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Chairman Senator Dale Patten
Honorary Members
Senate Energy and Natural Resource Committee

Dear Senate Committee Members,

The Rural Water Supply District I'm referencing covers four counties, has its own water treatment plant, serves over 4600 hook ups and is also the Water Supplier to our home and farm for over fifty one years. Therefore, it is also with great concern regarding membership concerns as to practices governing this Water District and any other Water Districts in our state that may have adopted some of the same practices.

First it is very important to note Sanitary Water Suppliers are not governed by the same rules as a local rural Telephone Companies or Electric Co-ops, and Co-operatives in general but considered by the State Of North Dakota as a Political Subdivision. This should require Sanitary Water Suppliers to follow North Dakota Century Code laws similar to that of a School Board or County Commission. This would also include public right to know information and following public meeting laws.

To start with the Water District representing our area has an election process for election of Board of Director Positions that is controlled by only four individuals. The three member Water District Nominating Committee, chosen by the President, has the sole power to deny a candidate from running simply because they feel a candidate may lack the skill set they are looking for. The process was described earlier at a Water District informational meeting as being similar to a job interview. This practice serves as a tool for the Water District Board to control who sits on its Board and removes this right from the participating voting membership. The view of membership in regard to this practice, believes no member should be denied the right to be a director candidate providing he or she meets the qualifications such as being a participating member, and reside in the district for which the Director nominee applies or Director at Large could come from combination of participating Districts. A letter dated right after the June 2024 election from Water District legal representation states and I code (the process in the bylaws calls for the President to appoint a committee of at least three members and for those members to determine the candidates.) further reads code (the bylaws, however, do not allow for nominations from the floor or for the election of candidates not selected by the nominations committee.) The intention of the founding fathers of this Water District was never to exclude qualified people from running for this Water Supply District.

Another contentious Board Election issue was the addition of a Code of Conduct which could also be used to disqualify a candidate from running for a District Board position or be used to remove a present District Board Member. After reviewing the Code of Conduct, and visiting with other Membership, we found them to be very subjective and could be used to unjustly to prevent candidates from running or unjustly be used as a tool against certain Board Members of differing views and opinions.

If you don't believe this Code of Conduct could be used as a tool for the District Board to control its own membership you are mistaken. Earlier in April a neighbor filled out a letter of interest and met with the District nominating Committee in order to become a candidate for the District Water Board Director position. At this meeting, without any prior notice, two letters were placed in front of him and he was told to sign both. One letter was a two page Code of Conduct and the other a Code of Ethics of which he signed neither. This prospective candidate who had served honorably on township and Co-op boards, and later when he asked a member of the nominating committee, was told he would not be allowed to run for the Water District Board position. At the informational meetings when the Water District was asked why this individual was excluded from running, as he had met all the current requirements, was told that the District Board two months prior had passed a policy stating all Board Members must sign the Code of Conduct. There is no mention of any Code of Ethics or Code of Conduct in the current by laws. In all fairness, if such a policy is to allowed to exist it should be voted on by the overall membership and amended into the governing bylaws.

An example is number six from code of ethics which states (no director is allowed to video or audio tape any part of a Board Meeting, or publicly quote other Directors outside of Board Meetings. That is an interesting thought. The Ward County Commission Board Meetings have been recorded for over thirty years.

On November 23-2024 the North Dakota State Farm Bureau passed a resolution stating(We believe that a political subdivision like water districts should allow for an election process that allows for any participating member an equal and fair opportunity to be placed on the ballot and elected by a vote of its membership at a legally advertized meeting of such entity.)

After reviewing the revised Senate Bill No 2299 dated February 07-2025 I would recommend a pass with two suggestions:

Page three, line 24 to increase petition signatures. Allow entity discretion depending on voting membership size.

Page three, line 25 to increase days to allow for a range of five to thirty days before an election. This would allow for an entity to print ballots and time to provide meeting information to members.

Again please vote yes on Senate Bill 2299 as it would allow for the majority of membership the right to choose who they want to represent their interests.

Any questions, concerns or additional information please contact me at 701-721-8712. E-mail jhn_ptsch@yahoo.com

Thank you



John M Pietsch