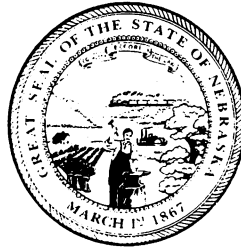


State of Nebraska

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 19, 2024

Joan Ervin
1198 Rd W G..5 North
Brule, NE 69127

Re: C-2 Potential Conflict of Interest Statement

Dear Ms. Ervin,

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 August 6, 2024, and later supplemented that filing on August 12th. In addition to the filing, we spoke with you on the telephone on August 6th, and again on August 15th, about some of the facts which led you to file the Statement.

In the Statement, you have said that you are a member of the Keith County Board of Commissioners ("Board").

In your Statement, you also that a matter was coming before the Board on August 7, 2024, concerning whether the Board should enact a moratorium with respect to Keith County's Comprehensive Plan. You note in your Statement that neither you nor your spouse, nor any business with which you are associated, has a direct financial interest in the enactment of a moratorium.

Under the terms of Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act ("NPADA") you would have a potential conflict of interest in those circumstances where you are: "...required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to [you] or..., a member of [your] immediate family, or a business with which [you..are] associated.."

The term "immediate family member" is defined in Section 49-1424 of the NPADA, and the term would include yourself, your spouse, and any minor child in your household.

The term "business with which you are associated" is defined in Section 49-1408 of the NPADA. It would mean either a business in which you had a financial interest in the stock of the business or a business in which you are a, "partner, limited liability company member, director, or officer." After speaking with you, it is my understanding that you do not fall into any of those categories.

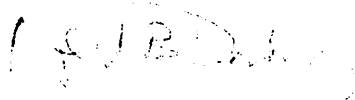
Because your Statement was filed in part on the eve of the action which the Board was going to take on the moratorium, the Commission was unable to prepare an opinion in response to your Statement prior to the action of the Board on August 7th. Consequently, you have advised us that you did abstain with respect to the vote on the moratorium.

Based upon the information which you have provided to us in your Statement and in the supplementary telephone calls, we conclude that you do not have a financial interest in the subject moratorium. Should the moratorium come before the Board at a subsequent time, you may participate in the discussion and the vote with respect to the moratorium.

In preparing this opinion, we are relying upon the accuracy of the facts, as we have expressed them in the letter. If our expressed understanding of these facts is incorrect or incomplete, please advise us immediately.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "Neil B. Danberg", is written over a faint, circular official stamp.

Neil B. Danberg
General Counsel

Firebaugh, Lori

From: Danberg, Neil
Sent: Thursday, August 15, 2024 3:36 PM
To: Firebaugh, Lori
Subject: FW: CA-Conflict

RECEIVED
EM
AUG 15 2024

This is the second e-mail which she sent.

NEBRASKA ACCOUNTABILITY
AND
DISCLOSURE COMMISSION

S

From: Joan Ervin <jervin@keithcountyne.gov>
Sent: Monday, August 12, 2024 11:32 AM
To: Danberg, Neil <neil.danberg@nebraska.gov>
Subject: Re: CA-Conflict

You don't often get email from jervin@keithcountyne.gov. [Learn why this is important](#)

ITEM NATURE OF FINANCIAL BENEFIT OR DETRIMENT	
5	We hold a current lease agreement with Platte Wind, LLC, which is studying the possibilities of renewable energy in an area that would affect three counties in western Nebraska. As the liaison of Keith County's Planning and Zoning Board, the County is going to be updating the Comprehensive Plan. The Plan has been a topic of meetings for three years. Our Administrator, Attorney, myself as the liaison and Committee appointments will be looking at ALL aspects of this Plan. I would note that every member of every committee has an interest in either agriculture, tourism, subdivisions, VRBO's, all towers etc and these all pertain to the financial benefits of the County's Plan. I know that the individual that feels I will be making decisions that will affect my agricultural income will suggest that I not continue in the position because of my influence and agricultural interest. Four Commissioners are currently involved in some aspect of agriculture as well as members of the Zoning Board. Ervin's do not have any applications to place a renewable energy towers or panels on our land in Keith County at this time. If an application was submitted to do so, of course, it would be a conflict to vote on one on my land, but at this time to continue to support and educate renewable energy in Nebraska does not feel like a personal financial gain.
6	
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)Joan Ervin	(DATE)8-12-24

Hope this is the whole document.

Thank you,
Joan Ervin, Keith County Commissioner
jervin@keithcountyne.gov
308-289-4267 or 308-287-2462

From: Danberg, Neil <neil.danberg@nebraska.gov>
Sent: Thursday, August 8, 2024 7:28 AM
To: Joan Ervin <jervin@keithcountyne.gov>
Subject: RE: CA-Conflict

Joan, Thanks for sending me the first page of the C-2 Form. If you could, please send me the second page, which has Items 4-7. Thanks, Neil Danberg

From: Joan Ervin <jervin@keithcountyne.gov>
Sent: Tuesday, August 6, 2024 12:17 PM
To: Danberg, Neil <neil.danberg@nebraska.gov>
Cc: Rory Roundtree <rroundtree@keithcountyne.gov>; Fair, Randy <rfair@keithcountyne.gov>; Sandy Olson <solson@keithcountyne.gov>
Subject: CA-Conflict

You don't often get email from jervin@keithcountyne.gov. [Learn why this is important](#)

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION	POTENTIAL CONFLICT OF INTEREST STATEMENT	POSTMARK DATE MICROFILM
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**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

Ervin Joan B 308-289-4267
 Name Telephone
 No.
 Last First Middle
 Address 1198 Rd W G..5 North
 Brule NE 69127
 City
 STREET ADDRESS OR RURAL
 ROUTE

ITEM 2 TITLE, AGENCY, ADDRESS, PHONE AND SUPERIOR

Your Title Keith County Commissioner Agency Keith County
 Agency 511 North Spruce, Ogallala Agency 308-284-4726 Clerk's
 Address 69153 Phone
 Name of Immediate Elected Title
 Superior

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

Date action is to be taken or August 7, 2024
 decision is to be made:

Description of
Potential Conflict:

The Keith County Planning and Zoning Board, based on the recommendation of the Administrator is seeking a moratorium on renewable energies. This recommendation was brought forward by myself after attending Commissioner Workshop in June and the concerns expressed by other Counties in making sure Regulations and Comprehensive Plans are up to date.

The discussion on moratoriums began and was published for the June Planning and Zoning Meeting, which lacked a quorum and was postponed until July. In July, again published and the Planning and Zoning Board tabled the recommendation. August meeting again published and recommendation to the Keith County Commissioners is for a moratorium until the Regulations and Comprehensive Plan are updated.

The potential conflict would be that my spouse and I are agriculture and have lease agreements in Keith and Deuel County(neighboring county). We have had those agreements since about 2011.

The moratorium initiative would not impact our financial state or family members.

There are NO applications for Commercial Renewable Energies on our land at present.

My apologies as my MAC does not do documents that most government agencies can view, so I am sending as body of my email.

If you need it scanned, I can have our Clerk do this as well.

Thank you,

Joan Ervin, Keith County Commissioner
jervin@keithcountyne.gov
308-289-4267 or 308-287-2462

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.