

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
Fax (402) 471-6599

June 28, 2023

Dariny Begley
Omaha City Council
4839 Pacific Street
Omaha, NE 68106

Dear Mr. Begley:

Reference is made to your Potential Conflict of Interest Statement which was filed with this office on June 27, 2023. As I understand it, you are a member of the Omaha City Council. On July 11, 2023 the Council is scheduled to vote on Amendment No. 1 to an agreement with Omaha Public Power District (OPPD), the Heartwood Preserve Master Property Owners Association and SID 583. By this agreement Heartwood would be permitted to pay a contractor to install and maintain non-city standard streetlights throughout the Heartland development. In addition, the Council will vote on an ordinance approving a similar agreement with Omaha Public Power District (OPPD), the Heartwood Preserve Master Property Owners Association and SID 584.

You state that you are employed by OPPD. In my opinion, your employment by OPPD does not create a conflict of interest.

Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act (NPADA) provides that an official of a political subdivision designated in section 49-1493 (including an Omaha City Council Member) 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."

Section 49-1424 defines the term government body in part as a political subdivision of the State of Nebraska.

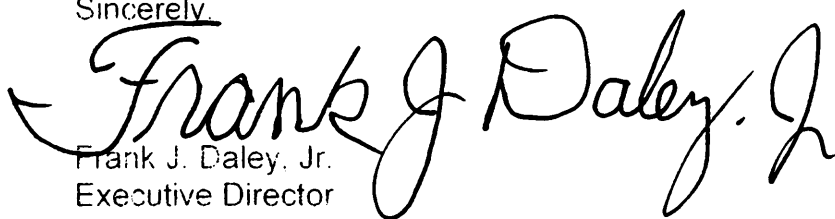
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OPPD is a political subdivision of the State. It is therefore a government body as defined in §49-1424 and not a business as defined in §49-1407.

Because the actions before you will not have a financial effect on you, an immediate family member or a business with which you are associated, you do not have a conflict of interest as to the matters described. You may participate and vote on those matters as you see fit. In your statement you indicate that you do not intend to vote. As an elected official you may always determine that you will not vote on a matter for what ever reason you believe is appropriate.

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." The signature is written in a cursive, flowing style with a large initial "F" and a long, sweeping underline.

Frank J. Daley, Jr.
Executive Director