

# State of Nebraska

## Accountability and Disclosure Commission

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



Centre Terrace, 1225 L St. #400  
Phone (402) 471-2522  
Fax (402) 471-6599

August 24, 2023

Brinker Harding  
Omaha City Council  
2122 S. 109<sup>th</sup> Street  
Omaha, NE 68144

Dear Mr. Harding:

Reference is made to your two Potential Conflict of Interest Statements which were filed with this office on August 23, 2023. As I understand it, you are a member of the Omaha City Council.

First Statement- On August 29, 2023 the City Council is scheduled to vote on a resolution approving the Preliminary Plat for Bluestem Prairie 2<sup>nd</sup> Addition for the redevelopment of a site located north of Forest Lawn Avenue and Newport Avenue. You state that your spouse is a principal of an architectural firm that will benefit from this project and you will not be voting on the matter.

Second Statement- On September 12, 2023 the City Council is scheduled to vote on an ordinance approving the Bluestem Prairie 2<sup>nd</sup> Addition Phase I and Phase II Tax Increment Financing Redevelopment Agreement for the redevelopment of a site located north of Forest Lawn Avenue and Newport Avenue. You state that your spouse is a principal of an architectural firm that will benefit from this project and you will not be voting on the matter.

In my opinion, your decision not to vote on these matters 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.

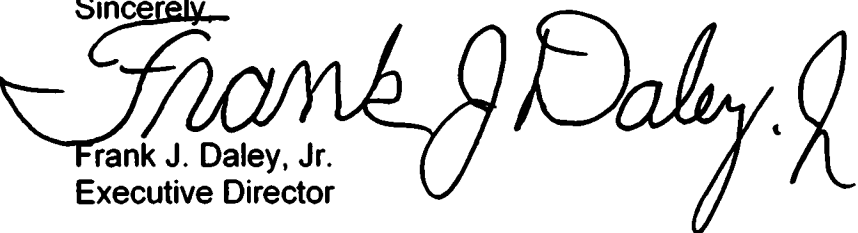
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Section 49-1425 of the NPADA defines the term "immediate family" as "a child residing in the individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income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

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