

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
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April 24, 2023

Brandon Kelliher
Mayor
KelliherBA@ci.north-platte.ne.us

Dear Mayor Kelliher:

Reference is made to your emailed letter of April 20, 2023. We are treating your email as a Potential Conflict of Interest Statement. As I understand it, you are a member of the North Platte City Council. You are also the Chief Information Officer of North Platte Nebraska Hospital Corporation doing business as Great Plains Health.

Great Plains Health is a minority investor in a housing development on the west edge of North Platte in partnership with Dial Properties of Omaha.

Dial Properties is requesting Tax Increment Financing (TIF) for the new housing development. The TIF redevelopment plan for the housing project will be coming before the North Platte City Council for consideration. You wish to know if you would have a conflict of interest as to the matter of the approval of this plan or any amendment thereto.

In my opinion, you would have a conflict of interest.

Section 49-1499.03(2) of the Nebraska Political Accountability and Disclosure Act (NPADA) provides that a person holding an elective office of a city has a potential conflict of interest if he or she is faced with taking an official action or making an official decision which may result in a financial benefit or detriment to: a) the public official; b) a member of his or her immediate family; or c) a business with which he or she is associated. This benefit or detriment must be distinguishable from that experienced by the general public or a broad segment of it.

Section 49-1407 of the NPADA defines the term business as "any corporation, partnership, limited liability company, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust, activity, or entity."

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It should be noted that the definition of business does not distinguish between for profit entities and non-profit entities. Both can fit the definition of business. By this definition, Great Plains Health is a business.

Section 49-1408 of the NPADA defines the term "business association" in part as a business in which the individual is "...a partner, limited liability company member, director, or officer." As one of its officers, you have a business association with Great Plains Health.

Because the action of the North Platte City Council on the TIF application of Dial Properties will have a financial effect on a business with which you are associated, you have a conflict of interest in the matter. You should abstain from participating and voting on the matter of the Dial Properties TIF request.

Summary: You have a conflict of interest on the matter of the application of Dial Properties for tax increment financing. You should abstain from participating or voting on the matter.

Please understand that this is a staff opinion only and not a formal Commission Advisory Opinion. It is based upon the facts that you have provided. If any of these stated facts are incorrect or incomplete, please advise me immediately as this could affect the stated conclusion.

Sincerely,

A handwritten signature in black ink that reads "Frank J. Daley, Jr." with a stylized flourish at the end.

Frank J. Daley, Jr.
Executive Director