

AGENDA

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

The Ferguson House
700 S 16th St, Lincoln, NE 68508

The public may attend the meeting at either the physical address or via Zoom.

1. Call to Order
 - a. Roll call
 - b. Verify Quorum
 - c. Notice of Meeting; Published Thursday, December 23, 2021
 - d. Notification of Open Meetings Act Posting
2. December 2, 2021, meeting minutes
 - a. Ratify December 2, 2021, vote to provide additional compensation to certain Trust staff
 - b. Ratify December 2, 2021, vote to extend the term of the Trust's interim executive director
 - c. Ratify December 2, 2021, vote to go into executive session
 - d. Approve December 2, 2021, meeting minutes
3. Board Development – Informational reviews
 - 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 process improvement status and recommendations for board training
4. Trust 22 Committee
 - a. Adopt & Affirm Grant Eligibility Criteria Checklist Process for 2021-2022 cycle
 - b. Adopt Clarifying Language for Grant Ranking for 2021-2022 cycle
 - c. Affirm Trust 22 Committee to proceed with recommendations process to clarify Grant eligibility and ranking matrix beginning with the 2022-2023 Grant cycle
5. Rescind Nebraska Environmental Trust Policy Section X: Public Comment Process
6. Closed session – Entire motion, roll call vote, restate limitations, time commenced and concluded
 - a. For the prevention of needless injury to the reputation of an individual, gifts
 - b. Strategy session with respect to litigation
7. Public Comment

8. Director and staff reports
9. Next Meeting; February 3, 2022, Location and Time TBD
10. Adjourn

**This agenda contains a list of subjects known at the time of its distribution on December 23, 2021. A current copy is kept on file at the offices the Nebraska Environmental Trust, 700 S 16th Street, Lincoln, NE 68509. Except for items of an emergency nature, the agenda will not be altered later than 24 hours before the scheduled commencement of the meeting. Public comment may be offered on any agenda item by completing the sign-in sheet available at meeting. The sign-in sheet requires you to indicate which agenda item you wish to comment on. Time for each speaker should not exceed 3 minutes.

Board Minutes

NET Board Agenda Materials

Item #: 2.a

Object: Review and adopt actions taken at previous meeting

Contact Person: Josh Andersen

For: ACTION

Attachment: None

BACKGROUND

At the meeting on December 2, 2021, the Board acted on providing additional compensation to NET staff from a recommendation of the Executive Committee, but it was not specifically addressed on the agenda.

EXPLANATION

The Nebraska Open Meetings Act requires all actionable items to be listed on the agenda in advance unless an emergency exists.

PROPOSAL

After consultation with counsel, it is recommended that the Board ratify the action taken at the meeting on December 2, 2021, by specifically listing it on the agenda that the motion be restated, and the Board conduct a roll call vote to affirm the action that was taken.

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.

Board Minutes

NET Board Agenda Materials

Item #: 2.b

Object: Review and adopt actions taken at previous meeting

Contact Person: Josh Andersen

For: ACTION

Attachment: None

BACKGROUND

At the meeting on December 2, 2021, the Board acted on extending the interim executive director term, but it was not specifically addressed on the agenda.

EXPLANATION

The Nebraska Open Meetings Act requires all actionable items to be listed on the agenda in advance unless an emergency exists.

PROPOSAL

After consultation with counsel, it is recommended that the Board ratify the action taken at the meeting on December 2, 2021, by specifically listing it on the agenda that the motion be restated, and the Board conduct a roll call vote to affirm the action that was taken.

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.

Board Minutes

NET Board Agenda Materials

Item #: 2.c

Object: Review and adopt actions taken at previous meeting

Contact Person: Josh Andersen

For: ACTION

Attachment: None

BACKGROUND

At the meeting on December 2, 2021, the Board did not take a roll call vote to go into closed session. A unanimous consent was given to go into closed session and a roll call vote was taken when the closed session ended.

EXPLANATION

The Nebraska Open Meetings Act requires roll call votes on all actionable items, including going into closed session.

PROPOSAL

After consultation with counsel, it is recommended that the Board ratify the action taken at the meeting on December 2, 2021, by specifically listing it on the agenda that the motion be restated, and the Board conduct a roll call vote to affirm the action that was taken.

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.

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-6sN03q7fLsZpicvwp76nwhyy25f?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

Board Development

NET Board Agenda Materials

Item #: 3.a

Object: To reaffirm and provide additional instruction

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

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

EXPLANATION

The Nebraska Open Meetings Act requirements are by statute and separate from Robert's Rules of Order, which are procedural.

PROPOSAL

84-1411.

Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; virtual conferencing authorized; requirements; emergency meeting without notice; appearance before public body.

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours.

Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

Board Development

NET Board Agenda Materials

Item #: 3.b

Object: To reaffirm and provide additional instruction

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

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

EXPLANATION

The Nebraska Open Meetings Act requirements are by statute and separate from Robert's Rules of Order, which are procedural.

PROPOSAL

84-1413.

Meetings; minutes; roll call vote; secret ballot; when; agenda and minutes; required on website; when.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

Board Development

NET Board Agenda Materials

Item #: 3.c

Object: To reaffirm and provide additional instruction

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

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

EXPLANATION

The Nebraska Environmental Trust is allowed to have Bylaws under Nebraska State Statute; 81-15,173. Board; powers and duties.

The board shall have and may exercise the following powers and duties:

(1) Adopt bylaws to govern the proceedings of the board;

PROPOSAL

NET Bylaws, Article III Board Meetings

Section 3. A simple majority of the members of the Board shall constitute a quorum and shall be required to take action and make determinations.

Article IV Committees

Section 4. A simple majority of the members of a committee shall constitute a quorum. Action by the committee shall require a majority vote of the members present. 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) 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.

Board Development

NET Board Agenda Materials

Item #: 3.d

Object: To reaffirm and provide additional instruction

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

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

EXPLANATION

The Nebraska Environmental Trust is allowed to have Bylaws under Nebraska State Statute; 81-15,173. Board; powers and duties.

The board shall have and may exercise the following powers and duties:

(1) Adopt bylaws to govern the proceedings of the board;

PROPOSAL

ARTICLE VII Amendment of Bylaws

Section 1. These bylaws may be amended at any regular meeting of the Board by action of the Board provided that the amendment has been submitted in writing at the previous regular meeting. Adopted by the Nebraska Environmental Trust Board this 8th day of September 1993.

Board Development

NET Board Agenda Materials

Item #: 3.e

Object: To reaffirm and provide additional instruction

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: 6 pages

BACKGROUND

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

EXPLANATION

The Nebraska Environmental Trust is bound to the Nebraska Accountability and Disclosure Act by statute. The NET has a policy in place for conflict of interest.

PROPOSAL

81-15,170.01.

Board members; conflict of interest; treatment.

Members of the board shall comply with the conflict of interest provisions of the Nebraska Political Accountability and Disclosure Act. Any member of the board who is also a director of a state agency shall abstain from voting on applications which would provide funding primarily to his or her agency.

NET Policy requires annual notice of conflict of interest, attached.

NE Accountability and Disclosure Commission requires form to be filed on or before March 1st of each year.

Section III: Conflict of Interest

A. Board Members

The Executive Director shall provide all members of the Board of the Nebraska Environmental Trust with a form to declare potential conflict of interest at the same time annual application summaries are distributed, following the annual application deadline. Board members will review the application summaries, and complete the form as necessary. Members will return the completed form directly to the Nebraska Accountability and Disclosure Commission.

Agency representatives on the Board are exempt from filing these statements related to any applications submitted by their agencies.

Board members will abstain from voting on any application recommendation or grant award action where a conflict of interest has been found.

Any member of the board who is also director of a state agency shall abstain from voting on applications which would provide funding primarily to his or her agency.

Board members will not accept gifts of more than nominal value from applicants nor accept remuneration for travel costs, meals or other expenses during the course of visits to applicant sites from sources other than the Nebraska Environmental Trust.

Proposed Date: 11/14/01 Legislative Program Evaluation Unit

Adopted Date: 11/14/01

Revised Date: 4/3/02

2/4/10

Board Action Advice of Accountability and
Disclosure Commission Staff

B. Grant Staff

Trust staff members will not accept gifts of more than nominal value from applicants or grantees, nor accept remuneration for travel costs, meals or other expenses during the course of visits to grantee or applicant sites from sources other than the Nebraska Environmental Trust.

Proposed Date: 4/3/02 Ad-Hoc Committee on Bylaws, Policy and
Contracts

Adopted Date: 4/3/02

C. Technical Advisory Committee

Each member of the committee is expected to abide by the following conditions:

1. Treat information as confidential during the review process. Questions

Adopted Policies of the Nebraska Environmental Trust
*In addition to the Bylaws of the Nebraska Environmental Trust

regarding the project should be referred to the Trust Office. Discussion of an application with other reviewers is appropriate.

2. Disclose any relationship s/he may have or have had with an applicant or project that could influence your evaluation.
3. Declare a conflict of interest, if s/he feels one exists for any reason. No explanation of the nature of the conflict is required. The reviewer is to return any such application to the Trust office immediately.
4. Reviews will be completed and applications returned to the Trust office by a date determined annually by the Executive Director.

Proposed Date: 12/04/94

Adopted Date: 02/13/95

Revised Date: 04/03/02

Nebraska Environmental Trust

Conflict of Interest Form

The Nebraska Environmental Trust (NET) conscientiously is committed to a standard that ensures all staff, volunteers, and board members avoid conflicts of interest between the interests of the NET and the personal, professional, and/or business interests of decision making and influencing individuals. The NET wishes to avoid potential and actual conflicts of interest, as well as any perceptions of conflicts of interest.

I _____ (print your name) understand the purposes of this form is to protect the integrity of the NET's decision-making process, to enable our constituencies to have confidence in NET's integrity, and to protect the integrity and reputations of volunteers, staff and board members.

In the course of meetings or activities, I will disclose any interests in a transaction or decision where I, my family, my employers, or close associates will receive a benefit or gain. Upon disclosure, I understand I will be expected to abstain from voting. I will complete the Nebraska Accountability and Disclosure Form NADC Form C-2 Potential Conflict of Interest Statement as necessary.

I understand this form is meant to supplement good judgement and, as such, I will respect its spirit as well as its wording.

Signed:

Date:

NET Position

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION 1225 L St., Suite 400 P.O. Box 95086 Lincoln, NE 68509 (402) 471-2522	POTENTIAL CONFLICT OF INTEREST STATEMENT NADC FORM C-2	POSTMARK DATE	
		MICROFILM NUMBER	
BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3		OFFICE USE ONLY	

- An official or employee of the executive branch of state government or any other official or employee required to file Statements of Financial Interests must file this form if he or she has a potential conflict of interest.
- Elected officials of school districts and elected officials of villages and cities (except Omaha and Lincoln) should not use this form. Use Potential Conflict of Interest Statement Form C-2A.
- File this Potential Conflict of Interest Statement with the Nebraska Accountability and Disclosure Commission and with your immediate superior (if any) whenever a potential conflict of interest situation arises.
- Persons who fail to disclose a potential conflict of interest or who otherwise do not comply with the law are subject to penalties.

ITEM 1	NAME, ADDRESS AND TELEPHONE NUMBER
Name _____ Telephone No. _____ <small>Last First Middle</small>	
Address _____ <small>STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE</small>	

ITEM 2	TITLE, AGENCY, ADDRESS, PHONE AND SUPERIOR
Your Title _____ Agency _____	
Agency Address _____ Agency Phone _____	
Name of Immediate Superior _____ Title _____	

ITEM 3	DESCRIBE POTENTIAL CONFLICT OF INTEREST IN DETAIL (Use Item 7 Continuation, if necessary)
Date action is to be taken or decision is to be made: _____	
Description of Potential Conflict: 	

Revised January 2018

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT

You

Member of your Immediate Family: _____
NAME

Business With Which You
 Are Associated (See Definitions) _____
NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT

ITEM 6 FOR MEMBERS OF THE LEGISLATURE ONLY

If you will not abstain from acting on a matter state why, despite the potential conflict, you intend to vote or otherwise participate.

ITEM 7 CONTINUATION

(SIGNATURE)

(DATE)

General Information - Filing Requirements

I. What is a Potential Conflict of Interest? - A public official has a potential conflict of interest if he or she is faced with taking an official action or making an official decision which may result in a financial benefit or a financial detriment to the public official or employee; a member of his or her immediate family; or a business with which he or she is associated. The financial effect of the action or decision must be distinguishable from the financial effect on the general public or a broad segment of it.

II. Who Must File:

- A. All officials and employees of the executive branch of state government, including member of State Boards or Commissions, and all other officials and employees of the State who are required to file Statements of Financial Interests.
- B. Members of the Board of Regents of the University of Nebraska.
- C. Members of the Legislature (see special instructions in Section III-B below).
- D. Members of boards of directors or officers of a district organized under the provisions of Chapter 70, which includes public power districts, rural power districts, etc.
- E. A member of any board or commission of any county which examines or licenses a business, trade or profession, or which determines rates for or otherwise regulates a business.
- F. A member of a land-use planning commission, zoning commission, or authority of the State or of any county with a population of more than 100,000 inhabitants.
- G. A county official holding elective office.
- H. An official holding an elective office of a city of the primary class (Lincoln) or metropolitan (Omaha) class.

III. When and Where to File:

- A. This form should be filed with the Commission and a

copy with your immediate superior as soon as you are aware of a potential conflict of interest and **prior to the time the action is to be taken or decision made.** The immediate superior shall assign the matter which gives rise to the potential conflict to another employee. In the event that you do not have an immediate superior, the Commission will, after receiving the filing, advise you on how to avoid the potential conflict of interest. Unless otherwise prohibited by law, this restriction shall not prevent you from making or participating in the making of a governmental decision to the extent that your participation is legally required for the action or decision to be made, but in such event you shall report the occurrence to the Commission.

- B. Members of the State Legislature should file this Potential Conflict of Interest Statement with the Commission and with the **Speaker of the Legislature.** If the member intends to vote, deliberate or take any other action on the matter giving rise to the potential conflict, the Legislator shall state why, despite the potential conflict, he or she intends to vote or otherwise participate. If the member intends to abstain because of the potential conflict of interest, he or she may have the reasons for abstention recorded in the journal or minutes of the legislature. In any event, this Potential Conflict of Interest Statement must be filed.
- C. This statement should be filed with the Nebraska Accountability and Disclosure Commission, 1225 L St., Suite 400, P.O. Box 95086, Lincoln, NE 68509, and a copy with your immediate superior.

Disclosure of Contractual Interests by Local Officers. If you are a local elected official disclosing an interest in a contract or an open account in which a local governing body on which you serve is a party, use NADC Form C-3, Contractual Interest Statement.

Disclosure of the Employment of Immediate Family Members. If you are disclosing the employment of an immediate family member, use NADC Form C-4, Employment of Immediate Family Members Disclosure Statement.

Definitions

Immediate family shall mean a child residing in your household, your spouse or an individual claimed by you or your spouse as a dependent for federal income tax purposes.

Business shall mean any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust, activity, or entity. NOTE: The definition includes for profit and non-profit entities.

Business with which you are associated shall mean a business: (1) of which you are the sole proprietor; (2) or in which you are a partner, director, or officer; (3) or in which you or a member of your immediate family is a stockholder of closed corporation stock worth \$1,000 or more at fair market

value or which represents more than a 5 percent equity interest, or is a stockholder of publicly traded stock worth \$10,000 or more at fair market value or which represents more than a 10 percent equity interest.

Elective office shall mean a public office filled by an election, except for federal offices. A person who is appointed to fill a vacancy in a public office which is ordinarily elective holds an elective office.

Person means a business, individual, proprietorship, firm partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly.

Statutory Authority: Sections 49-1499, 49-1499.02 and 49-1499.03 Revised Statutes of Nebraska.

Board Development

NET Board Agenda Materials

Item #: 3.f

Object: To reaffirm and provide additional instruction

Contact Person: Karl Elmshaeuser

For: ACTION

Attachment: 1 page

BACKGROUND

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

EXPLANATION

The Nebraska Environmental Trust is bound to Title 137 Rules and Regulations Governing Activities as adopted by the Board. The authority to establish the rules and regulations is provided in Nebraska State Statute.

81-15,173.

Board; powers and duties.

The board shall have and may exercise the following powers and duties:

- (1) Adopt bylaws to govern the proceedings of the board;
- (2) Keep records, conduct hearings, and adopt and promulgate rules and regulations to carry out its duties and implement the Nebraska Environmental Trust Act;

PROPOSAL

If the Board wants to amend Title 137 Rules and Regulations it must follow the process as outlined by the Nebraska Secretary of State as shown in the attached document.

Nebraska Secretary of State

Overview of Regulation Process

Just as the Nebraska Legislature passes laws under the authority granted to it by the Nebraska Constitution, state agencies adopt or promulgate regulations under the authority granted to them by the statutes passed by the Legislature. Regulations are adopted in order to clarify and define processes and requirements outlined in state law. Properly adopted regulations have the force of law.

For example, state law provides that it is illegal to drive with a blood alcohol level over .08 percent. Regulations define how testing for blood alcohol content is conducted.

Commonly referred to as "rules", "regulations" or "rules and regulations", the official name for the compiled rules and regulations of the state is the Nebraska Administrative Code.

A regulation is created, amended or repealed through the hearing and adoption process. This can take anywhere from weeks to months from start to finish. The purpose of the hearing and adoption process is to ensure that the public has an opportunity to participate in the rulemaking process and that the regulation is properly authorized by law. Unless there are special circumstances, each proposed regulation goes through a mandatory adoption process.

This adoption process is as follows:

Rule drafting period. The rule drafting period is the amount of time used by the agency to draft the proposed regulation and solicit input from interested parties as appropriate. Interested parties may include the public, industry associations, or persons or groups affected by the regulation. Because it is difficult to significantly change a regulation once it has been set for hearing, the drafting period is an important phase in the development of a regulation.

Thirty-day publication notice. Notice of the rulemaking hearing must be published at least 30 days prior to the hearing to inform the public of the proposed changes. Contents of the notice include date, time and place of the hearing, as well as a short explanation of the purpose of the proposed regulations. Notices are generally published in a newspaper of general circulation. Notices and text of the proposed changes are available on the rules tracking system (<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>) and in the Secretary of State's Office. There is a waiver provision for the 30-day notice requirement for hearings in emergency situations.

Public hearing. The public hearing is an opportunity for the public to comment on proposed regulations. Agencies may take online comments as well if they choose to enable the online comment function of the rules tracking system (<https://www.nebraska.gov/nesos/rules-and-regs/regtrack/index.cgi>). The public hearing shall be held within 12 months after the effective date of the legislative bill.

Submission for review. After the hearing, the regulations and the accompanying material must be submitted to the attorney general and governor. The attorney general reviews the regulations for compliance with statutory and constitutional authority. The regulations then go to the governor for policy review and final approval.

Adoption of regulations. Upon completion of these steps, the regulations are then forwarded to the secretary of state and become law five days following receipt.

Board Development

NET Board Agenda Materials

Item #: 3.g

Object: To reaffirm and provide additional instruction

Contact Person: Jeff Kanger, Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

NET engaged with the Nebraska Center of Operational Excellence (COE) to facilitate a process improvement project for NET.

EXPLANATION

The COE serves as the training center for continuous process improvement across all state agencies. It currently certifies White, Yellow, Green Belts, Executive Green Belts, Black Belts and Certified Lean Leaders in Lean Six Sigma. Its goal is to help agencies simplify processes, resulting in a more effective, efficient, and customer-focused government.

PROPOSAL

The Grants Committee has been working with COE staff to improve their process and has operated within the statutes, bylaws, rules & regulations, as well as current NET policy. An issue that has come to light is to better address eligibility requirements within current provided parameters.

NET staff have been scheduled to receive Lean Six Sigma training to provide them with a foundation to better participate in the Center of Operational Excellence (COE) process improvement for NET.

It would be beneficial for board members to receive training as well and COE has the ability to provide on-line learning for board members.

Trust 22 Committee
NET Board Agenda Materials

Item #: 4.a

Object: To adopt checklist process

Contact Person: Jeff Kanger, Karl Elmshaeuser

For: ACTION

Attachment: 4 pages

BACKGROUND

The Grants Committee has been working with COE staff to improve their process and has operated within the statutes, bylaws, rules & regulation, as well as current NET policy. An issue that has come to light is to better address eligibility requirements within current provided parameters.

EXPLANATION

The Grants Committee receives an application after the Executive Director has reviewed it for completeness and after a technical review has been made, if necessary.

Title 137 provides a patchwork of rules and regulations to define an application's eligibility; the Grants Committee makes a determination and recommendation concerning an applications eligibility. It is a separate action from scoring an application. An application must be eligible before it is considered for scoring.

After the Grants Committee makes their recommendations to the Board for consideration. The Board may adopt or revise the Grant Committee determination for eligibility. If the Board determines an applicant is eligible, it would then be scored.

PROPOSAL

Working with NET staff, the Grants Committee through the COE improvement process will be using an eligibility checklist to assist in making an eligibility determination. The checklist uses current Title 137 rules & regulations with the appropriate section provided for reviewers reference. The Grants Committee desires to provide transparency concerning the application eligibility process prior to scoring using current applicable standards.

Recommended motion, "Adopt & affirm Grant eligibility criteria checklist process for 2021-2022 cycle as provided."

NEBRASKA ENVIRONMENTAL TRUST

STATEMENT OF ELIGIBILITY

AWARD YEAR: 2022

Project Number:

Sponsor:

Project Name:

Eligibility requirements – To be eligible for consideration in the rating processes for funding, the applicant’s proposed project must be consistent with the following criteria for eligibility, as described in Title 137, Chapter 5, Sections 002 through 006.

	Criteria	Check Box if Meets Criteria
1. Environmental Acceptability:	The project results in net gain. Title 137, Ch. 5, 002, 0002.01, 002.02, & 002.03	
2. Environmental Benefits:	The project will provide clear and direct environmental benefits. Title 137, Ch. 5, 001.08 & Title 137, Ch. 5, 003	
3. Trust Board Priorities:	The project makes a real contribution to achieving defined priorities. Title 137, Ch. 5, 001.09	
4. Public Benefits:	The project will benefit the general public. Title 137, Ch. 5, 001.10 & Title 137, Ch. 5, 002.	
5. Technical Feasibility:	The project appears technically feasible. Title 137, Ch. 5, 006 & 006.02	
6. Financial Feasibility:	The project appears financially feasible. Title 137, Ch. 5, 001.07, 006, & 006.01,	
7. Does Not Provide Regulatory Assistance:	The project does not provide direct assistance to a regulatory program. Title 137, Ch. 5, 001.01	
8. Implement Regulatory Assistance:	The project does not implement actions mandated by regulation, except to remediate soils or groundwater. Title 137, Ch. 5, 001.02, 001.03, & 001.05	
9. Private Benefits:	The project does not provide primarily private benefits nor relieve any entity of private liability. Title 137, Ch. 5, 001.04, 005	
10. Financial Hardship:	The beneficiaries of this project could not afford the costs of the benefits without financial hardship. Title 137, Ch. 5, 001.06	
11. Eminent Domain:	The project does not assist in the acquisition of property through eminent domain. Title 137, Ch. 5, 001.11	

Project was found eligible?

Yes

No

Title 137 Chapter 4

001.01 The Executive Director shall review each application submitted and shall determine whether the application is complete for initial review. The Grants Committee of the Board shall review each such application and shall make a preliminary recommendation of approval or rejection of the proposal for eligibility.

001.02 For any application, the Grants Committee will determine whether further information will be needed to evaluate the eligibility of the proposal. If additional information is needed, the Executive Director will so notify the applicant, and provide a reasonable time period for submission of the additional material.

Title 137 Chapter 6

002 Grants Committee Action. After receiving comments from any technical advisory committee reviewing an application, the Grants Committee shall make the following recommendations to the Board:

002.01 A recommendation of approval or rejection of the project for funding eligibility.

003 Required Findings. Prior to making any recommendation to the Board for approval of a project for funding eligibility, the Grants Committee shall determine that the project is consistent with the requirements of Chapter 5 of these rules.

Title 137 Chapter 5

001 Eligibility Requirements. To be eligible for consideration in the rating processes for funding, the applicant's proposed project must be consistent with the following criteria for eligibility as described in Sections 002 to 006 of this Chapter.

001.01 The grants shall not be used to provide direct assistance to regulatory programs.

001.02 The grants shall not be used to implement actions mandated by regulations except remediation.

001.03 No more than sixty percent (60%) of grant allocations in any year shall assist remediation of soils or ground water, and no grants for this purpose shall occur unless all other available sources of funding are, in the opinion of the board, being substantially utilized.

001.04 The fund shall not pay for private benefits or provide assistance to projects or portions of projects whose benefits are primarily private in nature. Compensation for contributions made to a project, such as land or land rights, shall not constitute payment for private benefits.

001.05 The fund shall not relieve private liability for environmental damage or, except for projects for remediation of soils or ground water, provide assistance to projects in order to relieve such liability. For purposes of this section, "private liability" shall mean liability

to a person or entity and shall include fines or penalties imposed by a governmental entity.

001.06 The fund shall not pay for projects to the extent such projects have direct beneficiaries who could afford the costs of the benefits without experiencing serious financial hardship. For purposes of this section, "direct beneficiaries" shall not be deemed to include a person who receives incidental benefits from a project which primarily benefits the general public.

001.07 The grants should assist those projects which offer the greatest environmental benefits relative to cost.

001.08 The grants should assist those projects which provide clear and direct environmental benefits.

001.09 The grants should assist those projects which will make a real contribution to achieving the board's environmental categories.

001.10 The grants should assist those projects which offer the greatest public benefits; and

001.11 The grants shall not pay for land or easements acquired without the full and express consent of the landowner.

002 Environmental Acceptance. A project is considered to be environmentally acceptable when:

002.01 The project will not jeopardize the continued existence of any threatened or endangered species or result in the destruction or modification of the critical habitat of any such species and shall meet the requirements contained in the Nongame and Endangered Species Conservation Act, Nebraska Revised Statute § 37-801; and

002.02 The plan of development minimizes any adverse impacts on the natural environment, adequately addresses existing cultural resources and results in environmental net gain.

002.03 In addition to any proposed mitigation measures, all aspects of the project which can be anticipated to result in environmental enhancement shall be considered in determining whether the plan minimizes adverse impacts. The Board may request additional information it deems necessary in determining environmental acceptability. The applicant, if required by the Board, will be provided a reasonable period of time to respond to requests for information and such other items as the applicant of the Board identifies as relevant to the issued of environmental acceptance.

003 Clear and Direct Environmental Benefits. A project will be considered to have clear and direct environmental benefits if the realization of those benefits can be reasonable expected, as a result of the project and if those benefits will be obvious, even if not quantifiable. The

application will need to describe the environmental benefits anticipated as a result of the project and how those benefits will be clearly and directly attained. Educational projects may be considered to have clear and direct environmental benefits.

004 Contribution to Achieve the Board's Funding Categories. Only those projects which contribute to the then existing environmental categories established pursuant to Chapter 2 of these rules shall be eligible for financial assistance.

005 Public Benefits. For a project to be eligible for funding assistance, it must produce public, not just private, benefits.

006 Financial and Technical Feasibility. Financial and technical feasibility may be evaluated by the use of subcommittees, contractual assistance or advisory groups. Standards for each of these factors are as set out below:

006.01 Financial Feasibility. A project is financially feasible if sufficient funds can be made available to complete the project and if sufficient annual revenues can be obtained to operate, maintain, and replace the project as applicable. Each applicant shall submit a project budget identifying the nature and amount of each source of funds to be used for the project; a schedule indicating when such funds will be received; and a schedule indicating when the funds available will be expended for project purposes. The remaining financial data supplied by the applicant will depend upon the type of applicant.

006.02 Technical Feasibility. A project that is structural in nature shall be considered technically feasible when it can and will be designed, constructed, and operated to accomplish the purpose(s) for which it was planned utilizing accepted engineering and other technical principles and concepts. A project which is nonstructural in nature shall be considered to be technically feasible when it can and will be designed and carried out to accomplish the purpose(s) for which it was planned.

Trust 22 Committee
NET Board Agenda Materials

Item #: 4.b

Object: To adopt clarifying language for grant scoring

Contact Person: Jeff Kanger, Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

The Grants Committee has been working with COE staff to improve their process and has operated within the statutes, bylaws, rules & regulation, as well as current NET policy. An issue that has come to light is to better address scoring and ranking within current provided parameters.

EXPLANATION

The following terms are in the approved scoring matrix, but no explanation of the terminology is provided so it means different things to different people as they score a project;

- Degree project advances categories of the Trust
- Sound planning and design
- Direct measurable environmental benefits
- Cost-effective
- Duration of benefits
- Matching resources (monetary & in kind)
- Prevents contamination or degradation of resources
- Many people or communities served by project
- General public benefit
- Public/Private partnerships
- Economic impact
- Evaluation plan
- Unique need
- Public health
- Innovation
- Replication potential
- Individual or local initiative

PROPOSAL

Working with NET staff, the Grants Committee through the COE improvement process, desires to find and use existing and established terminology, if possible, to better standardize the scoring of an application with common references.

Trust 22 Committee
NET Board Agenda Materials

Item #: 4.c

Object: To continue to look for improvements to the grants process

Contact Person: Jeff Kanger, Karl Elmshaeuser

For: ACTION

Attachment: None

BACKGROUND

The Grants Committee has been working with COE staff to improve their process and has operated within the statutes, bylaws, rules & regulations, as well as current NET policy. The process may identify changes or modifications to the existing statutes, Title 137, bylaws or policy to improve performance.

EXPLANATION

PROPOSAL

The Trust 22 Committee wants to continue to proceed with recommendations to clarify Grant eligibility and ranking matrix beginning with the 2022-2023 Grant cycle. Any changes to governing documents would be subject to proper steps as provided by law.

Recommended motion, "The Board directs the Grants Committee to continue to pursue process improvements for the 2022-2023 Grant cycle and advise the Board of any recommended changes required."

Policy Change

NET Board Agenda Materials

Item #: 5

Object: To rescind NET policy Section X: Public Comment Process

Contact Person: Josh Andersen, Karl Elmshaeuser

For: ACTION

Attachment: 1 page

BACKGROUND

NET Adopted Section X: Public Comment Process on 4/05/2004 and revised it on 11/01/2014.

EXPLANATION

The policy expanded the public comment process for a meeting that is subject to the Nebraska Open Meetings Act. It allows public comment on each agenda item as each item is acted on by the governing board. Written comments are also allowed at any time including grant proposals.

PROPOSAL

Public comment at a meeting subject to the Nebraska Open Meetings Act is already established.

84-1412.

Meetings of public body; rights of public; public body; powers and duties.

(1) 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 called pursuant to section [84-1410](#), may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

Recommended motion, "The Board rescinds the Nebraska Environmental Trust Policy Section X: Public Comment Process, effective January 7, 2022."

Adopted Policies of the Nebraska Environmental Trust
*In addition to the Bylaws of the Nebraska Environmental Trust

Section X: Public Comment Process

A. Public Comment

1. At Board Meetings

Public Comment may be offered on any agenda item including grant applications by completing the sign-in sheet available at meetings. The sign-in sheet requires the speaker to indicate which agenda item they wish to comment on. Those registered will be called on as each agenda item is addressed. The public will be allowed to comment on pending grant applications or any other matter not on the agenda during the Public Comment and Good of the Order portion of the meeting. Signing in prior to the meeting is not required. The person chairing the meeting will call on those wishing to speak. Comments made at this time will not be incorporated into the minutes of the meeting nor incorporated into a Public Hearing Packet. The board may implement time limits on speakers.

The board may call upon members of the audience for any agenda item where the audience member may have specific knowledge or expertise for the topic at hand. The audience member is not compelled to answer the question and may decline.

2. In writing

Written comments on any topic being considered by the board, including grant proposals is allowed at any time. Written comments submitted to the Trust office will be forwarded to the board as part of the next board packet, provided that the information is submitted to the Trust three weeks prior to the next board meeting. At the determination of staff, any written comments that appear to augment or modify a grant application will be given to the grants committee for a ruling. If the grants committee determines that the written documents are attempting to augment or modify a grant the written comments will be returned to the writer and not considered by the grants committee or the board

Proposed Date: 4/5/04 Grants Committee
Adopted: 4/5/04
Revised: 11/1/14

B. Public Records Policy

The public is welcome to review the public records of the Nebraska Environmental Trust. Requests can be faxed to 402-471-8233, emailed to info@environmentaltrust.org, or mailed to the following address:

Nebraska Environmental Trust
700 South 16th Street
P.O. Box 94913
Lincoln, NE 68509-4913

File reviews may be scheduled by appointment by calling, 402-471-5409.

Closed Session

NET Board Agenda Materials

Item #: 6

Object: To enter closed session for discussion

Contact Person: Josh Andersen

For: ACTION

Attachment: None

BACKGROUND

The Nebraska Open Meetings Act allows for a closed session.

84-1410 Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

EXPLANATION

The NET Board has a pending lawsuit against it and the closed session will provide the opportunity to discuss it concerning strategy. The NET Board has an issue concerning the protection of needless injury to the reputation of individual.

PROPOSAL

84-1410(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

Recommended motion, "I move that the Board goes into closed session for a strategy session with respect to litigation and for the prevention of needless injury to the reputation of an individual."