

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
July 11, 2013**

***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 absence of the following Director from the July 11, 2013, Board of Directors Meeting is excused:

None to date.

Agenda Item 7. A., 7.B., 7.C., and 7.D.:

BE IT RESOLVED that the June 13, 2013 Papio-Missouri River NRD Board meeting minutes, the June 12, 2013 Dakota County Rural Water Advisory Board Meeting Minutes, the June 26, 2013 Thurston County Rural Water Advisory Board Meeting Minutes, and the budgetary recommendations contained in the June 18, 2013 Washington County Rural Water #1 Advisory Board meeting minutes, are approved as printed; however, the recommendations of the Washington County Rural Water #1 Advisory Board, regarding the proposed merger of Washington County Rural Water District #1 and Washington County Rural Water District #2, as contained in such Washington County Rural Water #1 Advisory Board meeting minutes, are not adopted or approved; and, the Board of Directors of the NRD hereby expressly determines that such recommendations concerning such merger are unreasonable, inequitable, unlawful and contrary to the public interest.

***Agenda Item 9.A. – Executive Subcommittee**

BE IT RESOLVED that the minutes of the July 9, 2013, meeting of the Executive Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Director's Expense Claim Reimbursements – Recommendation that the Board ratify the General Manager's action denying the payment of the copying and legal fees

from Director Japp's April 2013 expense claim, and denying the payment of the legal fees from his July 2012 expense claim.

2. Proposed Resolutions Clarifying Director Statutory Roles and Responsibilities – Recommendation that the following resolution be adopted:

BE IT RESOLVED that the Board of Directors of the Papio-Missouri River NRD hereby finds and determines that Director Scott Japp's alienating manner, and his extreme and reckless assertions and accusations concerning the NRD's adopted policies, programs and projects, and concerning its directors and staff, are a signal that his agenda is to interfere with the operation of the NRD and its programs and projects, and that he has no genuine interest in working cooperatively or in a civil way to benefit either his sub-district or the NRD as a whole.

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

BE IT RESOLVED that the minutes of the July 9, 2013, 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. Washington County Rural Water #1 and Washington County Rural Water #2 Merger – Recommendation that the following resolution be adopted:

BE IT RESOLVED THAT a financial merger of Washington County Rural Water #1 and Washington County Rural Water #2 be implemented commencing in Fiscal Year 2014; and

BE IT FURTHER RESOLVED THAT the General Manager be directed to propose a rate structure for Washington County Rural Water #2 that is a minimum of 5% higher than Washington County Rural Water #1, until debt from the initial construction of Washington County Rural Water #2 is paid, commencing October 1, 2013.

BE IT FURTHER RESOLVED THAT the Board of Directors of the District shall hold a hearing at the August 2013 Board of Directors meeting on altering the boundaries of the Washington County Rural Water #1 improvement project area to include the Washington County Rural Water #2 improvement project area. Such hearing shall be upon the question of the desirability and necessity, in the interest of the public health, safety, and welfare, of the altering of such boundaries, on the rate structure proposed by the General Manager, and upon all other relevant questions regarding the same. Notice of such hearing shall be published prior thereto once each week for three consecutive weeks in a legal newspaper published or of general circulation in the district. At the hearing, landowners within the limits of the territory described and all other interested parties, including any appropriate agencies of state or federal government, shall have the right to be heard.

2. Washington County Rural Water #2 County Road P32 Water Main Relocation – Recommendation that the General Manager be authorized to execute a contract with Cedar Construction for the construction of the County Road P32 Water Main Relocation Project in the bid amount of \$118,355, subject to changes deemed

necessary by the General Manager and approved as to form by District Legal Counsel.

3. Contracts with MAPA to Manage the Floodplain Buyout Program:

a. King Lake – Recommendation that the General Manager be authorized to execute the King Lake acquisition contract with MAPA in an amount not-to-exceed \$63,000 and to execute the King Lake demolition contract with MAPA in an amount not-to-exceed \$105,000; for a total amount of \$168,000, both in the form as presented to the Subcommittee meeting and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

b. Sarpy County Missouri River – Recommendation that the General Manager be authorized to execute the Sarpy County Missouri River acquisition contract with MAPA in an amount not-to-exceed \$52,500 and to execute the Sarpy County Missouri River demolition contract with MAPA in an amount not-to-exceed \$85,000; for a total amount of \$137,500, both in the form as presented to the Subcommittee meeting and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.

***Agenda Item 9.C. – Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the July 9, 2013, meeting of the Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendations of the Subcommittee are hereby adopted and approved.

1. Amendment to Flood Control and Water Quality Enhancement Bond Series 2013B – Recommendation that the Board approve the following amendment to Flood Control and Water Quality Enhancement Bond Series 2013B for the Papio Dam Site 15A Project, by adopting the following resolution, to-wit:

**RESOLUTION
SERIES 2013B (PAPIO DAM SITE 15A PROJECT)**

BE IT RESOLVED BY THE BOARD OF DIRECTORS (THE "BOARD") OF PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT (THE "DISTRICT"), IN THE STATE OF NEBRASKA, as follows:

Section 1. Pursuant to a resolution adopted by the affirmative vote of not less than two-thirds of the Board on May 9, 2013 (the "Original Resolution"), the Board has previously authorized and ordered issued Flood Protection and Water Quality Enhancement Bonds (Tax Exempt Interest), Series 2013B, in the total stated principal amount not to exceed \$42,600,000 (the "Bonds") for the purpose of financing the Project, as defined in the Original Resolution, and the Board hereby finds and determines, given changes in market conditions since the date of approval of the Original Resolution, that is advisable and necessary for the District to amend the Original Resolution as provided herein.

Section 2. The Original Resolution is hereby amended in the following

respects:

(a) Section 2(b) is hereby amended and restated in its entirety as follows:
(b the net interest cost on the Bonds shall not exceed 5.50% per annum;

(b) Section 2(e) is hereby deleted.

Section 3. The Original Resolution, as amended hereby, is hereby ratified and confirmed in all respects.

Section 4. This resolution shall be in force and take effect from and after its adoption as provided by law.

2. Account over 110% Groundwater Management Plan – Professional Services (01-05-184-4400) – Recommendation that account 01-05-184-4400 be allowed to exceed 110% of the budgeted amount.
3. Account over 110% Communications NRD (01-01-402-4520) – Recommendation that account 01-01-402-4520 be allowed to exceed 110% of the budgeted amount.
4. FY 2014 Budget:
 - a. Review of the FY 2014 Budget – Draft 1 – No action was taken by the Subcommittee.
 - b. 1% Increase to the Budgeted Restricted Funds for Lid Calculation – It is recommended that the following resolution be adopted:

BE IT RESOLVED THAT the Board of Directors of the Papio-Missouri River NRD approves an additional increase of 1% in the Total Unused Restricted Funds Authority, pursuant to Neb. Rev. State. §§ 13-518 through 13-522.

***Agenda Item 10. A.-J. - Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the June, 2013, 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 Dakota County, Thurston County and Washington County #1 and Washington County #2 Rural Water Supply Projects, the Elkhorn River Bank Stabilization Project, the Elkhorn Breakout Project, the Elk/Pigeon Creek Drainage Project, and the Western Sarpy Drainage District, the project bills listed on the June, 2013, 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 13. and 14. – Election of P-MRNRD Officers and NARD Director and Alternate Director**

BE IT RESOLVED that the following directors be and are hereby elected officers of the Papio-Missouri River Natural Resources District for the coming year and until a successor has been elected: _____, Chairperson; _____, Vice-Chairperson; _____, Secretary; and _____, Treasurer.

BE IT FURTHER RESOLVED that the Treasurer's written designation of _____ as Assistant Treasurer is concurred in by the Board of Directors.

BE IT FURTHER RESOLVED that the presently elected Treasurer, _____, and the designated Assistant Treasurer, _____, be and are hereby authorized to serve until such time as bonding is completed on the Treasurer-elect and the Assistant Treasurer designate.

BE IT FURTHER RESOLVED that _____ is hereby elected the Nebraska Association of Resources Districts Director for the coming year and that _____ is hereby elected the Nebraska Association of Resources Districts Alternate Director for the coming year.