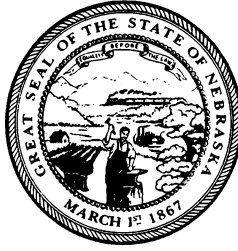


State of Nebraska

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

January 3, 2024

Rusty Hike
413 Dowding Street
Bellevue, NE 68005

Re: C-2A Potential Conflict of Interest Statement

Dear Mr. Hike,

This will acknowledge receipt of a C-2A, Potential Conflict of Interest Statement ("Statement"), which you filed with the Nebraska Accountability and Disclosure Commission ("NADC") on Monday, November 20, 2023.

You are the Mayor of the City of Bellevue. Your Statement says that you own a lot which, together with other lots in Bellevue, is the subject of a Resolution (2023-32) which states an intention to annex said lots. In your Statement, you note that: "I anticipate that on January 16, 2024, the City Council will vote to approve or deny an ordinance to annex the properties listed in Resolution 2023-32.."

In the Statement, you have said that, "I own...Lot 1, Hike Addition." Later in your Statement you note that, if the Council vote on annexation results in a tie, "...I will be faced with taking an official action or making an official decision.." Based upon these comments in your Statement, we will address the question of whether you, and not a business with which you are associated, would have a potential conflict of interest in the subject Resolution.

Under the terms of §49-1499.03(2), you must file a Statement where you would be required, "to take any action or make any decision" in the discharge of your official duties that, "may cause financial benefit or detriment to [you], a member of your immediate family, or a business with which [you are] associated."

As you have said in your Statement, you would not be required to take an action or make a decision with respect to the pending Resolution unless voting by the Council on this matter results in a tie, or a majority could not otherwise be reached. In that instance, you would be required to take an action or make a decision. This letter will address that contingency.

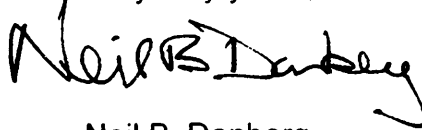
While it is difficult, if not impossible to predict the precise financial effect that annexation may have upon your property, we think it is likely that annexation will result in some discernible financial effect. You appear to agree with this view when you say in your Statement that, "Annexation may increase or decrease the value of my property and will result in an increased tax rate." Under these circumstances, a vote or action on an ordinance concerning annexation of your property, "may cause financial benefit or detriment to [you]."

Based upon the foregoing, we conclude that in the event, as described in your Statement as quoted above, you are required to take action with respect to the City Council ordinance concerning annexation of properties, including your own, you should recuse yourself and abstain from taking such action.

Our opinion in this matter is premised upon the material facts which we have outlined above. If any of these facts are inaccurate or incomplete, please contact us immediately.

Thank you for your timely filing of the subject Statement.

Very truly yours,

A handwritten signature in black ink, appearing to read "Neil B. Danberg". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Neil B. Danberg
General Counsel

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION 1225 L St., Suite 400 P.O. Box 95086 Lincoln, NE 68509 (402) 471-2522	POTENTIAL CONFLICT OF INTEREST STATEMENT NADC FORM C-2A (Village, City, School Officials Except Omaha and Lincoln Officials)	POSTMARK DATE	11-16-23
BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3		MICROFILM NUMBER	
OFFICE USE ONLY 5			

- An official of a village or city holding elective office or an official of a school district holding elective office must file this form if he or she has a potential conflict of interest.
- **Officials of the cities of Lincoln and Omaha** holding elective office with a potential conflict of interest **should not use this form.** Use Form C-2.
- This form should be filed with the person who normally keeps records for the school district, city or village. **There is no requirement to file this form with the Nebraska Accountability and Disclosure Commission.**
- Persons who fail to disclose a potential conflict of interest or who otherwise do not comply with the law are subject to penalties.

ITEM 1	NAME, ADDRESS AND TELEPHONE NUMBER			
Name <u>Hike</u> Last First Middle	<u>Rusty</u>		Telephone No. <u>(402) 320-2500</u>	
Address <u>413 Dowding Street</u>	<u>Bellevue</u>	<u>NE</u>	<u>68005</u>	
STREET ADDRESS OR RURAL ROUTE		City	STATE ZIP CODE	

ITEM 2	TITLE, AGENCY (City, Village, School), ADDRESS AND PHONE	
Your Title <u>Mayor</u>	Agency <u>City of Bellevue, Nebraska</u>	
Agency Address <u>1500 Wall Street, Bellevue, NE 68005</u>		
Agency Phone <u>(402) 293-3022</u>		

ITEM 3	DESCRIBE POTENTIAL CONFLICT OF INTEREST IN DETAIL (Use Item 6 Continuation, if necessary)
Date action is to be taken or decision is to be made: <u>January 16, 2024 (anticipated date of action)</u>	
Description of Potential Conflict: On November 7, 2023, the City Council for the City of Bellevue passed Resolution 2023-32: Intent to annex Tax Lot 10-1, Tax Lots 13 & 14B, Tax Lot 21, Tax Lot 19A1B, Tax Lot 19A1A1A, Tax Lot 20, Tax Lot 22, and Lot 1, Hike Addition, all located in Section 22, T13N, R13E, of the 6th P.M., Sarpy County, NE, and all abutting rights-of-way. I own one of these lots, namely Lot 1, Hike Addition. I anticipate that on January 16, 2023, the City Council will vote to approve or deny an ordinance to annex the properties listed in Resolution 2023-32 ("the Properties"). Nebraska Revised Statute 16-312(1) provides that the mayor of a first class city shall preside at all meetings of the City Council and may vote on any matter if the mayor's vote is required due to the City Council members being equally divided or a majority vote cannot be reached due to the absence, vacancy or abstention of one or more City Council members. If, as Mayor, my vote on an ordinance to annex the Properties is required due to one of the conditions set forth in Neb. Rev. Stat. 16-312(1), I will be faced with taking an official action or making an official decision which may result in a financial benefit or a financial detriment to me that may or may not be distinguishable from the financial effect on the general public or a broad segment of it.	

Revised January 2018

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT☒ You☐ Member of your Immediate Family: _____
NAME

Business With Which You

☐ Are Associated (See Definitions) _____
NAME OF BUSINESS**ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT**

Annexation may increase or decrease the value of my property and will result in an increased tax rate.

ITEM 6 CONTINUATION

(SIGNATURE)

(DATE)

5

Rusty Hike
413 Dowding Street
Bellevue, NE 68005
(402) 320-2500

November 15, 2023

Nebraska Accountability and Disclosure Commission
1225 L Street, Suite 400
P.O. Box 95086
Lincoln, NE 68509

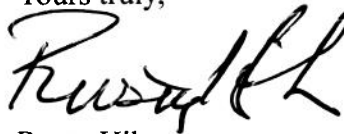
Re: Request for Opinion

Dear Sir or Madam:

Enclosed is a Potential Conflict of Interest NADC Form C-2A. I respectfully request an opinion from the Nebraska Accountability and Disclosure Commission as to whether I have an actual conflict of interest requiring abstention or non-participation in a vote on an anticipated ordinance involving annexation. The vote on this matter is expected to occur on January 16, 2024, and as such, an opinion would be appreciated prior to that meeting.

Should you have any questions, please do not hesitate to contact me.

Yours truly,



Rusty Hike

Enclosure