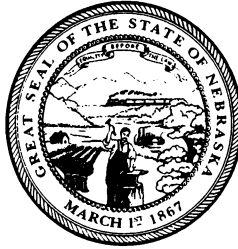


State of Nebraska

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. 109th 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 2nd 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 2nd 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.

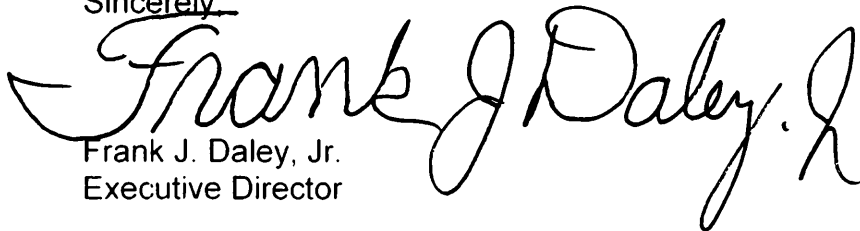
Brinker Harding
August 29, 2023
Page 2

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

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION 11 th Floor, State Capitol P.O. Box 95086 Lincoln, NE 68509 (402) 471-2522	POTENTIAL CONFLICT OF INTEREST STATEMENT NADC FORM C-2	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">POSTMARK DATE</td> <td style="width: 50%; padding: 2px;">email 7/19/23</td> </tr> <tr> <td style="padding: 2px;">MICROFILM NUMBER</td> <td style="padding: 2px;"></td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 2px;">OFFICE USE ONLY</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 10px;"> RECEIVED JUL 19 2023 NEBRASKA ACCOUNTABILITY and DISCLOSURE COMMISSION </td> </tr> </table>	POSTMARK DATE	email 7/19/23	MICROFILM NUMBER		OFFICE USE ONLY		RECEIVED JUL 19 2023 NEBRASKA ACCOUNTABILITY and DISCLOSURE COMMISSION	
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BEFORE COMPLETING THIS FORM
READ THE FILING REQUIREMENTS
ON PAGE 3

- An official or employee of the executive branch of state government or any other official or employee who is required to file Statements of Financial Interests must disclose a potential conflict of interest.
- File this Potential Conflict of Interest Statement with the Nebraska Accountability and Disclosure Commission and your immediate superior whenever a potential conflict on interest situation arises.
- Persons who fail to disclose potential conflict of interests or who otherwise do not comply with the law are subject to penalties.

ITEM 1	NAME, ADDRESS AND TELEPHONE NUMBER
---------------	---

Name	Harding	Brinker	Telephone No.	402-214-4448
	Last	First	Middle	
Address	2122 S 109th St		Omaha	NE 68144
	STREET ADDRESS OR RURAL ROUTE		City	STATE ZIP CODE

ITEM 2	TITLE, AGENCY, ADDRESS, PHONE AND SUPERIOR
---------------	---

Your Title	City Councilmember	Agency	City of Omaha
Agency Address	1819 Farnam Street	Agency Phone	402-444-5523
Name of Immediate Superior	Title		

ITEM 3	DESCRIBE POTENTIAL CONFLICT OF INTEREST IN DETAIL (Use Item 7 Continuation, if necessary)
---------------	--

Date action is to be taken or decision is to be made: July 25, 2023

Description of Potential Conflict:

The City Council of the City of Omaha will vote on an ordinance to rezone property located southeast of 46th and Dodge Streets from GO and GI to GO as well as a resolution to approve the Final Plat for the Child Saving Addition located southeast of 46th and Dodge Streets. Councilmember Harding's spouse is a principal of an architectural firm that will be benefitting from the project. Councilmember Harding WILL NOT vote on this issue.

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT

You

X Member of your Immediate Family: Rebecca Harding, owner of TACKarchitects
NAME

Business With Which You

☐ Are Associated (See Definitions) _____
NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFITS

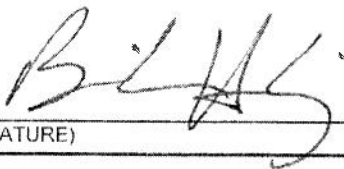
Note: Councilmember Harding's spouse is a principal of a firm that will be benefitting from the redevelopment project.

ITEM 6 FOR MEMBERS OF THE LEGISLATURE ONLY

If you will not abstain from acting on a matter state why, despite the potential conflict, you intend to vote or otherwise participate.

ITEM 7 CONTINUATION

(SIGNATURE)



(DATE)

7/18/2023

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION 11 th Floor, State Capitol P.O. Box 95086 Lincoln, NE 68509 (402) 471-2522	POTENTIAL CONFLICT OF INTEREST STATEMENT NADC FORM C-2	POSTMARK DATE email 8/23/23	MICROFILM NUMBER
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Address <u>2122 S 109th St</u> <u>Omaha</u> <u>NE</u> <u>68144</u> STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE	

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Name of Immediate Superior _____ Title _____	

ITEM 3	DESCRIBE POTENTIAL CONFLICT OF INTEREST IN DETAIL (Use Item 7 Continuation, if necessary)
Date action is to be taken or decision is to be made: <u>September 12, 2023</u>	
Description of Potential Conflict: The City Council of the City of Omaha will vote on an ordinance approving the Bluestem Prairie 2 nd Addition Phase I and II Tax Increment Financing (TIF) Redevelopment Agreement for redevelopment of the site located north of Forest Lawn Avenue and Newport Avenue. Councilmember Harding's spouse is a principal of an architectural firm that will be benefitting from the project. Councilmember Harding <u>WILL NOT</u> vote on this issue.	

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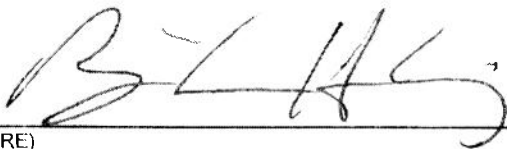
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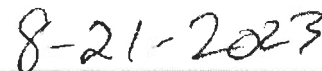
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ITEM 7 CONTINUATION

(SIGNATURE)



(DATE)



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ITEM 7 CONTINUATION

(SIGNATURE)

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