

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

September 22, 2025

Terry Jessen
P.O. Box 1140
Scottsbluff, NE 69363

Re: Your C-2A filed on September 15, 2025

Dear Mr. Jessen,

We are in receipt of a C-2A Potential Conflict of Interest Statement ("Statement") which you filed with the Nebraska Accountability and Disclosure Commission on Wednesday, September 17, 2025. We thank you for your Statement, and we will address the question of possible conflict posed by it.

Facts. You are the Chairman of the Planning and Zoning Commission ("Commission") of Garden County. The Commission is currently operating under a Moratorium with respect to wind energy issues. However, the Commission has been meeting to discuss and to determine whether the existing wind energy regulations in Garden County should be altered. In those meetings, you have presented your views with respect to whether existing wind energy regulations in Garden County should be altered, and, if so, in what manner. In your Statement, you ask whether you may act as Chairman when wind energy issues are considered, and whether you may vote on wind energy issues.

Since the commencement of the Moratorium earlier this year, there have been two Commission meetings concerning possible changes to the Garden County wind regulations. Another meeting is scheduled for Wednesday, October 1, 2025. At that meeting, the Commission will discuss what changes, if any, should be made to the Garden County wind regulations. The Commission's recommendations with respect to whether changes should be made, and, if so, what they should be, will eventually be presented to the Garden County Board, at the conclusion of the Moratorium.

You are a landowner, and you have businesses with which you are associated. In particular, you have certain contractual interests in leases associated with possible future wind energy projects in Garden County. If wind energy projects are eventually commenced in Garden County, you would benefit financially through your existing leases. You have identified the following businesses with which you are associated concerning such leases as follows: Terry's Legacy LLC, Leo Jessen Wyobrara Inc., and Leo's Legacy LLC.

Applicable Law. As a member of the Commission, and as Chairman you are a "public official", as that term is defined in the Nebraska Public Accountability and Disclosure Act ("NPADA"). Section 49-1443 defines that term to mean, "...an...appointed official in...a political subdivision [of the State]."

Section 49-1499.03 of the NPADA, provides as follows:

"Any public official of any political subdivision not designated in section 49-1493 who would be 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 him or her, a member of his or her immediate family, or a business with which he or she is associated,....shall take the following actions..."

The actions include filing a Statement, as you have done, and requesting that the NADC provide a response to your Statement.

Analysis. As Chairman of the Commission, you are presiding over issues related to possible alteration of wind energy regulations. The discussion and debate on these issues, together with decisions as to what the recommendations from the Commission should be, present matters which may cause financial benefit or detriment to you or businesses with which you have a financial interest. Under these circumstances, we conclude that you may have a conflict of interest. Consequently, we believe that you should permit another member of the Commission to chair further meetings with respect to these issues, and recuse yourself from participation with respect to debating or preparation of language concerning these issues.

We thank you for presenting your Statement to the NADC in a timely fashion, and for seeking an opinion with respect to it. If any of the facts which we have cited above are incorrect or incomplete, please contact us, since this may affect the conclusion as stated in this letter. In the future, if there are other matters related to wind energy which you will be voting upon, consider filing a C-2A, and requesting an opinion from the NADC.

Please call me at 402-471-0846 if you have any questions.

Very truly yours,

A handwritten signature in blue ink that reads "Neil B. Danberg". The signature is stylized, with the first letters of the first and last names being capitalized and prominent.

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	POSTMARK DATE	9/17/25 EM
		OFFICE USE ONLY	
		RECEIVED SEP 22 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

Name Jessen Terry L Telephone No. 308-631-0178
Last First Middle
 Address 3650 Rd 181 Oshkosh Ne 69154
STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE

ITEM 2 TITLE, AGENCY, ADDRESS AND PHONE

Your Title Chairman Agency Garden County Planning & Zoning Commission
 Agency Address PO Box 350 Oshkosh, Ne 69154
 Agency Phone 308-772-4464

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: October 1, 2025 or later meetings

Description of Potential Conflict:

The Garden County Planning & Zoning Commission is reviewing current regulations with the possibility of making changes to some of those current Wind Regulations. The group of citizen opposed to Wind development is very vocal and continues to demand changes by the P & Z Commission. Most of those proposals are of the nature of making wind development so expensive or so unworkable that no one will be able to develop any commercial Wind projects in Garden County. I feel strongly that would be very adverse to Garden County property owners, by taking away their property rights. I am a supporter of property rights, and of the development of possible commercial Wind production in Garden County. The citizens opposed to Commercial Wind projects (CWP) have suggested that I may have a conflict of interest due to the fact that our family entities own land within the proposed project area. Almost all of the opponents live outside of the proposed project area, with several living outside of Garden County. I feel that as a group they are wanting to take actions against me out of possible jealousy that I might possibly benefit from any CWP. At this time no project has been proposed, and no request for building permits or conditional use permits have been applied for.

Revised July 2024

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)Terry's Legacy LLC, Leo Jessen Wyobraska Inc, Leo's Legacy LLC,

NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT

If a wind farm is constructed in Garden county, on lands owned by the above Entities, or Nebraska & Western Company or The Jessen Family Limited Partnership, then that entity may receive royalties. No project has been proposed, but the leases that landowners have signed allow the Company to consider the development of a wind project. I feel that the current regulations that have been adopted on 9/25/2017 should not be changed after those 33 leases have been placed of record from Nov 15, 2023 through June 24, 2025. Platte Wind & the landowners knew what the rules were at that time and to change the rules now seems extremely unfair to both Platte Wind and the landowners. If a project is built it would bring a substantial amount of tax dollars into the county, estimated at about \$ 800,000 annually. Also the landowners in the county in total would receive estimated royalty payments of about \$ 1,200,000. In addition several good jobs would be created and money would be spent with existing businesses in the county. The possible development is a Win-Win for the county & the landowners. The opposing group does not own land in the area that I am aware of, except for one land owner who owns about 270 acres. No landowners have been forced to sign a lease, as this is all voluntary and up to each land owner. Given the 50 year low in current wheat and corn prices and the cost of raising crops, to have any other possible revenue from this land would be a huge help to those landowners who may have a project on their lands.

ITEM 6 CONTINUATION

I am requesting your office to provide an instruction as to whether if I should continue as Chairman for meetings where wind power is being discussed, and to vote on any changes in the regulations. I only have one vote on the commission out of the seven members on the commission. I am the only person that lives in the possible proposed area of the county. Most if not all of the other six members have expressed opinions adverse to the wind development. I feel that I am the only voice for the 33 landowners who have signed leases in Garden County. The entities that I have named have signed five of those leases. Due to Garden County placing a one year moratorium on wind development, Platte Wind is no longer offering any landowners additional leases. I feel that I am also being a voice for those landowners who may lose the opportunity to lease their land after the moratorium expires. Prior to this year, I have enjoyed being on the Planning & Zoning Commission serving the county. Due to the stress that the public has put on me, it is not currently enjoyable. But I have faith that this stress will pass in time as these issues are no longer being considered by this commission.

(SIGNATURE)

(DATE)