

LOUP POWER DISTRICT
BOARD OF DIRECTORS
April 27, 2021

The regular meeting of the Board of Directors of the Loup River Public Power District was held at Loup Power District's Service Center, Columbus, Nebraska on April 27, 2021.

Notification of the meeting was published in the Columbus Telegram and on the Loup Power District website.

Director Knott presided as Chairman of the meeting and Assistant Secretary Angell Robak recorded the minutes.

Roll call showed:

Present: Donoghue, Zach, Fleming, Cerv, Drozd, Langemeier, Aerni, Heesacker, Knott

Absent: Tooley

Staff Present: Neal Suess, Korey Hobza, Walt Williams, Dan Hellbusch, Todd Duren, and Amanda Henry

Absent: None

Others: None

Chairman Knott reminded everyone of the open meetings law and stipulated this meeting would be conducted according to the Nebraska open meetings law. Chairman Knott also stated he will be conducting the meeting based on Robert's Rules of Order.

Director Langemeier made a motion to excuse the absence of Director Tooley. Director Aerni seconded the motion and roll was called.

Aye: Donoghue, Zach, Fleming, Cerv, Drozd, Langemeier, Aerni, Heesacker, Knott

Nay: None

Absent: Tooley

The motion carried.

The minutes of the March 23, 2021 meeting were approved.

The following reports were presented to the Directors: the March 2021 Staff Operations Report – Exhibit 21-063; the March 2021 Bank Reconciliation Report – Exhibit 21-064; the March 2021 Vendor Payment Report – Exhibit 21-065. Additional reports presented to the Directors included various financial metrics of the District for March 2021 – Exhibit 21-066; selected financial information – Exhibit 21-067; and NPPD's Board of Directors Board Meeting Agendas for the April 7-8, 2021 NPPD Board Meeting – Exhibit 21-068.

Executive Committee

A letter addressing District Water Issues is filed as Exhibit 21-069.

Molly Hunter from the Columbus Telegram entered the meeting at 9:05 A.M.

President/CEO Suess indicated that there has been no activity during the last month regarding the compliance process of the District's hydroelectric license. Mr. Suess stated that the District has had some minor flow deviation events which were filed with the Federal Energy Regulatory Commission (FERC), and noted that nothing is expected to come from these deviation reports. Mr. Suess stated that the District continues to work on its response to the October 13, 2020 United States Fish and Wildlife Service (USFWS) letter to FERC which agreed with some of the District's proposed language changes to the USFWS Biological Opinion. President/CEO Suess reiterated that the District filed its intervention in the revised interbasin water transfer case, along with Central Platte NRD and Lower Loup NRD, and noted that the District's brief on the motion to dismiss is due to the Department of Natural Resources (DNR) by May 3, 2021, while the applicant's reply brief is due by June 2, 2021. Mr. Suess stated the applicant's motion to dismiss hearing is set for July 19, 2021. President/CEO Suess indicated the District continues to hold in abeyance the Eighth Circuit Court of Appeals filing for review of the License Order, with the next filing expected to take place in early May. Mr. Suess stated the District's Water Management Plan is on file with FERC, and that management is working with FERC personnel to decide how to fill the Canal back to normal levels while meeting the terms of the License. Mr. Suess noted that a waiver from FERC may be necessary in order to accomplish this. President/CEO Suess indicated that management has submitted to FERC a plan and schedule for Canal remediation which indicates its sixty percent design drawings and calculations are expected to be completed and submitted to FERC by the end of October 2021. Mr. Suess noted this would allow for bidding in the spring of 2022 and construction completion by the fall of 2022. Management and the Board discussed several items related to the District's hydroelectric license, including additional items related to the District's Water Management Plan.

A letter regarding an Initial Discussion concerning the 2020 Census and Director Subdivisions is filed as Exhibit 21-070.

President/CEO Suess indicated the United States Department of Commerce, Bureau of Census (Census Bureau) conducts a survey every ten years to develop the population throughout the United States. Mr. Suess noted that normally the data is issued by the end of March, but this year the final data will not be available until September, which creates concerns with the required deadlines for the Power Review Board (PRB) submittals. President/CEO Suess indicated the State of Nebraska requires all political subdivisions to use the census to draw district/subdivision boundaries while maintaining fairly even subdivision population levels. Mr. Suess stated that, while it is not necessary to redraw subdivisions if they are essentially equal, the PRB has recommended subdivisions be not more than five percent from the ideal and not more than ten percent from the smallest to the largest subdivision. Mr. Suess noted that, according to the estimated 2019 population of 52,256 within the District's chartered area, the ideal levels would be between 4,965 and 5,487. President/CEO Suess shared a map of the District's current subdivisions from 2011, as well as a chart displaying the 2019 population of each of the District's ten subdivisions and their percentages of ideal, which indicate the rural areas are below the ideal and Columbus is above the ideal. Mr. Suess stated the concern is that, with ten directors, Columbus cannot meet the ideal with the current subdivisions, and changing the number of directors may be the only way to retain Columbus as a separate entity regarding subdivisions. Management and the Board discussed issues pertaining to reducing the number of

director subdivisions from ten to nine or increasing the number from ten to eleven, while keeping in mind that the 2020 data is not yet available.

Support Services Committee

The Legislative Bill Watch letter is filed as Exhibit 21-071.

Vice President of Corporate Services Duren indicated that as of April 27, 2021, the Nebraska Unicameral was in day 68 of the 90-day session, which is expected to run through June 10, 2021. The main focus in the Unicameral this year is tax reform and incentives, prisons, and other budget concerns. Mr. Duren stated that the electric issues on the forefront include transmission line building, public power governance and meeting structure, net metering, and broadband. Mr. Duren also stated that there is a possible concern with amendments associated with helping communities affected by the mid-February weather event. Management and the Board discussed several legislative bills and items related to the 2021 Nebraska Unicameral session.

A listing of the 2021-2022 Loup Scholarships is filed as Exhibit 21-072.

President/CEO Suess indicated management would like a Board member to present the Loup scholarships on the various schools' awards nights, if possible. Mr. Suess noted that, due to COVID-19 precautions, some schools will have their counselors make the presentations on the District's behalf. Director Drozd presented the scholarship at Fullerton High School; Director Aerni will present the scholarships at Columbus High School; Director Donoghue will present the scholarship at Lakeview High School; and Director Langemeier will make the presentation at Schuyler High School. The scholarships at Columbus Bible Baptist High School, Leigh High School, St. Edward High School, and Twin River Public High School will be presented by faculty at their graduation ceremonies.

At this time, Vice President of Accounting and Finance/CFO Williams presented his report to the Board, which included the financial report, filed as Exhibit 21-073. Reports to the Board were also presented by Vice President of Engineering Hobza and Vice President of Operations Hellbusch. Vice President of Corporate Services Duren presented his report to the Board, which included a COVID-19 pandemic update as it relates to the District. A report was also presented by Human Resource Manager Henry.

The investment letter is filed as Exhibit 21-074.

Director Cerv made a motion to approve the investment letter as presented. Director Drozd seconded the motion.

There was a brief discussion regarding the investment letter.

The question was called.

Aye: Donoghue, Zach, Fleming, Cerv, Drozd, Langemeier, Aerni, Heesacker, Knott

Nay: None

Absent: Tooley

The motion carried.

The work order letter is filed as Exhibit 21-075.

Director Donoghue made a motion to approve the work order letter as presented. Director Zach seconded the motion and roll was called.

**Aye: Donoghue, Zach, Fleming, Cerv, Drozd, Langemeier, Aerni, Heesacker, Knott
Nay: None
Absent: Tooley
The motion carried.**

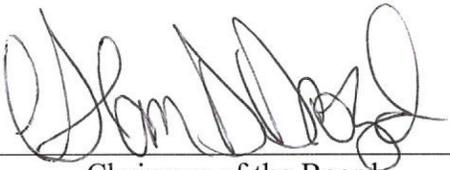
President/CEO Suess gave notice to the Board that their Loup email accounts will be upgraded on Wednesday, April 28.

The next regular Board meeting is set for May 25, 2021 at 9:00 A.M.

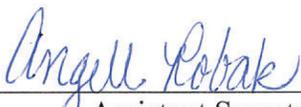
The APPA Annual Conference is set for June 20-23, 2021 in Orlando, FL, with a virtual portion scheduled for July 13-14, 2021. The conference was moved from Chicago, IL, to Orlando, FL, due to COVID-19 concerns.

President/CEO Suess stated the District has been approached to help Dawson PPD and Central NE Irrigation and PPD with a potential merger. Mr. Suess will meet with them to provide overall information regarding management and Board structure on May 20, 2021.

Director Fleming made a motion to adjourn. Director Heesacker seconded the motion. The motion carried by voice vote.


Chairman of the Board

5/25/2021
Date


Assistant Secretary