

STATE OF NEBRASKA
NEBRASKA POWER REVIEW BOARD

Received
State of Nebraska
Power Review Board
Filed at 1:32pm This 16
day of August 2023
By: Sara Burkett
Title: Paralegal

IN THE MATTER OF THE PETITION) Charter Amendment #11
OF THE POLK COUNTY RURAL)
PUBLIC POWER DISTRICT TO) PETITION TO AMEND
AMEND ITS CHARTER)

Polk County Rural Public Power District, Petitioner, hereafter referred to as "the District" represents to the Nebraska Power Review Board as follows:

1. The District is a public power district organized and existing under NEB. REV. STAT. §§ 70-601 *et seq.*, with its principal place of business located in Stromsburg, Polk County, Nebraska.

2. The District is engaged in the business of public utility service, and is without the ability to levy taxes or issue general obligation bonds.

3. On August 8, 2023, at a regular meeting of the Board of Directors of the District held at its offices in Stromsburg, Polk County, Nebraska, due and proper notice of said meeting having been given as provided by law, and seven (7) members of the Board being present, upon a vote of record, the Board voted 7-0 to authorize that a Petition be filed with the Power Review Board, in accordance with NEB. REV. STAT. § 70-662, containing the amendments as described herein (See Exhibit "A"). The reason for the adoption of the Charter Amendment is to modify the charter language to affirmatively state that the District is without authority to issue general obligation bonds, pursuant to NEB. REV. STAT. § 70-604(5).

4. The proposed changes to the charter are set forth below and are attached hereto as Exhibit "B."

5. This amendment does not alter the existing voting subdivisions, is in the best interest of and in no way prejudices the rural customers served by the District. The populations of each voting subdivision have substantially equal populations, as set forth in Exhibit "C," and have not changed since the last decennial census. The seven directors will still be divided into the same three voting groups with no changes to the terms in conformance with NEB. REV. STAT. §70-604(7).

6. Therefore, the District has met the statutory requirements found in NEB. REV. STAT. §§ 70-604 and 70-612.

7. Section/Paragraph (5) of the District's Charter shall be amended to read as follows:
That the proposed district shall have no power of taxation nor the ability to issue general obligation bonds and all property within said district shall be exempt from the levy of any taxes for the payment of any obligations of the district.

8. The list of Director names and addresses found in Section/Paragraph (6) of the District's Charter shall be updated as follows:

NAME	ADDRESS	SUBDIVISION	TERM EXPIRES
Robert Lindburg	12445 C Rd Polk, NE 68654	I	12-31-202 <u>28</u>
Mardell H. Johnson <u>Ryan Twogood</u>	12377 K Road <u>12436 M Road</u> Stromsburg, NE 68666	I	12-31-202 <u>24</u>
Gary B. Allison <u>Bill Kropatsch</u>	2003 123rd Road Gresham, NE 68637 <u>13747 P Rd</u> <u>Osceola NE 68651</u>	II	12-31-202 <u>28</u>
Jeff Scow	13367 V Road Shelby, NE 68662	II	12-31-2024
Vernon A. Kuhnel	13309 P Road Osceola, NE 68651	II	12-31-2024

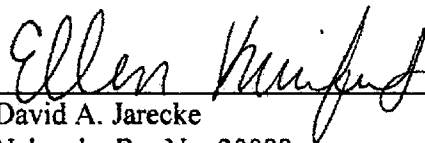
Judy Rieken	502 West Amity Clarks, NE 68663	III	12-31-2026
Mark Wyman	13790 L Road Silver Creek, NE 68663	III	12-31-2026

9. The Amendment set forth above will not be contrary to the best interests of the District or its customers, nor will it jeopardize or impair the rights of the creditors of the District.

WHEREFORE, the District requests that the Nebraska Power Review Board publish the required notice and issue a Certificate approving Charter Amendment 11, and do all and further things required by or appropriate under the laws of the State of Nebraska.

Dated: August 16, 2023

POLK COUNTY RURAL PUBLIC POWER
DISTRICT,
Petitioner,



David A. Jarecke
Nebraska Bar No. 20088
Ellen Kreifels
Nebraska Bar No. 25481
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**RESOLUTION NO. 2023-03**

RESOLUTION
Of
POLK COUNTY RURAL PUBLIC POWER DISTRICT
APPROVING CHARTER AMENDMENT #11

WHEREAS, The Board of Directors ("Board") of Polk County Rural Public Power District ("District") has reviewed the proposed Charter Amendment #11 at a Regular Meeting of said District held on August 8, 2023, said meeting having been advertised as required by Nebraska Statutes;

WHEREAS, the Board has deemed it to be in the best interest of its customers to revise its Charter to strictly comply with the statutory requirement that the Charter state that the District is without the ability to issue general obligation bonds; and

NOW THEREFORE, BE IT RESOLVED, that the Board approves by unanimous vote that the Charter Amendment #11, in the form set forth in the Petition to Amend #11, be presented to the Nebraska Power Review Board; and

BE IT FURTHER RESOLVED, the Board agrees and acknowledges it has no authority to levy taxes nor to issue general obligation bonds; and

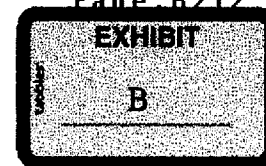
BE IT FURTHER RESOLVED, that the Board authorizes the General Manager or the District's legal representatives to make corrections to the Charter or Petition as may be reasonably necessary to effectuate the intent of this resolution; and

BE IT FURTHER RESOLVED, all such changes made in the Charter Amendment #11 shall become effective immediately upon the Nebraska Power Review Board's confirmation and approval.

PASSED AND APPROVED THIS 8TH DAY OF AUGUST, 2023

ATTEST


Mark Wyman, Secretary



**RESTATEMENT OF THE CURRENT CHARTER
FOR THE
POLK COUNTY RURAL PUBLIC POWER DISTRICT**

1. That the name of the proposed district is and shall be POLK COUNTY RURAL PUBLIC POWER DISTRICT.

2. That the following voting precincts shall constitute and compose the territory of the District: all voting precincts in Polk County, Nebraska, Silver Creek voting precinct in Merrick County, Nebraska, excluding Sections 5, 8, and 17, and the West Half of Sections 4, 9 and 16, and the East Half of Sections 6, 7, and 18, Township 16 North, Range 3, West of the 6th P.M., part of the East Clarksville voting precinct in Merrick County, Nebraska, identified by the following sections, townships and range: Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and the South Half of 36, all in Township 15 North, Range 4, and Sections 5, 6, and 7, Township 14 North, Range 4, West of the 6th P.M., Section 1, Township 14 North, Range 4, including election wards within the Village of Clarks, Nebraska, part of Prairie Creek voting precinct in Nance County, Nebraska identified by the following sections, township and ranges: the West Half of Sections 19, 30 and 31, Township 16 North, Range 3, West of the 6th P.M., and all of Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36, and the East Half of Sections 21, 28 and 33, Township 16 North, Range 4, West of the 6th P.M., and the Northwest Quarter of Section 6, Township 12 North, Range 1, East of the 6th P.M., Seward County, Nebraska, the North Half of Section 2 and the East Half of the East Half of the Southeast Quarter of Section 2, the North Half of Section 1 and the Southwest Quarter of Section 1, the Northwest Quarter of Section 12 and the North Half of the Southwest Quarter of Section 12, the East Half of the East Half of the Northeast Quarter of Section 11 and the East Half of the East Half of the Northeast quarter of the Southeast Quarter of Section 11, and the South Half of the Southeast Quarter of Section 11, excluding election wards within the Village of Gresham, Township 12 North, Range 1, West of the 6th P.M., York County, Nebraska, and the North Half of Sections 3, 4, 5, and 6, Township 12 North Range 1, West of the 6th P.M., York County, Nebraska, the North Half of Section 1, Township 12 North, Range 2, West of the 6th P.M., York County, Nebraska, the Northeast Quarter and the East Half of the Northwest Quarter of Section 2, Township 12 North, Range 2, West of the 6th P.M., York County, Nebraska, the North Half of Sections 1, 2, 3, 4, 5, and 6, Township 12 North, Range 4, West of the 6th P.M., York County, Nebraska and the North Half of Sections 1, 2, 3, 4, 5, and 6, Township 12 North, Range 3, West of the 6th P.M., York County, Nebraska, the Northeast Quarter of Section 1, Township 12 North, Range 5, West of the 6th P.M., Hamilton County, and the East Half of Sections 1, 12, 13, 24, 25 and 36, Township 13 North, Range 5, West of the 6th P.M., Hamilton County, Nebraska and the East Half of Sections 36, 25 and all that portion South of the Platte River and East of the Half Section line in Section 24, Township 14 North, Range 5, West of the 6th P.M., Hamilton County, Nebraska.

3. That a general description of the nature, location, and method of operation of the proposed rural public electric light and power system is as follows:

The general purpose and object of the creation of said district is to establish and operate a rural electric light and power system to furnish electric light and power at low rates to the rural inhabitants of said district. In connection therewith the district is authorized and shall have power:

First, to construct or purchase, and operate, transmission lines, substations, and service connections, to supply where economically feasible, electric light and power to the rural inhabitants within said district and adjoining territory desiring such service.

Second, to purchase for resale electrical energy from any source.

Third, to issue revenue bonds or debentures which may be a lien upon the income and revenue of said district.

Fourth, to acquire by lease, purchase, or otherwise, and to own and hold, any real or personal property deemed necessary in the operation of its business.

The proposed district's principal revenue and income shall be from the sale of electrical energy. It is proposed to finance the cost of the proposed project by pledging, or otherwise hypothecating, such revenue and income. The proposed district shall establish and collect rates for the furnishing of electrical energy adequate to pay the interest on and principal of revenue bonds or debentures as they shall become due, all operating expenses, and provide adequate reserves for depreciation and contingencies.

4. That the principal place of business of the Polk County Rural Public Power District shall be located at Stromsburg, Polk County, Nebraska.

5. That the proposed district shall have no power of taxation nor the ability to issue general obligation bonds and all property within said district shall be exempt from the levy of any taxes for the payment of any obligations of the district.

6. The Board of Directors shall consist of seven (7) members. For the purpose of the nomination and election of directors the territory of the District shall be, and hereby is, divided into three (3) election subdivisions, as follows:

Subdivision I shall be composed of and consist of Sections 1 through 36 in Township 13 North, Range 4; Sections 1 through 36 in Township 13 North, Range 3 and Sections 6, 7, 18, 19, 30, & 31 in Township 13 North, Range 2 all West of the 6th P.M. in Polk County, Nebraska including election wards in the City of Stromsburg and the Village of Polk, Nebraska. Subdivision I shall also include the North½ of Sections 1, 2, 3, 4, 5, & 6, Township 12 North,

Range 3 and the North½ of Sections 1, 2, 3, 4, 5, & 6, Township 12 North, Range 4, all West of the 6th P.M.; all in York County, Nebraska and the Northeast¼ of Section 1, Township 12 North, Range 5 West, Hamilton County, Nebraska and the East½ of Sections 1, 12, 13, 24, 25, & 36, Township 13 North, Range 5, all West of the 6th P.M., Hamilton County, Nebraska.

Subdivision II shall be composed of and consist of Sections 1 through 36 in Township 13 North, Range 1 West of the 6thP.M.; Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36 in Township 13 North, Range 2 West; Sections 1 through 36 in Township 14 North, Range 1 West of the 6th P.M. and Sections 1 through 36, Township 14 North, Range 2 West of the 6th P.M., Sections 1 through 36 in Township 15 North, Range 1 West of the 6th P.M. and Sections 1 through 36 in Township 15 North, Range 2 West of the 6th P.M. all in Polk County, Nebraska including election wards within the Village of Shelby and the City of Osceola, Nebraska. Subdivision II shall also include Sections 31, 32, 33, 34, 35, and 36 in Township 16 North, Range 1 West of the 6th P.M., Polk County, Nebraska. Subdivision II shall also include the North Half of Sections 1, 2, 3, 4, 5, and 6, Township 12 North, Range 1, West of the 6th P.M., York County, Nebraska, the North Half of Section 1 and the Northeast Quarter of Section 2, Township 12 North, Range 2 West of the 6th P.M., York County Nebraska, the Southwest Quarter of Section 1, the Northwest Quarter and the North Half of the Southwest Quarter of Section 12, the East Half of the East Half of the Northeast Quarter of Section 11 and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter of Section 11, and the South Half of the Southeast Quarter of Section 11, excluding election wards within the Village of Gresham, Nebraska in Township 12 North, Range 1, West of the 6th P.M., York County, Nebraska and shall also include the Northwest Quarter of Section 6, Township 12 North, Range 1, East of the 6th P.M., in Seward County, Nebraska.

Subdivision III shall be composed of and consist of all that portion of Township 16 North, Range 1 West of the 6th P.M. lying in Polk County, Nebraska, except Sections 31, 32, 33, 34, 35, and 36. Subdivision III shall also include all that portion of Township 16 North, Range 2 West of the 6th P.M. lying in Polk County, Nebraska, Sections 1 through 36 in Township 15 North, Range 3 West of the 6th P.M., Polk and Merrick Counties, Nebraska, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 36 and the East Half of Sections 4, 9, & 16, and East Half of Sections 19, 30, & 31 Township 16 North, Range 3 West of the 6th P.M. Merrick County Nebraska, including election wards within the Village of Silver Creek, Nebraska and shall also include a part of Nance County, Nebraska identified by the following Sections, Township and Ranges: the West Half of Sections 19, 30, and 31, Township 16 North, Range 3, West of the 6th P.M., and all of Sections 22, 23, 24, 25, 26, 27, 34, 35 and 36, and the East Half of Sections 21, 28, and 33, Township 16 North, Range 4, West of the 6th P.M., Nance County, Nebraska. In addition, Subdivision III shall include Sections 1 through 36, Township 14 North, Range 4, West of the 6th P.M. lying in Polk and Merrick Counties Nebraska, excluding that portion of Section 18 lying North of the Platte River in

Merrick County and excluding an area West of a line commencing at the Southeast corner of Section 7, Township 14 North, Range 4 West of the 6th P.M. and proceeding Northwest to a point 660 feet South and 1,320 feet East of the Northwest corner of Section 7, Township 14 North, Range 4 West, of the 6th P.M., thence running west to the section line 660 feet South of the Northwest corner of Section 7, Township 14 North, Range 4, West of the 6th P.M., Merrick County, Nebraska. In addition, Subdivision III shall also include the East Half of Sections 1, 12, 13, 24 and all of Section 25, the South Half of Section 36 and the East Half of the Southeast Quarter of Section 35, Township 15 North, Range 5 West of the 6th P.M., Merrick County, Nebraska. Subdivision III shall also include Sections 1 through 36 located in Township 15 North, Range 4, West of the 6th P.M. located in Polk and Merrick Counties except an area commencing from a point 2,640' North of the Southwest corner of Section 31, Township 15, Range 4 West and continuing East 1,320'; thence South 2,150' to a point 1,320' East and 490' North of the Southwest corner of Section 31, Township 15, Range 4 West; thence Northeast to a point 3,000' East and 1,640' North of the Southwest corner of Section 31, Township 15, Range 4 West; thence North 3,636' to a point 3,000' East of the Northwest corner of Section 31, Township 15, Range 4 West, all in Township 15 North, Range 4, West of the 6th P.M., Merrick County, Nebraska.

Two (2) members of the Board of Directors shall be nominated and elected from Subdivision I; two (2) members of the Board of Directors shall be nominated and elected from Subdivision II; and three (3) members of the Board of Directors shall be nominated and elected from Subdivision III.

The names and address, subdivision and the term of office of the present directors are as follows:

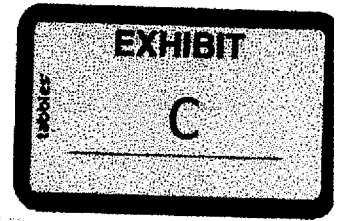
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Robert Lindburg	12445 C Rd Polk, NE 68654	I	12-31-2028
<u>Ryan Twogood</u>	<u>12436 M Road</u> Stromsburg, NE 68666	I	12-31-2024
<u>Bill Kropatsch</u>	<u>13747 P Rd</u> <u>Osceola NE 68651</u>	II	12-31-2028
Jeff Scow	13367 V Road Shelby, NE 68662	II	12-31-2024
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Mark Wyman	13790 L Road Silver Creek, NE 68663	III	12-31-2026

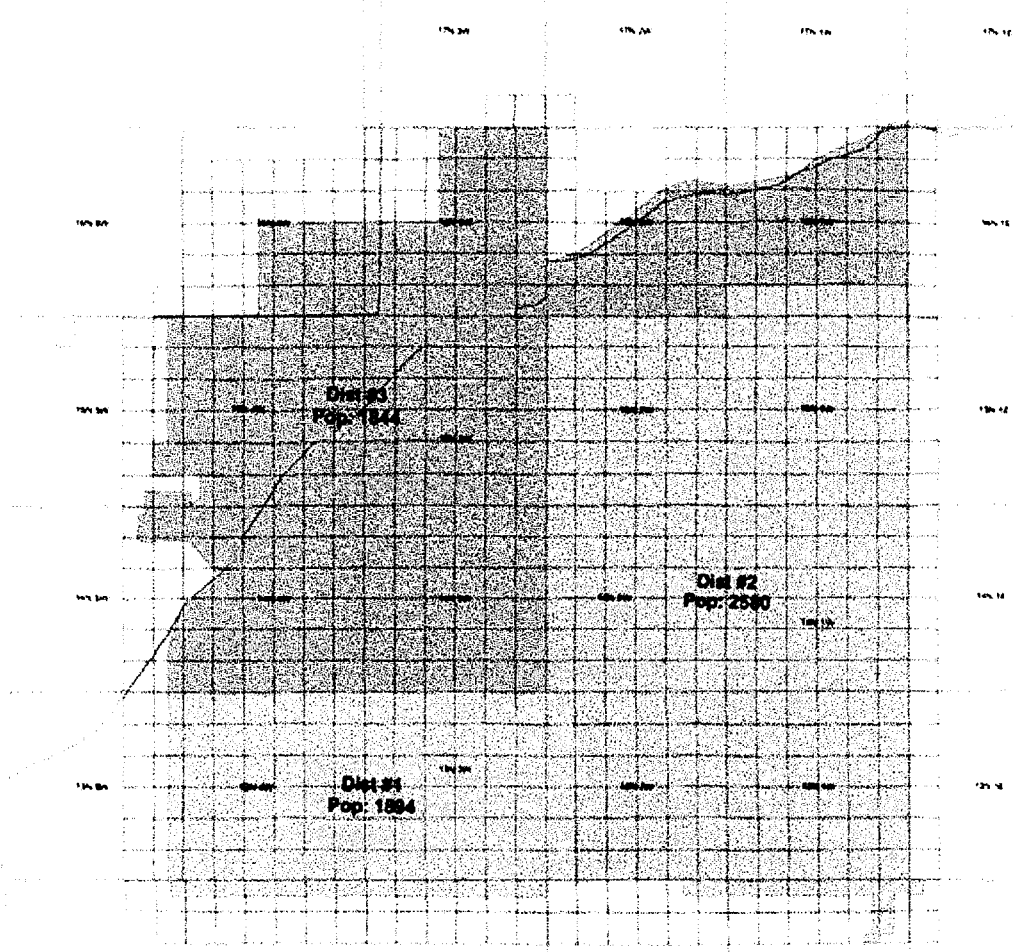
Commencing in 2022, as the term of each director expires, a successor shall be elected by the electors of each subdivision represented by such director at the general state election immediately preceding the expiration of such director's term of office.

Source: Nebraska Power Review Board Records

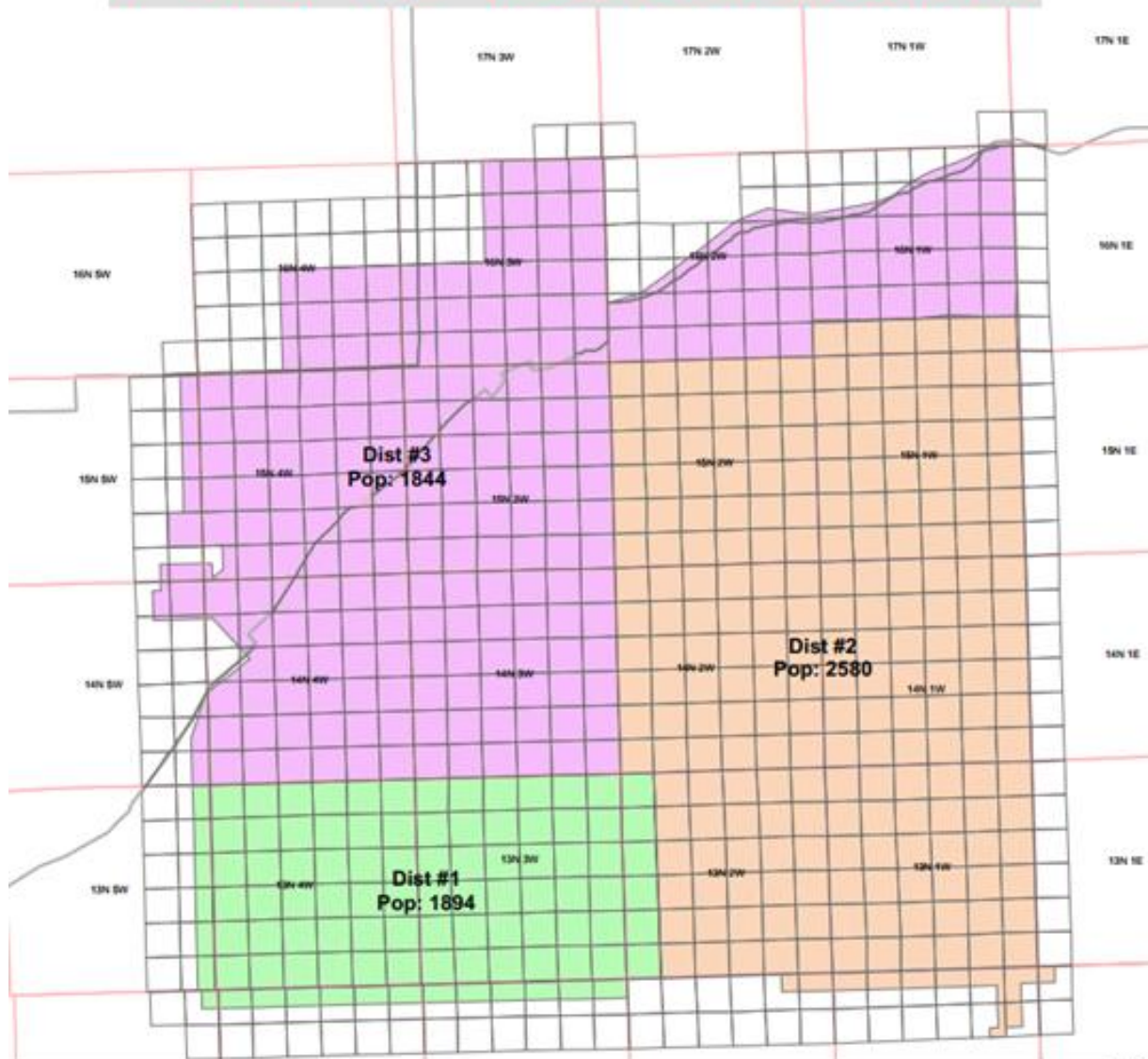
*Charter Restatement Prepared by the Nebraska Power Review Board
Current as of March 18, 2022.*



PCRPPD Board Districts



PCRPPD Board Districts



Polk County Rural PPD

Total Population	Average per director	+5%	-5%
6318	903	948	858

Current

Subdivision	# of people/director	+/- % of Average	Total Subdivision Population
Subdivision I (2 directors)	947	+4.9%	1894
Subdivision II (3 directors)	860	-4.75%	2580
Subdivision III (2 directors)	922	+2.1%	1844

F A X C O V E R S H E E T

To: From: Anne Schuff

Company: Power Review Board Company: BWJ Law Group

Fax: 14024713715 Phone: 4024757080

Date: 08/16/2023 13:30:11 Pages: 12 (w/cover sheet)

Subject: Polk County RPPD Petition to Amend

Message: