




LOWER PLATTE SOUTH natural resources district

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Memorandum

Date: February 14, 2020
To: Board of Directors
From: Paul D. Zillig, General Manager 
Subject: Executive Subcommittee Meeting Minutes

The Executive Subcommittee met at 3:00 pm on Tuesday, February 11, 2020 in the NRD Office in Lincoln. Subcommittee members present included Larry Ruth, and Deborah Eagan. Others present included Steve Seglin, Corey Wasserburger, David Potter and myself.

Chair Ruth called the meeting to order and stated the first item on the agenda will be to review the Subcommittee's previous action on the Legislative Bills and determine if any changes should be considered. The Subcommittee reviewed the attached list of bills, including those bills where the NARD and LPSNRD had differing positions. The Subcommittee did not recommend any changes in the LPSNRD positions. It was reported that the Board can propose changes in any of the positions at the February Board Meeting, if not these positions will be provided to our State Senators.

The next item on the agenda was to consider a proposed Engagement Agreement with Johnson Flodman Guenzel & Widger for legal counsel services. Ruth and myself reported on the status and our interest in continuing with our current arrangement for legal services, a copy of the proposed agreement is attached. Seglin and Wasserburger stated they felt things were going well providing legal services and this first year has provided a good opportunity for Corey to better understand the yearly challenges for the NRD and it's been a good experience attending our meetings.

Ruth reported that he heard back from those Subcommittee members that were not able to attend and they all indicated support for the new agreement. The Subcommittee also discussed the need to increase Corey's role in all phases of providing legal services and participating in NRD Board meetings. If approved, the agreement would become effective February 20th. It was moved by Eagan, seconded by Ruth, and unanimously approved to recommend the Board of Directors approve the Engagement Agreement with Johnson Flodman Guenzel & Widger to serve as General Counsel for the NRD. (this motion will need a second at the Board Meeting, due to no Subcommittee quorum present).

The Subcommittee then was updated by Potter on the status of the two existing NACD grants for approximately \$60,000 each, for technical assistance in the USDA/NRCS Offices and that we will

be submitting an application for a 3rd annual grant. If recommended for approval by NACD, the Board will then consider a new funding agreement with NACD. Ruth also reported that he's reviewed the General Manager evaluations with Zillig and any Directors with questions should feel free to contact him.

There being no further business the meeting adjourned at 3:45 pm.

PDZ/pz

pc: Steve Seglin
Corey Wasserburger

Nebraska's 106th Legislature
(NRD Issue Related Bills)
See 2020 Introduced Bills starting on Page 3

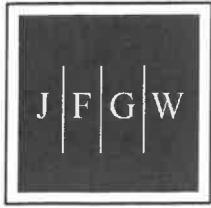
BILL	INTRODUCER	DESCRIPTION	COMMITTEE	HEARING	ACTION	POSITION		GENERAL FILE	SELECT FILE	FINAL READING	GOVERNOR SIGN
						NRD	NARD				
2019 BILLS (Approved / Killed)											
48	Stinner	Change provisions relating to sufficient cause for nonuse of a water appropriation	NR	2/13/2019		-	S	2/14/2019 2/21/2019	2/28/2019 3/7/2019	3/12/2019 3/15/2019	3/21/2019
103	Linehan	Change provisions relating to property tax requests	RV	1/24/2019		O	O	2/5/2019 2/11/2019	2/19/2019 3/1/2019	3/5/2019 3/7/2019	3/12/2019
177	Lindstrom	Change a termination date for bonding authority of natural resources districts ***PRIORITY BILL***	NR	2/14/2019		S	S	3/18/2019 4/8/2019	4/10/2019 4/26/2019	4/30/2019 5/2/2019	5/8/2019
243	Gragert	Create the Healthy Soils Task Force ***PRIORITY BILL***	AG	1/29/2019		S	M	3/15/2019 3/21/2019	3/25/2019 4/3/2019	4/3/2019 4/11/2019	4/17/2019
293	Speaker Scheer	Provide, change and eliminate provisions relating to appropriations	AP	2/26/2019		-	S	5/2/2019 5/8/2019	5/8/2019 5/14/2019	5/14/2019 5/21/2019	5/27/2019
294	Speaker Scheer	Appropriate funds for expenses of Nebraska State Government for the biennium ending June 30, 2021	AP	2/26/2019		-	S	5/2/2019 5/8/2019	5/9/2019 5/14/2019	5/15/2019 5/21/2019	5/27/2019
298	Speaker Scheer	Repeal funds and authorize, provide, change and eliminate fund transfer provisions	AP	2/26/2019		-	S	5/2/2019 5/8/2019	5/8/2019 5/14/2019	5/14/2019 5/21/2019	5/27/2019
299	Speaker Scheer	Change Cash Reserve Fund provisions	AP	2/26/2019		-	M	5/2/2019 5/8/2019	5/9/2019 5/14/2019	5/15/2019 5/21/2019	5/27/2019
302	Hughes	Merge the State Energy Office with and rename the Department of Environmental Quality	NR	1/30/2019		M	S	2/1/2019 2/7/2019	2/13/2019 2/21/2019	2/27/2019 3/15/2019	3/21/2019
307	Albrecht	Change provisions relating to certain Department of Environmental Quality funds	NR	1/31/2019		-	S	2/1/2019 2/8/2019	2/13/2019 2/21/2019	2/27/2019 3/7/2019	3/12/2019
319	Moser	Change provisions relating to notices, rules and regulations of the Department of Natural Resources	NR	2/6/2019		-	S	2/11/2019 2/13/2019	2/21/2019 3/1/2019	3/6/2019 3/15/2019	3/21/2019
573	Hansen, M.	Change provisions relating to agreements under the Intergovernmental Risk Management Act	BC	3/18/2019	IPPD 3/19/2019	-	O				
2019 BILLS (Carried Over)											
53	Scheer	Change and provide duties for landowners or their tenants relating to removal of a blockage or obstruction in a watercourse and provide for court costs and attorney's fees	NR	2/14/2019		M	M				

BILL	INTRODUCER	DESCRIPTION	COMMITTEE	HEARING	ACTION	POSITION		GENERAL FILE	SELECT FILE	FINAL READING	GOVERNOR SIGN
						NRD	NARD				
128	Hughes	Provide for Wildlife Conservation Plates	TR	2/5/2019		M	M				
134	Stinner	Provide levy authority and duties for natural resources districts	RV	1/30/2019		S	S				
148	Groene	Change requirements for public hearings on proposed budget statements and notices of meetings of public bodies	GM	2/6/2019		-	O	3/5/2019 1/15/2020	1/23/2020 1/31/2020	2/4/2020 2/6/2020	Yes
150	Brewer	Change provisions relating to access to public records and provide for fees	GM	2/8/2019		S	S				
158	Brewer	Change provisions relating to the assessed value of real property	RV	1/24/2019		O	O				
163	Hunt	Permit counties to conduct elections by mail	GM	3/6/2019		-	M				
204	Briese	Require approval of voters for bonds under the Interlocal Cooperation Act	GM	1/24/2019		-	O				
261	DeBoer	Require use of redistricting maps drawn using state-issued computer software	EX	2/14/2019		M	M				
283	Pansing Brooks	Provide for a climate change study	EX	2/11/2019		S	O				
336	Hansen, M.	Change the vote requirement to exceed certain budget limitations	GM	3/7/2019		S	S				
367	Hughes	Eliminate provisions relating to fund transfers and change a termination date under the Nebraska Litter Reduction and Recycling Act	GM	3/7/2019		-	S				
368	Hughes	Eliminate over appropriated river basins, subbasins and reaches	NR	2/20/2019		M	S				
386	Erdman	Change provisions relating to cash reserves under the Nebraska Budget Act	GM	2/21/2019		M	O				
412	Geist	Require an election regarding creation of a joint public agency	GM	2/7/2019		O	O				
552	McDonnell	Change provisions relating to the Nebraska Tree Recovery Program	AP	3/4/2019		S	O				
581	Albrecht	Require the use of generally accepted accounting principals in preparing budgets under the Nebraska Budget Act	GM	3/20/2019		O	O				
606	Groene	Provide for water augmentation projects and retention of water rights as prescribed ***PRIORITY BILL***	NR	3/14/2019		-	O				
632	Hughes	Clarify a statutory reference relating to rural water districts	NR	2/28/2019		-	M				
712	Friesen	Prohibit joint entities and joint public agencies from taking action against representative for their speech	JU	3/14/2019		-	M				

BILL	INTRODUCER	DESCRIPTION	COMMITTEE	HEARING	ACTION	POSITION		GENERAL FILE	SELECT FILE	FINAL READING	GOVERNOR SIGN
						NRD	NARD				
729	Walz	Adopt the Soil Health and Productivity Incentive Act	AG	2/19/2019		M	O				
2020 BILLS											
769	Gragert	Change provisions relating to membership on the Nebraska Natural Resources Commission	NR	1/29/2020		S	S				
802	Hughes	State a legislative finding and declaration relating to the right to use ground water	NR			M	S				
829	Erdman	Change provisions relating to certain in lieu of tax payments made by the Game and Parks Commission	RV			M	M				
845	Groene	Change procedures for water augmentation projects under an integrated man agent plan	NR			O	O				
855	Moser	Eliminate legislative confirmation of certain members of the Niobrara Council	NR	1/29/2020		M	M				
856	Moser	Extend sunset of the Petroleum Release Remedial Action Cash Fund	NR	1/23/2020		S	S				
857	Lowe	Require state agency review of rules and regulations	GM	1/31/2020		M	M				
859	Hughes	Change provisions relating to qualifications and terms of office for certain Game and Parks Commission members	NR	2/6/2020		O	S				
860	Hughes	Change Game and Parks Commission district limits and designations as prescribed	NR	2/6/2020		O	S				
861	Hughes	Change provisions of the Integrated Solid Waste Management Act with respect to consumer merchandise and containers	NR	2/12/2020		O	M				
863	Hughes	Limit ownership of land by the Game and Parks Commission	NR	1/30/2020		O	M				
890	<u>Hilgers</u>	Provide for water, wastewater, utility, and sewer construction projects under the Political Subdivision Construction Alternatives Act	GM	1/23/2020		M	S				w/Amendment to add NRDs to list of political subdivisions
904	<u>Bolz</u>	Provide for use of the Water Sustainability Fund for sustainable use of water in food production and transfer general funds	NR		WD						
905	DeBoer	Provide for a fee on single-use checkout bags and for a program to provide reusable checkout bags to the public	RV	1/30/2020		S	M				
921	Hilkemann	Provide for The Good Life is Outside plates	TR	2/10/2020		M	M				

BILL	INTRODUCER	DESCRIPTION	COMMITTEE	HEARING	ACTION	POSITION		GENERAL FILE	SELECT FILE	FINAL READING	GOVERNOR SIGN
						NRD	NARD				
1003	Walz	Provide annexation powers to cities of the second class and villages for relocation due to catastrophic flooding	UR	2/18/2020		M	M				
1008	Speaker Scheer	Provide, change, and eliminate provisions relating to appropriations.	AP	1/29/2020		M	M				
1009	Speaker Scheer	Provide for transfer of funds, repeal a fund, and change use of a fund	AP	1/29/2020		M	M				
1010	Speaker Scheer	Change Cash Reserve Fund provisions	AP	1/29/2020		M	M				
1024	<u>Clements</u>	Change provisions of the Intergovernmental Risk Management Act	BC			M	M				
1026	<u>Bolz</u>	Appropriate funds to the University of Nebraska (Replacement for LB 904)	AP	2/12/2020		M	M				
1054	<u>Kolterman</u>	Define the required beginning date and change deferral of payment provisions under certain retirement plans ***PRIORITY BILL***	RE	2/5/2020		M	S	2/6/2020			
1072	Hughes	Authorize certain natural resources districts to issue flood protection bonds and use bond proceeds as prescribed	NR	2/5/2020		S	S				
1167	Albrecht	Require members of the public to be allowed to speak at each meeting subject to the Open Meetings Act.	GM			M	O				
1193	Linehan	Change election provisions for certain bond issue, tax levy and property tax limitation questions	GM	2/12/2020		M	M				
1195	<u>Morfeld</u>	Change provisions regarding access to public records	GM			M	M				
1201	<u>Bostelman</u>	Create the Flood Mitigation and Planning Task Force	NR	2/5/2020		S	S				
1211	Hansen, B.	Change requirements for the preparation of proposed budget statements	GM			M	O				
1212	Hansen, B.	Adopt the Property Tax Request Act	RV			O	O				
LEGISLATIVE RESOLUTIONS											
LR8CA	Linehan	Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions	RV	2/27/2019		O	O				
LR12CA	Vargas	Constitutional amendment to change legislators' salaries	EX	2/6/2019		-					

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						NRD	NARD				
LR285CA	Brewer	Constitutional amendment to provide for use of lottery proceeds for prison overcrowding prior to use for the Nebraska Environmental Trust Act	GA		WD						
LR288	<u>Slama</u>	Urge Congress and the United States Corps of Engineers to prioritize flood control as a top priority for the management of water systems under their authority in the Missouri River Mainstream Reservoir System Control Manual	NR	2/6/2020		M	S				
LR294	Kolowski	Review various climate-related findings and acknowledge an anthropogenic climate and ecological crisis	NR			M					
LR300CA	Erdman	Constitutional amendment to prohibit all forms of taxation other than a consumption tax	RV			M	O				
WATCH LIST											
254	McCollister	Adopt the Fair Chance Hiring Act	BL	2/4/2019		-		2/14/2019 2/20/2019	2/26/2019 3/7/2019	3/12/2019	
311	Crawford	Adopt the Paid Family and Medical Leave Insurance Act ***PRIORITY BILL***	BL	2/4/2019		-		3/7/2019			
311A	Crawford	Adopt the Paid Family and Medical Leave Insurance Act ***PRIORITY BILL***		5/15/2019		-		5/15/19			



JOHNSON FLODMAN GUENZEL & WIDGER

ATTORNEYS AT LAW

Kile W. Johnson
Steven J. Flodman
Steven E. Guenzel
Abbie J. Widger
Stefanie S. Flodman
Cameron E. Guenzel
Corey J. Wasserburger
Melanie A. Kirk
Morgan C.H. Kristensen
Steven G. Seglin

Robert A. Barlow
(1921-1986)

LEGAL SERVICES ENGAGEMENT AGREEMENT

This Legal Services Engagement Agreement (“**Agreement**”) is made and entered into by and between Johnson, Flodman, Guenzel & Widger (“**Firm**”) and the Lower Platte South Natural Resources District (“**District**”), a political subdivision of the State of Nebraska (collectively referred to as the “**Parties**”).

I. Scope of Representation

Under this Agreement, the Firm will serve as General Counsel for the District with representation to include all matters involving legal advice and/or representation to the District, including litigation and appeals, unless otherwise agreed to by the Parties. It may be necessary in the future to further describe the scope of certain advice and/or representation in writing. The Firm will represent the District’s interests. The Firm will not represent the individual interests of any board member of the District or any employee of the District, unless such individual was acting on behalf of the District and then only with the District’s consent. The Agreement sets forth the terms and conditions between the Firm and the District that govern any legal matter or representation by the Firm to the District and is made effective _____, 2020 (“**Effective Date**”).

The Firm’s objective is to provide high quality legal services to our clients at a fair and reasonable cost. The attorney-client relationship is one of mutual trust and confidence. If any board member of the District has any questions at all concerning the terms of this Agreement, or the Firm’s ongoing handling of a legal matter, the Firm invites such inquiries.

Steven G. Seglin and Corey J. Wasserburger will be the attorneys primarily responsible for representing the District, with Steven Seglin deciding which of them will be responsible for each assignment. The District and Firm’s objective is to substantially increase Mr. Wasserburger’s role in all facets of serving as District legal counsel. From time to time, other attorneys from the Firm may be needed in such representation.

The Firm represents and warrants, and covenants that (i) it has all rights and authority necessary to perform its obligations hereunder, (ii) it will comply with all applicable laws, (iii) its performance under the Agreement does not and will not violate or

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cause a breach of conditions or any other agreement to which it is or becomes a party, and (iv) it will deliver and perform all services in a professional and workmanlike manner in accordance with standards generally applicable to such professional services. The Firm, however; cannot guarantee the District any specific outcome of any matter handled by the Firm for the District.

II. Fees

The Firm charges for the time devoted to a client's representation in increments of 1/10th hour. This includes time from the opening of a new file, conducting needed fact investigations and legal research, reviewing, drafting and finalizing correspondence, contracts, pleadings and other documents, conferring personally or by telephone, participating in intra-office case review and/or strategy conferences, "waiting in court" and other time required to handle the case.

Travel time is charged only if directly related, and only to the extent that the in transit time otherwise cannot be gainfully employed on other work or representation.

The Firm's fees will be as follows:

<u>Attorney</u>	<u>Hourly Rate</u>
Steven G. Seglin	\$250.00
Corey J. Wasserburger	\$230.00
Other Lawyers, if needed	\$200.00
Law Clerk and Legal Assistants	\$85.00

Either Mr. Seglin or Mr. Wasserburger will attend all board meetings. The Firm will charge a fee of \$300 for the first two hours of each board meeting, and then an additional fee based on the attorney's regular hourly rate if the board meeting continues for more than two hours. If both attorneys attend a board meeting, the District will only be billed for one attorney's time, as provided in this paragraph. Mr. Seglin or Mr. Wasserburger will attend subcommittee meeting only if requested by the General Manager or the Chairman of the District. If both attorneys attend a subcommittee meeting, the District will be charged only for one attorney's time.

In addition to the payment of the Firm's fees, payment of all routine out-of-pocket costs and incidental expenses incurred in connection with your legal representation is required. Such costs and expenses will, for example, but without limitation, include: filing fees, long distance voice/fax telephone charges, copying costs, printing costs, travel expenses, transcript costs, binding costs, mailing costs,

courier services, court filing and recording fees, witness fees and expenses, staff overtime, and other similar costs incident to the representation. Major expenses, such as expert witness fees, should they be required, will be incurred after notice and consultation with you.

We will provide a monthly invoice reflecting amounts due for services rendered and costs incurred. In some cases, billing for expenses may be delayed 30 days due to the time it takes for Firm to receive a vendor's billing statements. Such costs will therefore appear in subsequent invoices. Payment of invoices is due on receipt, with an allowance of a maximum payment cycle of 30 days. Questions about any billing statement must be made within 45 days of the billing statement in order that adjustments may be addressed in a timely and orderly matter.

III. Notices

All notices will be in writing and delivered by email or mailed, first class postage prepaid, or sent by facsimile with confirmation of transmission, to the recipients as set forth below:

Paul Zillig, General Manager
Lower Platte South
Natural Resources District
3125 Portia St
PO Box 83581
Lincoln, NE 68501-3581
Fax: 402-476-6454
pzillig@lpsnrd.org

Steven G. Seglin
Johnson Flodman Guenzel & Widger
1227 Lincoln Mall
Lincoln, NE 68508-2847
Phone: 402-475-4240
Fax: 402-475-4240
sseglin@johnsonflodman.com

IV. Term

The term of this Agreement begins on the Effective Date and continues indefinitely unless otherwise terminated by either Party. Termination by the District shall be effective upon written receipt thereof by the Firm. Termination by the Firm shall be effective upon 60 days prior written notice to the District. Notwithstanding any termination of this Agreement, the terms herein will continue to apply to any representation provided by Firm for the duration of the time required to complete any work.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly authorized representatives.

ACCEPTED AND AGREED TO:

JOHNSON, FLODMAN, GUENZEL & WIDGER

BY: _____
Steven G. Seglin, Partner

Corey J. Wasserburger, Partner

ACCEPTED AND AGREED TO:

LOWER PLATE SOUTH NATRUAL RESOURCES DISTRICT

BY: _____
Paul Zillig, General Manager