

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

Pete Festersen
Omaha City Council
660 Parkwood Lane
Omaha, NE 68132

Dear Mr. Festersen:

Reference is made to your Potential Conflict of Interest Statement which was filed with this office on August 23, 2023. As I understand it, you are a member of the Omaha City Council. On September 12, 2023 the City Council is scheduled to vote on a contract by which CHI Health will provide hospital care to the members of Local 385. It is my understanding that Local 385 is the firefighters' union. You indicate that you are an employee of CHI Health and you will not vote on this issue.

Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act provides that an official of a political subdivision designated in section 49-1493 (including a member of the Omaha City Council) 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 49-1408 defines the term "business association" in part as a business in which the individual is "a partner, limited liability company member, director, or officer". A public official may also have business association based on the holding of stock in the business which has a certain dollar value or which represents a certain equity interest.

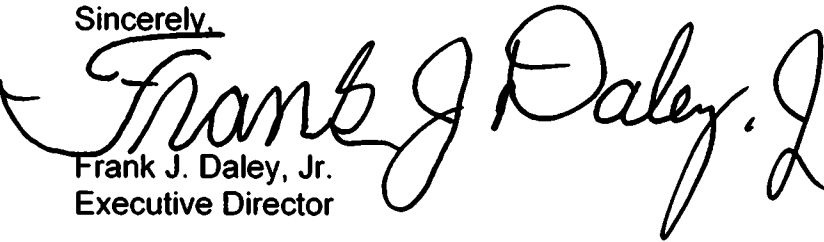
In response to previous filings by you, this office determined that your employment with CHI Health does not, by itself, constitute a business association. Accordingly, you would not have a conflict of interest as to the agreement by which CHI Health would provide hospital care to members of Local 385.

You may participate and vote on the matter of agreement with CHI Health as you see fit. You have indicated your intent not to vote on this matter.

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

Sincerely,

A handwritten signature in black ink that reads "Frank J. Daley, Jr." The signature is written in a cursive, flowing style. The first name "Frank" is written with a large, sweeping capital "F". The middle initial "J" is small and nestled between the first and last names. The last name "Daley" is written with a large, prominent capital "D" and a trailing flourish. The suffix "Jr." is written at the end of the signature.

Frank J. Daley, Jr.
Executive Director