

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

September 5, 2023

Dean Krueger
7119 Road H
Hebron, NE 68370

Dear Mr. Krueger:

Reference is made to your Potential Conflict of Interest Statement which was filed with this office on September 1, 2023. As I understand it, you are a member of the Thayer County Board. The Thayer County Board is scheduled to conduct two public hearings. Each hearing will pertain to approval of the erection of a meteorological tower (MET tower). The hearings are to take place on September 6th. A decision by the county board will take place at a later date.

The purpose of the MET towers is to gather wind characteristic data at the site of a potential wind energy tower. You state that you own real estate and have executed an agreement with the operator to participate in the wind energy project. You receive \$5.00 per acre annually for your participation. The erection of the MET towers will not result in additional payments to you. It will not increase or decrease your annual payments you currently receive. You wish to know if you would have a conflict of interest as to the matter of the erection of the MET towers. In my opinion, you would not have a conflict of interest as to the erection of the MET towers.

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 elected county official) 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.

As stated, the purpose of a MET tower is to collect data. The data will be used by the operator to determine if favored sites are suitable for wind towers and, potentially, in connection with applications for conditional use permits. Stated another way, the data will be used by the operator to help determine if and how it will move forward with the project. It is, in essence, a pre-project action.

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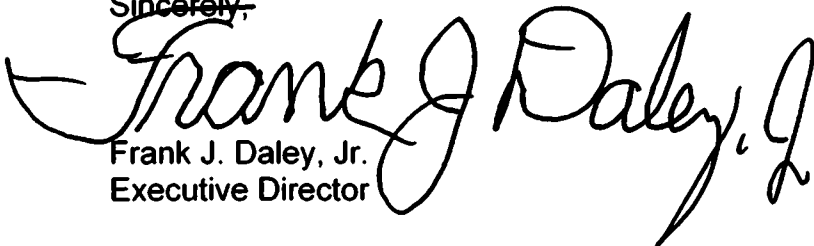
Because the action of the county board to approve or not approve the erection of the MET towers will have no financial effect on you, you may participate and vote on the matter as you see fit.

Further discussion is required. Even though you do not have a conflict of interest as to the erection of the MET towers, there will be other matters involving the wind tower project which come before the county board. Some of these matters may have a financial effect on you in which case you would have a conflict of interest. As these matters arise, you should disclose them in writing to this office. This office will determine as to each such matter if you do or do not have a conflict of interest.

Summary: You do not have a conflict of interest as to the matter of the approval of the erection of meteorological towers. You may participate and vote on this matter as you see fit. Future matters involving the wind tower project coming before the county board should be disclosed in writing to this office for a determination as to whether or not a conflict of interest exists.

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 fluid and cursive, with a large initial "F" and "D".

Frank J. Daley, Jr.
Executive Director