

**OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY
BOARD OF DIRECTORS REGULAR MEETING**

Minutes
September 27, 2018

The Board of Directors met at the MAPA offices, 2222 Cuming Street, Omaha. Chair Sanders called the meeting to order at 1:53 p.m.

A. ROLL CALL/INTRODUCTIONS

Members/Officers Present

Troy Anderson (<i>rep. Mayor Jean Stothert</i>)	Deputy Chief of Staff, City of Omaha
Tom Hanafan – Vice Chair	Pottawattamie County Board of Supervisors
Doug Kindig	NE Small Cities/Counties Representative (Mayor, City of La Vista)
Gary Mixan	Sarpy County Commissioner
Vinny Palermo	Omaha City Council
Rita Sanders – Chair	Mayor, City of Bellevue
Matt Walsh	Mayor, City of Council Bluffs

Members/Officers Absent

Patrick Bloomingdale	Chief Administrative Officer, Douglas County
Clare Duda	Commissioner, Douglas County
Carol Vinton	IA Small Cities/Counties Representative (Mills County Board of Supervisors)

MAPA Staff

Christina Brownell	Josh Corrigan	Sue Cutsforth	Melissa Engel
Don Gross	Travis Halm	Mike Helgerson	Karna Loewenstein
Emily Sneller	Jeff Spiehs	Greg Youell	

Guest

Jennifer Taylor City of Omaha

B. APPROVAL OF THE AGENDA – (Action)

MOTION by Kindig, SECOND by Mixan to approve the agenda for the September 27, 2018 meeting of the Board of Directors.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

C. APPROVAL OF THE MINUTES of the August 30, 2018 meeting – (Action)

MOTION by Hanafan, SECOND by Kindig to approve the minutes of the August 30, 2018 meeting of the Board of Directors.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

D. APPROVAL OF FINANCE COMMITTEE MINUTES AND REPORT – (Action)

Mr. Hanafan reported that the Finance Committee met on September 19, 2018 and approved bills for August, reviewed July financial statements and approved contract payments. Items were forwarded to the Board of Directors for approval.

MOTION by Kindig, SECOND by Hanafan to approve the minutes of the September 19, 2018 Finance Committee meeting.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

Approved by _____
Patrick Bloomingdale, Secretary/Treasurer

MOTION CARRIED.

E. AGENCY REPORTS & PRESENTATIONS – (Info)

1. Agency Reports –

a. Executive Director's Report – Mr. Greg Youell

Mr. Youell provided an update to the Board on MAPA activities for the month of August. Updates were provided for the following: staffing; community and economic Development projects; transportation and data; admin and communications; state government; Heartland 2050.

Mr. Youell presented to the Board for discussion a potential opportunity for MAPA / Heartland 2050 Local Foods group. The United Way local foods committee (SWAG) has completed a plan identifying actions steps to move forward with the local food efforts. One of the steps identified the role of convener and facilitator and they are looking for an entity to serve that role. MAPA has been identified as a potential agency that could serve in that role and house an individual that would lead those efforts. The United Way committee is committed to identifying funding for this role. Kindig noted the importance of clearly defining MAPA's role should the agency take this on so as to not overextend. Staff noted that the intent is to add a staff member to do the additional work. MAPA will make a pitch to the committee to serve as the convener.

b. Mr. Youell recognized Jeff Spiehs and Josh Corrigan for 5 years of service at MAPA and presented certificates.

F. PUBLIC COMMENT –

None.

G. CONSENT AGENDA – (Action)

None.

H. OLD BUSINESS

1. Final Contract Payment – NDOT - \$3,888.73 – (Action)

Mr. Youell presented to the Board for approval the final contract payment listed above.

MOTION by Walsh, SECOND by Mixan to approve the final contract payment to NDOT in the amount of \$3,888.73.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

I. NEW BUSINESS

1. Verdis Group – (Action)

Mr. Youell presented to the Board for approval the revised contract with Verdis Group not to exceed \$5,000 actual cost.

Ms. Jennifer Taylor, MAPA's Legal Counsel and City of Omaha Attorney, explained the concerns regarding Conflict of Interest and Prohibited Interest for the contract with Verdis Group and Mr. Daniel Lawse. The concern initially arose due to Mr. Lawse serving as a voting member of MAPA's Council of Officials. It was determined that Mr. Lawse did not have a Conflict of Interest because he was not actually voting on the contract. The concern was then raised in reference to the section within the contract regarding Prohibited Interest. Ms. Taylor determined that by the terms and language in the Prohibited Interest statement, Mr. Lawse had a financial interest in the contract, which is clearly prohibited by this clause. Ms. Taylor presented the findings of her research when she looked at the state statutes, specifically the Political Accountability and Disclosure Act, which serves as the general state provision that is adhered to when dealing with public matters as public officials. The State of Nebraska requires that individuals disclose the interest; the interest is publically announced; the agenda item is clearly listed and the individual recuses themselves from any debate or vote on that matter. Ms. Taylor then presented her findings in her review of the Federal Laws and determined that the Prohibited Interest clause in this contract are much more limiting than required by federal regulations and recommended that it be revised to more closely conform to the language of the federal regulations.

Discussion ensued regarding the selection of Verdis Group, whether the contract could be amended. Concerns were raised regarding the perception to the public and transparency. The Board reviewed the process that led to the contract and Mr. Youell pointed out that Verdis Group made the decision to move forward at their own risk. Mr. Anderson expressed that even if the

language is amended, he still has concerns around the procurement. Mr. Walsh agreed. Mr. Youell stated that the agency could revise the contract language, as previously discussed and bring it back to the Board for approval in October.

MOTION by Palermo, SECOND by Walsh to table this agenda item for one month and bring back to the Board for consideration in October with revised language.

Mr. Hanafan wanted to clarify that the Finance Committee reviewed this contract and due to the concerns that have been raised, made the recommendation that MAPA seek a written legal opinion and that this item go to the Board for consideration.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

2. Resolution 2019 – 05: Memorandum of Understanding (MOU) with Southeast Nebraska Development District (SEND) – (Action)

Mr. Youell presented to the Board for approval Resolution 2019 – 05, Memorandum of Understanding with SEND. Mr. Youell recapped the history of Cass County’s potential move into the MAPA region. SEND has expressed their readiness to make the transition and move Cass County into MAPA under the conditions of the MOU. It was noted that the amended version of the MOU changes, “for the foreseeable future” to “twenty years”. Mr. Hanafan requested that it also include “or by mutual agreement” to allow for a change within the twenty years, should all parties agree.

MOTION by Kindig, SECOND by Walsh to approve Resolution 2019 – 05 with amending contract language from “foreseeable future to “20 years”. After discussion, Kindig and Walsh amended their motion to “20 years or by mutual agreement”.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

3. New Contract – (Action)

a. Financial Edge NXT – Cloud Based Accounting Software

Mr. Youell presented to the Board for approval the new contract with Financial Edge NXT for Cloud Based Accounting Software. The agency recently fell victim to Ransomware Virus and is now going through a process of updating software to increase security. Ms. Engel stated that the agency went through an RFP process previously to select accounting software. This will not change the existing database but is more of an enhancement.

i. Proposal

ii. Order Form

MOTION by Hanafan, SECOND by Kindig to approve the new contract with Financial Edge NXT for cloud based accounting software.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

4. Strategic Communications Plan – (Action)

Mr. Youell presented the Strategic Communications Plan to the Board for approval. A draft was presented to the Board in September and received no comments.

MOTION by Hanafan, SECOND by Kindig to approve the agency’s Strategic Communications Plan.

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

5. Resolution 2019 – 06: MAPA Planning Memorandum of Agreement (MOA) for Transportation Planning and Programming – (Action)

Mr. Helgerson presented to the Board for approval Resolution 2019 – 06: MAPA Planning Memorandum of Agreement (MOA) for Transportation Planning and Programming.

MOTION by Kindig, SECOND by Mixan to approve Resolution 2019 – 06

AYES: Anderson, Hanafan, Kindig, Mixan, Palermo, Sanders, Walsh

NAYS: None.

ABSTAIN: None.

MOTION CARRIED.

J. ADDITIONAL BUSINESS

None.

K. DISCUSSION

Mr. Palermo acknowledged Jeff Spiehs and thanked him for his work and efforts in the community.

L. ADJOURNMENT

MOTION by Hanafan to Adjourn. Chair Sanders adjourned the meeting at 3:13 p.m.