

Memorandum

To: Programs, Projects and Operations Subcommittee

From: John Winkler, General Manager

Date: November 4, 2020

Re: NRD Policy, 2.7 Directors-Terms of Directors

The following request was sent to Chairman Thompson by Director Gruenewald.

Mr. Chairperson,

NRD Policy, 2.7 Directors – Terms of Directors, pushes to end representation. It fails to comport with perpetual succession contemplated by the legislature. State Statute 2-3213 addresses merging NRD boards. Saying it supports an arbitrary date of “December 31st of the fourth year of the term” is out of context and meaningless. Most understand that an elected representative’s power transfers when the oath of office is taken by the newly elected at the end of a four-year term.

Please add Removal of Policy 2.7 Directors - Terms of Directors from board policy as a standalone voteable item on the November 12th, 2020 Meeting agenda.

Director Gruenewald’s interpretation of Policy 2.7 and the statute is off-base. There are, in fact, two sentences in Policy 2.7.

The citation to Neb. Rev. Stat. Sec. 2-3213 relates to the first sentence which restates the statutory law that a NRD Director’s term is four years. If Director Gruenewald continued to read the statute to the last sentence of subsection (5), he would see that the first sentence under Policy 2.7 is simply restating the statutory law that “each director shall be elected for a four-year term.” Hence, the citation to Sec. 2-3213 contained in the first sentence.

Neb. Rev. Stat. Sec. 2-3213 is not cited in, nor does it relate to, the second sentence. Back in late 2018, we reviewed the statutory law to determine when a director’s term ends. There is no statutory language under Chapter 2, article 32, the act governing NRDs and NRD Directors, which provides guidance on when a director’s term expires. Since newly elected directors typically get sworn in at the beginning of the January Board Meeting, there is no need for the **expiring directors** to attend the January Board Meetings. The policy was proposed to excuse expiring directors from attending by ending the term on Dec. 31st. In January 2019, the Board approved that policy revision 9 to 1 (Director Gruenewald being the lone no vote). Director Gruenewald, if he so desires, can attend the January Board meeting to watch his replacement get sworn in.

Practically speaking, it is difficult to ascertain what benefit Director Gruenewald's proposed deletion provides to the District or its constituents.

Of course, the Board can amend the policy whenever it wants. The procedure is for proposed amendments to go to PPO subcommittee for discussion and approval. If approved by the subcommittee, the policy revision is then discussed at the Board Meeting and then tabled to the following Board meeting (in this case, December) for final approval.

Therefore, there is no management recommendation on this agenda item.