



East Central Regional Water District

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Senator Chairman Patten and Members of the Energy and Natural Resources Committee,

I am Justin Breidenbach, the Assistant Manager of East Central Regional Water District (ECRWD) and provide this testimony in opposition to SB2299. ECRWD is located primarily in Grand Forks and Traill counties. We have around 3,700 memberships and serve a population of over 10,000 people.

I have no problem with the addition of “water districts” to the list of entities that the state auditor can audit, however it is truly unnecessary. All the water districts I am aware of have outstanding loans, which require annual audits to be performed. Requiring another audit by the state would just cost more money which would ultimately increase rates for our rural members.

Similarly, the amendment that would allow 10% of the water district’s voters to trigger an audit is unnecessary, since an audit is already done yearly.

With regard to the proposed change in running for election, I adamantly oppose the attempt to mandate a voting practice. The water districts need to make sure the candidate is qualified to run for the position of director. If you only allow 5 days before the election, there is insufficient time to:

1. Notice a public meeting of the Nominating Committee for systems that use a Nominating Committee structure to qualify their candidates. The Nominating Committee needs to notice and hold a public meeting at which it will go through the qualifications of the candidates for office and see if the candidates meet the criteria set by the district. At that point, the ballots must be printed. The printing company takes roughly a week to print the ballots and other items sent with the notice of annual meeting. It takes a week to stuff envelopes with all the information. Mailing takes about 2 to 3 days to arrive. Our members deserve adequate time to pick up their mail, read our information, do their research of candidates, vote, and mail back their votes. That process can easily take up to 30 days. The 5-day notice would be sorely insufficient for an otherwise busy water district to conduct these operations.
2. There should be notice to the public of who is running for election. If there are uncontested elections, the turnout for the annual meeting may be nominal. Yet, if there is a hotly contested election, there may be more members of the public who will plan to appear at the meeting and vote. Water districts owe it to their constituents to inform them of the candidates and allow an open process for election. The 5-day requirement would amount to a surprise and ability for a candidate to bring a large contingent of supporters to vote them in with little or no notice to the membership. This gamesmanship should not be sanctioned by the legislature.

In addition, I have concerns about the new set of criteria being added to allow the public to ‘engage in’ the election tabulation process. North Dakota law already provides statutory authority for what an election observer can do/see in NDCC 16.1-05-09. There is no need to set a second set of standards to govern what an election observer in a water district can do/see.



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I hope you will see from my testimony that SB2299 is simply unnecessary. Water districts already have appropriate authority governing election processes and they all submit to annual audits. I urge the committee to issue a DO NOT PASS resolution on this SB2299.

Thank you for the opportunity to testify.