

# OPERATING POLICIES

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Upper Big Blue Natural Resources District

Originally adopted December 17, 1992

Amended and Restated February 21, 2019

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UPPER BIG BLUE  
NATURAL RESOURCES DISTRICT  
OPERATING POLICIES

**GENERAL POLICY STATEMENT**

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- I. These policies govern the operations of the Upper Big Blue Natural Resources District (“the District”), and may be amended, revised or altered by the Board of Directors (the “Board”) at any regular or special Board meeting. Any proposed change must be in writing and may not be approved unless the full text of the proposed change has been furnished to the Directors, no less than five (5) days before the Board meeting where the changes will be proposed.
  
- II. These policies shall supersede all prior policies which cover the same subject matter. However, they may be waived or superseded by the Board, for good cause, unless otherwise provided by law. Good cause shall mean an unforeseen situation or circumstance where the enforcement of these policies would not be prudent or reasonable, considering the unforeseen situation or circumstance, or could create a hardship for the District.

## DEFINITIONS

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As used in these policies the following definitions shall apply:

“Association”	Nebraska Association of Resources Districts
“Board”	Board of Directors of the District
“Chairperson”	Chairperson of the Board
“Director”	Member of the Board
“District”	Upper Big Blue Natural Resources District
“General Manager”	General Manager of the District
“Assistant Manager”	Assistant General Manager of the District
“Legal Counsel”	Attorney retained by the Board
“Management”	General Manager and delegated Staff
“Officer”	Officer of the Board
“Secretary”	Secretary of the District
“Staff”	District Employees
“These Policies”	The policies set out herein
“Treasurer”	Treasurer of the District
“Vice-Chairperson”	Vice-Chairperson of the Board

## Operating Policy No. 1: BOARD OF DIRECTORS

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- I. The District shall be governed by a Board of seventeen (17) members, duly elected Directors qualified according to law, and representing eight (8) Sub-districts and the District-at-large.
- II. Nebr. Rev. Stat. §2-3214 provides that Directors shall be elected for four-year terms at the general election of the state. Directors shall be elected on a non-partisan ballot and shall pay no filing fee. The filing papers shall be filed with the Secretary of State.
- III. Term of Office of a Director
  - A. The term of office begins on the first Thursday after the first Tuesday in January following the general election.
  - B. Each Director shall serve until his successor is duly elected or appointed and officially qualified to take office according to law.
- IV. In addition to the events listed in Neb. Rev. Stat. §32-560, a vacancy on the Board shall exist in the event of removal by a Director from the District or Sub-district.
- V. Any vacancy created on the Board shall be filled by appointment of the Board. The person so appointed shall have the same statutory qualifications as the person whom he or she succeeds. Such appointment shall be in writing for the remainder of the unexpired term, and until a successor is elected and qualified. The written appointment shall be filed with the Secretary of State.
- VI. Vacancies shall be filled on accordance with Operating Policy No. 3.

## Operating Policy No. 2: DIRECTORS' ABSENCES

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- I. Nebr. Rev. Stat. §2-3215 governs, among other things, absences of Directors from regular meetings of the Board and provides that a vacancy shall also exist in the event of the absence of any Director from more than two consecutive regular meetings of the Board unless such absences are excused by a majority of the remaining Board members. The subject of Directors' absences shall be a standing item on the agenda of each regular Board meeting. A Director may request that the Board excuse their absence from the Board meeting. A Director, who requests an excused absence, shall notify the General Manager prior to such meeting. The General Manager shall forward that request to all Directors present. The Board may take action on such a request as it deems appropriate.

### Operating Policy No. 3: DIRECTORS' VACANCIES

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- I. Neb. Rev. Stat. §2-3215 governs vacancies in the office of a Director and authorizes the Board to fill such vacancies. The procedure which the Board shall follow in filling such vacancies is:
  - A. Notice of the vacancy shall be given to the Board at the first regular meeting following the vacancy. Written notice of the date the vacancy occurred, the office vacated, and the length of the unexpired term shall be submitted to the Secretary of State.
  - B. The General Manager shall publish notice of the vacancy which shall contain a request that persons interested in filling the vacated position shall submit an application form supplied by the District to the Board Chairperson.
  - C. After applications have been received, the Executive Committee shall review them, and forward all that are lawfully qualified to the Board.
  - D. At the next Board meeting the Board shall appoint one of the applicants to fill the existing vacancy. If the vacancy occurs on or after August 1 of the second year of the unexpired term the appointee shall serve for the balance of the unexpired term. If the vacancy occurs prior to August 1 of the second year of the unexpired term, the appointee shall serve until the first Thursday after the first Tuesday in January following the next regular general election. At such election, a Director shall be elected to succeed the appointee and serve the remainder of the unexpired term. A Director is appointed when a majority of the Directors present vote for the applicant and the vacancy is declared filled.
    1. If there are more than one applicant to consider, the Chairperson, in open session, shall conduct a roll call election by polling each Board member for their vote, which shall be recorded in the minutes.
    2. If there are more than two applicants, the two with the most votes will be the only ones considered in the second round of the roll call election.
    3. The polling will continue until a majority of the Directors present vote in open session for one of the applicants, or
    4. The Board by motion rejects the applications and directs the General Manager to republish the notice of the Board vacancy.

## Operating Policy No. 4: SPEAKING ON BEHALF OF THE BOARD

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- I. No Director may speak or take action on behalf of the Board unless such Director has been previously authorized by the Board or Chairperson to do so.
- II. Provided, however, that nothing stated herein shall prevent a Director from exercising his or her right to free speech, including the right to speak as an individual, so long as it is made clear that such Director is not speaking or taking action on behalf of the Board.

## Operating Policy No. 5: PAYMENT OF EXPENSES INCURRED BY DIRECTORS, STAFF, OR VOLUNTEERS

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The Local Government Miscellaneous Expenditure Act, Neb. Rev. Stat. §13-2201 to 13-2204 addresses in part the expenditure of public funds by elected officials and employees of any local government. This policy incorporates the applicable provisions of the Act. Directors, Staff and volunteers shall be reimbursed for expenses in the following manner:

For the purposes of this policy, the term "volunteer" shall mean a person who is not a Director or an Staff who at the request or with the permission of the District, engages in activities related to the purposes of the District or for its general benefit.

- I. Directors' compensation shall be at a per diem rate not to exceed the amount authorized by law and approved by the Board. Effective January 1, 2007, the rate shall be Seventy dollars (\$70) per day, with a maximum \$3,600 per calendar year.
  - A. Payment of per diem shall be determined according to the following:
    1. Seventy dollars (\$70) per day shall constitute the single and maximum rate of per diem for all eligible district related activities.
    2. Per diem is allowed for all district related activities, but not limited to:
      - a) Regular monthly board and special meetings
      - b) Committee meetings
      - c) Conferences, conventions, meetings and tours
      - d) State, regional, or national committees, associations, advisory boards, etc., when Directors are appointed or approved by the district Board to serve on the same.
      - e) District sponsored activities and programs where Directors are involved or are assisting with the same.
      - f) One travel day, each way, on out-of-district business regardless of mode of travel.

- B. All per diem payments received by Directors are taxable income, and as such are subject to withholding of state and federal income taxes and social security.
  - C. Directors' per diem will be approved by the Executive Committee and Board, before payment is made.
- II. Directors, Staff, and volunteers shall receive reimbursement for their actual and necessary expenses incurred in connection with their duties, including but not limited to, at educational workshops, conferences, training programs, official functions, hearings, or meetings, whether incurred within or outside the boundaries of the District.

Authorized expenses may include:

- I. Registration costs, tuition costs, fees, or charges;
- II. Mileage at the rate allowed by Neb. Rev. Stat. §81-1176 or actual travel expense if travel is authorized by commercial or charter means, provided however that for out-of-state meetings, reimbursement shall be the lesser of actual mileage or the commercial costs for those Directors who elect to drive, and compensation provided in paragraph II above shall not increase as a result of driving;
- III. Lodging expense will not be paid unless a fully itemized claim is submitted and approved which substantiates the costs incurred.
- IV. Meal expense will not be paid unless a fully itemized claim is submitted and approved which substantiates the costs incurred, provided however, that authorized expenditures shall not include expenditures for meals of Directors or Staff provided while such members are attending a public meeting of the Board, unless such meeting is a joint meeting with one or more other governing bodies. Meal expense claims will be paid when:
  - 1. Staying overnight;
  - 2. Working Lunch, etc., to discuss District business with Directors, Staff, or clients;
  - 3. Travel outside of the District for one day or less, then the following will be paid;
  - 4. Breakfast – if travel begins by 6:30 a.m.
  - 5. Lunch – if travel begins before 11:00 a.m. and/or return is after 2:00 p.m.
  - 6. Dinner - if return is after 7 p.m.

- V. Nonalcoholic beverages provided to individuals attending public meetings of the Board;
- VI. Nonalcoholic beverages and meals for individuals assisting in emergency operations and for volunteers during and immediately following participation in activities approved by the Board;
- VII. Incidental expenses such as parking, tips, taxi fare, etc.
- VIII. From time to time it may be necessary for a Staff to expend funds on behalf of Directors. The General Manager or Staff who has been so designated by the General Manager, is authorized to expend District funds, or be reimbursed for actual and necessary expenses incurred on behalf of Directors, for meals, transportation, lodging, and incidental expenses, under such circumstances as the Director may claim reimbursement for the same expenses under these policies.
- IX. Reimbursement for actual and necessary expenses incurred by or on behalf of a Director, Staff or volunteers shall be requested and verified on an expense form provided by the District.
- X. Directors shall receive reimbursement of expenses on a quarterly basis after approval by the Executive Committee and Board, Staff on a monthly basis, and volunteers on an as-expended basis, except for conference expenses, which may be reimbursed promptly after request for reimbursement is made.
- XI. All expenses of a guest travelling with an Director, Staff, and/or volunteer on NRD business shall be paid personally or be reimbursed to the District within 30 days.

## Operating Policy No. 6: MILEAGE

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- I. The District mileage rate will be equal to the rate allowed by Nebraska Statute §81-1176 and shall be adjusted by the General Manager as necessary, to remain equal with the statutory rate.

## Operating Policy No. 7: CONFERENCES AND MEETINGS

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- I. It is the general policy of the District to encourage Directors and Staff to attend at least one conference or meeting each year, which is directly related to the conservation, use, management, and control of natural resources.
  - A. Directors and Staff are encouraged to attend certain conferences that are held in the state, such as the annual NARD Conference, the NARD Legislative Conference, the Nebraska Groundwater Foundation Symposium and the Nebraska Water Conference.
  - B. From time to time information on other conferences and meetings is received in the District office. The General Manager shall review this information and inform the Executive Committee whether attendance by Directors would be beneficial to the District.
    1. The Executive Committee will make a determination as to whether Directors may attend the conferences or meetings, at the District's expense.
    2. After the Board has been informed, and individual Directors have indicated their interest, the Executive Committee shall then decide which Directors may attend. In making this decision, the Executive Committee shall consider whether a certain Director has attended the same conference before or has recently attended another conference. All requests to attend conferences will be given consideration.
  - C. The General Manager shall determine Staff's attendance at conferences and meetings.
  - D. All out-of-state travel requires prior approval of the Executive Committee. In addition, each Director is authorized to attend only one organization's out-of-state function each fiscal year, at the District's expense unless said Director holds office position on national conservation-oriented board.
  - E. Directors who attend conferences, particularly out-of-state conferences, are encouraged to submit written reports for distribution to the Board.

## Operating Policy No. 8: EXPENSES OF NEWLY ELECTED DIRECTORS

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- I. Newly elected Directors may be reimbursed for mileage, parking and other authorized expenses at the same rate as for seated Directors if they attend District or Association meetings before they have had an opportunity to take the oath of office.

## Operating Policy No. 9: BOARD OF DIRECTORS MEETING

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- I. The Board shall hold regularly scheduled monthly meetings on the third Thursday of each month, unless changed by the consensus of the Board, at which time the Board shall take such action and make such determinations as are necessary and required by law. Special and emergency meetings of the Board may be called by, or at the request of, any member of the Executive Committee or any three (3) members of the Board.
- II. The Chairperson may designate the time and place of any regular or special meeting.
- III. Meetings and notices shall comply with the Open Meetings Law, and each Director shall receive a copy of the meeting agendas.
- IV. A majority of the voting members of the Board shall constitute a quorum, and the concurrence of a majority of the Directors present at any regular or special meeting at which such quorum is present shall constitute official action of the entire Board. If less than such a quorum is present at a meeting, no official action shall be taken, and the presiding officer shall adjourn the meeting.
- V. If a quorum cannot be convened for any reason, the General Manger shall have authority to approve recurring bills and salaries and forward them to the Treasurer for his or her signature, as funds are available in the District treasury.
- VI. Each Director present shall be entitled to one (1) vote upon each matter submitted to a vote at a meeting of the Board.
- VII. Pursuant to Neb. Rev. Stat. §84-1413, any action taken on any question or motion, duly moved and seconded, shall be by roll call vote of the Board in open session, and the record shall state how each member voted or if the member was absent or not voting.
- VIII. The vote to elect leadership of the District shall be taken by secret ballot, unless The Board passes a motion to the contrary. The total number of votes for each candidate shall be recorded in the minutes. Neb. Rev. Stat. §84-1413.
- IX. The most current edition of Robert’s Rules of Order shall govern the conduct of all meetings, unless such rules are superseded by law or these policies.

## Operating Policy No. 10: AGENDA OF THE BOARD MEETING

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- I. Pursuant to Neb. Rev. Stat. §84-1411, the District shall have an agenda for each Board meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The Board shall have the right to modify the agenda only to include items of an emergency nature at the Board meeting.
- II. The agenda for Board meetings shall be provided to each Director, in advance of such regular Board meeting. Pursuant to Neb. Rev. Stat. §84-1411, the General Manager shall maintain a list of news media requesting notification of meetings and shall make reasonable efforts to provide advanced notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting.

## Operating Policy No. 11: NOTICES OF BOARD AND COMMITTEE MEETINGS AND EXPENDITURES

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- I. Pursuant to Neb. Rev. Stat. §84-1411, the District shall give reasonable advance publicized notice of the time and place of each Board and Committee meeting by publishing a notice in the York News-Times. Such a notice shall contain the time, place and date of the meeting, and a statement that “the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the Upper Big Blue Natural Resources District, 319 East 25<sup>th</sup> Street, York, Nebraska, during normal business hours.”
- II. A detailed list of all expenditures of the District for the preceding month will be published monthly, as required by Neb. Rev. Stat. §2-3220, in the York News-Times.

## Operating Policy No. 12: MINUTES OF THE BOARD MEETING

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- I. The Board shall cause accurate minutes of the meetings to be kept. Neb. Rev. Stat. §2-3220  
Whenever possible, a recording will be made of each Board meeting and kept for one year after the Board minutes have been prepared and approved.
- II. The minutes shall show the time, place, members present and absent, and the substance of all matters discussed. Neb. Rev. Stat. §84-1413
- III. The minutes of all meetings, and evidence and documentation received or disclosed in open session, shall be public records and open to public inspection during normal business hours. Neb. Rev. Stat. §84-1413
- IV. Minutes shall be written and available for inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. Neb. Rev. Stat. §84-1413

## Operating Policy No. 13: OFFICERS OF THE BOARD

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### I. ELECTION AND TERM

- A. The officers of the Board shall be a Chairperson, a Vice-Chairperson, a Secretary, a Treasurer, and a Nebraska Association of Resources Districts representative and alternate, each of whom shall be elected by the Board. The officers shall be elected for a two-year term of office at the January Board meeting following the general elections.
- B. A nominating committee, consisting of three current Board members shall be appointed by the Chairperson. They shall present a slate of candidates, consisting of at least one name for each, to the Board for consideration at each January Board meeting immediately following the general election. Nominations from the floor shall also be received.

### II. DUTIES

- A. **CHAIRPERSON** – The Chairperson shall be the principal officer of the Board and subject to the control of the Board. The Chairperson shall, when present, preside at all meetings of the Board. The Chairperson shall sign, on behalf of the Board, any agreements, contracts, or other instruments which the Board has authorized to be executed, except when the Board authorizes otherwise. The Chairperson shall serve as a member of all Standing Committees authorized by these Operating Policies.
- B. **VICE-CHAIRPERSON** – in the absence of the Chairperson, or in the event of his or her inability or refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson. When so acting, the Chairperson shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice-Chairperson shall perform such other duties as from time to time may be assigned to them by the Chairperson or by the Board.
- C. **SECRETARY** – shall:
  - 1. Keep, or cause to be kept, the minutes of all Board meetings;
  - 2. Be responsible for ensuring all notices are duly given in accordance with the provisions of these policies or as required by law;
  - 3. In general, perform all the duties incidental to the office of Secretary and such other duties as from time to time may be assigned to them by the Chairperson or by the Board.
- D. **TREASURER** – shall:
  - 1. Keep, or cause to be kept, an accurate account of all funds received and expended by the District;
  - 2. Be bonded in the amount required by statutes;

3. See that all bills approved by the Board are paid;
  4. See that all payments received are deposited;
  5. Be empowered to sign checks on the District's accounts to pay approved bills and debts owed by the District;
  6. In general, perform all duties incidental to the office of Treasurer and such other duties as from time to time may be assigned to them by the Chairperson or by the Board.
- E. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS REPRESENTATIVE – shall:
1. Be the District's representative on the Nebraska Association of Resources Districts Board.
  2. Be the District's representative on the Nebraska Association of Resources Districts Intergovernmental Risk Management Association Pool Board.
- F. NEBRASKA ASSOCIATION OF RESOURCES DISTRICTS ALTERNATE – shall act in the absence of the District's Nebraska Association of Resources Districts Representative, or in the event of such representative's inability or refusal to act, the Alternate shall perform the duties of such Representative.
- III. OFFICER ABSENCE
- A. If there exists the temporary absence of any officer for any reason, the Board may delegate the powers and duties of such officer to any other officer, or to any other Director of the Board, for the time of such temporary absence.

## Operating Policy No. 14: EXECUTIVE COMMITTEE

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- I. The Chairperson, Vice-Chairperson, Secretary, Treasurer, Nebraska Association of Resources Districts Representative, Projects & Programs Committee Chairperson, and Water & Regulations Committee Chairperson of the District shall be the standing members of the Executive Committee. In addition, after the Standing Committees elects its Chairperson and Vice-Chairperson, the Executive Committee shall appoint two additional members (subject to Board approval) to the Executive Committee, one from the Projects & Programs Committee and one from the Water & Regulations Committee, for a Standing Committee membership of eight (8) Directors plus the Board Chairperson. The Executive Committee shall be vested with appropriate responsibility to act upon matters requiring attention between regular Board meetings, subject to Board approval during the next regularly scheduled Board meeting.

## Operating Policy No. 15: BOARD STANDING COMMITTEES

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### I. GENERAL

- A. A structure of Standing Committees shall be established hereinafter and shall be utilized whenever possible and necessary to assist the Board in conducting the business of the District.
- B. All Standing Committees shall have and exercise duties in the best interest of the District. The designation of such Standing Committees and the delegation of responsibility thereto, shall not relieve the Board, or any individual Director, of any responsibility imposed upon them as provided by law.
- C. In addition to the Standing Committees, the Executive Committee may designate one or more interim committees to fulfill a special short-term function. All interim committees so designated will be dissolved upon completion of their specifically assigned function.

### II. STANDING COMMITTEES

- A. Projects & Programs Committee
- B. Water & Regulations Committee
- C. All Standing Committees may be organized internally into sub-committees to meet special functions by designation of the Standing Committee Chairperson or the Executive Committee. All sub-committees must be comprised of at least three members.

### III. MEMBERSHIP

- A. The membership of the Standing Committees shall be appointed by the Executive Committee, subject to approval by the Board. Standing Committees memberships will be reviewed and new appointments made every two years, no later than the March Board meeting, immediately following the general elections. Two of the following Executive Committee members will serve on the Projects & Programs Committee and the other two will serve on the Water & Regulations Committee: Vice-Chairperson, Secretary, Treasurer, and Nebraska Association of Resources Districts Representative.
- B. Any requests for changes in Standing Committee assignments are to be submitted to the Executive Committee for reconsideration, and such Standing Committee will forward the matter to the Board for approval. Such requests shall be made prior to the next Executive Committee meeting following the effective date of the Standing Committee assignments.
- C. Eight Board members shall be appointed to each Standing Committee.

#### IV. TERMS

- A. Each member of a Standing Committee shall serve as such until his or her successor is appointed, unless the Standing Committee shall be terminated sooner, such member is removed from such Standing Committee, or such member shall cease to qualify as a member thereof.
- B. A Standing Committee member may succeed himself or herself on any Standing Committee unless otherwise provided by these Operating Policies.
- C. Any Standing Committee member may be removed by the Executive Committee (subject to Board approval) or by the Board, whenever, in their judgment, the best interest of the District may be served by such removal.
- D. Newly appointed or elected Directors shall serve on the same Standing Committee as their predecessors until the Standing Committee are reorganized pursuant to III, A, above.

#### V. STANDING COMMITTEES OFFICERS

- A. Each Standing Committee shall elect a Chairperson and Vice-Chairperson, no later than the April Board meeting following the general election; who shall be Board members. Each Standing Committee shall elect a Chairperson and Vice-Chairperson at a Standing Committee caucus held during the Board meeting in which the Standing Committee appointments are approved. The Standing Committee Chairperson and Vice-Chairperson shall serve for two-year terms. The Board officers and the Nebraska Association of Resources Districts Representative are not eligible to be Standing Committee Chairperson or Vice-Chairperson.
- B. The Standing Committee Chairperson shall set the time and place for meetings, or may delegate this to the Management.
- C. In the Chairperson's absence, the Vice Chairperson shall conduct the Standing Committee meetings and report the Standing Committee's actions to the Board.

#### VI. QUORUM

- A. A majority of the entire Standing Committee shall constitute a quorum, and the action of a majority of the Standing Committee members present at a meeting when such a quorum is present, shall be the action of the Standing Committee. All Standing Committee determinations and actions shall be advisory only and serve as recommendations, subject to final approval of the Board.

## VII. VOTING

- A. Each Standing Committee member present shall be entitled to one (1) vote upon each matter submitted to a meeting of the Standing Committee. Others present are not eligible to vote.
- B. The Standing Committee minutes shall include the motion, discussion on the motion and if the motion passed or failed.

## Operating Policy No. 16: BOARD OF DIRECTORS AND COMMITTEE RESPONSIBILITIES

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### I. BOARD RESPONSIBILITIES

- A. The Board is responsible for establishing District policies, programs, and regulations, and adopting the necessary budget, in order to fulfill the responsibilities of the District as authorized and required by law. The Board is responsible for overseeing management to ensure that the policies, programs, regulations, and budget are carried out as intended, and for approving District expenditures. The day-to-day management of the District is the General Manager's responsibility. In general, the Board sets policy, and the Staff implements such policy.

### II. COMMITTEE RESPONSIBILITIES

#### A. GENERAL

- 1. In order to provide for an orderly review and decision-making process, the Board shall rely on its committees for recommendations. In general, the committees will review most matters requiring Board action prior to Board meetings. Management is responsible for providing the committees and the Board sufficient information, and recommendations where appropriate, for the Directors' consideration in reaching decisions.
- 2. The committees shall act in the best interest of the District. The committees have responsibilities of overseeing matters assigned to them and to make recommendations to the Board. The Chairperson or the Board may, from time to time, assign additional duties to specific committees.

#### B. EXECUTIVE COMMITTEE

- 1. The Executive Committee initially oversees personnel matters (including salary, wages, and benefits), buildings, and equipment needs, as well as the general management of the District. The Executive Committee initially oversees the financial management and long-range planning of the District. The annual budget of all the District's activities are reviewed and approved by this committee, prior to Board approval of the budget. The committee also is initially responsible for legislative matters (state and federal), public relations, education and information.

#### C. PROJECTS & PROGRAMS STANDING COMMITTEE

- 1. The Projects & Programs Standing Committee initially oversees the Projects Department, and the Forestry & Parks Department. The Standing Committee's

primary responsibilities are surface water storage and flood control projects, land rights acquisition, land treatment, wildlife habitat, parks, recreation, and tree planting, as well as engineering studies related to these activities.

D. WATER & REGULATIONS STANDING COMMITTEE

1. The Water & Regulations Standing Committee initially oversees the Water Department. The Standing Committee's primary responsibilities are groundwater quantity and quality management and regulation. In addition, the Standing Committee initially oversees other District regulatory programs.

## Operating Policy No. 17: GENERAL MANAGER

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- I. Pursuant to Neb. Rev. Stat. §2-3202, the General Manager, who is hired by a majority vote of the Board, is the chief executive and supervising officer of the District. He or she shall have the overall responsibility for the day-to-day management of the District and shall also have the powers and duties assigned to them in these policies or by the Board.
- II. The Board will, on an annual basis, examine the performance of the General Manager. In that regard, each Director may submit a performance evaluation in a format prepared by the Executive Committee to the Chairperson of the Board. Changes in the General Manager's annual salary will be made solely at the discretion of the Board, based on the availability of District funds, changes in work responsibilities, performance appraisal, and such other factors which the Board deems appropriate.
- III. While the Board retains the authority to authorize each Staff position, it is the responsibility of the General Manager to recommend the staffing levels and positions necessary to carry out the policies, programs and regulations of the District. The General Manager is responsible for hiring and discharging all Staff, in accordance with the District's Personnel Policies. The General Manager is responsible for making salary and wage adjustments for the District Staff within the salary and wage funds constraints determined annually by the Board. The salary and wage adjustments are to be based on availability of authorized funds, changes in work responsibility, performance appraisals and such other factors which the Board deems appropriate.

## Operating Policy No. 18: COLLECTION OF FUNDS AND CASH

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### I. CASH AND CHECKS

- A. All cash and checks will be logged in an accounting software. The log of receipts is to be maintained for the same length of time as other financial records. Receipts will be issued for any cash or checks received.
- B. All checks and cash will be forwarded to the Office Manager to ensure processing in an accounting software and depositing. Deposits will be made to the Bank in a timely manner.

## Operating Policy No. 19: BANKS AND FINANCIAL ACCOUNTS

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The Treasurer of the District is authorized and directed to hold funds of the District in the following manner:

### I. IMMEDIATE NEEDS

- A. The amount necessary for the immediate needs of the District shall be held on account at a FDIC insured bank as the Board shall determine, located in the City of York

### II. OTHER FUNDS

- A. The remainder of the funds of the District shall be maintained in one or more of the following investments accounts, in such proportions or amounts as may be determined by the Treasurer and the General Manager, subject to the following limitations:

1. In Money Market Accounts at a FDIC insured banks, as the Board shall determine, located in the City of York for funds anticipated to be needed in the near term.
2. In Time Certificates of Deposit issued by a FDIC insured banks, as the Board shall determine, located in the City of York. Neb. Rev. Stat. §2-3227.
3. In Treasury Notes or Bonds of the United States. The Treasurer is authorized to hold such notes or bonds until the maturity thereof, or sell the same when they shall determine that the proceeds from such sales shall be necessary for the payment of District obligations, or by investing the proceeds in other Treasury Notes or Bonds or Time Certificates of Deposit. Neb. Rev. Stat. §2-3227.

### III. SECURITIES

- A. No funds of the District in excess of the amounts covered by FDIC insurance coverage shall be maintained on deposit or in Time Certificates of Deposit of any bank unless the excess is secured in the same manner as provided by statute for the deposit of public funds. Nebr. Rev. Stat. §2-3227.

### IV. AUTHORIZATIONS

#### A. TREASURER

1. The Treasurer is authorized to transfer District funds between District deposit and investment accounts, and to issue checks against the District deposit accounts without prior approval of the District Board for the purchase of Time Certificates of Deposit or U.S. Treasury Notes or Bonds. The Treasurer is further authorized to

redeem and endorse such instruments for deposit in District accounts. The Treasurer is also authorized to release pledged securities when they are no longer needed, or the banks wish to replace them with other securities. Fund transfers, investments, and pledged security actions are to be reported to the Executive Committee. The Treasurer may grant written authority to other Board officers, Staff or agents of the District to sign fund transfers, investments, and pledged securities described in this Operating Policy, in his or her behalf.

2. The Treasurer is authorized and directed to designate any FDIC insured banks as the Board shall determine, located in the City of York, as the Treasurer's agent for the safekeeping of any U.S. Treasury Notes or Bonds purchased for the District.

B. GENERAL MANAGER

1. The General Manager is authorized to transfer District funds between District deposit and investment accounts with prior approval of the Treasurer or Executive Committee. With the prior approval of the Treasurer or Executive Committee the General Manager is authorized to issue checks against the District deposit accounts for the purchase of Time Certificates of Deposit or U.S. Treasury Notes or Bonds and to redeem and endorse such instruments for deposit in District accounts. The General Manager is also authorized to release pledged securities when they are no longer needed, or the banks wish to replace them with other securities. Pledged security actions are to be reported to the Executive Committee.

## Operating Policy No. 20: OBLIGATION OF DISTRICT FUNDS

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### I. BUDGET

- A. District funds which are to be expended for any purpose may not be obligated, committed or expended unless they are included in the annual budget of the District adopted by the Board pursuant to the Nebraska Budget Act (Neb. Rev. Stat. §13-501 to 13-514), or if prior to the formal adoption, are included in the draft budget as recurring expenses in III B.

### II. PURCHASE ORDERS

Once District funds have been properly included in the annual budget adopted by the Board or are in the draft budget as recurring expenses, then they may be obligated and expended for the purposes and in the amounts identified in the budget without further authorization or approval of the Board, if the amount of the expenditures is less than \$5,000 provided:

- A. The expenditure is not for financial aid or cost share programs including but not limited to land treatment, wildlife habitat, community tree or native grass resources, community parks, outdoor classrooms or similar programs.
- B. The expenditure is not for land acquisition or district projects (including improvements) such as dams, channels, levees, trails, recreation areas, unless it is for project design, operation or maintenance
- C. Expenditures of \$200 to \$1,500 are approved by a purchase order signed by the appropriate Department Manager provided that the individual department budget line item will not be exceeded, or the expenditure of \$1,500 to \$5,000 is approved by the General Manager.
- D. Expenditures of less than \$200 may be made by any Staff that has been issued a District credit card without the need for a purchase order. Receipts must be turned into the appropriate Department Manager.
- E. Receipts for fuel should be turned into the Office Manager or their designee.

### III. PAYROLL AND OTHER RECURRING EXPENDITURES

- A. Payroll - Once the Board approves the staffing, annual Staff salaries, wages and benefits, the General Manager is authorized to approve expenditures for the same each month as they come due.

- B. Other Recurring Expenditures - Once District funds have been properly included in the annual budget adopted by the Board or are in the draft budget, the General Manager is authorized to approve recurring expenses such as but not limited to telephone, electricity, water, sewer, gas, and vehicle fuel, without further authorization or approval of the Board.

#### IV. BOARD APPROVAL OF EXPENDITURES

- A. If the amount of any expenditure is in excess of \$5,000, then District funds shall not be obligated or expended unless approved by a Board motion before such funds are obligated or committed. Once Board approval has been granted in accordance with this paragraph A, subject to the provision of paragraphs B and C below, then funds may be expended in payment of the obligation or commitment incurred, regardless of the amount.
- B. If the amount of any expenditure is greater than \$5,000, but less than \$50,000, then either the procedure for selecting consultants for professional services shall be required pursuant to Operating Policy No. 26, or the procedure for competitive quotes shall be required pursuant to Operating Policy No. 27, paragraph B, before Board authorization is granted pursuant to paragraph A. above.
- C. If the amount of any expenditure is greater than \$50,000, then either the procedure for selecting consultants for professional services shall be required pursuant to Operating Policy No. 26, or the procedure for competitive bids shall be required pursuant to Operating Policy No. 27, paragraph C, before Board authorization is granted pursuant to paragraph A. above.

#### V. EXCEPTIONS

- A. The requirements of paragraph I, II, and III above including Operating Policies No. 26 and No. 27, may be waived or suspended by the Board for good cause. Good cause shall mean an unforeseen situation, or circumstance where the enforcement of the requirements of these paragraphs would not be prudent or reasonable considering the unforeseen situation or circumstance or would create a hardship for the District.

#### VI. INSUFFICIENT MONEY IN THE BUDGET

- A. Whenever during the current fiscal year, it becomes apparent to the Board that due to unforeseen emergencies there is temporarily insufficient money in the General Fund to meet the requirements of the adopted budget of expenditures for that fund, the Board may by majority vote, unless otherwise provided by state law, transfer money from other funds to the General Fund.

- B. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget, except as authorized in Neb. Rev. Stat. § 13-511 or by state law. Neb. Rev. Stat. §13-501 to 13-514
  
- C. Unless otherwise provided by state law, whenever during the current fiscal year it becomes apparent to the Board that there is an emergency and that because of unforeseen circumstances either the revenue of the current fiscal year or any fund shall be insufficient, or additional expenses are to be incurred which could not reasonably have been anticipated at the time, the budget for the current year was adopted, the Board may propose to supplement the previously adopted budget, and shall conduct a public hearing on such proposal in accordance with Neb. Rev. Stat. §13-511

## Operating Policy No. 21: ACTUAL EXPENDITURE OF FUNDS

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### I. AUTHORIZATION

- A. Funds of the District shall be paid out or expended only upon the authorization or approval of the Board and by check, draft or other instrument in writing, signed by the Treasurer, or such other officer or the General Manager or Staff or agent of the District as shall be authorized by the Treasurer to sign on their behalf; provided such authorization shall be in writing and filed with the Secretary of the District.

### II. BONDS

- A. In the event that the Treasurer's Bond shall not expressly insure the District against loss resulting from the fraudulent, illegal, negligent, or otherwise wrongful or unauthorized acts or conduct by or on the part of any and every person thus authorized, there shall be procured and filed with the Secretary of the District, together with the authorization, a corporate surety bond, effective for protection against such loss, as per Neb. Rev. Stat. §2-3224. The Secretary shall report to the Board at each meeting any such bonds filed, or any change in the status of such bonds, since the previous meeting of the Board.

### III. EXCEPTION

- A. Notwithstanding anything in this operating policy to the contrary, the General Manager shall be authorized to sign payroll checks and checks for any other authorized purpose.

### IV. CHECK PROCESSING

- A. Checks are generally created in an accounting software by the Office Manager or designated Staff.
- B. The accounting firm selected by the Board pursuant to Operating Policy No. 24, is to review the bank statements and bank reconciliations.

## Operating Policy No. 22: DISTRICT CREDIT CARDS AND CHARGE ACCOUNTS

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- I. The General Manager, on behalf of the District, is authorized from time to time, to apply for and receive business credit cards, to be used for travel, meals, lodging, general operational expenses and automobile operation and repair. The General Manager is responsible for the proper use of such cards. The General Manager may authorize certain Staff the use of these cards for authorized expenditures of the District.
- II. The General Manager may cause to establish charge accounts on behalf of the District at businesses for the purpose of purchasing supplies and services. The General Manager may authorize Staff to order and sign receipts for the supplies and services.

## Operating Policy No. 23: DISTRICT PETTY CASH FUND

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- I. The District hereby establishes a Petty Cash Fund, in an amount not to exceed \$500. This fund may be utilized for District expenditures where it would be impractical or inconvenient to write a check. The Office Manager shall be responsible for maintaining and expending these funds.

## Operating Policy No. 24: DISTRICT FINANCIAL RECORDS

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- I. The fiscal year of the District shall begin July 1 and end June 30. The Board, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the District to be made by a public accountant or firm of such accountants who shall be selected by the Board. Neb. Rev. Stat. §2-3223.
- II. The audit shall be in a form prescribed by the Auditor of Public Accounts. Such audits shall show:
  - A. The gross income from all sources of the District for the previous year;
  - B. The amount expended during the previous year for maintenance;
  - C. The amount expended during the previous year for improvements and other such programs, including detailed information on bidding and notices of requests for bids and the disposition thereof;
  - D. The amount of depreciation of the property of the district during the previous year;
  - E. The number of Staff as of June 30 of each year;
  - F. The salaries paid Staff; and
  - G. All other facts necessary to give an accurate and comprehensive view of the costs of operating, maintaining, and improving the District. Neb. Rev. Stat. §2-3223.
- III. An authenticated copy of the audit shall be filed with the Auditor of Public Accounts within six months after the end of the fiscal year. Neb. Rev. Stat. §2-3223.
- IV. Accounting books and records for all financial transactions will be kept in accordance with generally accepted accounting principles and state statutes.
- V. The District shall contract with a qualified accounting firm to prepare a monthly posting, general ledger, and monthly computation of revenues and expenditures which shall be presented to the Board. The accounting firm shall also review reconciliation of the bank statements.
- VI. A report of the status of investments will be prepared and presented to the Directors at each Board meeting.

## Operating Policy No. 25: TREASURER'S BOND AND CORPORATE SURETY BOND

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- I. The Treasurer, and such other officer, Staff or agent of the District, as shall be authorized by the Treasurer to sign in his/her behalf, shall be bonded in the minimum amount of \$200,000. Neb. Rev. Stat. §2-3217 and Neb. Rev. Stat. §2-3224
- II. Each Staff shall be bonded under a blanket position bond in the minimum amount of \$200,000 if the treasurer's bond does not provide blanket coverage for each Staff.

## Operating Policy No. 26: PROCEDURE FOR HIRING CONSULTANTS

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- I. If the estimated cost of hiring a consultant is more than \$5,000, the following procedure shall apply:
  - A. The General Manager, or his/her representative, shall select a minimum of three consultants. The consultants so selected shall be those deemed to be the most qualified to perform the required services. Less than three may be selected if less than three consultants who can provide the services are located in Nebraska.
  - B. The General Manager, or his/her representative, will then interview the consultants selected to determine their interest in the project, their qualifications, their current and projected workload, and their willingness to meet time and price requirements.
  - C. The General Manager, or his/her representative, will select the consultant who appears to be the best qualified to perform the required services. The General Manager, or his/her representative, will then negotiate a proposed contract with the consultant, and make a recommendation to the Board as to the best qualified consultant.

## Operating Policy No. 27: COMPETITIVE BIDDING

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- I. These competitive bidding requirements shall not apply to the purchase of interests in real estate, utilities, insurance policies, intangible personal property, such as bonds, bills, notes and Time Certificates of Deposit , and unique or noncompetitive items, such as library books, publications and used personal property. These procedures shall not apply to the hiring of consultants which is governed by Policy No. 26. With respect to all other purchases, the following procedure shall be followed:
  - A. PURCHASES EXEMPT FROM COMPETITIVE BIDS OR QUOTES
    1. When the consideration or price to be paid for the purchase of any service or any item of personal property is \$5,000 or less, or when the total price for the purchase in one transaction of two or more similar or identical items shall amount to \$5,000 or less, then a purchase order may be made without providing for competitive bids or quotes
    2. All Contractors working for the District shall provide proof of adequate insurance coverage.
  - B. INFORMAL COMPETITIVE QUOTES.
    1. When the price to be paid for the purchase of any service or any item of personal property is estimated to be greater than \$5,000 but less than \$50,000, (except for hiring consultants under Policy No. 26) or when the total purchase in one transaction of two or more similar or identical items is estimated to be greater than \$5,000, but less than \$50,000, then the General Manager shall have at least three known suppliers within the District notified of the intent to purchase, time constraints, and specifications for such item or items. Quotes shall be accepted from the lowest responsible supplier. Past or expected quality of service will be taken into account in accepting the lowest responsible quote. The District reserves the right to reject any and all quotes in whole or in part. The documents generated in connection with the informal quotes process shall be maintained in the files of the District and made available for inspection by any interested party during normal business hours.
    2. All Contractors working for the District shall provide proof of adequate insurance coverage.
  - C. FORMAL COMPETITIVE BIDS
    1. When the consideration or the price to be paid for the purchase of any service or item of personal property is estimated to exceed \$50,000, (except for hiring consultants

under Policy No. 26) or when the total purchase in one transaction or two or more similar or identical items, is estimated to exceed \$50,000, the General Manager shall prepare or cause to be prepared detailed plans (for construction projects) and written specifications for such item(s) depending on the complexity of the work, (such as work requiring specialized contractors, multiple sub-contractors, and/or utilities), the General Manager will determine:

- a. Level of contractor qualifications;
  - b. Level of notice of bids (whether to send bid invitations to specific qualified contractors, to advertise for bids with qualified contractors by newspaper or other media, or both);
  - c. Other required documents.
2. All Contractors working for the District shall provide proof of adequate insurance coverage.
  3. All formal sealed competitive bids received by the General Manager shall be publicly opened and read by the General Manager, or a designated representative, at the time specified in the bid notice.
  4. Contracts shall be awarded to the lowest responsible bidder. The Board reserves the right to accept or reject any and all bids in whole or in part.
  5. Resident bidders are to be allowed preference over non-resident bidders from a state which gives or requires a preference to bidders from that state. Neb. Rev. Stat. §73-101

#### D. PUBLIC STRUCTURES AND IMPROVEMENTS

1. Before awarding contracts for the construction of public structures and improvements, regardless of the amount, the District shall require that a bond in the sum not less than the contract price, conditioned for payment of laborers and mechanics for labor, shall be posted with the District, in order to protect such laborers and mechanics since they cannot file liens against public structures and improvements. Neb. Rev. Stat. §52-118
2. When awarding contracts for public works, the District shall require that all contractors file a statement which shows that they are complying with the fair labor standards act, and also that in the performance of the contract, if awarded, fair labor standards shall be maintained. Neb. Rev. Stat. §73-102
3. Because of state or federal financing or grant programs the District may require other written statements of contractors' compliance with other state and federal laws.

## Operating Policy No. 28: EMERGENCY PURCHASING AUTHORITY

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- I. In the event of a flood or other natural disaster, which threatens or effects District property, and which necessitates the acquisition or purchase of easements or other interests in real estate, the services of contractors or other persons, the use of equipment, materials, supplies, or other personal property, the General Manager, after approval of the Chairperson, is authorized to acquire or purchase such property interests, services, equipment, materials and supplies in amounts not to exceed \$50,000.
- II. At the next regular meeting of the Board following such emergency, the General Manager shall present a written report of the actions taken regarding the emergency and shall make recommendations to the Board for any further action that may be necessary because of the emergency.

## Operating Policy No. 29: DISTRICT SURPLUS PROPERTY

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- I. The General Manager is authorized to declare as “surplus property” any item of personal property which has become obsolete and is no longer useful to the District, if such property has an estimated fair market value of \$3,000 or less. The General Manager is further authorized to sell such property to the highest bidder, after publishing a notice of the sale of such items in a local newspaper. If surplus property has a market value of \$500 or less, no such notice is required. If surplus property has an estimated fair market value in excess of \$3,000, authorization for the sale of such property must be obtained from the Board. Any item of surplus property valued at \$3,000 or less, which is sold by the General Manager, shall be identified in writing along with the name of the purchaser and the purchase price and provided to the Executive Committee at their next meeting.

## Operating Policy No. 30: DIRECTOR AND STAFF INDEMNIFICATION

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- I. The District shall indemnify, to the full extent authorized or permitted by law, its present and future Directors, officers, and Staff who are engaged in providing professional services for the District, and other Staff of the District, and the heirs and legal representatives of such persons, insofar as any such Director, officer, or Staff or his heirs or representatives, is made, or is threatened to be made, a party to any action, suit or proceeding by reason of the fact that he, his testator or intestate is, or was, a Director, officer, or Staff of the District, for all amounts, in excess of any insurance coverage, which they may become legally obligated to pay to any person other than the District, its Directors, officers, or Staff, as a result of a claim, seeking damages resulting from a negligent act, mistake, error, or omission arising out of the performance of or the failure to perform professional services for the District; provided that such indemnity shall include the necessary and reasonable costs of defending such claim but shall exclude indemnification of any Director, officer or Staff for claims that result from the dishonest, fraudulent, criminal act or omission or intentional torts, or for fines or penalties other than as may be assessed under Federal water laws.

## Operating Policy No. 31: NO SMOKING

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- I. Smoking is prohibited in all District buildings and vehicles, except where smoking is specifically authorized. Smoking areas may be established where smoking does not endanger life or property or cause discomfort to others.

## Operating Policy No. 32: PUBLIC ACCESS AREAS

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- I. District real property shall only be open to public access after rules and regulations governing the use of the area have been adopted by the Board.

## Operating Policy No. 33: NONDISCRIMINATION

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- I. The District, in determining eligibility for participation in all programs administered by the District, shall not discriminate because of race, color, religion, age, sex, sexual orientation, genetic information, national origin, disability, familial status, veteran status, or marital status.

## Operating Policy No. 34: AWARDS AND RECOGNITION DINNERS

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- I. A maximum of \$100.00 may be spent on any plaque, award, certificate, or other type of award for any Director, Staff, or volunteer. A maximum of \$300.00 may be spent on any type of award for individuals, such as an award farm or similar conservation award.
- II. A recognition dinner may be held each fiscal year at the District's expense, for the Directors, Staff, or volunteers. Recognition dinners may be held separately for Staff or volunteers. The maximum cost per person for such dinner shall not exceed state statute. Neb. Rev. Stat. §13-2203

## Operating Policy No. 35: USE OF DISTRICT MEETING ROOMS

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- I. The primary purpose of the District's meeting rooms is to provide conference and workshop facilities for the Board and Committees of the District and for activities and programs sponsored by the District. Other governmental agencies and natural resource related organizations may use the meeting rooms, subject to District guidelines, when not reserved for District purposes. Reservations may be considered upon adequate notice, and for adequate reasons for meetings held during normal working hours, however the District reserves the right to revoke the permission to use the meeting rooms. Users are responsible for clean-up, leaving the facility in the same conditions as found and payment of damages to the facility due to misuse during their event.

## Operating Policy No. 36: CREDIT FOR CUSTOMERS

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### I. CREDIT

- A. Credit may be offered to District customers
- B. Credit may be canceled or limited because of:
  - 1. An unreliable credit history with the District
  - 2. One or more past due bills
  - 3. A poor credit rating
  - 4. Failure to comply with other District rules, regulations, or program requirements.

### II. TERMS

- A. Amount charged is due 30 days from statement date (net 30).
- B. For irrigation management equipment purchases - any charges are due upon delivery or pick-up.
- C. For tree purchases - any balance is due upon delivery.

### III. FINANCE AND COLLECTION CHARGES

- A. Finance charges of 1 ½% per month (18% per year) may apply to all overdue accounts.
- B. Late charge of \$25 may be assessed to any overdue account of 60 days due from original statement date.
- C. Collection charges will be assessed to accounts turned over to a collection agency.

## Operating Policy No. 37: CONFLICT OF INTEREST

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- I. No Director shall use his or her public office, or any confidential information received through his or her public office, to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated; nor shall such Director use personnel, resources, property, or funds under that individual's official care and control, other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or use such items other than compensation, provided by law, for personal financial gain. Neb. Rev. Stat. §49-1499
  
- II. Director who would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:
  - A. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she intends to vote or otherwise participate;
  
  - B. Deliver a copy of the statement to the Chairperson and to the General Manager who shall cause the statement to be retained as a matter of public record.

## Operating Policy No. 38: USE OF DISTRICT RESOURCES

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- I. "District Resources" are defined as personal property, or funds under the care and control of an elected member of the Board ("Board Member"), which also includes District equipment, communications systems (such as electronic tablets, telephone, cell phone or internet) and vehicles. The term also includes Staff on District time.
- II. District "Communications Systems" mean any voice, video, data or wireless communications facility contracted for, or provided by the District including District provided equipment and network connections to District computers.
- III. District Resources are provided for the conduct of business of the District, except that any use of District Resources by a Board Member which is incidental or de minimis shall not constitute a violation of this policy.
- IV. District Communications Systems, including cellular telephones, electronic handheld devices (including tablets), or computers may be used by a Board Member if the use is incidental or de minimis. Such devices may be used for emails, text messaging, local calls, and long-distance calls, to children at home, teachers, doctors, daycare centers, baby-sitters, family members, or others to inform them of unexpected schedule changes, and for other essential personal business. Any such use for essential personal business shall be kept to a minimum and shall not interfere with the conduct of District business. A Board Member shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication.
- V. Essential personal business shall not include use of District Resources including District Communications Systems for personal financial gain or campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Neb. Rev. Stat. § 49-14101

## Operating Policy No. 39: PUBLIC RECORDS - DEFINITION

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- I. Public records shall include all records and documents, regardless of physical form, of or belonging to the District, except the following records, unless publicly disclosed in an open court, open administrative proceeding, open meeting, or disclosed by the District pursuant to its duties, may be withheld from the public by the lawful custodian of the records:
  - A. Records which represent the work product of an attorney and the District which are related to preparation for litigation, labor negotiations, or claims made by or against the District or which are confidential communications as defined in Neb. Rev. Stat. §27-503
  - B. Appraisals or appraisal information and negotiation records concerning the purchase or sale, by the District, of any interest in real or personal property, prior to completion of the purchase or sale,
  - C. Personal information in records regarding personnel of the District other than salaries and routine directory information,
  - D. Information solely pertaining to protection of the physical security of public property such as guard schedules or lock combinations, and
  - E. Records or portions of records kept by the District which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect such site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act. Neb. Rev. Stat. §84-712

## Operating Policy No. 40: PUBLIC RECORDS – EXAMINATION

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- I. Except as otherwise provided by statute, all citizens of this state, and all persons interested in the examination of the public records of the District, as defined in Operating Policy No. 39, may examine the public records of the District and make memoranda and abstracts therefrom, all free of charge, during normal posted business hours of the District, Monday through Friday, except if a holiday falls on any such day. Neb. Rev. Stat. §84-712
  
- II. If a person requests that copies be made of any such public records and agrees to pay the cost of reproduction, the District will make photocopies of letter size or legal size written documents at the actual cost of making the copies available, reasonably cost may include actual cost of the supplies, as well as any additional cost of staff time incurred to comply with the request for copies, and copies of recordings, maps, construction drawings, videotape, or computer data at the actual cost of reproducing such material.

## Operating Policy No. 41: CLOSED SESSIONS

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- I. The Board may hold a closed session by the affirmative vote of a majority of the voting Members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Neb. Rev. Stat. § 84-1410
- II. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Neb. Rev. Stat. § 84-1410
- III. Closed sessions may be held for, but shall not be limited to, such reasons as:
  - A. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the District;
  - B. Discussion regarding deployment of security personnel or devices;
  - C. Investigative proceedings regarding allegations of criminal misconduct;
  - D. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.
  - E. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the Board. Neb. Rev. Stat. § 84-1410
  - F. The above list is not all-inclusive. There may be other legitimate reasons for holding a closed session, such as to receive legal advice from the Board's attorney.
- IV. The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the Chairperson immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. Neb. Rev. Stat. § 84-1410
- V. The Board shall restrict its consideration of matters during the closed session to only those purposes set forth in the motion to close as the reason for the closed session. Neb. Rev. Stat. § 84-1410

- VI. The meeting shall be reconvened in open session before any formal action may be taken. Neb. Rev. Stat. § 84-1410
  
- VII. Formal action shall mean a collective decision, or collective commitment or promise to make a decision on any question, motion, or proposal, resolution, order, or formation of a position on policy but shall not include negotiation guidance given by members of the Board to legal counsel or other negotiators in closed session. Neb. Rev. Stat. § 84-1410
  
- VIII. The Public Meetings Act does not apply to chance meetings or to attendance at or travel to conventions or workshops of Board members at which there is no meeting of the Board then intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction, or advisory power. Neb. Rev. Stat. § 84-1410