

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
www.nadc.nebraska.gov



Centre Terrace, 1225 L St. #400
Phone (402) 471-2522
Fax (402) 471-6599

November 25, 2018

Brinker Harding
Omaha City Council
2122 S. 109th Street
Omaha, NE 68144

Dear Mr. Harding:

Reference is made to your Potential Conflict of Interest Statement which was filed with this office on November 22, 2019. As I understand it, you are a member of the Omaha City Council. You disclosed that on December 10, 2019 the City Council will be voting on a resolution to approve a tax increment financing redevelopment plan for the redevelopment project site located at 1401 Jones Street. You state that your wife is a principal in an architectural firm that will benefit from the project.

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 elected official of a city of the metropolitan class) 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.

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.

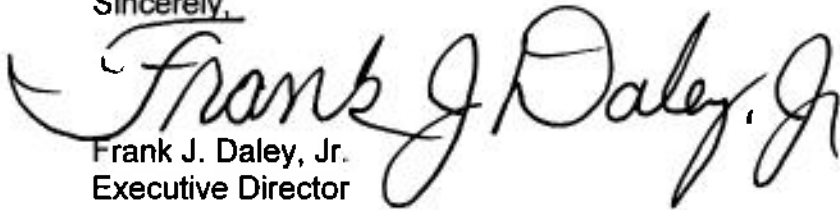
Presumably, your wife, as a principal in the architectural firm, will experience a financial benefit if the resolution is approved by the City Council. If this is the case, you would have a conflict of interest in the matter and you should abstain from participating or voting.

I note that your filing indicates that you will not vote on the matter.

Brinker Harding
November 25, 2019
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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 cursive script that reads "Frank J. Daley, Jr." The signature is written in dark ink and is positioned to the right of the typed name and title.

Frank J. Daley, Jr.
Executive Director

NEBRASKA
ACCOUNTABILITY AND
DISCLOSURE COMMISSION
11th Floor, State Capitol
P.O. Box 95086
Lincoln, NE 68509
(402) 471-2522

BEFORE COMPLETING THIS FORM
READ THE FILING REQUIREMENTS
ON PAGE 3

POTENTIAL CONFLICT OF INTEREST STATEMENT

NADC FORM C-2

POSTMARK
DATE

E-mail 11-22-19

MICROFILM
NUMBER

1410035

OFFICE USE ONLY

2019 NOV 22 AM 10:17

NE ACCOUNTABILITY &
DISCLOSURE COMMISSION

[Signature]

- 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: December 10, 2019

Description of Potential Conflict:

The City Council of the City of Omaha will vote on a resolution to approve a tax increment financing redevelopment plan for the redevelopment project site located at 1401 Jones Street. 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

☒ Member of your Immediate Family:Rebecca Harding - TACK Architects
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)

11/19/19