

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
August 9, 2012**

***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 Directors from the August 9, 2012, Board of Directors Meeting are excused:

Larry Bradley
Jim Thompson

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

- A. BE IT RESOLVED that the July 12, 2012 Papio-Missouri River NRD Board Meeting Minutes and the July 11, 2012 Dakota County Rural Water Advisory Board Minutes are approved as written.

***Agenda Item 9.A. – Lower Platte River Voluntary Integrated Management Plan Ad Hoc Consultant Selection Subcommittee**

BE IT RESOLVED that the minutes of the July 24, 2012, meeting of the Lower Platter River Voluntary Integrated Management Plan Ad Hoc Consultant Selection Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. Initial Screening of RFP's for Consultant Selection Interviews – Recommendation that the consulting firms that were interviewed by the Ad Hoc Consultant Selection Subcommittee to provide professional services for a Voluntary Integrated Management Plan for the Lower Platte River Basin, be ranked in the following order, to-wit: Olsson Associates, HDR Incorporated; and, that the General Manger, on behalf of the District, be authorized to negotiate a professional services contract with Olsson Associates.

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

BE IT RESOLVED that the minutes of the August 7, 2012, 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. Heartland 2050 Consortium Agreement with Metropolitan Area Planning Agency – Recommendation that the Papio-Missouri River NRD become a signatory member of, and active participant in, the Heartland 2050 Consortium Agreement and Partnership.
2. Grant Applications for the Missouri River Levees R-613 and R-616 Accreditation Project:
 - a. Economic Development Administration (EDA) Disaster Relief Grant: Recommendation that the District apply for an Economic Development Administration grant for disaster relief funds to offset the costs of certification of the R-613 and R-616 levees.
 - b. Nebraska Environmental Trust (NET) Grant: Recommendation that the District apply for Nebraska Environmental Trust funds in the amount of \$2,000,000, to offset the cost of a setback of the R-613 levee.
3. 240th Street (Elkhorn River) Professional Services Agreement with FYRA Engineering – Recommendation that the District’s consultant selection procedures be waived and that the General Manager be authorized to execute a professional services contract with FYRA Engineering for the maximum not-to-exceed amount of \$259,642; that management be authorized to submit an application to the Nebraska Environmental Trust for financial assistance on the project; and, that the General Manager be authorized to execute an amendment to the Interlocal Agreement with Sarpy County for 50/50 cost share on the professional services contract, all subject to approval by Sarpy County and subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
4. Phase II on Professional Services Contract with HDR Engineering, Inc. for Dam Site 15A – Recommendation that the General Manager be authorized to execute the Professional Services Contract Amendment between the District and HDR Engineering, Inc. for Phase 2 services for Papio Dam Site 15A Project, in the form as presented to the meeting, increasing the maximum contract fee to \$1,997,641, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
5. Little Papio Channel (72nd to Dodge Street) Emergency Repair Project – Recommendation that District Policy 15.2 (Purchasing-Professional Services) and Policy 15.6 (Purchasing–Competitive Bidding) be waived and the General Manager be authorized to negotiate and execute contracts for professional services and construction services for the Little Papio Channel Repair Project near Station 191+50 to 194+00, with such provisions as the General Manager determines necessary and District legal counsel approves as to form.

6. Sale of District Surplus Equipment – Recommendation that the surplus equipment, as presented to the Subcommittee Meeting, be taken to the August 16th, 2012 Summer Annual Farm Machinery Consignment Auction at Lee Valley, Inc. to be sold as surplus equipment.

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

BE IT RESOLVED that the minutes of the August 7, 2012, 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. Missouri River Levees System Unit R-616 Seepage Area Repairs Land Rights– Recommendation that the following resolution be adopted:

EMERGENCY RESOLUTION

WHEREAS, the U. S. Army Corps of Engineers (“the Corps”) has designed an emergency project (“the Project”) to install underseepage berms to improve Levee Unit R-616 at five locations, and has requested that the Papio-Missouri River Natural Resources District immediately provide all necessary easements and other rights-of-way for the Project; and,

WHEREAS, the Board of Directors hereby determines that it is necessary to temporarily give to the District’s General Manager authority to take emergency action requiring expenditures of District funds and further action on behalf of the District, without requiring further authority from the Board of Directors and without requiring adherence to the District’s usual purchasing and right-of-way acquisition policies and practices,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District that, in acquiring rights-of-way for the Project, as the Corps may request, the General Manager may execute, for and on behalf of the District, right-of-way contracts and purchase agreements reflecting such prices as the General Manager, in his sole discretion determines appropriate, notwithstanding limitations provided in the District’s Policy Manual; and, containing such other terms and conditions as the General Manager determines appropriate and Legal Counsel approves as to form.

2. Review of FY 2013 Budget – Draft 3: Recommendation that the FY 2013 proposed budget option with no levy increase, as presented to the meeting, be forwarded for review at the September 13, 2012, Budget Hearing, with the provision that the General Manager be authorized to make necessary adjustments once final figures are available to achieve compliance of state statutes regarding the lid.

***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 July, 2012, 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 July, 2012, 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. A. – Appointment of P-MRNRD Standing Subcommittees**

BE IT RESOLVED that Standing Subcommittee appointments, presented by the Chairperson and shown in the District’s files relating to this meeting, are hereby approved.

***Agenda Item 12.F. – Amendment No. 2 to NARD 414 (h) & 457 Plans**

Be it resolved by the Board of Directors of the Papio-Missouri River Natural Resources District as follows with respect to the NARD 414 (h) & 457 Plans, to-wit:

NARD 414(h) Plan

Resolved, that the District, as a Participating Employer in the NARD 414 (h) Plan, hereby consents to the adoption of Amendment No. Two of the Nebraska Association of Resources Districts 414(h) Plan (“Amendment No. Two”), to bring the Plan into compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 and Worker, Retiree, and Employer Recovery Act of 2008, and other applicable law and guidance, and to make certain other adjustments, is hereby authorized and approved; and,

Resolved further, that the officers and management of the District be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. Two, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and,

Resolved further, that any and all action taken and documentation executed by management or the officers of the District to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.

NARD 457 Deferred Compensation Plan

Resolved that the District, as a Participating Employer in the NARD 457 Deferred Compensation Plan, hereby consents to the adoption of Amendment No. Two of the Nebraska Association of Resources Districts 457 Deferred Compensation Plan (“Amendment No. Two”), to bring the Plan into compliance with the Heroes Earnings Assistance and Relief Tax Act of 2008 and Worker, Retiree, and Employer Recovery Act of 2008, and other applicable law and guidance, and to make certain other adjustments, is hereby authorized and approved; and,

Resolved further, that the officers and management of the District be, and they hereby are, authorized and directed to take whatever actions may be necessary to effectuate the foregoing

Resolutions including, but not limited to, execution of the restated Plan and the Consent to the Amendment No. Two, notification of employees and participants of the Plan, and the preparation and distribution of explanatory booklets and materials as necessary; and,

Resolved further, that any and all action taken and documentation executed by management or the officers of the District to effectuate the foregoing Resolutions and the transactions described therein be, and they hereby are, approved and ratified.