

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

December 1, 2023

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 Thursday, November 30, 2023.

You are the Mayor of the City of Bellevue. Your Statement says that you, "own real estate and have an interest in businesses located in Old Towne Bellevue."

On or about December 5, 2023, the City of Bellevue will consider entering into a contract with "Benesch," a professional services firm which will, "complete the final design of a streetscape project in Old Towne Bellevue." At the time of the consideration of the contract, it is possible that you may be called upon to vote on the contract, as explained in your Statement, "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 of more City Council members."

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."

The term "business" is defined in §49-1407 to include, "any corporation." The term "business with which the individual is associated," is defined in §49-1408 to include a business, "...in which the individual is a partner, limited liability company member, director, or officer."

In your Statement, you note that you are associated with three businesses which, we understand, may be related to business in Olde Town Bellevue: "Hike Real Estate", "MRJC Holdings, LLC," and "MRH Holdings."

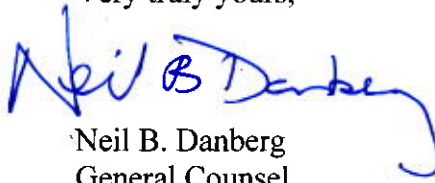
In your Statement, you also say that: "Approval of the contract with Benesch may lead to the improvement of the streetscape in Old Towne Bellevue, which may increase the value of and/or taxes on my real property and/or businesses in that area." As noted earlier, you have also said that you own real estate and have an interest in businesses in the Old Town area. You have also noted in Item 3 of the Statement that if faced with voting upon the Benesch contract, "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." Nor does this financial benefit appear to be directed to the public generally or a broad segment of the public.

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 Benesch contract, 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,



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)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">POSTMARK DATE</td> <td style="width: 50%; text-align: center; padding: 2px;">11/30/2023</td> </tr> <tr> <td style="padding: 2px;">MICROFILM NUMBER</td> <td style="text-align: center; padding: 2px;">EM S</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">OFFICE USE ONLY</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 10px;"> RECEIVED NOV 30 2023 NEBRASKA ACCOUNTABILITY DISCLOSURE COMMISSION </td> </tr> </table>	POSTMARK DATE	11/30/2023	MICROFILM NUMBER	EM S	OFFICE USE ONLY		RECEIVED NOV 30 2023 NEBRASKA ACCOUNTABILITY DISCLOSURE COMMISSION	
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BEFORE COMPLETING THIS FORM
READ THE FILING REQUIREMENTS
ON PAGE 3

- 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> <u>Rusty</u> <u></u> Telephone No. <u>(402) 320-2500</u> Last First Middle 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>December 5, 2023 (anticipated date of action)</u> Description of Potential Conflict: The City of Bellevue seeks to enter into a contract with Benesch, a professional services firm, for Benesch to complete the final design of a streetscape project in Old Towne Bellevue. I own real property and have an interest in businesses located in Old Towne Bellevue. I anticipate that on December 5, 2023, the City Council will vote to approve or deny the proposed contract with Benesch. 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 the contract to approve or deny the contract with Benesch 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.	

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) Hike Real Estate, MRJC Holdings LLC, MRH Holdings

NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT

Approval of the contract with Benesch may lead to the improvement of the streetscape in Old Towne Bellevue, which may increase the value of and/or taxes on my real property and/or businesses in that area.

ITEM 6 CONTINUATION

(SIGNATURE)

(DATE)

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

November 28, 2023

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

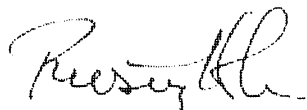
Re: Request for Opinion

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 contract with Benesch for final design of a streetscape project in Old Towne, Bellevue. The vote on this matter is expected to occur on December 5, 2023, 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,

A handwritten signature in black ink, appearing to read 'Rusty Hike', written in a cursive style.

Rusty Hike

Enclosure