

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

July 21, 2023

Brinker Harding
Omaha City Council
2122 S. 109th Street
Omaha, NE 68144

Dear Mr. Harding:

Reference is made to your Potential Conflict of Interest Statement which was filed with this office on July 19, 2023. As I understand it, you are a member of the Omaha City Council. On July 25, 2023 the City Council is scheduled to vote on an ordinance to rezone property located southeast of 46th and Dodge Streets from GO and GI to GO. It will also consider a resolution to approve the Final Plat for the Child Saving Addition located in the same area. You state that your spouse is a principal of an architectural firm that will be benefiting from this project.

You state that you will not vote on these matters. In my opinion, this is an appropriate course of action as you would have 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.

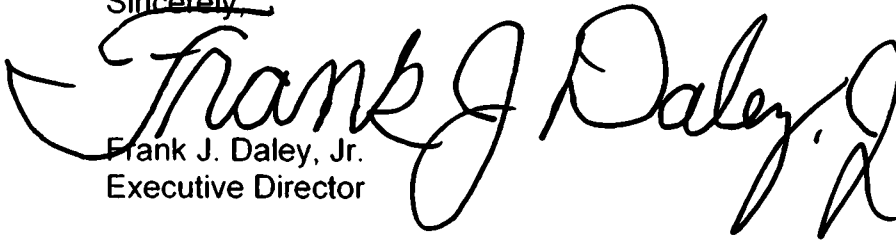
Section 49-1425 of the NPADA defines the term "immediate family" as "a child residing in the individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes." By this definition, your spouse is an immediate family member.

As a principal in the architectural firm, it is reasonably foreseeable that your spouse will experience a financial benefit from this project. Accordingly, you should abstain from participating and voting on these matters. You have stated that this is your intent.

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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 large, stylized 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 prominent "J" in "Daley".

Frank J. Daley, Jr.
Executive Director