

Agenda Item 8: Public Hearing to Modify Bylaws of the Nebraska Environmental Trust

The Trust board discussed changes to Bylaws of the Nebraska Environmental Trust at the third quarter board meeting at Fort Robinson on August 8, 2016. The Ad-Hoc Committee for the Rules and Regulations and Bylaws had met on June 9, 2016, and proposed modifications to the Bylaws that the full board considered on August 8, 2016, and moved to hold a public hearing to consider the modifications at the November or February board meeting. The Board held a public hearing at its February 9, 2017 meeting in Lincoln. There was no public testimony and the changes were approved. The Attorney General's office subsequently determined that the public notice was inadequate and would require a new notice and hearing.

Possible Action: A motion to adopt, modify and adopt, or deny the recommendation.

2/9/2017 (Board Meeting Date) - Repaginate and Housekeeping changes throughout.

2/9/2017 (Board Meeting Date) - Amendment to Article II, Section 1 - 6, Edit for clarity in Section 1.

2/9/2017 (Board Meeting Date) - Amendment to Article II, Section 1 - 6, Addition of Section 6.

2/9/2017 (Board Meeting Date) - Amendment to Article III, Section 1 - 6, Edit to conform with state law in Section 3.

2/9/2017 (Board Meeting Date) - Amendment to Article III, Section 1 - 6, Edit for clarity in Section 5.

2/9/2017 (Board Meeting Date) - Amendment to Article IV, Section 1 - 4, Amendment of committee and committee chairperson duties in Section 1 throughout.

2/9/2017 (Board Meeting Date) - Amendment to Article IV, Section 1 - 4, Edit for clarity of practice in Section 1, Subsection D.

BYLAWS OF THE NEBRASKA ENVIRONMENTAL TRUST BOARD

ARTICLE I

Name and Authority

The name of this public body is the Nebraska Environmental Trust Board (hereinafter “Board”). The purpose of this Board is to carry out the duties assigned to it under the Nebraska Environmental Trust Act, sections 81-15,167 to 81-15,176, Nebraska Revised Statutes, as amended.

ARTICLE II

Officers

Section 1. The elected officers of the Board shall be a Chairperson and a Vice-Chairperson.

Section 2. The election of officers shall be held annually at the third quarter meeting. The Chairperson shall be selected from among citizen members and the Vice-Chairperson from the agency directors. The officers shall hold office at the pleasure of the Board. The office of Chairperson shall rotate each year by Congressional district.

Section 3. If there is more than one nominee for an office, voting shall be by secret ballot but the vote count shall be recorded in the minutes. If there are more than two nominees and no candidate receives a majority of the votes cast on the first ballot, a runoff election will be conducted between the two candidates receiving the most votes. New officers shall begin their term of office at the close of the meeting at which they were elected.

Section 4. The Chairperson shall preside over all regular and special meetings of the Board; sign appropriate documents on behalf of the Board; be an ex-officio member of all committees of the Board, carryout any responsibility, duty or authority delegated to him or her by the Board; and represent the Board as necessary. The Vice Chairperson shall serve as Chairperson in case of the temporary absence or disability of the Chairperson.

Section 5. In the event of the permanent absence or disability of an officer, an election shall be held to replace such officer for the remainder of that term. A newly elected Chairperson shall be from the same Congressional district as the Chairperson replaced.

Section 6. The Executive Director of the Trust shall serve in the un-elected position of Executive Secretary to fulfill the needs of Robert's Rules of Order.

ARTICLE III

Board Meetings

Section 1. All Board meetings shall be advertised and conducted in accordance with the Nebraska Public Meetings Law, sections 84-1408 et seq. Nebraska Revised Statutes.

Section 2. An agenda shall be developed and maintained by the Executive Director of the Nebraska Environmental Trust. Items may be placed on the agenda by the Chairperson, Executive Director or at the request of any Board member. A tentative agenda shall be provided to all members at least ten days prior to the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours prior to the commencement of the meeting.

Section 3. A simple majority of the members of the Board shall constitute a quorum and ~~except as provided in section 81-15, 175~~ shall be required to take action and make determinations.

Section 4. A schedule for quarterly meetings of the Board shall be established when the Board establishes the annual grant calendar. Except for emergency situations, written notice of the time and place of all special meetings shall be made in advance to all Board members no less than 14 days prior to the meeting.

Section 5. Public notice of all Board meetings shall be by legal notice published in a newspaper or newspapers of general circulation in the state. Except for emergency situations, all meetings shall have at least 10 days published notice.

Section 6. At the discretion of the Chairperson, any meeting or public hearing may be presided over by a hearing officer.

ARTICLE IV

Committees

Section 1. The Board shall establish the following standing committees:

A: Executive Committee. Membership: The Chairperson of the Board, the Vice-Chairperson, the immediate Past Chairperson, the Chairperson of the Finance Committee, the Chairperson of the Legislative Committee, the Chairperson of the Grants Committee and the Director of the Nebraska Game and Parks Commission.

Duties: The Executive Committee conducts annual evaluation of the Executive Director; acts as a search committee to develop a list of candidates for consideration by the Board in the case of a vacancy of the Executive Director; and carries out any responsibility, duty or authority delegated to it by the Board.

B: Finance Committee. Membership: One citizen Board member from each Congressional District and one agency director.

Duties: The Finance Committee develops the biennial and annual budget for Board approval; develops policy guidelines for Board approval regarding fund solicitation, receipt, and fund development programming; makes recommendations to the Board on designation of receipts to the Funds of the Trust; and carries out any responsibility, duty or authority delegated to it by the Board. The Chairperson of the Finance Committee shall be designated the Second Vice-Chairperson of the Board to fulfill the needs of Robert's Rules of Order.

C. Legislative Committee. Membership: One citizen Board member from each Congressional District and two agency directors. One such agency director shall be designated as committee liaison to the Governor.

Duties: The Legislative Committee develops policy guidelines for Board approval to direct staff action on legislation that addresses the operation of the Trust and carries out any responsibility, duty or authority delegated to it by the Board. The Chairperson of the Legislative Committee shall be designated the Third Vice-Chairperson of the Board to fulfill the needs of Robert's Rules of Order.

D. Grants Committee. Membership: Four citizen Board members, at least one from each Congressional District and two agency directors. The Chairperson of the committee shall rotate each year by Congressional district.

Duties: The Grants Committee prepares recommendations on grant application eligibility, ranking and funding levels for consideration by the Board and carries out any responsibility, duty or authority delegated to it by the Board. The Chairperson of the Grants Committee shall be designated the Fourth Vice-Chairperson of the Board to fulfill the needs of Robert's Rules of Order.

E. Performance Review Committee. Membership: The Board Chair and two citizen members, to provide one citizen member from each congressional district, and one agency director.

Duties: The Performance Review Committee conducts a review of grants involving real property annually, including contracting for site inspections, title review and other activities as appropriate. The Committee may recommend to the Board other grant categories for periodic

reviews. The Committee carries out any other responsibility, duty or authority delegated to it by the Board.

Section 2. The Board at any regular or special Board meeting may establish special committees, ad-hoc advisory Boards and subcommittees.

Section 3. The Board chairperson shall appoint all chairpersons and members of standing committees, special committees, ad-hoc advisory Boards and committees.

Section 4. A simple majority of the members of a committee shall constitute a quorum. Action by the committee shall require a majority vote of the members present. Each committee shall meet at the call of the committee chairperson and any standing committee shall also meet at the call of two or more members. Except in case of an emergency, members shall be given at least five (5) days notice of the time and place of the meeting. Committee members may participate in a meeting by telephone or electronic conferencing so long as each member may hear all other members who are participating.

ARTICLE V

Parliamentary Procedure

Section 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board's parliamentary procedure unless those rules are inconsistent with law, these bylaws, or the Board's rules and regulations, or they are waived by action of the Board.

ARTICLE VI

Annual Report

Section 1. The Board of the Nebraska Environmental Trust resolves to present an annual written report to the Governor and the Executive Board of the Nebraska Legislature on or before December 31st of each year. This report will subsequently be available to the public electronically or by request to the Trust office.

ARTICLE VII

Amendment of Bylaws

Section 1. These bylaws may be amended at any regular meeting of the Board by action of the Board provided that the amendment has been submitted in writing at the previous regular meeting. Adopted by the Nebraska Environmental Trust Board this 8th day of September 1993.

Amended by the Nebraska Environmental Trust Board this 7th day of October 1997.

Amended by the Nebraska Environmental Trust Board this 1st day of November 2002.

Amended by the Nebraska Environmental Trust Board this 29th day of July, 2005.