

Agenda Item: 12.

Memo to the Programs, Projects and Operations Subcommittee

Subject: Changes to the District Policy Manual

Date: December 4, 2015

From: Marlin Petermann

In November of this year, staff reviewed the Directors Policy Manual to ensure the information contained is complete and accurate. Listed are the policies which we recommend amending, as well as three new policies to be added to District Projects. A brief outline of the proposed policy changes are segmented into those two groupings and a redlined version of the specific proposed amendments to the Policies are attached.

**Policies 15.4 and 15.8:**

Policy 15.4 Purchasing – Emergency Purchasing Authority. Amendment exempts price limitations and bonding requirements when utilizing informal bidding procedures referenced in paragraphs 15.4.A.2. and 15.4.A.3.

Policy 15.8 Purchasing – Performance Bonds. Amendment increases the dollar amount requirement for Performance Bonds to \$50,000, which is consistent with the Bond Requirement written in District Policy 15.7. Purchasing – Bid Bonds.

**Policies 17.32, 17.40, and new Policies 18.42, 18.43, and 18.44:**

Policy 17.32 – District Programs Well Abandonment Program. Increases the cost share rate to 75%, and increases the maximum dollar amount to \$750 dollars for domestic wells, \$1,000 for hand dug wells and \$1,500 for irrigation and municipal wells. Well Abandonment Program Application Form will be added to the Standard Forms as District Form 17.32.

District Policy 17.40 Trails Assistance Program. Amendment adds a few program clarifications and removes references to the federal transportation enhancement funding and federal funding for application eligibility.

Policy 18.42 District Projects – WP-6 Project. This is a new District Project that describes the operation and maintenance of the WP-6 Project.

Policy 18.43 District Projects – WP-7 Project. This is a new District Project that describes the operation and maintenance of the WP-7 Project.

Policy 18.44 District Projects – Zorinsky Basin 2. This is a new District Project that describes the operation and maintenance of Zorinsky Basin 2.

- **Management recommends that the Subcommittee recommend to the Board that the proposed amendments to District Policies 17.32, 17.40, 18.42, 18.43, and 18.44 be approved and incorporated into the District’s Policy Manual; and furthermore**
- **Management recommends that the Subcommittee recommend to the Board that the proposed amendments to District Policies 15.4 and 15.8 be tabled for consideration at the next regular meeting of the Board.**

**15.4 Purchasing – Emergency Purchasing Authority.** In the event of flood or other natural disaster, or the immediate threat thereof, and after consultation with all available Directors and the concurrence of six (6) Directors and receipt of written authorization from the Chairperson, or the Vice-Chairperson in the Chairperson’s absence from the District, regarding the ~~natural~~ nature of the emergency that exists, the infeasibility of a Board meeting, and the planned action. Management shall take the action authorized in such written authorization (Emergency Declaration, Form 15.4., Manual of Standard Forms (Appendix E)).

A. Such authorization may include the authority to take one or more of the following actions on behalf of the District:

1. Purchase of ~~or~~ otherwise acquire easements or other interests in real estate;
2. Purchase, retain, or otherwise acquire the services of contractors or other persons using the informal bidding procedure in Policy 15.6.B., ~~notwithstanding the maximum consideration or price limitation stated in Policy 15.6.B and the bonding requirements stated in Policies 15.7 and 15.8;~~
3. Purchase, lease, or otherwise acquire equipment, materials, supplies, or other personal property using the informal bidding procedure in Policy 15.6.B., ~~notwithstanding the maximum consideration or price limitation stated in Policy 15.6.B and the bonding requirement stated in Policy 15.7;~~
4. Expend funds of the District, by District draft, by and with the concurrence of the Treasurer, when immediate payment if required as a pre-condition to the acquisition of necessary interests in real estate or the acquisition of necessary services or personal property; and,
5. Execute such contracts, purchase orders, leases, easements, assurances, or other covenants or documents in writing which may be required as a pre-condition to the acquisition of necessary interests in real estate or the acquisition of necessary personal services or personal property.

B. An attempt shall be made to contact each Director at the telephone number prescribed for the purpose of calling Special Board meetings as outlined in these policies. At the next regular meeting of the Board following such emergency, the General Manager shall present the written authorization and a written report of the actions taken pursuant to this resolution and recommendations as to any further action necessary to be taken by the Board with respect to such emergency.

[December 5, 1986; June 13, 1991; ~~December 10, 2015~~]

**15.8 Purchasing - Performance Bonds.** Whenever the consideration or price for the purchase of any service, or the aggregate consideration for the purchase in one transaction of two or more similar or identical services shall be estimated by Management to exceed the sum of ~~\$25,000~~50,000, or whenever, prior to the issuance of the invitation for bids, Management shall determine it to be in the best interests of the District, the successful bidder to whom or to which the contract for such purchase is awarded shall be required to submit bonds, with at least one corporate surety authorized to do business in the State of Nebraska, having a penalty amount equal to the amount of such contract and conditioned upon faithful performance of such contract and upon payment of labor and materials furnished in connection therewith, such bond(s) to be in such form as approved by Legal Counsel.

[June 13, 1991; February 14, 2013; January 10, 2016]

**17.32 District Programs - Well Abandonment Program.** The Well Abandonment Program is an authorized program of the District. Its purpose is to provide incentives to landowners to properly plug and cap water wells no longer in use. These "abandoned wells" can provide a direct pipeline to groundwater for chemicals, fertilizer, livestock waste and other pollutants which could contaminate public or private wells. They are also a safety hazard to humans, pets or livestock that may fall into them. (Well Abandonment Program Application, Form 17.32, Manual of Standard Forms (Appendix E)).

A. General Program Provisions:

1. Well must be abandoned by a licensed water well contractor or pump installer.
2. Well must be abandoned in accordance with Nebraska Department of Health regulations.
3. The P-MRNRD will provide cost-sharing at the rate of ~~7560~~% of the total cost of the abandonment with a maximum cost-share of ~~\$750500~~ for domestic wells, ~~\$1000700~~ for hand-dug wells, and ~~\$1,500~~~~\$1,000~~ for irrigation and municipal wells.
4. Eligible costs include the sealing of the well, pulling pumps or pipe and filling cisterns, but do not include moving windmill towers, cement slabs or other obstructions.
5. The Natural Resources District may inspect site before, during or after the completion of the well abandonment.plugging.
6. Well must be abandoned within 6 months of the approval of application.
7. Notice of abandonment must be provided to the Department of Natural Resources.
8. The individual who performs the abandonment must sign a notarized affidavit that the procedure followed program guidelines.

[August 12, 1993; October 13, 1994; August 8, 1996; December 10, 2015]

## 17.40 TRAILS ASSISTANCE PROGRAM

The Trails Assistance Program is an authorized program of the District to provide financial assistance to units of government (cities, counties, villages, or other government entities) to build recreational trails ~~that have also been approved for federal transportation enhancement funding.~~

### A. Criteria for Assistance

1. Each project must be sponsored by a city, village, county, or other government entity, with the statutory authority and capability to develop and manage public recreation trails.
2. The trail must be part of a comprehensive trails plan for the municipality.
3. Eligible project features ~~are those approved for federal funding and~~ include:
  - a. trail construction
  - b. grading, seeding, and landscaping.
  - c. bridges and drainage facilities
  - d. signage
4. Projects must conform with all local, state, and federal laws.

### B. District Responsibilities

1. Administer the Trails Assistance Program.
2. Management shall review and prioritize applications for assistance. The approval of the Board is required on projects.
3. Reimburse Sponsors 50% of the local costs (i.e., excluding state and federal funds) of approved the project.

### C. Sponsor Responsibilities

1. The Sponsor shall submit an application on forms supplied by the District.
2. The Sponsor shall submit the following items with the application:
  - ~~a.~~ ~~copy of the transportation enhancement application~~
  - ~~b.~~ a. estimated total cost,
  - ~~e.~~ b. implementation schedule,
  - ~~d.~~ c. location map.
3. The Sponsor shall obtain all necessary local, state, and federal permits.

4. The Sponsor shall manage the trail and provide all future operation and maintenance of the project at no cost to the District.
5. The Sponsor shall agree to operate, maintain, and repair the trail for a minimum of 50 years.
6. The Sponsor shall administer all contracts for design, construction, and construction observation for the project.
7. The Sponsor shall control all erosion on the site during construction and until permanent vegetation is firmly established.
8. The Sponsor shall hold and save the District free from damages and claims due to the construction, or operation and maintenance of the recreation ~~area~~trail.
9. The Sponsor shall execute an agreement with the District which outlines these guidelines.
10. The Sponsor is encouraged to utilize recycled or recyclable products whenever practical or feasible.

C. Requesting Reimbursement

1. Upon completion of the project, the Sponsor may request reimbursement from the District by providing the following:
  - a. certificate of completion,
  - b. copies of final pay estimates, invoices, or deeds.

([ April 14, 2005); December 10, 2015 ]

#### **18.42 District Projects –WP-6 Project.**

The WP-6 Project is an authorized project of the District and shall be carried out, operated, and maintained in accordance with Interlocal Agreements with the City of Papillion and Sarpy County, NE and other written agreements of the District. This is a public project intended to provide flood control and recreation for the public. The District will operate and maintain the recreation area in accordance with Rules and Regulations for the site adopted by the District (Appendix K), until such time that the City of Papillion assumes that responsibility.

The District will operate and maintain the completed flood control dam and the associated water quality basins in accordance with the WP-6 Operations and Maintenance Manual, Management's Emergency Operations Procedure Manual, and other written agreements of the District.

[December 10, 2015]

#### **18.43 District Projects –WP-7 Project.**

The WP-7 Project is an authorized project of the District and shall be carried out, operated, and maintained in accordance with Interlocal Agreements with the City of Papillion and Sarpy County, NE and other written agreements of the District. This is a public project intended to provide flood control and recreation for the public. The District will operate and maintain the recreation area in accordance with Rules and Regulations for the site adopted by the District (Appendix K), until such time that the City of Papillion assumes that responsibility.

The District will operate and maintain the completed flood control dam and the associated water quality basins in accordance with the WP-7 Operations and Maintenance Manual, Management's Emergency Operations Procedure Manual, and other written agreements of the District.

[December 10, 2015]

**18.44 District Projects – Zorinsky Basin 2.** Zorinsky Basin 2 is an authorized project of the District and shall be carried out and maintained in accordance with an interlocal agreement with the City of Omaha and other written agreements of the District. The project is a water quality basin with a weir control structure that protects Zorinsky Lake. The City of Omaha operates and maintains the water quality basin and mitigation area. The District operates and maintains the control structure in accordance with the Zorinsky Basin 2 Operations and Maintenance Manual, Management's Emergency Operations Procedure Manual, and other written agreements of the District.

[December 10, 2015]