



Spurgeon/Focht

RESOLUTION NO. 6605

WHEREAS, on March 19, 2009, the Board of Directors of Omaha Public Power District (the "District") issued Resolution No. 5764, attached hereto as Exhibit A, regarding the District's Right-of-Way Draft Account; and

WHEREAS, on October 13, 2015, the Board of Directors approved Board-Staff Linkage policy BL-10: Delegation to the President and Chief Executive Officer – Real and Personal Property, which delegates authority to the President and Chief Executive Officer with respect to the acquisition, sale and lease of OPPD real and personal property, consistent with applicable legal requirements, and

WHEREAS, on October 15, 2015, the Board of Directors approved Board-Staff Linkage policy BL-11: Delegation to the President and Chief Executive Officer – Settlement of Claims and Litigation, which delegates authority to the President and Chief Executive Officer to negotiate and settle all third-party claims/or lawsuits and regulatory proceedings requiring payment of District funds, and

WHEREAS, to support implementation of BL -10 and BL-11, OPPD Corporate Policy No. 8.03, Delegation of Authority, was recently approved by L. Javier Fernandez, President and Chief Executive Officer, to facilitate the achievement of OPPD's business objectives and to promote efficient and economical operations, and

WHEREAS, the District desires to rescind Resolution No. 5764 in its entirety,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that the Board's prior Resolution No. 5764 is hereby rescinded in its entirety, and is of no further force and effect, effective as of the effective date hereof.

Adopted November ____, 2023

Exhibit A



3

Dodge/Easterlin

RESOLUTION NO. 5764

WHEREAS, the District maintains a Right-of-Way Draft Account to be used solely for the purposes of (a) acquiring right-of-way easements, and (b) acquiring options to purchase right-of-way easements or right-of-way fee titles, and (c) payment of agreed sums in settlement of claims for crop or property damage occurring on right-of-ways acquired by the District, and

WHEREAS, the Right-of-Way Draft Account is currently operated as a draft bank account.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Omaha Public Power District that:

1. The District shall continue to maintain a Right-of-Way Draft Account.
2. Withdrawals from the District's Right-of-Way Draft Account shall be made only by drafts executed by the Chief Financial Officer, as Assistant Treasurer, or by such individuals as he may authorize in writing, with such drafts having a maximum individual withdrawal amount of \$3,000.
3. The prior resolution of the Board of Directors regarding the District's Right-of-Way Draft Account, as shown on Attachment A, is superseded by this resolution and is of no further force or effect.

Adopted March 19, 2009



Board Action

BOARD OF DIRECTORS

November 14, 2023

ITEM

Rescission of Resolution No. 5764 – Authority to Execute Right-of-Way Draft Account Payments

PURPOSE

To support delegation of authority envisioned by the Board-Staff Linkage polices.

FACTS

- a. In March 2009, the Board of Directors approved Resolution No. 5764, establishing the individual maximum withdrawal authority of the District’s Right-of-Way Draft Account which is to be used solely for the purposes of (a) acquiring right-of-way easements, (b) acquiring options to purchase right-of-way easements or right-of-way fee titles and (c) payment of agreed sums in settlement claims for crop or property damage occurring on right-of-ways acquired by the District.
- b. OPPD’s Board-Staff Linkage Policy, BL-10: Delegation to the President and Chief Executive Officer – Real and Personal Property, delegates decision making and approval authority to the President and Chief Executive Officer for the acquisition, sale and lease of OPPD real and personal property, including but not limited to the purchase of easements, right-of-way, or licenses for District use.
- c. OPPD’s Board-Staff Linkage Policy, BL-11: Delegation to the President and Chief Executive Officer – Settlement of Claims and Litigation, delegates authority to the President and Chief Executive Officer to negotiate and settle all third-party claims/or lawsuits and regulatory proceedings requiring payment of District funds.
- d. In alignment with and support of the delegations granted by the Board-Staff Linkage policies, L. Javier Fernandez, President and Chief Executive Officer, approved OPPD Corporate Policy No. 8.03, Delegation of Authority, effective January 1, 2023.

ACTION

Approval by the Board of Directors to rescind Resolution No. 5764

RECOMMENDED:

Scott M. Focht

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 Scott M. Focht
 Vice President – Corporate Strategy and
 Governance

APPROVED FOR BOARD CONSIDERATION:

L. Javier Fernandez

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 L. Javier Fernandez
 President and Chief Executive Officer

Attachments: Exhibit A
Resolution