

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

June 13, 2024

Joe Ott
29629 400 Street
Humphrey, NE 68642

Re: C-2 Potential Conflict of Interest Statement

Dear Mr. Ott

This will acknowledge receipt of a C-2, Potential Conflict of Interest Statement ("Statement"), which you filed with the Nebraska Accountability and Disclosure Commission ("NADC") on Monday, June 10, 2024. Prior to that filing, you and I spoke by telephone to help identify the precise questions which you wished us to address.

You have just been elected to the Platte County Board of Supervisors. You also hold a position as Culvert Crew Leader with the Platte County Highway Department. You are concerned that in your new position as County Supervisor, you may encounter situations in which there is a possible conflict of interest. Since you have not yet undertaken your duties as a Platte County Commissioner (and will not undertake them until January 1, 2025), our advice will be prospective and will not relate to any specific action or decision which you may later encounter. Nonetheless, we will attempt to address certain possible concerns in this letter.

We begin with the statutory basis for your filing of the Statement. Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act. ("NPADA") provides in pertinent part that if you (as an elected County Supervisor) are 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," then you should, as you have, prepare and file with the NADC a written statement describing the matter.

In our telephone discussion, you advised that you have no immediate family who are involved in County government. In addition, we note that, since your possible conflict would stem from two different positions which you hold with the County, there is no relevant business with which you are associated.

Therefore, we may refine the question as follows: As a County Commissioner when, if ever, would you have a conflict of interest when considering matters related to the Platte County Highway Department? The answer to this question lies in the language of the Statute cited above: You would have a potential conflict when you would be required to take action or make a decision that may cause direct financial benefit or detriment to you as an employee of the Highway Department. Since you have not yet commenced to act as a member of the Platte County Board of Supervisors, it is not possible to speculate or forecast all of the matters relating to the Highway Department which may come before you as a Supervisor. Certainly, pay issues, promotion issues, specific personnel issues, and budget issues which directly affect you, would be some of the matters which may present a conflict of interest. When such issues arise, and you perceive that you may receive a financial benefit or detriment from taking action or making a decision with respect to them, you should abstain from voting.

After you have assumed the duties of Supervisor, and you have questions about specific issues and whether to abstain with respect to them, we would be willing to address those at the time they arise.

In our conversation, we discussed the fact that you should ensure that there are no policies or procedures within Platte County which would affect your ability to act as both a member of the Platte County Highway Department and as a Platte County Commissioner.

Thank you for your filing of the subject Statement. Please contact me directly if you have any questions concerning this opinion.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Neil B. Danberg", is written over the typed name below.

Neil B. Danberg, General Counsel

COPY

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-2	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">POSTMARK DATE</td> <td style="padding: 2px;">6/10/2024</td> </tr> <tr> <td style="padding: 2px;">MICROFILM NUMBER</td> <td style="padding: 2px;">FX S</td> </tr> <tr> <td colspan="2" style="padding: 2px;">OFFICE USE ONLY</td> </tr> </table>	POSTMARK DATE	6/10/2024	MICROFILM NUMBER	FX S	OFFICE USE ONLY	
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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 required to file **Statements of Financial Interests** must file this form if he or she has a potential conflict of interest.
- Elected officials of school districts and elected officials of villages and cities (except Omaha and Lincoln) should not use this form. Use Potential Conflict of Interest Statement Form C-2A.
- File this Potential Conflict of Interest Statement with the Nebraska Accountability and Disclosure Commission and with your immediate superior (if any) whenever a potential conflict of interest situation arises.
- 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>OTT</u> <u>Joe</u> <u>David</u> Telephone No. <u>402-910-9989</u> Last First Middle	
Address <u>29629</u> <u>400 st</u> <u>Humphrey</u> <u>NE</u> <u>68642</u> STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE	
ITEM 2	TITLE, AGENCY, ADDRESS, PHONE AND SUPERIOR
Your Title <u>Culvert Crew leader</u> Agency <u>Platte County Highway Dept</u> Agency Address <u>31091 Highway 81 Platte center</u> Agency Phone <u>402-246-3255</u> Name of Immediate Superior <u>Brian Soulliere</u> Title <u>Highway Superintendent</u>	
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>January 1 2025</u> Description of Potential Conflict:	

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

NAME

Business With Which You

☐ Are Associated (See Definitions)Platte County Highway Dept

NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT**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)

6-6-2024