



Board Action

BOARD OF DIRECTORS

November 16, 2021

ITEM

Amendment to OPPD’s Petition for Creation

PURPOSE

Approve amendment of the Omaha Public Power District’s Charter to change election subdivision boundaries to reflect results of the 2020 Census.


FACTS

- a. Nebraska law requires the District to amend its Charter to reflect changes in population in its election subdivisions reflected in the 2020 Census. Election subdivisions must have “substantially equal population.”
- b. In the opinion of the District’s General Counsel, the proposed Charter Amendment, as described on the attachment to the proposed Board resolution, meets the “substantially equal population” requirement of Nebraska law. It must be approved by a three-fifths vote of the Board of Directors.
- c. A Petition for Charter Amendment will be filed with the Nebraska Power Review Board on or about November 22, 2021. The District’s proposed Charter amendment will become effective upon approval by the Nebraska Power Review Board, which is expected at that Board’s December 13, 2021 meeting.


ACTION

Approval of the Charter amendment as set forth in the attachment to the proposed Board resolution.

RECOMMENDED:

DocuSigned by:

 B626AD4302E3482
 Scott M. Focht
 Vice President – Corporate Strategy and Governance

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

 AC300FDCE66247E
 L. Javier Fernandez
 President and Chief Executive Officer

Attachments:
 Exhibit A
 Legal Opinion
 Resolution

EXHIBIT A

PROPOSED AMENDMENT TO THE PETITION FOR CREATION
OF THE OMAHA PUBLIC POWER DISTRICT
("AMENDMENT NO. 8")

AMENDMENT NO.

8

Sixth: That the Board of Directors of said District shall consist of eight members who are qualified electors of the District. The territory of the District shall be divided into eight subdivisions for the purpose of nomination and election of directors, which subdivisions are as follows:

SUBDIVISION NO. 1: This subdivision shall be composed and consist of the Voting Ward-Precincts of the County of Douglas, as follows: ~~6-14, 6-15, 6-16.01, 6-16.02, 6-16.03, 7-01, 7-02.01, 7-02.02, 7-03.01, 7-03.02, 7-04.01, 7-04.02, 7-04.03, 7-05.01, 7-05.02, 7-09, 7-10, 7-11, 7-12, 7-13, 7-14, 7-15.01, 7-15.02, 7-16, 7-17.01, 7-17.02, 7-21, 7-22, 7-24, 7-25, 7-26, 7-27, 7-28, 8-08.01, 8-08.02, 8-08.03, 8-08.04, 8-08.05, 8-10.01, 8-10.02, 8-10.03, 8-12.01, 8-12.02, 8-12.03, 8-12.04, 8-12.05, 8-12.06, 8-15.01, 8-15.02, 8-16.01, 8-16.02, 8-16.03, 8-16.04, 8-17, 8-18, 8-19, 8-20, 8-21.01, 8-21.02, 8-21.03, 8-22, 8-23, 8-24.01, 8-24.02, 8-24.03, 8-25, 8-26, 8-27.01, 8-27.02, 8-28.01, 8-28.02, 8-39.04, 8-39.06, 10, 11, 48, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 114, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 146, 148, 150, 151, 152, 153, 156, 157, 158, 159, 161, 162, 165, 166,~~ as said Voting Ward-Precincts and Voting Precincts in the County of Douglas may be renamed by the Douglas County Election Commissioner.

SUBDIVISION NO. 2: This subdivision shall be composed and consist of the Voting Ward-Precincts of the County of Douglas, as follows: ~~3-01, 3-02, 3-03, 3-05, 3-06.01, 3-06.02, 3-07, 3-08, 3-09.01, 3-09.02, 3-11, 3-12, 3-13, 3-14, 3-18.01, 3-18.02, 3-19.01, 3-19.02, 3-21.01, 3-21.02, 4-01, 4-02.01, 4-02.02, 4-03.01, 4-03.02, 4-04.01, 4-04.02, 4-05.01, 4-05.02, 4-06, 4-07, 4-09, 4-10, 4-11, 4-13, 4-14, 4-15, 4-16, 4-18, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 58, 59, 60, 61, 62, 63, 64, 65, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82,~~ as said Voting Ward-Precincts and Voting Precincts in the County of Douglas may be renamed by the Douglas County Election Commissioner.

SUBDIVISION NO. 3: This subdivision shall be composed and consist of the Voting Ward-Precincts of the County of Sarpy, as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, ~~13, 14, 15,~~ 16, 17, 18, 19, 20, 21, 22, 23, ~~24, 25, 26, 27, 29, 30, 31, 32,~~ 33, 34, ~~35,~~ 36, 37, 38, 39, 40, 41, 42, ~~43, 44, 45,~~ as said Voting Ward-Precincts and Voting Precincts in the County of Sarpy may be renamed by the Sarpy County Election Commissioner.

SUBDIVISION NO. 4: This subdivision shall be composed and consist of the Voting Precincts of all that territory within the boundaries of said District located in the County of Cass, County of Otoe, County of Johnson, County of Nemaha, County of Pawnee and County of Richardson, as hereinbefore described in Section Second, and the Voting Precincts of the County of Sarpy, as follows: 44, 12, ~~13, 24, 26, 28, 34, 32, 35, 41,~~ 46, 47, 48, 49, ~~50, 51,~~ 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, ~~63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81,~~ as said Voting Precincts in such counties may be renamed by their respective Election Commissioners.

SUBDIVISION NO. 5: This subdivision shall be composed and consist of the Voting Ward-Precincts of the County of Douglas, as follows: ~~1-10, 1-11, 1-12, 1-13, 1-15, 1-16, 1-18.01, 1-18.02, 1-19.01, 1-19.02, 1-20, 1-21, 1-22, 1-24, 1-25, 3-04, 3-10.01, 3-10.02, 3-15, 3-16.01, 3-16.02, 3-17.01, 3-17.02, 3-20, 5-01, 5-02, 5-03.01, 5-03.02, 5-23.01, 5-23.02, 6-01, 6-02.01, 6-02.02, 6-03, 6-04, 6-05, 6-06, 6-07, 6-08.01, 6-08.02, 6-09, 6-25.01, 6-25.02, 6-26.01, 6-26.02, 6-27, 6-28.02, 7-06, 7-07.01, 7-07.02, 7-08, 7-18, 7-19.01, 7-19.02, 7-20, 7-23,~~ as said Voting Ward ~~43, 44, 46, 47, 55, 56, 57, 66, 67, 68, 69, 99, 100, 101, 102, 103, 104, 105, 106,~~

107, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 131, 132, as said Voting Ward-Precincts and Voting Precincts in the County of Douglas may be renamed by the Douglas County Election Commissioner.

SUBDIVISION NO. 6: This subdivision shall be composed and consist of the Voting Ward-Precincts of the County of Douglas, as follows: ~~1-01, 1-02.01, 1-02.02, 1-03.01, 1-03.02, 1-04, 1-05, 1-06, 1-07.01, 1-07.02, 1-08, 1-09, 1-14, 1-17, 1-23, 2-01, 2-02, 2-03.01, 2-03.02, 2-04, 2-05, 2-06, 2-07, 2-08, 2-09, 2-10, 2-11, 2-12.01, 2-12.02, 2-13, 2-14, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23.01, 2-23.02, 8-07.01, 8-07.02, 8-09.01, 8-09.02, 8-09.03, 8-11, as said Voting Ward-1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 45, 49, 50, 51, 52, 53, 54, as said Voting Ward-Precincts and Voting Precincts~~ in the County of Douglas may be renamed by the Douglas County Election Commissioner.

SUBDIVISION NO. 7: This subdivision shall be composed and consist of the Voting Precincts of all that territory within the boundaries of said District located in the County of Dodge, County of Colfax, County of Burt, County of Saunders, and County of Washington, as hereinbefore described in Section Second; ~~the Voting Ward Precincts Numbers 5-20, 5-21.01, 5-21.02, 5-22, 6-22.01, 6-22.02, 6-23.01, 6-23.02, 6-24, 8-13.01, 8-13.02, 8-13.03, 8-14.01, 8-14.02, 8-15.03, 8-37, 8-38, 8-39.01, 8-39.02, 8-39.03, 8-39.05, 8-39.07, 8-40, 8-41.01, 8-41.02, 8-41.03, 8-42.01, 8-42.02, 8-42.03, 8-42.04, 8-43, 8-44, 8-45.01, 8-45.02, 8-45.03, 8-46, 8-47.01, 8-47.02, 8-47.03, 8-47.04, 8-48.01, 8-48.02, 8-48.03, 8-48.04, 8-48.05, 8-48.06, 8-48.07, in Douglas County, Nebraska; and the Voting Precinct Number 51 in Sarpy County, as said Voting Ward-Precincts and, and the Voting Precincts of the County of Douglas, as follows: 143, 144, 145, 147, 149, 154, 155, 160, 186, 187, 189, 190, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, as said Voting Ward-Precincts and Voting Precincts in such counties may be renamed by their respective Election Commissioners.~~

SUBDIVISION NO. 8: This subdivision shall be composed and consist of the Voting Ward-Precincts of the County of Douglas, as follows: ~~4-08.01, 4-08.02, 4-08.03, 4-12.01, 4-12.02, 4-12.03, 4-12.04, 4-17.01, 4-17.02, 5-04.01, 5-04.02, 5-05.01, 5-05.02, 5-06.01, 5-06.02, 5-07.01, 5-07.02, 5-08, 5-09, 5-10.01, 5-10.02, 5-11, 5-12, 5-13.01, 5-13.02, 5-14, 5-15, 5-16, 5-17, 5-18, 5-19, 5-24.01, 5-24.02, 5-24.03, 5-25.01, 5-25.02, 5-26, 5-27, 6-10.01, 6-10.02, 6-11, 6-12, 6-13.01, 6-13.02, 6-17, 6-18, 6-19.01, 6-19.02, 6-20, 6-21, 6-28.01, 6-29, 8-01, 8-02, 8-03, 8-04, 8-05, 8-06, 8-27.03, 8-29, 8-30, 8-31, 8-32, 8-33, 8-34, 8-35, 8-36, 129, 130, 163, 164, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 188, 191, 192, 193, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, as said Voting Ward-Precincts and Voting Precincts~~ in the County of Douglas may be renamed by the Douglas County Election Commissioner.

One member of the Board of Directors of the District shall be nominated and elected from each subdivision. The qualified electors of each subdivision may only cast their ballots for candidates for directors to be elected from such subdivision.

The members of the Board of Directors shall be divided into three groups. Group No. I shall consist of three members who shall be qualified electors of Subdivisions 1, 2, and 3. Group No. II shall consist of two members who shall be qualified electors of Subdivisions 4 and 5. Group No. III shall consist of three members who shall be qualified electors of Subdivisions 6, 7, and 8.

The name, address and subdivision of the eight directors of the District are as follows:

<u>Name</u>	<u>Group No</u>	<u>Post Office</u>	<u>Subdivision</u>
<u>D.D. Weber</u>	I	Omaha	1
<u>A. L. McGuire</u>	I	Omaha	2
<u>T.W. Gay</u>	I	Papillion	3
<u>F.J. Ulrich</u>	II	Louisville	4
<u>J.K. Green</u>	II	Omaha	5
<u>T.S. Barrett</u>	III	Omaha	6
<u>M.A. Mines</u>	III	Blair	7
<u>M.J. Cavanaugh</u>	III	Omaha	8

<u>Name</u>	<u>Group No</u>	<u>Post Office</u>	<u>Subdivision</u>
<u>Amanda Bogner</u>	I	Omaha	1
<u>Sara Howard</u>	I	Omaha	2
<u>Mary Spurgeon</u>	I	Bellevue	3
<u>Rick Yoder</u>	II	Murray	4
<u>Craig Moody</u>	II	Omaha	5
<u>Eric Williams</u>	III	Omaha	6
<u>Janece Mollhoff</u>	III	Ashland	7
<u>Mike Cavanaugh</u>	III	Omaha	8

Each of the directors, designated as belonging to Group No. I, shall hold office until his or her successor is elected at the General State Election in November of ~~2014~~ 2026 and is qualified by law, each of the directors, designated as Group No. II, shall hold office until his or her successor is elected at the General State Election in November of ~~2016~~ 2022 and is qualified by law; and each of the directors designated as belonging to Group No. III, shall hold office until his or her successor is elected at the General State Election in November of ~~2018~~ 2024 and is qualified by law.

Each successor shall be elected for a term of six years and until his or her successor is elected and qualified as provided by law.



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November 15, 2021

Omaha Public Power District
Board of Directors
444 South 16th Street
Omaha, NE 68102

RE: Opinion of General Counsel | 2020 Redistricting

The Omaha Public Power District ("OPPD" or "District") is required to adjust its Board of Directors' election subdivisions, based on the results of the 2020 federal decennial census. The Board of Directors has been presented with election subdivision maps depicting the revised subdivisions and a proposed amendment to the District's Petition for Creation ("Charter") that describes the revised subdivisions. The Board of Directors is required by statute to approve the revised election subdivisions as an amendment to the District's Charter.

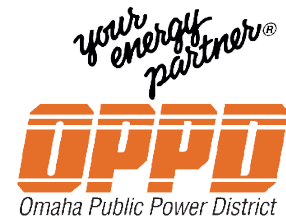
It is my opinion as General Counsel for OPPD that the proposed election subdivisions (shown in the above-referenced maps and the amendment to the Charter attached as Exhibit A to the proposed Board Resolution) meet the requirements of Nebraska law in that they are compact and contiguous; follow county lines wherever practicable; are of substantially equal population to the number of electors in such other District subdivisions; and follow the precinct lines created by the election commissioner or county clerks of the counties in the District's service territory.

Very truly yours,

Stephen M. Bruckner
FOR THE FIRM

SMB

2698070 v1



Moody/Focht

DRAFT
RESOLUTION NO. 64xx

WHEREAS, the Omaha Public Power District (“District”) is a public corporation and political subdivision of the State of Nebraska, organized and existing pursuant to Chapter 70, Article 6 of the Revised Statutes of Nebraska; and

WHEREAS, §70-612 of the Nebraska Revised Statutes provides that the total population per director in each subdivision of a public power district shall be substantially the same, and that, since the District’s Charter was last amended and approved in 2010, the changes in the population within the election subdivisions of the District as determined by the 2020 Federal Decennial Census require a reapportioning of the territory of the District; and

WHEREAS, at the direction of the Board of Directors, Management and the General Counsel have presented an election subdivision map and proposed amendment to the District’s Charter that meet applicable legal requirements; and

WHEREAS, the Charter Amendment is subject to review and approval of the Nebraska Power Review Board. The approval by the Nebraska Power Review Board of the District’s Petition to Amend Charter to reflect the reapportioning required by the results of the 2020 Census will effectuate the objectives of Nebraska Revised Statute § 70-612.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Omaha Public Power District that the Amendment to the District’s Charter, attached hereto as Exhibit A, is hereby approved and the District’s General Counsel and Management are hereby authorized and directed to present the Charter Amendment to the Nebraska Power Review Board for review and approval.