

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 27, 2025

Charles Boden
40292 East Wildhorse Road
Brady, NE 69123

Re: C-2A Potential Conflict of Interest Statement

Dear Mr. Boden,

This will acknowledge receipt of a Potential Conflict of Interest Statement ("Statement"), which you filed with the Nebraska Accountability and Disclosure Commission ("NADC") on Tuesday, July 29, 2025. This will also acknowledge our conversation about the Statement on Tuesday August 26, 2025.

You are a member of the Lincoln County Planning Commission ("Commission"). Your Commission is considering zoning regulations which would apply to potential wind farms in unincorporated Lincoln County.

In your Statement, you note that you own property in unincorporated Lincoln County. You also note that you have been approached by a representative of a wind farm with respect to possible leasing of your said property for wind farm purposes. However, you note that at present, you do not have any lease on your property relating to wind farm usage.

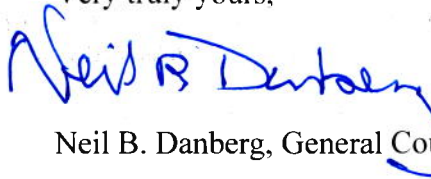
§49-1499.03(2)(a) of the Nebraska Political Accountability and Disclosure Act. ("NPADA") provides that if you, as a Commission member, are required to, "take any action or make any decision in the discharge of [your] official duties that may cause financial benefit or detriment to [you], a member of your immediate family, or a business with which [you are] associated." then you should, as you have done, prepare and file with the NADC a written statement describing the matter.

Your Statement, as supplemented by our telephone call, as noted above, does not demonstrate that you have any financial interest which would constitute a conflict of interest preventing you from acting as a Commission member in considering zoning regulations which may apply to wind energy farms. In the absence of such a conflict, you may undertake consideration of the said regulations.

In addressing your Statement, we are relying upon our understanding, as we have expressed it in this letter, of the accuracy and completeness of information and facts which you have provided in your subject Statement and in our subsequent telephone call. If our expressed understanding of these facts is incorrect or incomplete, please advise us immediately. If, in the future, you should enter into a lease agreement relating to wind energy, please promptly so advise us, since this may alter our present opinion.

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". The signature is stylized with a large, sweeping initial "N" and a long, horizontal stroke extending to the right.

Neil B. Danberg, General Counsel

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION P.O. Box 95086 Lincoln, NE 68509 (402) 471-2522 https://nadc.nebraska.gov	POTENTIAL CONFLICT OF INTEREST STATEMENT NADC FORM C-2A	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 2px;">POSTMARK DATE</td> <td style="padding: 2px; text-align: center;">7/25/25</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: 5px;">RECEIVED</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">JUL 29 2025</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 5px;">NEBRASKA ACCOUNTABILITY and DISCLOSURE COMMISSION</td> </tr> </table>	POSTMARK DATE	7/25/25	OFFICE USE ONLY		RECEIVED		JUL 29 2025		NEBRASKA ACCOUNTABILITY and DISCLOSURE COMMISSION							
POSTMARK DATE	7/25/25																	
OFFICE USE ONLY																		
RECEIVED																		
JUL 29 2025																		
NEBRASKA ACCOUNTABILITY and DISCLOSURE COMMISSION																		
BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3																		
- Any public official of any political subdivision must file this form if he or she has a potential conflict of interest. Additionally, any employee of a political subdivision whose annual salary and benefits exceed \$150,000 must file this form if he or she has a potential conflict of interest. Exception: Public officials required to file a Statement of Financial Interests (Form C-1) should file Form C-2. - This form should be filed with the person who normally keeps records for the political subdivision. The form may be filed with the Nebraska Accountability and Disclosure Commission to request an opinion from the NADC. - 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																	
<table style="width: 100%;"> <tr> <td style="width: 10%;">Name</td> <td style="width: 40%;">BODEN CHARLES WAYNE</td> <td style="width: 10%;">Telephone No.</td> <td style="width: 40%;">308 530-2312</td> </tr> <tr> <td></td> <td style="text-align: center;">Last First Middle</td> <td></td> <td></td> </tr> <tr> <td>Address</td> <td>40292 EAST WILDHORSE RD</td> <td>BRADY</td> <td>NE 69123</td> </tr> <tr> <td></td> <td style="text-align: center;">STREET ADDRESS OR RURAL ROUTE</td> <td style="text-align: center;">City</td> <td style="text-align: center;">STATE ZIP CODE</td> </tr> </table>			Name	BODEN CHARLES WAYNE	Telephone No.	308 530-2312		Last First Middle			Address	40292 EAST WILDHORSE RD	BRADY	NE 69123		STREET ADDRESS OR RURAL ROUTE	City	STATE ZIP CODE
Name	BODEN CHARLES WAYNE	Telephone No.	308 530-2312															
	Last First Middle																	
Address	40292 EAST WILDHORSE RD	BRADY	NE 69123															
	STREET ADDRESS OR RURAL ROUTE	City	STATE ZIP CODE															
ITEM 2	TITLE, AGENCY, ADDRESS AND PHONE																	
Your Title <u>Member of Planning Commission</u> Agency <u>Lincoln County Planning Commission</u> Agency Address <u>301 North Jeffers Street, North Platte, Nebraska 69101</u> Agency Phone <u>308-534-4350</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>September or October 2025</u> Description of Potential Conflict: I serve on the Lincoln County Planning Commission, which is considering zoning regulations governing wind farms in unincorporated Lincoln County. I own land in unincorporated Lincoln County. A wind farm developer has approached me about leasing my land. If I lease land to the wind farm developer, can you please confirm I may vote on the zoning regulations? As I understand Nebraska law, I have a duty to vote on the zoning regulations. The Lincoln County Board of Commissioners has appointed me to recommend jurisdiction-wide land use controls. The Planning Commission's vote is advisory only. Neb. Rev. Stat. § 23-114.01. In a given zoning district, the regulations must be "uniform" for each class of land use. § 23-114.03. Thus, they must apply to all wind farms and cannot distinguish between projects. Even if I had a preference between developers, I could not use the zoning regulations to benefit one developer or its landowners over others																		

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

If I lease land to the wind farm developer, I will receive a monthly lease payment. The lease payment will not depend on any provisions in the zoning regulations. I do not expect the zoning regulations to alter the viability of any wind farm. The developer has informed me it plans to comply with any zoning regulations Lincoln County adopts.

ITEM 6 CONTINUATION

This rule also implicates other land uses. If I had a financial interest in the zoning regulations, so would all landowners in the zoning district. I am not aware of any authority holding a farmer, for instance, has a conflict of interest in voting on zoning regulations because they may impact the viability of certain agricultural practices. A rule requiring me to abstain "would make all but a handful of property owners . . . ineligible to sit on the board in such matters." Byer v. Town of Poestenkill, 232 A.D.2d 851, 853 (N.Y.S. 1996).

Finally, zoning regulations are not project specific. Any wind farm on my land would still require project-specific approvals (e.g., a conditional use permit). I would abstain from project-specific approvals involving my land. I request your opinion only on whether I may vote on generally applicable zoning regulations.

(SIGNATURE)

Charles W. Borden

(DATE)

8-24-2025