

**Papio-Missouri River Natural Resources District
Board of Directors Meeting
Suggested Resolutions/Recommendations
September 11, 2008**

***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 following Director(s) have an excused absence from the September 11, 2008, Board of Directors Meeting:

Tim Fowler
Rick Patterson

Agenda Item 7 A.:

- A. BE IT RESOLVED that the August 14, 2008, Papio-Missouri River NRD Board meeting minutes be approved as printed.
- B. BE IT RESOLVED that the August 13, 2008 Dakota County Rural Water Advisory Board meeting minutes be approved as printed.

***Agenda Item 10.A. – Whitted Creek Restoration Project Ad Hoc Consultant Selection Subcommittee**

BE IT RESOLVED that the minutes of the August 27, 2008, Whitted Creek Restoration Project 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. Interviews for Whitted Creek Restoration Project and Recommendation on Firm to be Hired – Recommendation that firms be ranked in the following order of CH2MHill, HDR Engineering and JEO Consulting Group and that the General Manager be authorized to negotiate a professional services contract with CH2MHill to provide engineering services for the Whitted Creek Restoration Project.

***Agenda Item 10.B. – Washington County Flood Plain Mapping Project Ad Hoc Consultant Selection Subcommittee**

BE IT RESOLVED that the minutes of the August 28, 2008, Washington County Flood Plain Mapping Project 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. Interviews for Washington County Flood Plain Mapping Project and Recommendation on Firm to be Hired – Recommendation that firms be ranked in the following order of 1.) Kirkham Michael/AMEC and 2.) PBS&J and that the General Manager be authorized to negotiate a professional services contract with Kirkham Michael/AMEC to provide engineering services for the Washington County Flood Plain Mapping Project.

***Agenda Item 10.C. – Finance, Expenditures and Legal Subcommittee**

BE IT RESOLVED that the minutes of the September 9, 2008, Finance, Expenditures and Legal Subcommittee are accepted, incorporated in these minutes, and the following recommendation(s) of the Subcommittee are hereby adopted and approved.

1. FY 2009 Budget:

- a. 1% Increase to the Budgeted Restricted Funds for Lid Calculation – Recommendation 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 Funds Subject to Limitation, pursuant to Neb. Rev. Stat. §§ 13-518 through 13-522.

- b. SET PROPERTY TAX REQUEST FOR FY 2009 – 0.033753/\$100: Recommendation that the following resolution be adopted:

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Governing Body of the Papio-Missouri River NRD passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held on September 11, 2008, as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the Papio-Missouri River NRD that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District by a majority vote, resolved that:

1. The FY 2009 property tax request be set at \$16,594,576.17 with a tax levy of 0.033753/\$100.
2. And, that a copy of this resolution be certified and forwarded to the County Clerks within the District prior to October 13, 2008.

***Agenda Item 10.D. – Programs, Projects and Operations Subcommittee**

BE IT RESOLVED that the minutes of the September 9, 2008, 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. Western Douglas County Trails Project Phase 3 Engineering Services Agreement with Ehrhart Griffin & Associates – Recommendation that the General Manager be authorized to execute a professional services agreement with Ehrhart Griffin and Associates, Inc. for the Stage 2 of the Western Douglas County Trails Project in the amount of \$587,747.00, subject to NDOR concurrence, and changes deemed necessary by the General Manager, and approved as to form by District Legal Counsel.
2. Green Hearts Institution for Nature in Childhood at Rumsey Station – Project Development and Management Agreement – Recommendation that the General Manager be authorized to execute the proposed Development and Management Agreement with the Green Hearts Institute For Nature In Childhood for the Green Heart’s Children’s Nature Center at Rumsey Station Wetlands Project, including the District’s payment of up to \$60,000.00 to Big Muddy Workshop for a site Master Plan, subject to changes deemed necessary by the General Manager and approved as to form by District Legal Counsel.
3. Interlocal Agreement for Crystal Creek Flood Control Project – Recommendation that the General Manager be authorized to execute the proposed Interlocal Agreement with Sarpy County SID #236 and McCune Development Company for the Crystal Creek Improvement Project, subject to changes deemed necessary by the General Manager and approval as to form by District Legal Counsel.
4. Construction Contract Award on Water Main Extension for Dakota County Rural Water – Recommendation that the contract for the 6 inch waterline extension for the Dakota County Rural Water system be awarded to M. Albenisius Inc. in the amount of \$79,752.00.
5. Revisions to Rules and Regulations for P-MRNRD Recreation Areas – Recommendation that the following resolution requesting law enforcement assistance at NRD recreation areas, and the following resolution adopting updated recreation

area rules and regulations, be adopted and that the General Manager be authorized to execute the necessary steps in order to ensure the enforcement of said newly-adopted rules and regulations.

LAW ENFORCEMENT ASSISTANCE AT NRD RECREATION AREAS

WHEREAS, Nebraska Revised Statutes Section 2-32,101 provides as follows:

2-32,101 District; recreation area; enforcement; procedures. Any law enforcement officer, including, but not limited to, any Game and Parks Commission conservation officer, local police officer, member of the Nebraska State Patrol, or sheriff or deputy sheriff, is authorized to enforce the provisions of sections 2-3292 to 2-32,100 and any rules and regulations adopted and promulgated pursuant to such sections. A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose. Each district shall provide a copy of its rules and regulations to the appropriate law enforcement officer. Any law enforcement officer may arrest and detain any person committing a violation of the rules and regulations in a recreation area or committing any misdemeanor or felony as provided by the laws of this state.

WHEREAS, in accordance with said Section 2-32,101, the Papio-Missouri River Natural Resources District relies entirely upon the law enforcement officers identified therein for enforcement of Nebraska laws and the District's own rules and regulations within the District's recreation areas, to-wit:

Chalco Hills Lake and Recreation Area in Sarpy County
Elkhorn River Access at Graske Crossing in Douglas County
Prairie View Lake and Recreation Area in Douglas County
Elkhorn Crossing Recreation Area in Douglas County
Platte River Crossing Recreation Area in Douglas County

NOW, THEREFORE, the Board of Directors of the Papio-Missouri River Natural Resources District hereby respectfully requests that Nebraska Game and Parks Commission conservation officers, local police officers, members of the Nebraska State Patrol, and sheriffs and their deputies having District recreation areas within their respective jurisdictions, provide special attention to the enforcement within such District's recreation areas of Nebraska laws and the District's rules and regulations.

ADOPTION OF RULES AND REGULATIONS GOVERNING NRD RECREATION AREAS

WHEREAS, Nebraska Revised Statutes Sections 2-3290, et seq., provides that the board of directors of a natural resources district which owns land or has a lease or an easement permitting the use of land for public recreational purposes may adopt and promulgate rules and regulations governing the public use of such land, as provided in sections 2-3292 to 2-32,100; and,

WHEREAS, pursuant to Sections 2-3290, et seq., the Board of Directors of the District desires to adopt and promulgate amended and revised rules and regulations governing the public use of the lands within the District that it owns or over which it has a lease or an easement permitting the use of thereof for public recreational purposes, to-wit:

- Chalco Hills Lake and Recreation Area in Sarpy County
- Elkhorn River Access at Graske Crossing in Douglas County
- Prairie View Lake and Recreation Area in Douglas County
- Elkhorn Crossing Recreation Area in Douglas County
- Platte River Crossing Recreation Area in Douglas County

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Papio-Missouri River Natural Resources District does hereby adopt and promulgate amended and revised rules and regulations, as presented to this meeting and hereby ordered to be included as an attachment to the minutes thereof, governing public use of the above-named District recreation areas, such rules and regulations to be effective upon adoption of this resolution and to supersede all prior rules and regulations adopted by this Board of Directors governing public use of such recreation areas

***Agenda Item 10.F. – Personnel, Legislative and Public Affairs Subcommittee**

BE IT RESOLVED that the minutes of the September 9, 2008, 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. Resolutions to be Considered at the NARD Annual Conference - Recommendation that the Papio-Missouri River NRD take the following positions on resolutions to be considered at the NARD Annual Conference:

Reso #	Description	Recommended Position
2008-1	Certified Irrigated Land Transfers, Tri-Basin NRD	Support
2008-2	Water Contingency Revolving Fund, Upper Republican NRD	Support
2008-3	Governmental Subdivision Aid, Middle Republican NRD	Support
2008-4	Storage Permit Deadline for Beginning Dam Construction, Lower Elkhorn NRD	Support

2. Revision to Confidentiality Policy – Recommendation that the following revisions to District Policy 22.0 Miscellaneous – ~~Dissemination of Confidential Material Information~~ be approved and incorporated into the District Policy Manual:

22.0 Miscellaneous - ~~Dissemination of Confidential Material Information.~~
Confidential written communications by Legal Counsel to the District concerning

litigation in progress shall be transmitted to the General Manager, who shall disseminate such communications as the Executive Subcommittee shall direct. Any confidential material posted to the District's website for consideration at a Subcommittee or Board meeting can only be accessed by use a of pass word issued to Board members and designated staff.

Members of the Board, management and employees are expected to:

1. Use confidential information properly.
2. Recognize and avoid conflicts of interest.
3. Protect District property, including information, products, services, and assets.
4. Treat fairly and with respect all employees, the public and others with whom they have dealings.
5. Confidential information obtained in the course of business must not be used for personal gain or revealed to anyone outside of the District without the consent of the General Manager or the Board of Directors unless otherwise permitted by law.

[December 8, 1994; February 14, 2003; September 11, 2008]

***Agenda Item 11. A.-I. - Financials**

BE IT RESOLVED that the Treasurer is authorized to expend general funds to pay: (l) claims listed in the August 2008, 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 August, 2008, 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.H. – Change of Date for November Subcommittee Meetings**

WHEREAS the regularly scheduled date for the P-MRNRD Subcommittee meetings for November is November 11, 2008; and, November 11, 2008 is a P-MRNRD holiday (Veterans Day) and all District offices are closed,

BE IT RESOLVED that November Subcommittee meetings be held on Thursday, November 6, 2008.

/pt/board/2008/September/sep08_resolutions