some inconsistencies in the way the Board handled extensions. Mr. Davidson identified a need to concentrate on the important agenda items and reduce time spent on administrivia.

**Voting Aye:** McCoy, Anthone, Riley, Macy, Kanger, Dunn, Davidson, Christen.

**Voting Nay:** Andersen, Quandahl.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

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

**b. Budget (2): Project number 19-107-3 and 19-205-2**

Budget modifications for projects 19-107-3 and 19-205-2 were addressed in agenda section 6.a with their project extension requests.

**7. Transfer of Conservation Easement Request 09-113**

Background of Bylaws Amendments

The Executive Director received an email from an attorney representing the Central Platte NRD with a request concerning the ability to transfer a conservation easement that was initially funded by the Environmental Trust. The Attorney General’s office reviewed the documents and advised Board action and the chairman’s signature if approved, as done in a 2013 transfer.

**Motion by Mr. Macy, seconded by Mr. Davidson, “I move to table the transfer of conservation easement request 09-113 until the next meeting to obtain sufficient information to make a decision.”**

**Discussion:** None.

**Voting Aye:** Anthone, Macy, Kanger, Dunn, Quandahl, Davidson, Christen, Andersen.

**Abstained:** McCoy, Riley.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**8 Voted Aye. 2 Abstained. Motion carried.**



Executive Director Elmshaeuser was asked to get an opinion from the Attorney General's office as to whether the Board has authority to allow part of the permanent easement acres to be transferred. Other information requested is what the intended use is, whether there is similar or more protection with the proposed transfer, and if the county has given approval.

The Board advanced to agenda item 9, since agenda item 8 was addressed before agenda item 5.

## 8. Bylaws Amendments

### Background of Bylaws Amendments

The proposed changes to the bylaws were submitted in writing at the previous quarterly meeting held on February 3, 2022, as required by Article VII, Amendments of Bylaws, Section 1.

#### a. Article III, Section 2, change who can place agenda items

**Motion by** Mr. Quandahl, seconded by Mr. Christen, "I move to adopt the proposed language for Article III, Section 2, 'An agenda shall be developed and maintained by the Executive Director of the Nebraska Environmental Trust. Items may be placed on the agenda by the Chairperson, or the Executive Director. A tentative agenda shall be provided to all members at least ten days prior to the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours prior to the commencement of the meeting.'"

**Discussion:** Mr. Dunn noted he would vote against the proposed amendment because a Board member would not be guaranteed a means of adding an item to the agenda. Chairman Andersen clarified Board members may contact the Chairperson or the Executive Director to request an item be added after receiving the draft agenda at least 10 days before the meeting. The agenda can be changed no later than 24 hours before the meeting.

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

**Voting Nay:** Dunn.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Voted Nay. Motion carried.**

#### b. Article III, Section 3, change to majority present and voting

**Motion by** Mr. Quandahl, seconded by Mr. Riley, "I move to adopt the proposed language for Article III, Section 3, 'A simple majority of the members of the Board shall constitute a quorum and a majority of the Board members present and voting shall be required to take action and make determinations.'"

**Discussion:** Executive Director Elmshaeuser clarified that abstentions do not count as a yes or no vote. A majority of yes votes from those present would be needed to pass a motion. Mr. Dunn expressed concern that fewer yes votes could pass a motion.

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

**Abstained:** Dunn.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Abstained. Motion carried.**

#### c. Article III, Section 4, change from 14 days to 10 days

**Motion by** Mr. Quandahl, seconded by Davidson, "I move to adopt the proposed language for Article III, Section 4, 'A schedule for quarterly meetings of the Board shall be established when the Board establishes the annual grant calendar. Except for emergency situations, written

notice of the time and place of all special meetings shall be made in advance to all Board members no less than 10 calendar days prior to the meeting.”

**Discussion:** None.

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

**d. Article III, Section 5, Rescind, already in Open Meetings Act**

**Motion by** Mr. Quandahl, seconded by McCoy, “I move to rescind Article III, Section 5.”

**Discussion:** None.

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

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**10 Voted Aye. Motion carried.**

**e. Article IV, Section 4, change to majority present and voting**

**Motion by** Mr. Riley, seconded by Davidson, “I move to adopt the proposed language for Article IV, Section 4, ‘A simple majority of the members of a committee shall constitute a quorum. A majority of the committee members present and voting shall be required to take action. Each committee shall meet at the call of the committee chairperson and any standing committee shall also meet at the call of two or more members. Except in case of an emergency, members shall be given at least five (5) calendar days’ notice of the time and place of the meeting. Committee members may participate in a meeting by telephone or electronic conferencing so long as each member may hear all other members who are participating.’”

**Discussion:** Dunn noted he would vote against the proposed amendment since the Grants Committee is small and only a few votes would be needed to pass a motion at its meetings.

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

**Voting Nay:** Dunn.

**Absent:** Bowen, Hellbusch, Orr, Wellman.

**9 Voted Aye. 1 Voted Nay. Motion carried.**

**f. Article VII, Section 1, change to any meeting of the Board**

**Motion by** Mr. Riley, seconded by Davidson, “I move to adopt the proposed language for Article VII, Section 1, ‘These bylaws may be amended at any meeting of the Board by action of the Board provided that the amendment has been submitted in writing at the previous Board meeting.’”

**Discussion:** Mr. Dunn questioned what bylaw change would be so critical that the Board would need to vote before its next quarterly meeting. Mr. Davidson and Mr. Kanger spoke in favor of amending Article VII, Section 1, because the Board’s ability to conduct its business was impaired when issues arose from the audit and performance review.

**Voting Aye:** McCoy, Anthone, Riley, Macy, Kanger, Quandahl, Davidson, Christen, Andersen.  
**Voting Nay:** Dunn.  
**Absent:** Bowen, Hellbusch, Orr, Wellman.  
**9 Voted Aye. 1 Voted Nay. Motion carried.**

Chairman Andersen announced all of the proposed amendments to the bylaws passed and would become effective immediately.

After addressing agenda item 8, the Board went to agenda item 5.

## 9. Trust 22 Committee

### a. NET Center for Operational Excellence updates

Mr. Kanger reported two working groups focused on grant eligibility and scoring in relation to Title 137. Applicants of adopted projects will be required to address the eligibility questions themselves for the Grants Committee to review. Scoring sheets and processes for the Grants Committee are being updated. Several provisions in Title 137 were flagged as being vague or needing review. Recommendations are being tested with existing applications and an application-working group will be formed.

### b. Endowment Fund Discussion

Mr. Davidson stated there were questions and a lack of understanding about the Endowment Fund. At a prior meeting, staff was asked to give the Board the history of the Fund and report on possible options for its use. Executive Director Elmshaeuser reported the Nebraska Environmental Endowment Fund was created under Nebraska Statute 81-15,174.01. Once money is placed in the Fund, only the interest may be expended. Mr. Dunn noted he had been on the Board since the inception of the Endowment Fund and conveyed its history to the Board. Executive Director Elmshaeuser was tasked with finding out what can and cannot be done with the Endowment Fund.

## 10. Directors Report

Executive Director Elmshaeuser reported staff evaluations were completed. The Grant Assistant position has not been filled and the job opening will be reposted. DocuSign for the grants portal is in the implementation process. Mr. Elmshaeuser reported receiving an invitation and attending a ribbon cutting ceremony in Omaha with the Grants Administrator on March 28, 2022. Omaha Metro Transit exhibited three fully electric busses that were funded in part by the Nebraska Environmental Trust. The buses reflect a new initiative to reduce Omaha Metro's carbon footprint. Mr. Elmshaeuser noted several other Trust-funded projects were discovered near the event. The NET Board members were thanked for their hard work.

## 11. Next Meeting

Tuesday, August 2, 2022, Location and Time TBD

## 12. Adjourn

Chairman Andersen adjourned the meeting at 4:47 PM.



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Karl L. Elmshaeuser  
Executive Director