




## Memorandum

**Date:** December 7, 2018  
**To:** Each Director  
**From:** Paul D. Zillig, General Manager   
**Subject:** Executive Subcommittee Meeting Minutes

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The Executive Subcommittee met at 4:00 pm on Thursday, December 6, 2018 at the NRD Office in Lincoln. Subcommittee members present included Ray Stevens, Larry Ruth, and Dan Steinkruger (no quorum). Others present included Steve Seglin, Adam Behmer of FHU (Felsburg Holt & Ullevig), Kathy Spence, Dan Shulz, and myself.

Chair Stevens opened the meeting and we proceeded to the first agenda item, proposed modifications to the NRD's Operation and Personnel Policies. I reported that I annually review the policies and we typically update the policies at this time. I reviewed the proposed policy changes, as shown on the attachment. A summary of the changes to the Operating Policies and Personnel Policies is as follows:

- C-2: Directors' Vacancies – direction to fill the vacancy asap
- C-14: Conduct of Board Meeting – update retention of meeting recordings
- D-2: Executive Subcommittee – update policy on process followed
- D-6: RF&W Subcommittee – update policy removing the W.H.I.P. program
- G-12: Recognition Dinners and Awards – implement changes in LB 1036
- PP No.6: Office Hours/Work Week – change office hours to 8:00 – 4:30 M-F.

The Subcommittee discussed several of the proposed changes. It was moved by Ruth, seconded by Steinkruger and unanimously approved by the Subcommittee members present to recommend the Board of Directors approve the proposed changes to Operating Policies C-2 & 14, D-2 & 6, G-12, and Personnel Policy No. 6 (will need a second).

The next item on the agenda was to consider a request from Otoe County to amend their November approval to purchase wetland credits from the NRD's Blue Heron Wetland Bank. Adam Behmer of FHU addressed the Subcommittee on behalf of Otoe County. Behmer reviewed the attached letter reporting that the number of credits necessary has since slightly increased for their project and the County is requesting the NRD approve selling the additional 0.0502 credits. The Subcommittee discussed the request. It was moved by Steinkruger, seconded by Ruth, and unanimously approved by the subcommittee members present to recommend the Board of Directors amend it's November 14<sup>th</sup> action approving the sale of 0.3115 wetland credits from the Blue Heron Wetland Bank for \$20,000 to Otoe County for the Palmyra Road G&H Connection Project (Control No. 13249, Project HRRR-7915(1), by increasing the amount of credits from 0.3115 to 0.3617 for the same dollar amount based the finding of the U.S. Army Corps of Engineers that the greater number of wetland credits are needed for the project, and authorize the General Manager to sign the bill of sale (will need a second).

There being no further business the meeting adjourned at 4:30 pm.

PDZ/pz

pc: Steve Seglin

12-14-16

## **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. The Board shall proceed to fill the vacancy as soon as possible.

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.

6-14-06

#### **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.~~ A recording will be made of each Board Meeting and will be available to the public and retained for at least 10 years.
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).

5-14-98

**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~~ Board of Directors on personnel matters, to include salaries, employee benefits, and staffing changes.

5-14-98

#### **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.
  - ~~e. Monitoring the Wildlife Habitat Improvement Program and providing recommendations on contracts for approval.~~
  - d. c. Providing recommendations for complaints under the Erosion and Sediment Control Act on lands causing sediment damages to District-controlled properties.
  - e. d. Reviewing and considering conservation easements on a case-by-case, willing buyer-seller basis.

12-17-08

## **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)~~ fifty dollars (\$50.00) 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~~ Revised 2018)

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~~ Revised 2018)

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



11-14-01

**Personnel Policy No. 6: OFFICE HOURS/WORK WEEK**

The basic work day shall consist of eight (8) hours; the basic work week shall consist of forty (40) hours, Monday through Friday, unless a different work week schedule is approved by the General Manager. Employees may be required to work beyond forty (40) hours on occasions. For purposes of record-keeping the work week for the District begins at 12:00 a.m. Monday and ends at 11:59 p.m. Sunday.

The office will be open from 8:00 a.m. to ~~5:00~~ 4:30 p.m. Monday through Friday.

The General Manager may vary the office schedule from time-to-time due to hazardous weather conditions, with respect to office closings for emergency or weather situations, all employees will be directed to vacate the office and the closed office hours will be treated similar to holiday leave for work-hours accounting purposes, other emergency situations, or when training or other District activities require staff to be elsewhere.



30 November 2018

Mr. Paul Zillig  
Lower Platte South Natural Resources District  
3125 Portia Street  
Lincoln, NE 68521

Reference: Palmyra Southwest - Request to Purchase Credits from Blue Heron Marsh Bank  
Control No. 13249  
Project No. HRRR-7915(1)  
FHU Reference No. 117246-01

Dear Mr. Zillig:

This letter is in response to the US Army Corps of Engineers (USACE) requirement of additional mitigation credits required for the Palmyra Southwest Project. Based on coordination between Dan Schulz, acting on behalf of the Bank Sponsor (Lower Platte Natural Resource District [LPSNRD]) and USACE it was determined that the mitigation outlined in the October 8, 2018 letter, and subsequently approved by the LPSNRD Board, were not sufficient and would need to be increased due to differences between the wetland types (Cowardin Classification) impacted and mitigation credits available.

While USACE was provided a copy of the request letter, proposed mitigation ratios, and had previously commented that PEMA/PEMC credits were available in the Blue Heron Bank, it was determined that, in fact, PEMA/PEMC credits were not available. The lack of PEMA/PEMC credits means that Otoe County will be required to mitigate at a higher ratio for out-of-kind mitigation. USACE has confirmed that mitigation for wetlands that do not match both Cowardin and Nebraska Sub-class Classifications will be required at 4:1 ratio, thus increasing the amount of credits needed for Otoe County. Details of the required mitigation ratios and amounts is located in **Table 1**.

Because of this change in mitigation ratios, Otoe County requests:

1. To withdrawal their previous request to purchase 0.1672 PEMA/PEMC credits and 0.1443 PSSA credits.
2. Request a purchase of 0.2174 PEMF credits and 0.1443 PSSA credits. Currently, the Blue Heron Bank has a sufficient amount of PEMF credits to allow Otoe County to mitigate wetland impacts from the Palmyra Southwest Project.

### **Proposed Credit Purchase**

Based on the Bank Administration Procedure provided by the Lower Platte South Natural Resources District, it is our understanding that the purchase of 0.5 credits or less would cost \$20,000. Otoe County is requesting the purchase of **0.3617** total credits (0.2174 PEMF and 0.1443 PSSA) for the price described in the Administration Procedure, \$20,000. This request is contingent upon USACE approval of the use of the Blue Heron Marsh Bank for mitigation, which is being proposed in the Section 404 Permit Application for the project. Should USACE not approve the use of this bank for mitigation, then this request for purchase would be withdrawn.

**Table 1. Determination of credits for mitigation of wetland impacts at the Blue Heron Marsh Mitigation Bank.**

Wetland ID	Cowardin Classification	Nebraska Wetland Subclass	Wetland Impacts (acres)	Cowardin Mitigation Classification	Bank Wetland Subclass	Mitigation Ratio	Mitigation Debits
<b>PEMA/C Wetlands</b>							
Wetland 5	PEMA/PEMC	Floodplain Depressions	0.0533	PEMF	Floodplain Depressions	2:1	0.1066
Wetland 7	PEMA/PEMC	Riverine Floodplain	0.0236	PEMF	Floodplain Depressions	4:1	0.0944
Wetland 10	PEMA/PEMC	Floodplain Depressions	0.0026	PEMF	Floodplain Depressions	2:1	0.0052
Wetland 12	PEMA/PEMC	Riverine Floodplain	0.0015	PEMF	Floodplain Depressions	4:1	0.006
Wetland 13	PEMA/PEMC	Floodplain Depressions	0.0026	PEMF	Floodplain Depressions	2:1	0.0052
<b>Subtotal PEMF Credits to Purchase</b>				<b>0.2174</b>			
<b>PSSA Wetlands</b>							
Wetland 4	PSSA	Floodplain Depressions	0.0837	PSSA	Floodplain Depressions	1:1	0.0837
Wetland 15	PSSA	Riverine Floodplain	0.0303	PSSA	Floodplain Depressions	2:1	0.0606
<b>Subtotal PSSA Credits to Purchase</b>				<b>0.1443</b>			
<b>TOTAL Credits to Purchase</b>				<b>0.3617</b>			

We appreciate your timely consideration of this request. Please let me know if you have any additional questions or require any additional information.

Sincerely,



Adam Behmer  
 Environmental Scientist  
**FELSBURG HOLT & ULLEVIG**

CC:  
 Jon Brinkman, Otoe County Roads Department  
 Roger Yerdon, NDOT Permits Unit  
 Jacob Smith NDOT Environmental  
 Glen Steffensmeier, NDOT Local Projects Division