

John Eaton, General Manager

Agassiz Water Users District

In Opposition to Senate Bill 2299

February 12, 2025

My name is John Eaton, and I am the General Manager of Agassiz Water Users District (AWUD). AWUD's service area is in the northern half of Grand Forks County, and we provide drinking water to roughly 1400 members, through 550 miles of pipe which includes the communities of Manvel, Mekinock, Gilby, Forest River, and Inkster North Dakota.

I am writing to provide testimony in opposition to SB 2299 for the following reasons.

When rural water districts were created over the last 50+ years, although there were some similarities to other political subdivisions, there was not a standardized procedure in place for how elections, meetings, and procedures should take place. So over time each district has developed and implemented procedures that work for them and their members. We all follow open meeting and records laws, have annual meetings for members to vote and speak, but many of us have different ways of accomplishing it.

At Agassiz Water, we recently updated our by-laws over the course of 2 years with strong input from our members and even voted on passing them at 2 separate annual meetings until the membership was satisfied and allowed it to pass, and now there are parts of this bill that would undo the election procedures that our members voiced very clearly they would prefer.

Section 2 Subsection 1 of SB 2299, I do not have any objections to anything being proposed. Mostly because we get an annual audit every year as it is, and it is sent and approved by the state auditor's office. Also, we currently have different language in our by-laws for removing board members, managers, etc. by having 10% or 140 signatures from members already. So, the 10% or 150 signatures would not affect Agassiz Water

Section 3 Subsection 3: Is where my biggest concern is with this current bill.

At AWUD our by-laws state that a participating member who resides in the district must submit our nomination form accompanied by ten signatures from AWUD members before February 1st (roughly 10 weeks before the annual meeting).

The issue I take with this section of the bill is the submitting of the petition up to 5 days before the election. At AWUD, it was said loud and clear many times, in fact it was the reason that our by-laws did not pass at the first annual meeting they were voted on. That our members want to have a mail-in election, where members can get a ballot and send it back in instead of attending an annual meeting in person to cast a vote. The argument was that there would be much higher participation of members in a mail in vote, and our board agreed. Since then, we have gotten 300+ ballots every year, versus the 15-20 votes of people attending the meeting. If this bill gets passed as written, it would essentially eliminate the ability for a rural water district to have a legitimate mail in election, because we wouldn't be able to get the nominees and their bio's on the ballot to be mailed out a month ahead of the meeting.

Secondly, when we were considering the number of signatures needed to get on the ballot. The discussion was had about how many signatures a person would need to be a nominee for director, the thought was that the district would want someone who may be active in the community, hopefully know many of the people they represent, and be approachable by members. But we also knew it had to be a small barrier to entry, so it was not too much of a burden to feel like we were keeping people away. Ultimately we decided 10 signatures would be very feasible for a nominee.

Section 4 Subsection 3: I have no opposition.

Section 4 Subsection 4: I think it is mostly understood by all that we need to have some transparency in the election process of directors so that our members feel comfortable. I don't have strong opposition to this section although I don't know how we would implement "Access to all stages" when we do a mail in election, and I think the wording of "engage" in the election process should be removed because it leaves the door open for people with ill intent to cause problems and even negatively affect the process.

Section 5 Emergency: Many districts have been operating under the same procedures and election processes since the day they were created, and the possibility of a law going into place months, weeks or days before annual meetings seems unnecessary and most likely suggested for a specific reason at a specific water district which does not constitute an emergency in my opinion.

In closing, I do not think this bill is entirely bad or wrong, in fact there are quite a few things in this bill that we have already implemented in our water district. I am also not opposed to more standardization between districts, but I feel like SB 2299 was quickly prepared by a small number of people for a specific water district, and will have a noticeable and often times negative affect on all 20 of the states water districts.

Thank you for allowing me to provide my testimony. I respectfully ask for a Do Not Pass Recommendation.

Thank You,
John Eaton