



**Finance, Expenditure & Legal
Subcommittee Meeting
December 6, 2011
7:00 p.m.
(Or Immediately Following the PPO Meeting)
Agenda**

Finance, Expenditure & Legal Subcommittee Members:

Rich Tesar, Chairperson
Jim Thompson, Vice-Chairperson
Larry Bradley
John Conley
Dorothy Lanphier

Alternate Members: Fred Conley
Rick Kolowski

Staff Liaison: Jim Becic
Jerry Herbster *
Carey Fry
Brian Henkel
Lori Laster

1. Meeting Called to Order – Chairperson Tesar
2. Notification of Open Meetings Act Posting and Announcement of Meeting Procedure – Chairperson Tesar
3. Quorum Call
4. Adoption of Agenda
5. Proof of Publication of Meeting Notice
6. Review and Recommendation FY 2011 Audit – Carey Fry and Gene Garrelts, Orizon Group
7. Review and Recommendation on Pigeon/Jones Site 15 Project Right of Way Purchase Agreements [*Executive Session*] – Terry Schumacher, Paul Peters and Jack Borgmeyer, Midwest Right of Way
8. Review and Recommendation Retainer Agreement for District Legal Services – John Winkler
9. Review and Recommendation Flood Mitigation and Mapping Program Professional Services Account 01-03-551-4400 Over 110% – Lori Ann Laster

10. Review and Recommendation Chalco Hills Account 01-06-264-4479 Over 110% – Jerry Herbster
11. Adjourn

Agenda Item: 6.

MEMORANDUM

To: Finance, Expenditures and Legal Subcommittee

Subject: FY 2011 Audit

Date: December 2, 2011

From: Carey Fry, District Accountant

- **It is staff's recommendation that the FEL Subcommittee recommend to the Board of Directors that the FY2011 Audit Report and management letter, prepared by Orizon CPAs, LLC, 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.**

Agenda Item: 7.

7. Review and Recommendation on Pigeon/Jones Site 15 Project Right of Way Purchase Agreements [*Executive Session*] – Terry Schumacher, Paul Peters and Jack Borgmeyer, Midwest Right of Way

Confidential Memo will be posted to FEL Agenda Item 7 as soon as it becomes available.

Agenda Item: 8.

MEMORANDUM

TO: Financial, Expenditure and Legal Subcommittee

SUBJECT: Retainer Agreement for District Legal Services

DATE: December 1, 2011

FROM: John Winkler, General Manager

The District currently does not have a retainer agreement with District Legal Counsel Paul Peters which outlines scope of services, term of agreement for services etc. It has been suggested in the past that it may be prudent for the District to have such agreement in place.

I consulted with several other Natural Resource Districts, including the Lower Platte South and the Lower Platte North NRDs, to determine if they in fact had retainer agreements with their District legal counsel and I reviewed their agreements with Mr. Peters and solicited his input on the drafting of a similar agreement for the Papio NRD.

It is proposed that the Papio NRD enter into a retainer agreement with Mr. Peters to provide legal services in accordance with the terms and conditions outlined in the attached retainer agreement. It is proposed that Mr. Peters receive a retainer of \$365.00 per month and bill the District \$175.00 per hour for all legal services and matters not covered within the scope of the retainer. It is proposed that the term of the agreement shall be a period of three (3) years, commencing on January 1, 2012.

Management recommends that the Subcommittee recommend to the Board of Directors that the Board approve the proposed retainer agreement with Paul Peters per the terms and conditions outlined in said agreement for a period of three (3) years beginning on January 1, 2012.

Agenda Item: 9.

Memorandum

To: Finance, Expenditure & Legal Subcommittee
From: Lori Ann Laster, Stormwater Management Engineer
Date: November 17, 2011
Re: Account 01-03-551-4400 – Flood Mitigation and Mapping Program
Professional Services

Staff had anticipated \$167,072.66 would be expended from Account # 01-03-551-4400 – Flood Mitigation and Mapping Program Professional Services in Fiscal Year 2011 to continue work on the update to the District's Multi Hazard Mitigation Plan. However, the Fiscal Year 2011 total expended was \$145,957.66. The difference was not carried over into the Fiscal Year 2012 budgeted amount, which was \$17,000. The total contract amount (\$362,700) and scope have not changed.

Management recommends that the Subcommittee recommend to the Board of Directors that Account # 01-03-551-4400 be allowed to exceed 110% of the budgeted amount.

Agenda Item: 10.

MEMORANDUM

TO: Finance, Expenditures and Legal Subcommittee
FROM: Jerry Herbster, Park Superintendent
SUBJECT: Account Over 110%
DATE: December 1, 2011

The following accounts are over 110%:

1. Account #06-264-4479 (maintenance materials)
Budgeted - \$50,000.00
Actual - \$59,105.00

This account went over because of unexpected repairs to bridge planks having to be replaced on the 156th trail bridge, and a culvert pipe replacement on the walking trail on the east side of the park. Both of these items were unexpected and unforeseen during the budget process.

2. Account #06-264-4479 (Contract Work)
Budgeted - \$39,000.00
Actual - \$110,196.00

This account went over because of the added changed and engineering fees required to complete the trail repair and run off water problems on the trail that runs outside the park to the east to Highway 50, these changes also had to be made to satisfy the adjacent land owners and the Sarpy County Roads Department. Also on this account was the replacement of vault toilet doors in the park that were a safety hazard. Again these were items that were unexpected and unforeseen at the time the budget was prepared.

Staff recommends to the Subcommittee that the Subcommittee recommend to the Board that these two accounts be allowed to exceed 110%. There are no more anticipated charges for these two accounts.