

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

April 15, 2024

Brinker Harding
2122 South 109th Street
Omaha, NE 68114

Re: C-2 Potential Conflict of Interest Statement

Dear Councilmember Harding,

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 Friday, April 12, 2024.

You are a member of the City Council in Omaha, Nebraska. Your Statement concerns an action which will be taken by the Council on Tuesday, April 16, 2024. You have said you intend to abstain from voting on the matter identified in your Statement.

As a City Councilmember, you are governed by the terms and requirements of Section 49-1499.03 of the Nebraska Political Accountability and Disclosure Act ("NPADA"). That Section provides in pertinent part that if you 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 prepare and file with the NADC a written statement describing the matter. You have done this by filing your subject Statement with the NADC. The cited NPADA Section further provides that the NADC will advise you with respect to what action you should take under the circumstances.

Your Statement raises the question of whether you may take action on a matter which affects your spouse. She is an owner of TACKarchitects. The action in question by the Mayor of Omaha would reappoint your wife to the Benson Business Improvement Area Board. We understand that the Board has been established by the City of Omaha. We further understand that there is no

compensation provided to Board members. Therefore, this is not a situation in which financial benefit or detriment would result from the reappointment.

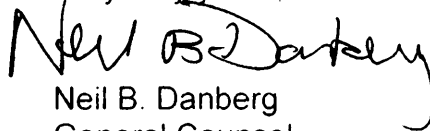
The term "business with which the individual is associated" or, "business association," is defined in §49-1408 of the NPADA. This would include partners, limited liability company members, directors or officers. Unless you fall into one of these categories, you would not have a "business association" which would require you to abstain from voting upon the action in question. We do not perceive that you have a business association which would prevent you from acting on the matter in question.

However, although not required by the NPADA, many public officials choose to recuse themselves where there may be an "appearance" of conflict. The appearance may occur where your spouse, as the subject of the reappointment, has a business association, as defined above. The NPADA does not address the subject of "appearance" of conflict, but public officials, such as yourself, may wish to avoid such an appearance where your spouse is the subject of the reappointment. As noted, abstention under these circumstances is not required by the NPADA, but it is a matter of individual judgment and discretion.

In preparing this response to your Statement, we are relying upon the information which you have provided. If any of that information is incomplete, please advise us immediately.

We thank you for filing the subject Statement. Please contact me directly at 402-471-0846, if you have any questions concerning this matter.

Very truly yours,


Neil B. Danberg
General Counsel

Copy

NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION 11 th Floor, State Capitol P.O. Box 95086 Lincoln, NE 68509 (402) 471-2522	POTENTIAL CONFLICT OF INTEREST STATEMENT	POSTMARK DATE	4/12/2024
		MICROFILM NUMBER	EM S
BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3	NADC FORM C-2 Copy	OFFICE USE ONLY	
		RECEIVED APR 12 2024 NEBRASKA ACCOUNTABILITY DISCLOSURE COMMISSION	
• 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 <u>Harding</u> <u>Brinker</u> Telephone No. <u>402-214-4448</u> Last First Middle			
Address <u>2122 S 109th St</u> <u>Omaha</u> <u>NE</u> <u>68144</u> STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE			
ITEM 2	TITLE, AGENCY, ADDRESS, PHONE AND SUPERIOR		
Your Title <u>City Councilmember</u> Agency <u>City of Omaha</u>			
Agency Address <u>1819 Farnam Street</u> Agency Phone <u>402-444-5523</u>			
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: <u>April 16, 2024</u>			
Description of Potential Conflict: The City Council of the City of Omaha is voting on a Resolution to approve the reappointment made by the Mayor of Rebecca M. Harding, owner of TACKarchitects, to be a member of the Benson Business Improvement Area Board for a term running from April 16, 2024 to April 15, 2027. Councilmember Harding's spouse is the owner of this firm; therefore, Councilmember Harding will not vote on this issue.			

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 BENEFITS**

Note: The appointee is Councilmember Harding's spouse.

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)

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ITEM 7 CONTINUATION

(SIGNATURE)

(DATE)