

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
December 12, 2019**

***Agenda Item 4 - Agenda**

BE IT RESOLVED that the agenda be adopted.

***Agenda Item 5 – Consent Agenda**

BE IT RESOLVED that the following resolutions on the consent agenda are hereby adopted.

Agenda Item 3.A.

BE IT RESOLVED that the absences of the following Director(s) from the December 12, 2019 Board of Director Meeting are excused:

Tim Fowler.

Agenda Item 7.A. and Agenda Item 7.B.

BE IT RESOLVED that the November 14, 2019 Papio-Missouri River NRD Board Meeting minutes and the November 13, 2019 Dakota County Rural Water Advisory Board Meeting minutes are approved as printed.

***Agenda Item 9.A. – Ad Hoc Consultant Selection Subcommittee RFP for Construction Stormwater Inspections Southern Sarpy Watershed Partnership**

BE IT RESOLVED that the minutes of the December 5, 2019 meeting of the Ad Hoc Consultant Selection Subcommittee RFP for Construction Stormwater Inspections Southern Sarpy Watershed Partnership are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Consultant Selection Interviews: Recommendation that JEO Consulting Group, Inc. be ranked first to negotiate a contract for the Southern Sarpy Watershed Partnership Construction Stormwater Inspections and that SCS Engineers be ranked second.

***Agenda Item 9.B. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the December 10, 2019 meeting of the Personnel, Legislative and Public Affairs Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. 2020 Pay Program Administration Manual: Recommendation that the proposed amendments to the Papio-Missouri River NRD Pay Program Administration Manual for 2020 be adopted and incorporated into the District's Policy Manual.
2. Update to the District's Employee Handbook: Recommendation that the proposed amended language to the Papio-Missouri River NRD Employee Handbook be adopted and incorporated into the District's Policy Manual.

***Agenda Item 9.C. – Ad Hoc Consultant Selection Subcommittee RFP for the Little Papio Channel Culverts Rehabilitation Project Professional Services**

BE IT RESOLVED that the minutes of the December 10, 2019 meeting of the Ad Hoc Consultant Selection Subcommittee RFP for the Little Papio Channel Culverts Rehabilitation Project Professional Services are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Initial Screening of Proposals for Consultant Selection Interviews: Recommendation that the Subcommittee request interviews with FYRA Engineering, HDR, and Olsson in the order presented, on January 2, 2020 at 4:00 p.m.

***Agenda Item 9.D. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the December 10, 2019 meeting of the Programs, Projects and Operations Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Lower Platte River Consortium Drought Contingency Plan: Recommendation that the Lower Platte River Drought Contingency Plan, dated October 2019, be adopted.
2. Lied Bridge Debris Removal Contract: Recommendation that the General Manager be authorized to execute a contract with National Concrete Cutting, Inc. in an amount of \$211,250 for the Lied Bridge Debris Cleanup Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
3. Memorandum of Agreement with USDA, NRCS: Recommendation that the General Manager be authorized to execute the proposed Memorandum of Agreement with USDA-NRCS, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
4. Potential Violation of District's Erosion & Sediment Control Rules and Regulations: Recommendation that the District find Mr. Cornwell to be in probable violation of the District's Erosion & Sediment Control Rules and Regulations.

5. NRD Historical Remains Discovery Policy: Recommendation that the following policy be incorporated into the District's Directors Policy Manual as follows:

If any NRD personnel or its contractors discover any previously unknown historic, archeological or paleontological remains while conducting District activities they are to immediately notify the NRD General Manager or Assistant General Manager of what they have found and its location. Required federal, state or tribal coordination will be initiated to determine the appropriate course of action (i.e. if the remains warrant recovery effort and/or historic designation).

***Agenda Item 9.E. – Finance, Expenditure and Legal Subcommittee**

BE IT RESOLVED that the minutes of the December 10, 2019 meeting of the Finance, Expenditure and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Fiscal Year 2019 Audit: Recommendation that the FY2019 Audit Report prepared by BerganKDV be accepted and that the General Manager be directed to file an authenticated copy of the audit report with the Nebraska Auditor of Public Accounts and the Nebraska Natural Resources Commission.
2. Condemnation for Property Located within the R-613/R-616 Missouri River Levee Project – Horse Creek Farms R-613 Tract 15: Recommendation that the General Manager be authorized to execute a purchase agreement with Horse Creek Farms, a Colorado Partnership, in the amount of \$153,000 for an area containing 33.092 acres of land for the Missouri River R-613/R-616 Levee Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel, in exchange for the dismissal with prejudice of Horse Creek Farms' appeal of the condemnation award in District Court of Sarpy County, Nebraska.

***Agenda Item 10. A.-J. – Treasurer's Report**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the November 2019 financial report; and, (2) any claims made prior to the next Board meeting for (a) earned salaries of District employees, (b) withholding taxes, (c) social security payments, (d) retirement program contributions, (e) utilities, (f) registration fees and expenses for upcoming meetings and conferences, (g) certified completed CAP and Special Project Area applications, (h) invoices which offer a credit or discount for payment made prior to the next Board meeting, (i) postage, and, (j) building and grounds contract expenses.

BE IT FURTHER RESOLVED that the Treasurer is authorized to pay, from the respective operating accounts of the Washington County, Dakota County, and Thurston County Water Supply System, the Elkhorn Breakout Project, the Elkhorn River Stabilization Project, the Elk/Pigeon Creek Drainage Project, the Western Sarpy Drainage Project, the Papillion Creek Watershed Partnership, and the Southern Sarpy Watershed Partnership project bills listed on the November 2019 financial report, and future claims for project utilities.

BE IT FURTHER RESOLVED that the financial reports be affixed to and made a part of the minutes.

***Agenda Item 11. – Take from the Table and Consideration of Amendments to District Policy 4.0 proposed at the Board of Directors Meeting on November 14, 2019:**

BE IT RESOLVED that the amendment to District Policy 4.0 Board Meetings – Regular Monthly Meetings are hereby adopted and ordered to be incorporated in the District’s Policy Manual.

***Agenda Item 12. – Director Gruenewald’s Request for Reimbursement of Expenses:**

BE IT RESOLVED, the following resolution is hereby adopted and approved:

WHEREAS, Director Mark Gruenewald, through his counsel, made a demand for payment of expenses as a NRD Director in the amount of \$4,066.08 and for payment of attorney’s fees in the amount of \$1,160.00, to the Papio-Missouri River Natural Resources District (the “District”) on November 15, 2019, in exchange for Director Gruenewald submitting a completed W-9 form; and,

WHEREAS, Director Mark Gruenewald, through counsel, demanded such payment be made by Friday, November 22, 2019, despite being informed of District’s Policy that such expenditures must be voted on and approved through the District’s Treasurer’s Report by the NRD Board; and,

WHEREAS, Director Mark Gruenewald, to date, has failed to provide the District Staff with any tax documentation which would allow the District Staff to process his requested expenses reimbursement in compliance with the Internal Revenue Code; and,

BE IT RESOLVED, Director Mark Gruenewald’s request for reimbursement of expenses as a NRD Director and attorney’s fees made on November 15, 2019 is denied. Any future request by Director Mark Gruenewald for per diem and reimbursement of expenses shall be denied until he provides a completed W-4 IRS form to District Staff.

BE IT FURTHER RESOLVED, District’s legal counsel is to issue a demand letter to Director Mark Gruenewald for reimbursement of attorney’s fees and costs incurred by the District as a result of his behavior, actions and demands and pursue all remedies available under law for recovery of such expenses.

***Agenda Item 13.A – Censure of Director Mark Gruenewald:**

BE IT RESOLVED, the following resolution is hereby adopted and approved:

The Board of Directors of the Papio-Missouri River Natural Resources District hereby expresses its strong disapproval of Director Mark Gruenewald’s apparent disregard of the Director’s Code of Conduct adopted by the Board on April 14, 2011; his efforts to unfairly discredit the Board, Management and staff of the District; his refusal to adhere to proper and appropriate District procedures and requirements; and, his rude and abusive behavior towards fellow Directors, Management and staff of the District, all of such conduct resulting in harm to the District and detriment to the public.