

Agenda Item: 6.

Memo to: Personnel, Legislative and Public Affairs Subcommittee
Subject: Nebraska Association of Resources Districts 2015 Resolution
Date: August 31, 2015
From: John Winkler



The following resolution is to be voted on at the Nebraska Association of Resources District's 2015 Meeting:

2015-1 NEBRASKA PUBLIC MEETING AMENDMENT – Submitted by the Lower Platte North NRD. Recommendation that the NARD would support legislation that would amend the second sentence of Nebraska Revised Statutes 84-1413(2) as follows: The requirements of a roll call or viva voice vote shall be satisfied by a municipality, a county, a learning community, a natural resources district, a joint entity created pursuant to the Interlocal Cooperation Act, a joint public agency created pursuant to the Joint Public Agency Act, or an agency formed under the Municipal Cooperative Financing Act which utilizes an electronic voting device which allows the yeas and nays of each member of such city council, village board, county board, natural resources district board, or governing body to be readily seen by the public.

Recommendation that the Subcommittee recommend to the Board of Directors that the NARD Voting Delegate and/or Alternate be authorized to vote to Support Resolution 2015-1 Nebraska Public Meeting Amendment at the 2015 NARD Annual Conference.



Nebraska's Natural Resources Districts

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August 21, 2015

TO: NARD Board and NRD Managers

FROM: Dean E. Edson, Executive Director

RE: 2015 ANNUAL CONFERENCE RESOLUTIONS – Corrected Draft

Attached are four resolutions that have been submitted to NARD for consideration at the 2014 Annual Conference as of August 21, 2015, the deadline for resolutions. Additional resolutions submitted, if any, will require 2/3rds vote of the delegates to be considered at the annual meeting.

The 2014 voting delegate list is on page 2. This is the list from last year's meeting. Please check the delegate list and provide any changes to our office September 4, 2015.

The voting procedures to be used at the conference are on page 3.

Finally, the NARD Legislative Committee is recommending three policies to be placed in the inactive status as they have been implemented.

Resolutions submitted by the August 21, 2015 deadline

- 1. NARD Resolution 2015-1 -- NEBRASKA PUBLIC MEETING AMENDMENT.
Sponsored by Lower Platte North NRD.**

Resolutions submitted |AFTER the August 21, 2015 deadline (2/3rds vote required for consideration)

- None submitted as of 8/21/2015

Policies for Inactive Status – Recommended by the NARD Legislative Committee as the policies have been implemented.

- 1. 2014-2 Nebraska Chemigation Act Fines (Page 8).** This policy was enacted with the passage of LB 207 in 2015.
- 2. 2014-3 Biennial Budgeting for Natural Resources Districts (Page 13).** This policy was enacted with the passage of LB 164 in 2015.
- 3. 2012-4 Increase in Fees collected for Chemigation Permits (Page 8).** The policy has been enacted with the passage of LB 272 in 2014 and all districts have now adopted their own fee structure.

**Voting Delegate and Alternate
For
2014 Annual Conference**

	DELEGATE	ALTERNATE
Central Platte NRD	Jim Bendfeldt	Bill Vasey
Lewis & Clark NRD	Gary Howey	Marcel Kramer
Little Blue NRD	Lyle Heinrichs	Charles Rainforth
Lower Big Blue NRD	Jim Damrow	Norman Stokebrand
Lower Elkhorn NRD	Ken Peitzmeier	Chris Carlson
Lower Loup NRD	Dean Rasmussen	Virgil Gellermann
Lower Niobrara NRD	Jack Engelhaupt	Diana Wendt
Lower Platte North NRD	Don Kavan	Bob Hilger
Lower Platte South NRD	Dave Potter	Karen Amen
Lower Republican NRD	Roger Nelson	Marlin Murdoch
Middle Niobrara NRD	Dean Jochem	Martin Graff
Middle Republican NRD	Kevin Fornoff	Joe Anderjaska
Nemaha NRD	Orval Gigstad	Don Siske
North Platte NRD	Jerry Dillman	Dave Ostdiek
Papio-Missouri River NRD	Rich Tesar	Jim Thompson
South Platte NRD	James Johnson	Larry Rutt
Tri-Basin NRD	Dave Raffety	Larry Reynolds
Twin Platte NRD	Robert L. Petersen	Dennis Schilz
Upper Big Blue NRD	Larry Moore	Gary Eberle
Upper Elkhorn NRD	Dale Wiles	Jerry Childers
Upper Loup NRD	Judy Ridenour	Chris Higgins
Upper Niobrara White NRD	Curtis Roth	Larry Teahon
Upper Republican NRD	Tom Gaschler	Terry Martin

*PLEASE CHECK YOUR DELGATE AND PROVIDE ANY CHANGES TO THE
NARD OFFICE by September 4, 2015.

RESOLUTION & VOTING PROCEDURES

1. Each NARD member district that is in good standing shall be able to submit resolutions for consideration by the Association membership on policy issues pertinent to the mission and goals of the Association. A majority of the 23 districts shall constitute a quorum.
2. The voting delegate for the member district, or the alternate in the case of the delegate's absence, shall be the only individual to make the motion on behalf of their respective district. Any district representative may speak on the merits of a motion or issue during the discussion period once recognized by the chair.
3. We encourage more information on the issues. However, a non-voting participant may only speak on an issue and/or provide additional information at the request of a voting delegate of a district in good standing or at the request of the chair.
4. A copy of all resolutions submitted to the NARD Office prior to the Annual Meeting is included in the Resolutions Packet. Resolutions received by the deadline require a majority of the members voting for consideration. Resolutions received after the deadline must follow 5.b. below.
5. Additional resolutions may be submitted for consideration at the first Business Session at the Annual Conference for discussion provided that:
 - a) The member district is responsible for providing enough copies so members may read the resolution before discussion begins.
 - b) If 2/3 of the members voting approve the Motion to place the resolution before the body, the resolution shall be added to the agenda for consideration (example: 2/3rds of 115 = 77).
6. Resolutions shall be discussed and motions shall be made at the 1st Business Session. No final voting for approval of resolutions shall be taken on the first day. This provides discussion time at caucus before final approval.
7. Motions/resolutions shall be voted on at the 2nd Business Session.
8. Amendments may be made on either the first or second day during the Business Session. A written copy of the amendment(s) must be provided to the Chairman of the Legislative Committee.
9. Each member district shall have five votes.
10. To help avoid any distractions during the Business Session, all cell phones must be silenced during the session. Anyone whose cell phone rings during the Business Session will be fined \$5 for each occurrence and proceeds will be contributed to the NARD Foundation Account. Contributions to the NARD Foundation are tax deductible.

NARD Resolution 2015-1

NEBRASKA PUBLIC MEETING AMENDMENT

Sponsored by Lower Platte North NRD

WHEREAS, Nebraska Revised Statutes 84-1413(2) allows for a number of listed political subdivisions to utilize electronic voting devices to record the yeas and nays of each member of their governing body provided that the votes can be readily seen by the public, and;

WHEREAS, the aforementioned statute does not list “Natural Resources District” as among the political subdivisions whom can use an electronic voting device to record the yeas and nays of their boards and/or committees, and;

WHEREAS, evaluation and discussion has occurred concerning how utilization of electronic voting devices by Natural Resources Districts could maximize efficiencies at the board level as well as provide for a more transparent voting process;

NOW THEREFORE BE IT RESOLVED, the Nebraska Association of Resources Districts seeks legislation to amend the public meetings statute to include the following changes (Underscore shows proposed new statutory language):

Amend the second sentence of Nebraska Revised Statutes 84-1413(2) as follows: The requirements of a roll call or viva voce vote shall be satisfied by a municipality, a county, a learning community, a natural resources district, a joint entity created pursuant to the Interlocal Cooperation Act, a joint public agency created pursuant to the Joint Public Agency Act, or an agency formed under the Municipal Cooperative Financing Act which utilizes an electronic voting device which allows the yeas and nays of each member of such city council, village board, county board, natural resources district board, or governing body to be readily seen by the public.

Monday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____

Amendment No. 2: _____



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August 21, 2015

To: NARD Voting Delegates
From: Dean E. Edson, Executive Director
Re: Policies for the Inactive File

Below are suggested NARD Policies the NARD Legislative Committee is recommending to be placed into the inactive file as they have been implemented.

- **2014-2 Nebraska Chemigation Act Fines (Page 8).** This policy was enacted with the passage of LB 207 in 2015.
- **2014-3 Biennial Budgeting for Natural Resources Districts (Page 13).** This policy was enacted with the passage of LB 164 in 2015.
- **2012-4 Increase in Fees collected for Chemigation Permits (Page 8).** The policy has been enacted with the passage of LB 272 in 2014 and all districts have now adopted their own fee structure.

Placing them in the inactive file does not revoke the policy. Rather it just removes them from the printed policy book.

The process is to place any proposed inactive status policies before the delegates at the annual meeting to allow them to make the final decision. This will be taken up in the business session in conjunction with the new resolutions that are submitted.

Monday Business Session:

Amendment No. 1: _____
Amendment No. 2: _____

Tuesday Business Session: _____

Amendment No. 1: _____
Amendment No. 2: _____

STATE POLICIES

CHEMIGATION & WELLS

2014-2 Nebraska Chemigation Act Fines

We support legislation to amend the Nebraska Chemigation Act to include the mirror civil penalties under the groundwater management act for person that 1) engages in chemigation without first obtaining a permit, 2) who engages in chemigation with a suspended or revoked chemigation permit, 3) who willfully tampers with or otherwise willfully damages equipment, 4) who fails to notify the district and the department of any actual or suspected accident resulting from the use of chemigation, and/or 5) violates any of the provisions of the Nebraska Chemigation Act for which a specific penalty is not provided.

The legislation should also allow a district to recover the costs of the enforcement action should a civil penalty be awarded.

2012-4 Increase in Fees Collected for Chemigation Permits

We support legislation that will establish a chemigation permit fee structure such that the program is financially self-sustaining.

2005-2 Chemigation Permits

We support legislation that will require landowners to get chemigation permits, install chemigation safety equipment and have that equipment regularly inspected by NRD personnel to insure that it is fully functional whenever any substance other than water is intentionally injected into irrigation distribution systems that are directly connected to waters of the state.

2004-6 Water Well Permit for Dewatering Wells

We support legislation to amend Nebraska Statutes to allow NRDs to shorten the "no permit" requirement from ninety days or less to thirty days or less.

2003-6 Registered Well Information

We encourage the Department of Natural Resources to establish and make available to the Natural Resources Districts access with an identification number assigned by the Department to the secure website where complete water well records may be accessed.

2000-1 Well Registration Fees

We support the registration of all water wells and policy #94-4 is rescinded.

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1991-1 General Obligation Bond Authority

We believe that general obligation bond authority should be given to NRDs. The NARD would be requested to fully examine the issue of general obligation bond authority and prepare the necessary legislation by the next legislative session.

GENERAL ADMINISTRATION

2014-3 Biennial Budgeting for Natural Resources Districts

We support legislation to allow natural resources districts to adopt either annual or biennial budgets.

2013-4 Certified Irrigated Acre Requirements

We will work with the Nebraska Department of Revenue, Nebraska Association of County Officials, County Assessors and the Nebraska Realtors Association to seek an administrative change that would require a real estate sale involving certified irrigated acres to be acknowledged and that NRDs shall be contacted to handle recertification of irrigated acres with the new owner.

2011-2 Variance Request Fees

We support legislation amending current Nebraska statutes to allow Natural Resources Districts to charge the person requesting a variance for the administrative cost of consideration of that variance, to include but not limited to, copying records, legal costs and the cost of publishing a notice in a legal newspaper of general circulation in the county(ies) of the District, or radio announcement(s), or other means of communication deemed necessary where the property is located.

2007-2

Nebraska Department of Natural Resources Director

We support legislation to amend statutes dealing with the qualifications of Director of Natural Resources, to require that the Director be qualified by training and business experience to manage and supervise the Department of Natural Resources and have at least five years experience in a position of responsibility in the field of soil or water conservation, development or use, and that the Director, the Assistant Director, or the Director of Water Administration shall be a professional engineer as provide in the Engineers and Architects Regulation Act and have had at least five years experience in a position of responsibility in irrigation work.

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