



LOWER PLATTE SOUTH natural resources district

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Memorandum

Date: Jan. 9, 2025

To: Executive Subcommittee members

From: Mike Sousek, General Manager

RE: Executive Subcommittee Meeting Minutes

The Executive Subcommittee met at 12:00pm on Wednesday, January 8, 2025, at the NRD Office Large Conference room in Lincoln. Subcommittee members attending included Dave Landis, Deb Eagan, Bob Andersen, Tom Green and Lisa Lewis. Subcommittee member Chelsea Johnson was absent. NRD staff members in attendance include Dave Potter, Chris Barber, and myself. Corey Wasserburger was in attendance.

The first few items on the agenda dealt with policy changes associated with Personnel Policy #22-Sick Leave and Operating Policy C5-Conferences and Meeting. These policy changes were taken up individually and discussed.

Policy changes with Personnel Policy #22- Sick Leave were discussed first. Highlights of the discussion and changes are as follows:

- Examination of the comparable market survey led to the proposed changes. Market values for maximum accumulation of sick leave hours are below average with rates far exceeding our 800 hours (rates of 1440, 2080, and unlimited). Management has taken the approach that rather than raising the carry-over amounts, we begin to address a second deviation we have within our market comparable survey which is conversion of sick leave to cash. The first step to that is creating a match program for our employee retirement accounts. At the end of every fiscal year, any hours over 800 would be eligible for a special retirement option. The employee would have the choice to lose the hours over 800 or contribute them into their 457-retirement account. The district would match the employee's contributed dollar amount on a one-to-one basis. Both the employee and the employer would contribute \$15 per sick hour to the individuals 457-retirement.
- The second change dealt with employees who haven't had the time to accumulate sick leave but become sick. In such cases where sick leave is advanced but hasn't been earned, the

employee will be required to repay those hours back to district should that employee leave prior to earning the sick hours.

- The third change would allow for hours over 400 to be paid upon retirement, resignation, and death. Of the 7 other comparable organizations in the market survey, we are one of two who currently is not practicing some form of payment for sick leave that is not used.
- Management has added a stipulation about requiring a doctor's note for various situations.

Additional comments from directors included the desire to remain competitive in the job market and the understanding of needing to be able to deal with policy abuse. Staff were also tasked with exploring the addition of parental leave as a stand-alone policy. **It was recommended by Bob Andersen, seconded by Deb Eagan to recommend to the board that Personnel Policy 22 changes be accepted and adopted by the LPSNRD board. Recommendation carried unanimously.** See attached policy.

The second policy discussed was Operating Policy C-5 Conferences and Meetings. The committee discussed possible changes to address expenditures being processed but for various reasons, attendance at conference or meeting is not followed through. No action was taken on this matter. An effort of more education on the cost of conferences and the expectation to attend if registered will be practiced moving forward.

Next on the agenda was a discussion about the 2024 Technical Assistance Grant Memorandum of Agreement with the National Association of Conservation Districts (NACD). LPSNRD received our first Technical Assistance (TA) Grant from the NACD in 2018. The grant (80% Federal and 20% local) helped fund our second Resources Technician located in the Lancaster County NRCS Field Office. Since that time, we have successfully received a TA grant every year. In September 2024 the District applied for the NACD 2024 Outreach and Technical Assistance Grant. This would be the District's 7th grant with NACD. On December 30, 2024, we received verbal confirmation that we will be receiving the TA2024 grant for the full amount requested (\$61,600 federal share). We are still waiting for the Memorandum of Agreement (MOA) from NACD but expect it to be the same or very similar to those in the past. **It was recommended by Deb Eagan, seconded by Lisa Lewis to recommend to the Board to accept the 2024 Outreach and Technical Assistance Grant and authorize the General Manager to sign the agreement for the 2024 Technical Assistance Grant with NACD when it is received pending legal counsel review. Recommendation carried unanimously.** There is a possibility of receiving the MOA before the Board meeting on January 15th, and if received, staff will provide a copy at the board meeting.

Next on the agenda were two items related to the FEMA Swift Current Grant Program. The Nebraska Department of Natural Resources (NeDNR) has received notification from the Federal Emergency Management Agency (FEMA) that \$10 million is available to help National Insurance Program (NFIP) policyholders across Nebraska become more resilient to flooding. Called Swift Current, these funds can pay for structure elevation, relocation, or demolition, and other mitigation efforts such as

floodproofing. The Swift Current grant is not a nationally competitive program, and all applications will be reviewed at the State level and by FEMA for award of funding.

Local governments are eligible to apply for these funds that are available to properties with a repetitive loss history or that have been substantially damaged during the summer of 2024. Repetitive loss properties (an NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978) are eligible for 75% federal cost share to implement an eligible flood mitigation project. This is an important flood mitigation opportunity for the State of Nebraska and NeDNR does not know when or if this dedicated funding will be allocated again, and therefore are eager to work with us to facilitate its implementation.

Local jurisdictions, NRDs, and Emergency Managers with jurisdictions comprising these qualifying properties received notifications of qualifying properties sent September 25, 2024. On November 21, 2024, NeDNR sent letters to all property owners across Nebraska that are eligible to request FY24 FMA Swift Current flood mitigation funding. The District began receiving notice of interested property owners from NeDNR on December 4, 2024. Several materials are necessary for a complete application and the timeline is short. To streamline the process, NeDNR will be using hazard mitigation grant forms already developed by Nebraska Emergency Management Agency for their acquisition and elevation work. Draft Sub-applications are due to NeDNR by January 21, 2025, so that they may be reviewed by NeDNR and other agencies prior to submittal to FEMA on February 19, 2025.

A property on North Lake near South Bend, NE has been designated as a repetitive loss property. This property is in the floodplain of the Platte River and has experienced significant flooding in recent years. Berniece Jones and Michele Beekmann would like to apply for Swift Current funding to elevate their residential structure two feet above base flood elevation.

Staff is recommending the District to be the sub-applicant and to apply for available funding. The District would then enter into a joint funding agreement with Berniece Jones and Michele Beekmann of South Bend, NE and with Cass County Board of Commissioners. The agreement will stipulate that the District will act as the local sponsor and manage the grant, including all bidding and contracting. The County will assist the District with local site visits, when necessary. The District, the County, and Berniece Jones and Michelle Beekmann will split the 25% local match three ways and will include in-kind expenses such as displacement costs. Staff is currently working with legal counsel to develop the joint funding agreement. The joint funding agreement need not be finalized until after the award of the grant. For application purposes, letters of intent/support will be collected from all parties.

It was recommended by Lisa Lewis, seconded by Deb Eagan to recommend to the Board to authorize the staff to proceed with an application to DNR/FEMA allowing the District to be the sub-applicant for the FEMA Swift Current Grant Program on the Berniece Jones and Michele Beekmann property near South Bend, NE. Recommendation carried unanimously.

A property on Lake Wa Con-da near Union, NE has been designated as a repetitive loss property. This property is in the floodplain of the Missouri River and has experienced significant flooding in recent

years. Andrew and Anne Arther would like to apply for Swift Current funding to elevate their residential structure two feet above base flood elevation. Staff is recommending the District to be the sub-applicant and to apply for available funding. The District would then enter into a joint funding agreement with Andrew and Anne Arther of Union, NE and with Cass County Board of Commissioners once the grant is awarded. The agreement will stipulate that the District will act as the local sponsor and manage the grant, including all bidding and contracting. The County will assist the District with local site visits, when necessary. Andrew and Anne Arther will be responsible for the 25% local match. Staff is currently working with legal counsel to develop the joint funding agreement.

It was recommended by Tom Green, seconded by Bob Andersen to recommend to the Board to authorize the staff to proceed with an application to DNR/FEMA allowing the District to be the sub-applicant for the FEMA Swift Current Grant Program on the Andrew and Anne Arther property on Lake Wa Con-da near Union, NE. Recommendation carried unanimously.

Corey Wasserburger presented the next agenda item. The City of Lincoln is working on upgrading their Ashland water treatment plant and making modifications in preparation to accept water from their Water 2.0 project. In doing so, they are expanding the footprint of the treatment plant. In this process, they stumbled upon some ground that from what can be determined, may belong to the LPSNRD. The district prior to this was not maintaining this property and was unaware of its ownership. There is no deed on this property that confirms it is 100% the districts, staff investigations at the Saunders County courthouse is making assumptions that the property belongs to us. The City of Lincoln has asked the district for a quick claim deed on the property so they can continue their efforts with the treatment plant. **It was recommended by Tom Green, seconded by Bob Andersen to recommend to the Board to authorize the general manager to proceed with a quick claim deed transferring our interest in this property to the City of Lincoln. Recommendation carried unanimously.** See attached legal description.

Chair Landis finished the meeting with a brief discussion and food for thought on initiatives that the committee may want to pursue in the future. He encouraged the committee to share those thoughts with the newly elected incoming chair. The committee thanked Chair Landis for his leadership over the last two years and thanked him for all he has done while in this position.

Meeting adjourned shortly after 1PM.

MJS

Personnel Policy No. 22: SICK LEAVE

An employee is entitled to take accrued and/or accumulated sick leave during those periods when they are incapacitated from performance of duties by reason of sickness, off-the-job injury, or for medical, surgical, or dental examination or treatment, or where the employee's presence at work might jeopardize the health of others.

The General Manager has the authority to permit an employee to use accrued sick leave for sickness in the family. The term "family" for the purpose of this policy is defined to include spouse, children, parents, and parents of the employee's spouse, or at the discretion of the General Manager.

All full-time employees shall accrue sick leave of one hundred and four (104) hours per fiscal year, which may be accumulated up to a maximum of eight hundred (800) hours. Part-time employees are eligible for four (4) hours per month, which may accumulate up to a maximum of four hundred (400) hours. Eligibility for sick leave begins with the first day of employment. Occasional employees are not eligible for sick leave.

Should a part-time employee accumulate four hundred (400) hours of sick leave, no additional hours of sick leave shall be accumulated until sick leave hours are used and the balance of the employee's unused sick leave hours is less than four hundred (400) hours.

At the first pay period of each fiscal year, the sick leave hours carried over by a full-time employee from the prior fiscal year shall be added to the sick leave hours accrued for the current fiscal year and shall be adjusted as provided herein. If the accrual of additional sick leave at the beginning of the fiscal year would cause a full-time employee's sick leave balance to exceed eight hundred (800) hours and the employee has not exceeded the maximum annual deferral limits set forth under Federal law for the year in question, the employee may elect to have additional contributions made to the employee's 457 retirement plan, as provided herein, relating to the number of sick leave hours the employee has accumulated in excess of eight hundred (800) hours. If an employee elects this option and has not reached the maximum annual deferral limit, the District shall contribute an amount to the employee's 457 retirement plan that shall be calculated at the rate of fifteen dollars (\$15.00) per hour of accumulated sick leave in excess of eight hundred (800) hours and the employee must match the amount of the District's contribution. The rate of fifteen dollars (\$15.00) per hour for such contribution shall apply to all employees making such election irrespective of the employee's regular rate of compensation. These contributions can be made in one lump sum or deducted from the employee's pay each pay period. If at any point in the year a full-time employee reaches or has reached the maximum annual deferral limits under Federal law, then no compensation shall be made for any accumulated sick leave hours in excess of the eight hundred (800) hour limitation.

Example

60 hours in excess x \$15.00 =	\$900 to be paid by District
	\$900 to be paid by Employee
	\$1800 additional retirement contributions

Sick leave is neither an earned benefit that has independent cash value, nor a form of deferred compensation. Rather, it is an income protection program only for employees who are absent from work due to the reasons stated in this policy. Therefore compensation for sick leave, which has been accumulated but remains unused, will not be paid upon termination of employment, except that employees who retire, resign, or die will receive compensation for their accrued sick leave balance in the excess of 400 hours at their rate of pay upon retirement, resignation, or death.

If an employee does not have accumulated sick leave, the General Manager in his discretion may allow the employee to take advanced sick leave, which shall be apply against the future accrued sick leave of the employee. If an employee is granted advanced sick leave, but is terminated prior to accruing sufficient sick leave hours to cover the advanced sick leave taken by the employee, that employee will be required to repay all of the advanced leave before receiving a final paycheck.

A physician's certificate may be required by management at any time when an employee is absent due to illness, or when there is an extended use of sick leave.

A physician's certificate may be required from any employee who is using sick leave at the same rate that it is accumulating. The Executive Subcommittee will be notified of this action.

The granting of sick leave is subject to prompt notification. An employee who is absent to illness shall notify the District as early as possible on each day when they do not report to work. One (1) day will be deducted from their sick leave.

An employee injured on the job is entitled to take sick leave; however, the District will pay only the difference between the employee's normal pay and any payment the employee receives from Worker's Compensation.

In the event an employee uses all their sick leave for an on-the-job injury, they will only be entitled to Worker's Compensation, if any.

Sick leave may be taken in 15-minute increments with a minimum time to be charged of one hour.

A tract of land in NE1/4NW1/4 and W1/2NE1/4 Sec. 1, T 12 N, R 9 E of the 6th P.M., Saunders County, Nebraska, containing 21.6 acres, and more particularly described as follows: Beginning at the Southeast corner of the NE1/4NW1/4 Sec. 1, T 12 N, R 9 E thence West along the South line of the NE1/4NW1/4 540 ft., more or less, to a point 776.8 ft. East of the SW corner of the said NE1/4NW1/4; thence North parallel to the East line on said NE1/4NW1/4 a distance of 520 ft; thence East parallel to the South line of said NE1/4NW1/4 a distance of 540 ft., more or less, to the east line of said NE1/4NW1/4; thence North 61°00' East a distance of 380 ft; thence N 18°00' E a distance of 500 ft; thence due East a distance of 100 ft., more or less, to the center of Salt Creek; thence upstream along the centerline of Salt Creek in a general Southerly direction a distance of approximately 1060 ft; thence South 44° 28' East to and along the C. B. & Q. R. R. right of way a distance of 165 ft., more or less; thence Southwesterly along the C. B. & Q. R. R. right of way line a distance of 833 ft; thence North 44°28' West along the C. B. & Q. R. R. right of way a distance of 130 ft., more or less, to its intersection with the West line of the NE1/4 Sec. 1-12-9; thence North along said West line of the NE1/4 Sec. 1 a distance of 480 ft., more or less to the point of beginning, excepting therefrom that portion thereof (approximately 10.7 acres) conveyed to Charles N. Walton by deed recorded in Book 79, page 168, deed records of Saunders County, Nebraska; also a tract of land containing 2.57 acres, being all that part of the fractional NE1/4NW1/4 Sec. 1, T 12 N, R 9 E of the 6th P.M., Saunders County, Nebraska, lying South of the centerline of Salt Creek.