

**OPERATING POLICIES**

**LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT**

**ADOPTED May 14, 1998**

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## **OPERATING POLICIES**

### **A. GENERAL**

#### **INTRODUCTION**

1. These policies govern the operations of the District, and may be amended, revised or altered by the Board; provided however, that any proposed change must be in writing and may not be approved unless the full text of the proposed change has been furnished to the Directors, no less than five (5) days before the meeting where the changes will be proposed.
2. These policies shall supersede all prior policies which cover the same subject matter; however, they may be waived or suspended by the Board, for good situation or circumstance where the enforcement of these policies would not be prudent or reasonable considering the unforeseen situation or circumstance, or could create a hardship for the District.

## **B-1 DEFINITIONS**

### DEFINITIONS

As used in these policies the following definitions shall apply.

"Association"	Nebraska Association of Resources Districts
"Assistant Treasurer"	Assistant Treasurer of the Board
"Board"	Board of Directors of the District
"Chair"	Chairperson of the Board
"Director"	Elected member of the Board of Directors
"District"	Lower Platte South Natural Resources District
"General Manager"	General Manager of the District
"Legal Counsel"	Attorney retained by the Board
"Management"	General Manager and delegated staff
"Officer"	Officer of the Board
"Secretary"	Secretary of the District
"Staff"	District employees
"These Policies"	The policies set out herein
"Treasurer"	Treasurer of the District
"Vice-Chair"	Vice-Chairperson of the District

## **C. BOARD OF DIRECTORS**

### **C-1: DIRECTORS' ABSENCES**

Neb. Rev. Stat. §2-3215 (Reissue 1997) governs, among other things, absences of Directors from regular meetings of the Board. The statute provides that after notice and a hearing, a vacancy shall also exist in the event of the absence of any director from more than two consecutive regular meetings of the board unless such absences are excused by a majority of the remaining board members". The subject of Director absences shall be a standing item on the agenda of each regular Board Meeting. A Director who requests that an absence be excused must either present such request in writing or orally at the Board Meeting and the Board may take action on such request as it deems appropriate.

## **C-2: DIRECTORS' VACANCIES**

Neb. Rev. Stat. §2-3215 governs vacancies in the office of a Director and authorizes the board to fill such vacancies. The section in part provides that “in addition to the events listed in Section 32-560, a vacancy on the Board shall exist in the event of the removal from the District or subdistrict of any Director.”

In the event of a vacancy the Board shall give notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term (a) in writing to the Secretary of State and (b) to the public by a notice published in a newspaper of general circulation within the District.

If the vacancy occurs during the first year of the unexpired term or prior to August 1 of the second year of the unexpired term, the appointee shall serve until the first Thursday after the first Tuesday in January next succeeding the next regular general election and at such regular general election a Director shall be elected to succeed the appointee and serve the remainder of the unexpired term.

If the vacancy occurs on or after August 1 of the second year of the unexpired term or during the third or fourth year of the unexpired term, the appointee shall serve until the term expires. The procedure, which the Board shall follow in filling such vacancies, is:

1. The General Manager shall notify the Board of Director vacancy upon receiving notice.
2. The General Manager shall publish notice of the vacancy, which shall contain a request that persons interested in filling the vacated Directorship shall submit a letter of application to the Board, along with the applicant's qualifications for the position.
3. The General Manager shall also give written notice to persons who have previously indicated an interest in serving as a Director and reside in the subdistrict where the vacancy has occurred, or whose names have been supplied by Directors as possible candidates.
4. After applications have been received, the Executive Subcommittee shall review them and interview any or all the applicants that appear from their applications to have the appropriate qualifications to fill the vacancy.
5. After completing the interviews, the Executive Subcommittee, shall by motion select one or more applicants to recommend to the Board of Directors at the next meeting of the Board.

6. At the next regularly scheduled Board meeting, the Executive Subcommittee shall report to the Board on its recommendations and place the names of those persons selected by the Executive Subcommittee in nomination to fill the vacancy. Directors may place in nomination the name of other applicants who have been interviewed but not selected by the Executive Subcommittee. All persons whose names have been placed in nomination shall have the opportunity to address the Board prior to the vote. The vote shall be by roll call vote and the person receiving a majority vote of the quorum shall be elected to fill the vacancy. In the event that a person does not receive a majority vote after the fourth vote, or subsequent votes, then the Board may by motion select the persons receiving the two highest number of votes, including tie votes, for the subsequent round or rounds of voting. If the names in nomination have been reduced by motion, the voting will continue until one person receives a majority vote of the quorum present at such meeting.
7. The person selected to fill the vacancy shall take the Oath of Office, execute the acceptance of the appointment, and file the acceptance with the Nebraska Secretary of State, all as required by law, before such person may be seated as a voting member of the Board, but in no event may the person be seated before the day following the selection.

### **C-3: SPEAKING ON BEHALF OF THE BOARD**

No director may speak or take action on behalf of the Board unless such Director shall have been previously authorized by the Board or Chair to do so.

Provided, however, that nothing stated herein shall prevent a director from exercising his or her right to free speech, including the right to speak as an individual, so long as it is made clear that such director is not speaking or taking action on behalf of the board.

#### **C-4: PAYMENT OF EXPENSES INCURRED BY DIRECTORS, EMPLOYEES, OR VOLUNTEERS**

The Local Government Miscellaneous Expenditure Act, Neb. Rev. Stat. §13-2201 to 13-2204 (Reissue 1997), addresses in part the expenditure of public funds by elected officials and employees of any local government. This policy incorporates the applicable provisions of the Act.

Directors shall receive compensation and Directors, employees and volunteers shall be reimbursed for expenses in the following manner:

1. For the purposes of this policy, the term "volunteer" shall mean a person who is not a director or an employee of the District who at the request or with the permission of the District, engages in activities related to the purposes of the District or for its general benefit.
2. Directors' compensation shall be at a per diem rate not to exceed the amount authorized by law and approved by the Board. Effective January 1, 2007, the rate shall be \$60 per day, with a maximum \$3,600 per calendar year.
3. Directors, employees, and volunteers shall receive reimbursement for their actual and necessary expenses incurred in connection with their duties, including but not limited to, at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the boundaries of the District. Authorized expenses may include:
  - a. Registration costs, tuition costs, fees, or charges;
  - b. Mileage at the rate allowed by Section 81-1176 or actual travel expense if travel is authorized by commercial or charter means, provided however that for out-of-state meetings, reimbursement shall be the lesser of actual mileage or the commercial costs for those directors who elect to drive, and compensation provided in paragraph 2 above shall not increase as a result of driving;
  - c. Meals and lodging at a rate not exceeding the applicable federal rate unless a fully itemized claim is submitted and approved which substantiates the costs actually incurred in excess of such rate, provided however, that authorized expenditures shall not include expenditures for meals of directors or employees provided while such members are attending a public meeting of the Board, unless such meeting is a joint meeting with one or more other governing bodies;

- d. Nonalcoholic beverages provided to individuals attending public meetings of the Board;
  - e. Nonalcoholic beverages and meals for individuals assisting in emergency operations and for volunteers during and immediately following participation in activities approved by the Board;
  - f. Incidental expenses such as parking, tips, taxi fare, etc.
4. From time to time it may be necessary for a staff member to expend funds on behalf of Directors. The General Manager or a staff member who has been so designated by the General Manager, is authorized to expend District funds, or be reimbursed for actual and necessary expenses incurred on behalf of Directors, for meals, transportation, lodging, and incidental expenses, under such circumstances as the Director may claim reimbursement for the same expenses under these policies. All expenses of a spouse travelling with an employee on NRD business shall be paid personally or be reimbursed to the District within 30 days.
5. Reimbursement for actual and necessary expenses actually incurred by or on behalf of a Director, employees or volunteers shall be requested and verified on an expense form provided by the District.
6. Directors will receive reimbursement of expenses on a quarterly basis, employees on a monthly basis, and volunteers on an as-expended basis, except for conference expenses, which may be reimbursed promptly after request for reimbursement is made.
7. Public funds shall not be expended to pay for any expenses incurred by a spouse of a Director, employee or volunteer, unless the spouse is also a Director, employee or volunteer of the District.

## **C-5: CONFERENCES AND MEETINGS**

It is the general policy of the District to encourage Directors and staff to attend at least one conference or meeting annually, which is directly related to the conservation, use management, and control of natural resources. The following procedure will be utilized for selecting Directors and staff who may wish to attend a conference or meeting. This procedure, however, may be altered by the Chair if in his or her discretion such alteration seems appropriate.

1. From time to time brochures and information on conferences and meetings are received in the District office. The General Manager shall be responsible for reviewing these materials and other materials called to his/her attention by Directors or staff. The General Manager, after reviewing such materials, shall inform the Chair whether attendance at a particular conference or meeting, either by Directors or staff, would be beneficial to the District.
2. Depending on the subject matter and location of a conference or meeting, the Chair may direct staff to provide conference information to all Directors, certain Directors, certain subcommittees or certain staff, with the request that interested parties contact the General Manager.
3. Certain conferences that are held in the state, such as the Annual NARD Conference, the NARD Legislative Conference, the Nebraska Groundwater Foundation Symposium, and the Nebraska Water Conference, will usually be made available to all Directors who wish to attend.
4. The Chair shall then review the conference materials and the General Manager's recommendation and make a determination as to whether Directors or staff should be authorized to attend the conference or meeting by executing an approval form which serves as the authorization to attend and incur reimbursable expenses as authorized. In making this decision, the chair shall consider whether a certain Director or staff member has attended the same conference previously. All requests to attend conferences will be given consideration. The Chair shall report to the board in writing at the next Board meeting those individuals who have been approved.
5. Certain conferences and meetings may be held within the state, and which may require travel and overnight stay. It may be appropriate for certain staff to attend as a part of their job responsibilities. The General Manager, with notification to the Chair, may approve such attendance and authorize payment of authorized expenses.

6. Directors and staff who attend conferences, particularly out-of-state conferences, are encouraged to submit written reports for distribution.
7. Before a Director or employee is reimbursed his or her eligible expenses, such person shall include with his or her request for reimbursement an approval form executed by the Chair or General Manager, as appropriate, along with a copy of the conference registration, program, or agenda.

**C-6: EXPENSES OF NEWLY ELECTED DIRECTORS**

Newly elected Directors may be reimbursed for mileage, parking and other authorized expenses at the same rate as for seated Directors if they attend District or Association meetings before they have had an opportunity to take the oath of office.

## **C-7: CONFLICT OF INTEREST**

No Director shall use his or her public office, or any confidential information received through his or her public office, to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated; nor shall such Director use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or use such items other than compensation, provided by law, for personal financial gain. Neb. Rev. Stat. §49-14, 101 (3), (4) (Reissue 1993)

## **C-8: OFFICERS**

1. Election. The officers of the District shall be a Chair, Vice-Chair, Secretary, and Treasurer, each of whom shall be elected by secret ballot by the Board at the first special or regular January meeting of the Board in each year. The offices of Secretary and Treasurer may be held by one person, and such person(s) need not be a member of the Board. Neb. Rev. Stat. §2-3217 (Reissue 1997). The General Manager shall serve as the Assistant Treasurer.
2. Nominations. At the regular December meeting of the Board, the Chair shall appoint an ad hoc subcommittee for the purpose of nominating officers of the District, and also the Association Director and the Alternate Association Director. The subcommittee may nominate within its discretion more than one nominee for each office. Nominations may also be made from the floor at the January Board meeting.
3. Terms. Each officer shall serve a term of one year or until his or her successor has been duly elected and qualified. No officer shall serve more than two successive terms in the same office.

## **C-9: DUTIES OF OFFICERS**

1. The Chair's duties shall include, but not be limited to the following:
  - a. Appoint Board members to each subcommittee, after considering a list of preferences furnished by each Director and also designate subcommittee chairs.
  - b. Appoint ad hoc subcommittees as needed, define the purpose of such subcommittee, and designate a subcommittee chair.
  - c. Determine which Directors and staff members shall attend conferences.
  - d. Consult with the General Manager at least seven days prior to each regular Board meeting in order to approve a tentative agenda.
  - e. Appoint an Alternate Association Delegate in the event that the Association Director or Alternate Association Director is unable to attend Association meetings.
  - f. Select Directors to review and recommend approval to the General Manager of cost-share applications for the land treatment programs of the District.
  - g. Preside over all meetings of the Board. If the Chair is absent from any meeting of the Board, the following persons will preside in this order: Vice-Chair, Treasurer, Secretary, Association Director, and Alternate Association Director.
  - h. Chair of Executive Subcommittee.
2. If the Chair is absent or unable to act, then the Vice-Chair shall assume the duties of the Chair. When so acting, the Vice-Chair shall have all of the powers and be subject to all of the restrictions of the Chair. The Vice-Chair shall perform such other duties as from time to time may be assigned by the Chair or the Board.
3. The Secretary shall keep all vote tally sheets from the Board meetings and review and approve the minutes of the Board meetings prepared by staff. Tally sheets may be kept by staff in the absence of the Secretary or at the direction of the Secretary. The Secretary shall perform all the duties incident to the office of Secretary and such other duties as from time to time may be assigned to the Secretary by the Chair or the Board.

4. The Treasurer shall perform all duties required by law and incident to the office of Treasurer, and such other duties as from time to time may be assigned by the Chair or the Board. In addition, the Treasurer shall serve as Chair of the Finance and Planning Subcommittee.
5. The Assistant Treasurer shall act on behalf of the Treasurer in accordance with the written authorization signed by the Treasurer and filed with the Secretary. When so acting, the Assistant Treasurer shall have all the powers and be subject to all of the limitations imposed upon the Treasurer. Neb. Rev. Stat. §2-3224 (Reissue 1997).
6. The Treasurer shall designate another director, who may be an officer, to serve as a second signatory on checks in the absence or inability to act of either the Treasurer or the Assistant Treasurer.

## **C-10: GENERAL MANAGER**

1. Pursuant to Neb. Rev. Stat. §2-3202 (Reissue 1997), the General Manager is the chief executive hired by a majority vote of the Board to be the supervising officer of the District. He or she shall have the overall responsibility for the day-to-day management of the District and shall also have the powers and duties assigned to him or her in these policies or by the Board.
2. The terms and conditions of employment as General Manager shall be described in an Employment Agreement.
3. The Board will on an annual basis examine the performance of the General Manager. In that regard, each Director may submit a performance appraisal, in a format prepared by the Executive Subcommittee, to the Chair of such Subcommittee.
4. The General Manager shall have the responsibility and authority to hire staff to positions authorized by the Board, to evaluate performance, discipline, and terminate the employment of staff. He or she shall also have authority to assign staff to attend meetings, conferences, or seminars within the state.
5. The General Manager shall serve as Assistant Treasurer for the District, carrying out the powers and duties as assigned.
6. The General Manager shall have the authority to execute all documents on behalf of the District, which have been previously approved or subsequently ratified by the Board of Directors, including but not limited to contracts, agreements, deeds, easements, licenses, releases, certificates, resolutions, civil actions, pleadings, and affidavits. Notwithstanding the foregoing, the Board of Directors may designate in addition to the General Manager, other officers of the District to execute such documents on behalf of the District.

## **C-11: REGULAR, SPECIAL, AND EMERGENCY BOARD MEETINGS**

### 1. Regular Monthly Meetings

- a. Unless otherwise designated by the Board, the regularly scheduled monthly meeting of the Board shall be held on the third Wednesday of each month at the principal office of the District located at 3125 Portia, Lincoln, Nebraska. Each meeting shall begin at 7:00 p.m., except those in the months of January, February, March and December, which shall begin at 2:00 p.m., unless otherwise determined by the Board. The Board intends to hold at least one meeting during each year outside of the City of Lincoln.
- b. If the General Manager and the Chair determine that weather conditions are or will be dangerous for travel to or from the meeting, the meeting shall be postponed and rescheduled to a later date. If the General Manager and the Chair have reason to believe that the scheduled meeting place will not be large enough to accommodate the public, they shall move the location to a larger place and may delay the starting time in order to provide notice of the change of location and to allow for travel time.

### 2. Special Meetings

Special meetings of the Board may be called from time to time, under the following conditions:

- a. As used herein, the term "special meeting" shall mean all meetings, other than the regularly scheduled monthly Board meeting, where a quorum of the Board is required in order to conduct business.
- b. Special meetings may be called by the Chair or upon the request of a majority of the members of the Board.
- c. The General Manager shall give such reasonable advanced publicized notice of the special meeting, as may be required by law.

### 3. Emergency Meetings

Pursuant to Neb. Rev. Stat. §84-1411 (Reissue 1994), when it is necessary to hold an emergency meeting without reasonable advanced public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment.

Complete minutes of each emergency meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

## **C-12: AGENDA OF BOARD MEETINGS**

1. Pursuant to Neb. Rev. Stat. §84-1411 (Reissue 1994), the District shall have an agenda for each Board meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The Board shall have the right to modify the agenda to include items of an emergency nature only at the Board meeting. The agenda for the Meeting shall be adopted by the Board as the first item for consideration on the agenda.
2. The agenda for Board meetings shall be prepared by the General Manager in consultation with the Chair, and shall be mailed to each Director at least seven (7) days in advance of such regular Board meeting. Pursuant to Neb. Rev. Stat. §84-1411 (Reissue 1994), the General Manager shall maintain a list of news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.
3. The agenda shall indicate for each item whether it is a “no action item”, or whether it will be considered by the Board for “action”.

### **C-13: NOTICES OF BOARD MEETINGS**

1. Pursuant to Neb. Rev. Stat. §84-1411 (Reissue 1994), the District shall give reasonable advance publicized notice of the time and place of each meeting by publishing a notice in the Lincoln Journal Star newspaper. Such notice shall contain the time, place, and date of the meeting, and a statement that the "agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the Lower Platte South Natural Resources District, 3125 Portia, Lincoln, Nebraska during normal business hours."

## **C-14: CONDUCT OF BOARD MEETINGS**

1. Whenever possible, a tape recording will be made of each Board meeting and kept until the Board minutes have been prepared and approved.
2. Each member of the Board, including the Chair, shall have one vote upon each matter submitted to a vote at a Board meeting.
3. Pursuant to Neb. Rev. Stat. § 84-1413(2), any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Board in open session, and the record shall state how each member voted or if the member was absent or not voting.
4. Pursuant to Neb. Rev. Stat. §2-3219(1), a majority of the voting members of the Board shall constitute a quorum and the concurrence of a majority of a quorum shall be sufficient to take action and make determinations.
5. The vote to elect leadership of the District shall be taken by secret ballot, with the total number of votes for each candidate recorded in the minutes Neb. Rev. Stat. § 14-1413(3).
6. As a general rule, any substantive issue shall be referred by the Chair to the appropriate subcommittee, and the subcommittee may make a recommendation to the Board. In the event a subcommittee fails to make a recommendation to the Board, the Board chair may place the referred issue on a future agenda or a Board member may move to have it placed on a future agenda.
7. The most current edition of Robert's Rules of Order shall govern the conduct of all meetings, unless such rules are superseded by law or these policies.
8. The District shall make available at least one current copy of the Open Meetings Act posted in the meeting room where the Board is holding a meeting, at a location accessible to members of the public. At the beginning of the meeting, the Chairperson shall inform the public about the location of the copy of the Open Meetings Act. Neb. Rev. Stat. § 84-1412(8).

## **C-15: MINUTES OF BOARD MEETINGS**

1. The Board shall cause to be kept accurate minutes of its meetings. Neb. Rev. Stat. §2-3220.
2. The minutes shall show the time, place, members present and absent, and the substance of all matters discussed. Neb. Rev. Stat. §84-1413 (1).
3. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record and open to public inspection during normal business hours. Neb. Rev. Stat. §84-1413 (4).
4. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier. Neb. Rev. Stat. §84-1413 (5).

## **C-16: PUBLIC PARTICIPATION AT BOARD MEETINGS**

The following rules and regulations were adopted in accordance with Neb. Rev. Stat. §84-1412 (2) and shall govern the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording the District's meetings:

1. The rules and regulations shall not apply to closed sessions called pursuant to Neb. Rev. Stat. §84-1410.
2. Any person in attendance may videotape, televise, photograph, broadcast, or record what transpires at an open session of the District's Board meeting, subject to Paragraph 6 below.
3. Any person who desires to speak on a specific item on the agenda shall indicate such desire in writing on forms provided by the District and shall identify the agenda item or items on which such person desires to speak. Such forms shall be circulated prior to the meeting or located at or near the entrance of the meeting room or place.
4. The Chair shall within his or her discretion regulate the time and order of the appearance of persons who desire to speak, if members of the public are allowed to speak. The Chair, in making his or her decision, shall be guided by the number of persons indicating a desire to speak on a particular agenda item, whether such person has addressed the same item previously, either orally or in writing, the number of items on the agenda, and the estimated length of time of the meeting.
5. Each person addressing the Board shall state his or her name and address and all remarks shall be addressed to the Board. The Chair shall direct and manage questions or discussion that may ensue. Written copies of remarks or other material may be submitted to the Board of Directors.
6. The Chair shall have the right to remove any person from the meeting who conducts himself or herself in violation of these rules and regulations or, who after being warned by the Chair, persists in conduct, which is of a disruptive nature. The Chair may direct any person who is videotaping, televising, photographing, broadcasting, or recording the Board meeting to locate in a certain place, and may limit or discontinue such activity, if in the judgment of the Chair, such activity disrupts the meeting.
7. The Regular Monthly Director's Meeting Agenda will include an item to provide for public comment on topics not specific to items on the agenda.

**C-17: DIRECTORS CONSULTING DISTRICT LEGAL COUNSEL**

Directors wishing to consult District legal counsel shall inform the District Chair and/or District management of the time and nature of the consultation.

## **C-18: APPOINTMENTS TO ORGANIZATIONS**

1. The District may be required to or may have the opportunity to appoint one or more individuals to commissions, committees, task forces or other organizations. Depending upon the organization, appointees may be Directors, staff, or members of the general public and an appointment may be of various term lengths. Appointees serve at the pleasure of Board and/or Chair.
2. Where appointments are required by statute, regulations, or policies to be made by the Board of Directors, the Executive Subcommittee shall review the position and make a recommendation to the Board, and an election by the Board shall be conducted by secret ballot to select an appointee.
3. The Chair shall make other appointments. The Chair shall announce appointment opportunities and solicit applicants prior to making the appointment.

## **C-19: CLOSED SESSIONS**

1. The Board may hold a closed session by the affirmative vote of a majority of the 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. Neb. Rev. Stat. § 84-1410(1).
2. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Neb. Rev. Stat. § 84-1410(1).
3. 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 District;
  - (b) Discussion regarding deployment of security personnel or devices;
  - (c) Investigative proceedings regarding allegations of criminal misconduct;
  - (d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the Board. Neb. Rev. Stat. § 84-1410(1).

The above list is not all-inclusive. There may be other legitimate reasons for holding a closed session, such as to receive legal advice from the Board's attorney.

4. 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 Chairperson immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. Neb. Rev. Stat. § 84-1410(1).
5. The Board shall restrict its consideration of matters during the closed session to only those purposes set forth in the motion to close as the reason for the closed session. Neb. Rev. Stat. § 84-1410(1).
6. The meeting shall be reconvened in open session before any formal action may be taken. Neb. Rev. Stat. § 84-1410(1).

7. Formal action shall mean a collective decision, or collective commitment or promise to make a decision on any question, motion, or proposal, resolution, order, or formation of a position on policy but shall not include negotiation guidance given by members of the Board to legal counsel or other negotiators in closed session. Neb. Rev. Stat. § 84-1410(1).
  
8. The Public Meetings Act does not apply to chance meetings or to attendance at or travel to conventions or workshops of Board members at which there is no meeting of the Board then intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction, or advisory power. Neb. Rev. Stat. § 84-1410(1).

## **C-20: CONCEALED HANDGUNS**

1. It shall be unlawful for any permit holder of a concealed handgun to carry a concealed handgun into any building or onto any real property owned or controlled by the Lower Platte South Natural Resources District. LB 454, § 15(1)(a).
2. The District shall post a sign in a conspicuous place outside any building and on any real property owned or controlled by the District stating that carrying a concealed handgun into any building or onto any real property owned or controlled by the District is prohibited. LB 454, § 15(1)(a).
3. Any Employee of the District or passenger who is a permit holder of a concealed handgun is prohibited from carrying a concealed handgun in any vehicle owned by the District. LB 454, § 15(1)(a).
4. Anyone who has a permit to carry a concealed weapon is prohibited from carrying it into any room, meeting place, or hall where the Board is holding a meeting. LB 454, § 15(1)(a).
5. Any person found to have violated any of the above paragraphs maybe guilty of a Class III misdemeanor for the first violation and a Class I misdemeanor for any second or subsequent violation. LB 454, § 17(1).

## **C-21: USE OF DISTRICT RESOURCES**

“District Resources” are defined as personal property, or funds under the care and control of an elected member of the Board of Directors of the District (“Board Member”), which also includes District equipment, communications systems (such as electronic tablets, telephone, cell phone or internet) and vehicles. The term also includes District employees on District time.

District “Communications Systems” mean any voice, video, data or wireless communications facility contracted for, or provided by the District including District provided equipment and network connections to District computers.

District Resources are provided for the conduct of business of the District, except that any use of District Resources by a Board Member which is incidental or de minimis shall not constitute a violation of this policy.

District Communications Systems, including cellular telephones, electronic handheld devices (including tablets), or computers may be used by a Board Member if the use is incidental or de minimis. Such devices may be used for emails, text messaging, local calls, and long-distance calls, to children at home, teachers, doctors, daycare centers, baby-sitters, family members, or others to inform them of unexpected schedule changes, and for other essential personal business. Any such use for essential personal business shall be kept to a minimum and shall not interfere with the conduct of District business. A Board Member shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication.

Essential personal business shall not include use of District Resources including District Communications Systems for personal financial gain or campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. These uses are prohibited by Neb. Rev. Stat. § 49-14,101.01(2) and Neb. Rev. Stat. § 49-14,101.02(2).

## **D. SUBCOMMITTEES**

### **D-1: SUBCOMMITTEES**

1. All subcommittees, unless otherwise specifically authorized by the Board, shall have no authority to hold hearings, make policy, or take formal action on behalf of the Board, and unless otherwise authorized, will act only in an advisory capacity.
2. All subcommittee recommendations shall be placed before the Board of Directors for action. The subcommittee chair, or his/her designee, shall present the subcommittee's recommendation to the Board of Directors at the proper time on the meeting agenda and shall make the necessary motion to adopt the recommendation.
3. The Executive Subcommittee shall consist of the Chair, who shall serve as the subcommittee chair, the officers of the Board, the immediate past Chair, and the elected Representative to the Nebraska Association of Resources Districts.
4. The standing subcommittees of the Board shall be the Land Resources Subcommittee, the Urban Subcommittee, the Water Resources Subcommittee, and the Recreation, Forestry, and Wildlife Subcommittee. Each standing subcommittee shall consist of eight Directors as shall be appointed by the Chair. Members of the subcommittees shall serve at the pleasure of the Chair.
5. The Finance and Planning Subcommittee shall consist of the Treasurer, who shall serve as the subcommittee chair, one member from each of the four standing subcommittees, and three members at-large, appointed by the Chair, and who shall not include members of the Executive Subcommittee or be the standing subcommittees chairs.
6. The General Manager shall, prior to the beginning of each calendar year, solicit the Directors for their first, second, and third choice preferences on the standing subcommittees, and for their interests on ad hoc or special subcommittees. The Chair shall appoint each Director, other than himself or herself, to subcommittees, giving consideration to the Director's preferences. The Chair shall also appoint Directors to the ad hoc and special subcommittees at his or her pleasure. Chairs for each of the subcommittees shall be designated by the Chair of the Board. All subcommittee appointments shall be for a term of one year, but there shall be no limit on the number of terms served on any subcommittee.
7. Subcommittee meetings shall be called and scheduled by the subcommittee chair after consulting with the appropriate staff. Subcommittee members shall be notified of an upcoming subcommittee meeting as soon as possible or seven days before the scheduled meeting, whichever is the shorter time period. Notice with agenda information will be provided to the subcommittee members, with

information copies to the other Directors. Directors not members on the subcommittee planning to attend a subcommittee meeting should so notify the office. The subcommittee chair, or his/her designated subcommittee member, shall preside over the subcommittee meeting.

8. Each subcommittee chair may appoint certain members of that subcommittee to work on certain issues and report back to the subcommittee.
9. Efforts shall be made to schedule subcommittee meetings well in advance of the subsequent Director's Meeting. A schedule of the time and places of subcommittee meetings shall be kept current in the office of the District and be made available to anyone who inquires. A tentative agenda or list of topics to be discussed will also be available.
10. A quorum of a subcommittee shall consist of at least 51% of the subcommittee members. Each subcommittee member in attendance shall be entitled to one vote upon the matters considered. *Robert's Rules of Order* shall govern the conduct of the meeting.
11. Minutes of all subcommittee meetings shall be in writing, distributed as requested, and filed in the District office.
12. The Public Meetings Statutes do not apply to subcommittees; however, it is the policy of the Lower Platte South NRD that subcommittee meetings shall be open to the public to attend and have the opportunity to speak on agenda items or topics within the scope of the subcommittee, except that a subcommittee may close portions of a meeting. A motion to close shall be made and voted upon on closure, and shall require a simple majority. The subcommittee chair shall determine who, besides the subcommittee members, may attend the closed portion of the meeting. Meetings may be closed for topics such as land rights negotiations, lawsuits, or legal opinions, personnel matters, or strategic recommendations. All actions on recommendations shall be taken by the subcommittee in open session.
13. If the subcommittee Chair and/or designated staff determine that the weather conditions are or will be dangerous for travel to or from the meeting, the scheduled subcommittee meeting may be postponed and rescheduled.
14. Meeting notice shall be given by publication when possible, or by other legal means, in the following situations:
  - a. Where a public hearing or public information activity will be conducted as part of the meeting.
  - b. When it is anticipated that a majority of the Directors may be present, Or;

- c. When the subcommittee has been authorized by the Board of Directors to take action on behalf of the Board.

**D-2: EXECUTIVE SUBCOMMITTEE**

1. The duties of the Executive Subcommittee shall include, but not be limited to:
  - a. Reviewing, monitoring, and preparing recommendations on District positions on legislation, both state and federal.
  - b. Developing and monitoring Operating Policies.
  - c. Developing and monitoring Personnel Policies.
  - d. Reviewing and preparing recommendations to the Finance and Planning Subcommittee on personnel matters, to include salaries, employee benefits, and staffing changes.

### **D-3: FINANCE AND PLANNING SUBCOMMITTEE**

1. The duties of the Finance and Planning Subcommittee shall include, but not be limited to:
  - a. Reviewing programs and budget requests proposed by each subcommittee for the upcoming fiscal year, assigning specific dollar amount to each program, reviewing the availability of funds, and preparing a recommended tax levy and draft budget.
  - b. Monitoring expenditures and revenues throughout the fiscal year, preparing reports to the Board of Directors, and recommending fiscal policies.
  - c. Conducting and updating long range financial planning.
  - d. Preparing the Master Plan and Long Range Implementation Plan for the District and coordinating the other subcommittees in the evaluation and updating of these plans.
  - e. Conducting planning retreats and workshops along with public surveys.
  - f. Reviewing annually the District's insurance policies and needs.
  - g. Developing and conducting program evaluations of various District programs and projects.

#### **D-4: INFORMATION AND EDUCATION SUBCOMMITTEE**

1. The duties and responsibilities of the Information and Education Subcommittee shall include, but not be limited to:
  - a. Developing policies and programs, which will provide to the public information and education on the wise use and management of natural resources.
  - b. Providing environmental education resources to educators and students in the District and to other youth audiences.
  - c. Providing education and information to the Directors and staff on natural resources issues.
  - d. Developing recognition/awards programs and reviewing awards nominees.

## **D-5: LAND RESOURCES SUBCOMMITTEE**

1. The duties and responsibilities of the Land Resources Subcommittee shall include, but not be limited to:
  - a. Developing policies and programs, which will encourage the planning, installation and maintenance of best management practices for conservation, including incentive and regulatory programs, demonstrations, and technical assistance.
  - b. Reviewing and recommending applications for cost-share assistance for conservation practices.
  - c. Administration of the NRD's Erosion and Sediment Control Act on agricultural lands in accordance with the District rules and regulations.
  - d. Providing guidance regarding federal and state legislation on land use planning and regulation and state legislation on erosion and sediment control.

**D-6: RECREATION, FORESTRY AND WILDLIFE SUBCOMMITTEE**

1. The duties of the Recreation, Forestry and Wildlife Subcommittee shall include, but not be limited to:
  - a. Developing policies and programs and coordinating tree and grass planting within the District, reviewing and recommending applications under the Community Forestry Program and other cost-share programs.
  - b. Overseeing the planning, development and management of recreation, forestry and wildlife resources on District-controlled properties.
  - c. Monitoring the Wildlife Habitat Improvement Program and providing recommendations on contracts for approval.
  - d. Providing recommendations for complaints under the Erosion and Sediment Control Act on lands causing sediment damages to District-controlled properties.
  - e. Reviewing and considering conservation easements on a case-by-case, willing buyer-seller basis.

**D-7: URBAN SUBCOMMITTEE**

1. The duties of the Urban Subcommittee shall include, but not be limited to:
  - a. Reviewing requests and preparing recommendations for District assistance on urban conservation activities, including stream channel improvements, flood control and flood plain management, drainage and storm water management.
  - b. Administration of the NRD's Erosion and Sediment Control Act, including filing complaints, on non-agricultural lands in accordance with the District rules and regulations.

## **D-8: WATER RESOURCES SUBCOMMITTEE**

1. The duties and responsibilities of the Water Resources Subcommittee shall include, but not be limited to:
  - a. Developing policies and programs concerning the planning, management, monitoring, and regulation involving water quantity and water quality for both surface and ground water.
  - b. Overseeing the development, implementation and update of the NRD's Ground Water Management Plan, and administration of the Plan and the Ground Water Management and Protection Act in accordance with NRD rules and regulations and state statutes.
  - c. Considering requests to monitor ground water on a case-by-case basis.
  - d. Reviewing and providing recommendations on applications under the NRD's Well Decommissioning Program.
  - e. Monitoring and providing recommendations on the operation and maintenance of the completed flood control dams, road structures, and grade control structures.
  - f. Considering participation with Counties in road structures on a case-by-case basis.
  - g. Administration of the Chemigation Act in accordance with the rules and regulations.
  - h. Considering requests for irrigation from storage reservoirs on a case-by-case basis.
  - i. Developing policies and programs and considering requests for assistance on stream bank erosion on the Lower Salt Creek channel, downstream of Lincoln.
  - j. Reviewing and providing recommendations on applications under the NRD's Flood Control Dams Program.

## **E. HEARINGS**

### **E-1: INFORMAL HEARINGS**

From time to time the District may be required by law or may otherwise wish to hold a public hearing for the purpose of explaining a proposed project of the District and/or to receive comments or objections of the public ("informal hearing"). When an informal hearing is held, the following procedures will apply:

1. All persons testifying at such hearing shall first state their full name and address and declare whether they are appearing on behalf of themselves or another person or organization, in which event the other person or organization shall be named.
2. All testimony and documents presented at the hearing shall be directed at the subject matter of the hearing and extraneous testimony or documents may, at the discretion of the person conducting the hearing, be stricken or not received.
3. Where possible, a tape recording of the hearing shall be made and kept by the District until transcribed. If a tape recording is not made, minutes of the hearing shall be kept in the form directed by the person who presides at the hearing.

## **E-2: FORMAL HEARINGS**

From time to time the District may be required by law to hold a hearing with respect to the violation of certain rules and regulations which the District is required to enforce ("formal hearing"). When a formal hearing is held, the following procedures will apply:

1. The Board may select a hearing examiner or officer, which may be a Board member, a member of the District staff, or any other person deemed to be knowledgeable of these procedures and the subject matter being considered at the hearing. The Board or the Chair shall designate the person to serve in this capacity.
2. The General Manager shall cause to be prepared a notice setting forth the time and place of the formal hearing. Such notice shall contain a description of the purpose(s) of the hearing, and shall be sent by certified mail to all parties known to be involved in the subject matter of the hearing, and to any parties notifying the District of their interests, not less than ten (10) calendar days prior to said hearing. In addition, the General Manager may cause this notice to be published in a legal newspaper of general circulation in the District not less than ten (10) calendar days prior to said hearing.
3. Where two or more proceedings involve similar issues and subject matter, they may be consolidated and considered together at the same hearing.
4. A hearing may be adjourned from time to time at the discretion of the hearing examiner or officer.
5. The Board, hearing examiner or officer may, with adequate notice to the parties, hold one or more informal pre-hearing conferences for the purpose of narrowing the issues involved in the dispute and exploring the possibility for a voluntary settlement of the issues between the parties. Any agreements or stipulations entered into by the parties or their representatives shall be reduced to writing, signed by the parties or their representatives and made a part of the record. Such agreements or stipulations shall thereafter be subject to approval by the Board.
6. Hearing examiners or officers shall have no power to make final determinations, but shall make recommended findings and conclusions to the Board.

7. An official record of any formal hearing shall be made and preserved in the form taken at the hearing. Such records shall include all testimony and Exhibits presented at the hearing. Such record may be made by a District employee or other Board appointee, unless any party to the hearing requests the use of an official court reporter. If a party requests the use of an official court reporter, such party shall make all the necessary arrangements for such court reporter and shall be responsible for the payment of the court reporter and any transcript such court reporter is requested to prepare. If a transcript is prepared, one copy shall be furnished to the District.
8. Formal hearings may be held by the Board during a regular or specially scheduled Board meeting.
9. All orders and decisions of the Board shall be transmitted to the parties or their representatives by certified mail.
10. Motions for rehearing or reconsideration shall be received within ten (10) days from the date of the Board's order or decision, at the office of the District.
11. All materials intended for inclusion in the record as exhibits shall be supplied to the District in sufficient quantities so that each Board member may have a copy.
12. The presiding member of the Board, hearing examiner or officer may exclude evidence that is cumulative, repetitious, or irrelevant.

## **F. FINANCIAL PROPERTY**

### **F-1: FINANCIAL DEPOSITORIES**

The Treasurer of the District is authorized and directed to hold the funds of the District in the following manner:

1. The amount necessary for the immediate needs of the District shall be held on account at Union Bank and Trust Company, Lincoln, Nebraska.
2. The remainder of the funds of the District shall be maintained, in such proportions or amounts as may be determined by the Treasurer, in investments as provided in Neb. Rev. Stat. § 77-2341 and 77-2366.
3. No funds of the District cumulating an amount in excess of the applicable FDIC insurance coverage shall be maintained on deposit or in certificates of deposit of any bank unless the excess is secured in the same manner as provided by statute for the deposit of public funds. The General Manager is authorized to release pledged securities when they are no longer needed or the banks wish to replace them with other securities.
4. The Treasurer, Assistant Treasurer, or other such officer, employee or agent of the District, as shall be authorized by the Treasurer to sign in his/her behalf, is authorized to issue written orders for the transfer of District funds between District deposit and investment accounts, issue checks against the District deposit accounts without prior approval of the Board for the purchase of such U.S. treasury notes or bonds or time certificates of deposit as may be made by the Treasurer of the District, pursuant hereto and redeem such instruments and endorse such instruments for deposit in District deposit accounts.
5. The Treasurer is authorized and directed to designate Union Bank and Trust Company, Lincoln, Nebraska as the Treasurer's agent for the safekeeping of any U.S. Treasury Notes or Bonds purchased pursuant to the authority granted herein.

**F-2: COLLECTION OF FUNDS AND CASH**

1. Requests to counties for property taxes and other funds collected will be made in a timely manner, at least monthly. Appropriate forms may be signed by the Treasurer, Assistant Treasurer, or such other officer, employer, or agent of the District as shall be authorized by the Treasurer to sign in his/her behalf.

### **F-3: PROCEDURES AND CONTROLS FOR OBLIGATION AND EXPENDITURE OF DISTRICT FUNDS**

1. District funds, which are to be expended for any purpose, may not be obligated, committed or expended unless they are included in the annual budget of the District, which has been submitted to the State Auditor pursuant to the Nebraska Budget Act, Neb. Rev. Stat. §13-501 to 13-514 (Reissue 1997).
2. Once District funds have been properly included and approved in the annual budget, they may be expended for the purposes and in the amounts identified in the budget, and for programs and projects identified in the long range implementation plan, without further authorization or approval of the Board, if the amount of each expenditure is \$10,000 or less, except for emergency purchases under Policy No. G-6 and payroll expenses and deductions.
3. If the amount for each expenditure is in excess of \$10,000, District funds shall not be expended unless post-budget approval of the Board is granted before such funds are obligated or committed. Once Board approval has been granted in accordance with this Paragraph 3, subject to the provisions of Paragraphs 4 and 5 below, funds may be expended in payment of the obligation or commitment incurred, regardless of the amount.
4. If the amount of any expenditure is in excess of \$10,000, but not greater than \$35,000, either the procedure for selecting consultants for professional services shall be required, pursuant to Policy No. G-3, or the procedure for informal competitive bids shall be required, pursuant to Policy No. G-5, Paragraph 2, before post-budget authorization or approval of the Board is granted, pursuant to Paragraph 3 above.
5. If the amount of any expenditure is in excess of \$35,000, either the procedure for selecting consultants for professional services shall be required, pursuant to Policy No. G-3, or the procedure for formal competitive bids shall be required, pursuant to Policy No. G-5, Paragraph 3, before post-budget authorization or approval is granted pursuant, to Paragraph 3 above.
6. The requirements of Paragraphs 2, 3, 4, and 5 above, including Policy Nos. G-5 and G-7, may be waived or suspended by the Board for good cause. Good cause shall mean an unforeseen situation or circumstance where the enforcement of the requirements of these paragraphs would not be prudent or reasonable considering the unforeseen situation or circumstance, or would create a hardship for the District.

7. Whenever during the current fiscal year it becomes apparent to the Board that, due to unforeseen emergencies, there is temporarily insufficient money in the General Fund to meet that fund, the Board may, by majority vote, unless otherwise provided by state law, transfer money from other funds to the General Fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in Section 13-511, or other provisions of state law. Neb. Rev. Stat. §13-510 (Reissue 1997)
  
8. Unless otherwise provided by state law, whenever during the current fiscal year it becomes apparent to the Board that there is an emergency and that because of unforeseen circumstances either the revenue of the current fiscal year for any fund thereof shall be insufficient or additional expenses are to be incurred which could not reasonably have been anticipated at the time the budget for the current year was adopted, the Board may propose to supplement the previously adopted budget statement and shall conduct a public hearing on such proposal and follow the further requirements of Neb. Rev. Stat. §13-511 (Reissue 1997).

#### **F-4: EXPENDITURE OF FUNDS**

Funds of the District shall be paid out or expended only upon the authorization or approval of the Board of Directors and by check, draft, warrant, or other instrument in writing, signed by any two of the following officers or employees: Treasurer, Assistant Treasurer, or such other Director, as shall be designated by the Treasurer to sign in his/her behalf; provided, such authorization shall be in writing and filed with the Secretary of the District; and provided further, in the event that the Treasurer's bond shall not expressly insure the District against loss resulting from the fraudulent, illegal, negligent, or otherwise wrongful or unauthorized acts or conduct by or on the part of any and every person thus authorized, there shall be procured and filed with the Secretary of the District, together with the authorization, a corporate surety bond, effective for protection against such loss, in such form and amount and with such corporate surety as shall be approved in writing by the signed endorsement thereof of any two officers of the District other than the Treasurer. The Secretary shall report to the Board at each meeting any such bonds filed, or any change in the status of any such bonds, since the last previous meeting of the Board. Neb. Rev. Stat. §2-3224 (Reissue 1997)

Notwithstanding anything above to the contrary, any one of the above authorized officers or employees, shall be authorized to sign payroll checks and checks for any other authorized purpose, not to exceed \$5,000.

## **F-5: DISTRICT CREDIT CARDS AND CHARGE ACCOUNTS**

1. The General Manager, on behalf of the District, is authorized from time to time, to apply for and receive business credit cards, to be used for travel, meals, lodging, general operational expenses and automobile operation and repair. The General Manager is responsible for the proper use of such cards. The General Manager may authorize certain staff members to sign for authorized expenditures of the District. With the exception of the General Manager and the Assistant General Manager, credit cards for staff will be held in the custody of the Administrative Assistant until and after such times when authorized for use.
  
2. The General Manager may establish charge accounts on behalf of the District at businesses for the purpose of purchasing supplies and services. The General Manager may authorize staff members to order and sign receipts for the supplies and services.

## **F-6: DISTRICT FINANCIAL RECORDS**

1. The fiscal year of the District shall begin July 1 and end June 30. The Board, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the District to be made by a public accountant or firm of such accountants who shall be selected by the Board. Neb. Rev. Stat. §2-3223 (Reissue 1997)
2. The audit shall be in a form prescribed by the Auditor of Public Accounts. Such audits shall show (1) the gross income from all sources of the District for the previous year; (2) the amount expended during the previous year for maintenance; (3) the amount expended during the previous year for improvements and other such programs, including detailed information on bidding and notices of requests for bids and the disposition thereof; (4) the amount of depreciation of the property of the District during the previous year; (5) the number of employees as of June 30 of each year; (6) the salaries paid employees; and (7) all other facts necessary to give an accurate and comprehensive view of the costs of operating, maintaining, and improving the District. Neb. Rev. Stat. §2-3223 (Reissue 1997)
3. An authenticated copy of the audit shall be filed with the Auditor of Public Accounts within six months after the end of the fiscal year. Neb. Rev. Stat. §2-3223 (Reissue 1997).
4. Accounting books and records for all financial transactions will be kept in accordance with generally accepted accounting principles and state statutes.
5. Expenses incurred by Directors and Staff members shall be reimbursed only upon the completion of an itemized claim for expenses on a form supplied by the District. Appropriate forms will be furnished to each Director by the Administrative Assistant at least seven (7) days before the end of each quarter.
6. The District shall prepare a general ledger, and monthly balance sheet, a statement of revenue and disbursements compared with the annual budget, and a report on reimbursable project costs, which shall be presented to the Board.
7. Following approval by the Board, a detailed list of all expenditures of the District for the preceding month will be published each month, as required by Neb. Rev. Stat. §2-3220 (Reissue 1997), in the Lincoln Journal Star newspaper.

**F-7: CORPORATE SURETY BONDS**

1. Any officer, director, or employee authorized to sign checks on behalf of the District, shall each be bonded in the minimum amount of \$250,000.
2. In addition, each employee of the District shall be bonded under a blanket position bond in the minimum amount of \$50,000.

## **F-8: BORROWING OF FUNDS**

The District from time to time needs to borrow funds to meet temporary shortfalls due to variances in the timing and amount of revenues compared to expenditures. The District may also need to obtain supplemental funding to meet emergency responses or may borrow funds for major expenditures, which will be paid off by revenues received in subsequent fiscal years. The Finance and Planning subcommittee shall make recommendations to the board on the need and specific proposals for borrowing arrangements. Board approval is required, in accordance with (statutes), for financial borrowing arrangements. Neb. Rev. Stat. §2-3230 (5) (Reissue 1997)

## **F-9: ADMINISTRATION OF FUNDS OF OTHERS**

The District may serve as financial agent for projects, programs, and studies with funding and in-kind services provided by other agencies, organizations, or individuals. The specifics of the duties, responsibilities and financial obligations of the parties shall be included in an interlocal agreement or other contractual arrangement.

When possible and desirable, the District shall secure the funds of others before making expenditures for the project, program, or study. The District shall maintain separate accounting records for such funds and shall place such funds in investments or financial accounts as allowed by law when appropriate.

When the District makes expenditures for projects, programs, and studies in advance of receiving the funds from the other parties, it shall maintain accurate accounting records and shall provide a monthly report to the Board. Reimbursement of obligated and expended funds shall be requested from the other parties in accordance with arrangements in the respective agreements or in an otherwise appropriate and timely manner.

## **F-10: NON-PUBLIC FINANCIAL DONATIONS**

It is the policy of the NRD to provide opportunities on certain projects for financial donations (non-public funds) to be recognized by the “naming” of an identifiable component in honor of the donor. Eligible projects will be those with full public access and public use, and as designated by the Board of Directors.

The NRD shall identify and describe the separable components of the project, which would be appropriate for donor recognition. The NRD shall develop and estimate full implementation cost for each separable component.

Donors may select and fund separable components on a first-come basis. The Board of Directors shall, singly, or jointly if it is a project with other co-sponsors, consider each donation and the proposed “name”. Recognition shall continue permanently or for the life of the component, and shall survive an assignment of the project to a successor public agency. The District and the donor shall enter into a written agreement on the terms of the donation. To the extent practicable, such agreement shall be binding on both parties.

Eligible donors shall include individuals, corporations, organizations, and not-for-profit organizations, irrespective of their site of business or residence. Recognition may be for any persons, living or deceased, organizations, corporations, and the like. The Board of Directors must approve of the recognition “name”.

## **F-11: ACCEPTING DONATED WETLANDS**

The Lower Platte South Natural Resources District, from time-to-time, is requested to consider accepting ownership and management responsibilities for wetlands. The District will generally follow these guidelines in consideration of such requests:

1. Each request will be considered on a case-by-case basis.
2. The property acquisition will be by voluntary transfer of fee title.
3. Factors to be considered will include, but not be limited to:
  - a. Size of wetland.
  - b. Location/proximity to their public floodplain, wetland or park, and open space.
  - c. Type and quality of wetland.
  - d. Potential use for stormwater detention/retention.
5. Public access will be allowed where NRD deems appropriate.
5. Consideration of safety factors of airport flight environs zone.
6. The Donor will be responsible for the following:
  - a. Delineation and categorization of the wetland.
  - b. Assessment of impacts to the wetland from offsite.
  - c. Hydrologic and vegetation analysis of the wetland.
  - d. Cooperation with the NRD on buffering and drainage to protect the wetland from sedimentation, loss of critical source water, excess stormwater runoff, and/or contamination.
  - e. A Phase I Environmental Assessment of the property, as a minimum.
  - f. Any assessments to the property through the subdivision process (e.g. streets, sidewalk, lighting, trees).
  - g. Where used for wetland mitigation purposes the design, construction, permits and operation under Section 404 Permit conditions.

- h. Establishment of a value of the donation, if desired by Donor.
- i. A financial contribution to the NRD for future operation and maintenance of the property, based upon an NRD estimate of annual operation and maintenance costs multiplied by a factor of ten.

## **F-12: BUDGET ACCOUNT OVERRUNS**

For accounts of \$10,000 or less (net NRD), when expenditures exceed the amount budgeted by less than 20% a written explanation will be included in the monthly financials report of that month.

For accounts of \$10,000 or less (net NRD), when expenditures exceed the amount budgeted by 20%, or more, and for accounts greater than \$10,000 (net NRD), when expenditures exceed the amount budgeted by 10%, or more, the Finance and Planning Subcommittee shall review such account, its current and projected expenditures, and prepare a recommendation to the Board with respect to such account.

The recommendation of the Finance and Planning may include:

Approval of a revised budget account expenditure, with a corresponding offset elsewhere in the budget of expenditures and revenues.

Direction to curtail or reduce additional expenditures under an account by program/project deferral, cancellation, or other modifications.

### **F-13: AUDIT AND AUDITOR**

Neb. Rev. Stat. S 2-3223 (Reissue 1997) requires the District to conduct an audit of the books, records and financial affairs at the close of each fiscal year. The audit shall be made by a public accountant or firm recommended by the Finance and Planning Subcommittee following the Procedure for Hiring Consultants for Professional Services and approved by the Board of Directors. The contract shall be annually reviewed.

**G. DISTRICT OPERATIONS**

**G-1: TEMPORARY CONSTRUCTION EASEMENTS, PERMITS, AND LICENSES**

1. The General Manager is authorized to execute or receive on behalf of the District, temporary construction easements, permits and licenses, if, in the discretion of the General Manager, such easements, permits and licenses are necessary in order to conduct the business of the District.
2. The General Manager is authorized to execute agricultural leases on real property owned or controlled by the District if such leases are in accordance with the District's property management plans.

## **G-2: FENCING ON NRD PROPERTY**

The District shall be responsible for 100% of the cost to install and maintain the fences along the NRD property boundaries, where and as determined needed by the General Manager in consultation with appropriate staff members, and shall cost-share 50%-50% with the adjoining landowners where fence is requested by the landowner and the General Manager in consultation with appropriate staff members has determined that fencing is not needed by the NRD.

### **G-3: PROCEDURE FOR HIRING CONSULTANTS FOR PROFESSIONAL SERVICES**

If the estimated cost of hiring a consultant for engineering services is more than \$25,000, or for any other professional services is more than \$5,000, then the following procedure shall apply:

1. A list of all consultants interested in providing professional consultation services will be compiled and maintained by the District.
2. For professional services that are identified by the General Manger and Chair as being for ongoing projects and/or studies or "basic professional services."
  - a. The General Manager shall develop and keep updated background information on all firms interested in providing the specific services.
  - b. The General Manager shall develop a scope of services, shall select a qualified consultant, and negotiate an agreement for services subject to approval of the Board of Directors as provided in Paragraph 4.
3. For professional services that are identified by the General Manager and approved by the Chair as being for new major projects and/or studies:
  - a. Consultants having the appropriate qualifications may be mailed a Request for Proposals (RFP), and a notice of the RFP will be published in appropriate news media for three consecutive weeks. The RFP will include a general description of the project.
  - b. A selection team appointed by the General Manager shall review and evaluate the proposals and select a minimum of three consultants who have submitted proposals, unless fewer have submitted proposals. Factors to be considered in this selection shall include consultant qualifications, past performance of the consultant, and other information provided in response to the RFP. The consultants so selected shall be those deemed to be the most qualified to perform the required services.
  - c. The selection team will conduct interviews with the consultants selected to determine their interest in the project and ability to furnish the required service, any recent changes in their qualifications, their current and projected work load, and their willingness to meet time and price requirements. The team will rank the consultants in order of their preference, considering past performance, adequacy of staff and resources, consultant location in relation to project and familiarity with the area, approach to the project, and other pertinent factors,

- d. The General Manager will proceed to negotiate a proposed contract with the number one ranked consultant until an agreement is reached or officially terminated. In the event negotiations are terminated, the number two firm will be contacted to begin negotiations with them. This procedure will be repeated until an agreement is reached. If unable to negotiate a satisfactory agreement with any of the three final ranked consultants, the committee may select additional firms in order of preference according to the procedures previously described, or the process may be terminated.
4. At the conclusion of negotiations, the General Manager shall write a memo to the Board reviewing the selection process, and make a recommendation to the Board as to the best qualified consultant and the services agreement.

**G-4: EMERGENCY PURCHASING AUTHORITY**

1. In the event of a flood or other natural disaster, or the immediate threat thereof, which necessitates the acquisition or purchase of easements or other interests in real estate, the services of contractors or other persons, the use of equipment, materials, supplies, or other personal property, the General Manager, after approval of the Chair, is authorized to acquire or purchase such property interests, services, equipment, materials and supplies in amounts not to exceed \$70,000.
  
2. At the next regular meeting of the Board following such emergency, the General Manager shall present a written report of the actions taken regarding the emergency and shall make recommendations to the Board for any further action that may be necessary because of the emergency.

## **G-5: COMPETITIVE BIDDING**

The competitive bidding requirements hereinafter set forth, shall not apply to the purchase of interests in real estate, utilities, insurance policies, intangible personal property, such as bonds, bills, notes and certificates of deposit, and unique or non-competitive items, such as library books, publications and used personal property. These procedures shall not apply to the hiring of consultants for professional services, which is governed by Policy No. G-3. With respect to all other purchases, the following procedure shall be followed:

### **1. Purchases exempt from competitive bidding**

When the consideration or price to be paid for the purchase of any service or any item of personal property is \$10,000 or less, or when the aggregate consideration or price for the purchase in one transaction of two or more similar or identical items shall amount to \$10,000 or less, a contract or purchase order may be awarded or made without providing for competitive bids.

### **2. Informal competitive bids**

When the consideration or price to be paid for the purchase of any service or any item of personal property is estimated to exceed the sum of \$10,000, but less than \$35,000, (except for hiring consultants for professional services under Policy No. G-3) or when the aggregate consideration for the purchase in one transaction of two or more similar or identical items estimated to exceed the sum of \$10,000, but less than \$35,000, then the General Manager shall cause to be communicated notice of the intent to purchase the specifications for such item or items, and any time consideration to at least three known suppliers within the District of such services or items, bids shall be awarded to the lowest responsible bidder. The District reserves the right to reject any and all bids in whole or in part. A written memorandum of the documents generated in connection with the informal bidding process shall be maintained in the files of the District, and made available for inspection by any interested party during normal business hours.

### **3. Formal competitive bids**

- a. When the consideration or the price to be paid for the purchase of any service or item of personal property is estimated to exceed \$35,000, (except for hiring consultants for professional services under Policy No. G-3) or when the aggregate consideration for the purchase in one transaction or two or more similar or identical items is estimated to exceed \$35,000, the General manager shall prepare or cause to be prepared detailed written specifications for such item or items, and an invitation for bids thereon, and shall transmit the copy of the invitation for bids by mail to each known supplier of such item or items within the District.

- b. All formal sealed competitive bids received by the General Manager shall be publicly opened and read by the General Manager, or a designated representative, at the time specified in the bids.
- c. Contracts shall be awarded to the lowest responsible bidder. The Board reserves the right to accept or reject any and all bids in whole or in part.
- d. Resident bidders are to be allowed a preference over non-resident bidders from a state, which gives or requires a preference to bidders from that state.
- e. When awarding contracts for public works, the District shall require that all contractors file a statement, which shows that they are complying with the fair labor standards act, and also that in the performance of the contract, if awarded, fair labor standards shall be maintained. Neb. Rev. Stat. §73-102 Reissue 1996).
- f. *With respect to Invitation For Bids, which include the following or similar language "Owner [NRD] reserves the right to waive informalities in bids received as may be determined by Owner to be in the best interest of the Project and Owner," the Board of Directors delegate to the General Manager the authority to waive informalities on its behalf, as may be determined by such General Manager to be in the best interest of the Project and the District.*

*Informalities in bids do not include price, time, or change in work.*

#### 4. Public structures and improvements

Before awarding contracts for the construction of public structures and improvements, regardless of the amount, the District shall require that a bond in the sum not less than the contract price, conditioned for the payment of laborers and mechanics for labor, shall be posted with the District, in order to protect such laborers and mechanics since they cannot file liens against public structures and improvements. Neb. Rev. Stat. §52-118 Reissue 1993)

**G-6: LEASE OF DISTRICT EQUIPMENT**

1. The General Manager is authorized to lease District equipment to governmental entities if the use of such equipment will be for a short duration and will not materially interfere with the progress of District-sponsored projects. The General Manager is also authorized to lease District equipment purchased for the purpose of making it available to certain private parties in conjunction with authorized projects and programs of the District. The General Manager is further authorized to establish the reasonable rental rates for such equipment.

## **G-7: DISTRICT SURPLUS PROPERTY**

1. The General Manager is authorized to declare as "surplus property" any item of personal property which has become obsolete and is no longer useful to the District, and which has an estimated fair market value of \$1,000 or less. The General Manager is further authorized to sell such property to the highest bidder after receiving oral bids from at least two persons known or believed to be potential purchasers of such items, or after publishing a notice for the sale of such items in a local newspaper. If surplus property has an estimated fair market value in excess of \$1,000, authorization for the sale of such property must be obtained from the Board. Any item of surplus property valued at \$1,000 or less, which is sold by the General Manager, shall be identified in writing along with the name of the purchaser and the purchase price and provided to the Finance and Planning Subcommittee, within ten (10) days after a sale.

**G-8: NO SMOKING**

1. Smoking is prohibited in all District buildings, vehicles, and the properties on which the office and maintenance buildings are located. "NO SMOKING" signs shall be posted.

**G-9: PUBLIC ACCESS AREAS**

1. District real property shall only be open to public access after rules and regulations governing the use of the area have been adopted by the Board.

**G-10: DISTRICT PROGRAMS, PROJECTS AND AGREEMENTS**

1. The General Manager shall prepare a listing of all current agreements and a brief description of all programs and projects, which shall be kept continually current in the District office.

## **G-11: USE OF RECYCLED PAPER**

1. The District, in its day-to-day operations and publications, shall give priority consideration to the use of recycled paper. When contracting with outside printers, notice shall be given that the use of recycled paper stock is preferred, and the General Manager or representative shall seek to use recycled paper whenever possible. The District, for office paper needs, shall purchase and use recycled paper stock. This shall include but not be limited to copy paper, letterhead, envelopes, and note pads. All District publications and official District correspondence printed on recycled paper shall bear a "Printed on Recycled Paper" logo.
2. When available, the General Manager or representative shall request District publications to be printed with soy-based ink.
3. The District, in its day-to-day operations, shall provide for the recycling of paper, glass and aluminum. The General Manager or representative shall make available receptacles for the deposition and storage of recyclable materials. Office paper, computer printout paper, colored paper, and newsprint shall be separated, as markets require. The General Manager or representative shall provide for the transport of materials to be recycled in a timely and efficient manner.
4. It shall be the policy of the District that Directors are encouraged to participate in recycling programs, whether privately or in conjunction with the District recycling activities. A clearly labeled receptacle for the collection of office paper shall be made available in the District Board Room, and Directors are encouraged to take advantage of this opportunity to recycle materials provided them by the District, i.e. mailings, or handouts at meetings.

## **G-12: RECOGNITION DINNERS AND AWARDS**

The District may hold a recognition dinner each year for the Directors, employees, or volunteers of the District. The maximum cost per person for such dinner shall not exceed twenty-five dollars (\$25.00) per person. An annual recognition dinner may be held separately for directors or separately for employees or for volunteers, or any of them in combination. Neb. Rev. Stat. §13-2204 (Reissue 1997)

The District may make awards, to include plaques, certificates of achievement, or other items of value, not to exceed \$300.00 per award, to recognize the accomplishments of Directors, employees, volunteers, and other elected officials. Neb. Rev. Stat. §13-2204 (Reissue 1997)

The District may nominate individuals, groups, or organizations for recognition and awards by other entities or by the District itself.

### **G-13: WORKPLACE SAFETY PROGRAM**

The District is committed to providing a safe and healthful work environment for its employees. To accomplish this goal, the District shall establish and support a safety committee composed of equal numbers, which shall include two representatives of the employees and two representatives of the District management. The Committee's purpose will be to assist the District and make recommendations regarding methods of addressing safety and health hazards.

The District also shall establish, maintain, and carry out an effective written safety and health program to reduce or eliminate hazards and to prevent injuries and illnesses to employees. The District shall, to the extent technically and economically feasible, either totally prevent workplace hazard or control the hazard through work and equipment design, safety and health rules, work practices, administrative controls, and personal protective equipment.

In addition, the District shall implement safety and health training for its employees, establish a thorough, regular inspection program, and maintain records of inspections, accidents, and injuries.

The District shall consult and cooperate with the Nebraska Department of Labor in the development and administration of this Workplace Safety Program.

## **G-14: USE OF DISTRICT CONFERENCE ROOM**

The primary purpose of the District Conference Room is to provide meeting and workshop facilities for the Board of Directors and subcommittees of the District and for activities and programs sponsored by the District. Other governmental agencies and resource-related organizations may use the conference room, subject to guidelines developed by the District, when not reserved for District purposes. Upon adequate notice, and for adequate reasons, the District reserves the right to revoke the permission to use the conference room.

## **G-15: PUBLIC RECORDS - DEFINITION**

Public records shall include all records and documents, regardless of physical form, of or belonging to the District, except the following records, unless publicly disclosed in an open court, open administrative proceeding, open meeting, or disclosed by the District pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

1. Records which represent the work product of an attorney and the District which are related to preparation for litigation, labor negotiations, or claims made by or against the District or which are confidential communications as defined in Neb. Rev. Stat. §27-503 (Reissue 1995),
2. Appraisals or appraisal information and negotiation records concerning the purchase or sale, by the District, of any interest in real or personal property, prior to completion of the purchase or sale,
3. Personal information in records regarding personnel of the District other than salaries and routine directory information,
4. Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations, and
5. Records or portions of records kept by the District which should reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect such site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act. Neb. Rev. Stat. §84-712.01, 84-712.05 (Reissue 1994)

## **G-16: PUBLIC RECORDS - EXAMINATION**

Except as otherwise provided by statute, all citizens of this state, and all persons interested in the examination of the public records of the District, as defined in Operating Policy No. G-15, may examine the public records of the District and make memoranda and abstracts therefrom, all free of charge, during normal business hours of the District between 8:00 a.m. and 5:00 p.m., Monday through Friday, except if a holiday falls on any such day. Neb. Rev. Stat. §84-712 (Reissue 1994)

If a person requests that copies be made of any such public records and agrees to pay the cost of reproduction, the District will make photocopies of letter size or legal size written documents at twenty-five cents (\$.25) per page, and copies of tape recordings, maps, construction drawings, videotape, or computer data at the actual cost of reproducing such material.

## **G-17: IDENTIFICATION OF NRD VEHICLES**

The Lower Platte South Natural Resources District shall require that all District-owned vehicles have a Lower Platte South NRD identification logo on the front left and front right-hand door panels.

11-16-11

**G-18: NON-DISCRIMINATION IN DISTRICT PROGRAMS**

The District, in determining eligibility for participation in all programs administered by the District, shall not discriminate because of race, color, religion, age, sex, sexual orientation, genetic information, national origin, disability, familial status, veteran status, or marital status.

## **G-19: REVIEW AND COMMENT ON LAND USE PROPOSALS**

1. The District will offer to provide technical review and comments to communities and counties on comprehensive plans and land use proposals.
2. Communities and counties may request a technical review of certain land use proposals. Staff will review and may comment on land use proposals for technical issues, such as:
  - a. Impacts on existing or planned District projects/programs.
  - b. Ground and surface water quantity and quality.
  - c. Impacts on unique natural resources (native prairies, wetlands, etc.).
  - d. Erosion and sediment control needs.
  - e. Stormwater and flooding.
3. Land use proposals which could significantly impact District programs, District owned or managed properties or District natural resources may warrant additional consideration and a possible Board position. The Chair shall refer the proposal to the appropriate subcommittee.

## **G-20: SUSTAINABLE PROGRAM AND PROJECT DESIGN AND CONSTRUCTION**

1. The District shall utilize sustainable principles in the development of program guidelines, in the evaluation of alternatives and the design of projects, in the selection of construction materials, and in the construction specifications, unless impractical or economically disadvantageous.
2. Sustainable planning and design is a philosophical approach in which the intention is to minimize negative environmental impacts and provide projects which provide a long term environmental enhancement which can be maintained with limited inputs and costs.
3. Sustainable design principles are dynamic and may include the use of recycled, natural, local, or low-impact materials; minimization of physical changes; incorporation of natural systems; green infrastructure, energy efficiency; and use of best management practices.
4. In implementing this policy, District staff will evaluate programs and projects in terms of their sustainability or environmental impacts, and consider alternative designs and materials, short and long term economics, and operation and maintenance requirements.
5. It is not the intent of District in this policy to limit the potential number of design service providers, material suppliers, or contractors, or to increase the initial cost of construction complexity or time frames of projects, or to create a burdensome compliance monitoring obligation.