

State of Nebraska

Accountability and Disclosure Commission

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Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
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May 5, 2023

Brenda Parsons
Lodgepole Village Board of Trustee
P.O. Box 266
Lodgepole, NE 69149

Dear Ms. Parsons:

Reference is made to your email of May 4, 2023. As I understand it, you are a member of the Board of Trustees of the Village of Lodgepole. You state that the Lodgepole Housing Authority recently paid off the loan on an apartment building. The Authority wants to transfer title to the building to the Village and then dissolve itself. The Authority and the Village are separate entities.

On behalf of the Village Board of Trustees, you are asking if you and two other members of the five person board have a conflict of interest. Presumably, the first action by the Village Board will be to accept or not accept the transfer of title. Thereafter, the Village Board will need to take action on leases, management and maintenance. None of you have a conflict on the matter of the Village accepting title to the property.

Brenda Parsons

Issue #1- You state that your mother-in-law is a tenant of one of the apartments. This does not create a conflict of interest for you. A member of a village board has a conflict of interest if he or she is faced with taking an official action or making an official decision which could result in a financial benefit or detriment to: a) the official; b) a member of his or her immediate family; or c) a business with which the official is associated.

The Nebraska Political Accountability and Disclosure Act generally defines an immediate family member as a spouse of the official, a child of the official or spouse living in the household, or a person claimed as a dependent for federal income tax purposes. Your mother-in-law, unless she is a dependent, is not an immediate family member.

Issue #2- You state that a business which you co-own provides lawn care services to the apartment building. If the Village takes ownership of the building and wants to contract with your company, the following steps must be taken:

Brenda Parsons
May 5, 2023
Page 2

1. The matter of entering into a lawn service contract with your company must be an agenda item at a Village Board meeting.
2. You must disclose your interest in the contract either in a written statement filed with the Village Clerk or verbally at the meeting prior to consideration of the contract. If verbally, be sure the Village Clerk includes it in the minutes.
3. You abstain from voting on the matter of granting the contract.
4. You abstain from voting on any claim under the contract.

R.J. Savely

Mr. Savely is the chairman of the Village Board. His wife is the current property manager of the apartment building. If the Village wishes to have her continue it may enter into a contract with her as an independent contractor or hire her as an employee. If her situation is that of independent contractor, Chairman Savely should follow the four steps noted above. If his wife is to be hired as an employee:

1. There should be a reasonable solicitation of applications for the position. That is, there should be some opportunity for others to apply.
2. The hiring should be approved by the Village Board.
3. An Employment of Immediate Family Members Disclosure Statement (Form C-4) should be filed with the Village Clerk.

Mr. Savely may vote on the matter of hiring his wife as an employee and may vote to pay her salary or wages.

Gwen Devie

Ms. Devie is a member of the Village Board whose mother is a tenant of the apartment building. Unless her mother is a dependent for federal income tax purposes, her mother does not qualify as an immediate family member and there is no conflict of interest.

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. If you have any questions, please feel free to contact me.

Sincerely,



Frank J. Daley, Jr.
Executive Director