

State of Nebraska

Accountability and Disclosure Commission

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

April 8, 2025

Merlin Oswald
55685 830th Road
Madison, NE 68748



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

Re: C-2A Potential Conflict of Interest Statement

Dear Mr. Oswald,

This will acknowledge receipt of a Potential Conflict of Interest Statement ("Statement"), which you filed with the Nebraska Accountability and Disclosure Commission ("NADC") on Monday, February 10, 2025. After filing the Statement, you spoke with me about the factual situation raised by the Statement on March 14, 2025.

You are a Commission Member of the Madison County Joint Planning Commission ("Planning Commission"). You have an easement contract with an organization known as Corn Silk Wind Energy, LLC. ("CSWE"). As we understand it, CSWE's business includes developing wind energy. In your Statement, you note that the property on which you have an easement with CSWE, is located in Madison County.

The question which is raised by your Statement is whether you may participate in decisions, actions, or recommendations from the Planning Commission which relate to wind energy development within Madison County.

Section 49-1499.03(2) of the Nebraska Political Accountability and Disclosure Act ("NPADA") has the following requirement:

"Any public official of any political subdivision not designated in section 49-1493 [which does not include Planning Commission members], who would be required to take any action or make any decision in the discharges 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 certain prescribed actions].

That Section goes on to state that the person should file the Statement with the person in charge of keeping records for the political subdivision. The said public official may apply to the NADC for any opinion as to whether the person has a conflict of interest, as you have done in your Statement.

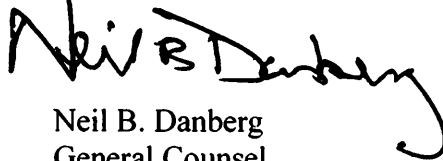
wind energy, has already negotiated an easement on property which you own in Madison County; (3) Based upon your Statement, we conclude that CSWE, the Company which has an easement on your property, may, if permitted by Madison County, elect to use the property for renewable or wind energy purposes; (4) You currently have received or will receive payments from CSWE for the easement which you have described; and (5) Payments from CSWE may increase or decrease depending upon decisions made by the Planning Commission and the Madison County Board of Commissioners.

Based upon the foregoing facts and circumstances, it is our opinion that you would have a conflict of interest under the terms of the NPADA with respect to any action or decision which you would be required to take concerning wind energy issues in Madison County. Accordingly, we conclude that you should recuse yourself with respect to the Planning Commission's actions, decisions, or recommendation relating to wind energy issues in Madison County.

In reaching this conclusion, we are relying upon our understanding, as we have expressed it in this letter, of the accuracy of information and facts which you have provided in your subject Statement. 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 black ink, appearing to read "Neil B. Danberg", with a stylized flourish at the end.

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	2/7/25
		OFFICE USE ONLY	
BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3		RECEIVED FEB 10 2025 NEBRASKA ACCOUNTABILITY DISCLOSURE COMMISSION	

- 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 <u>Oswald</u> <u>Merlin</u> Telephone No. <u>402-992-1952</u> Last First Middle				
Address <u>55685 830th Road</u> <u>Madison</u> <u>NE</u> <u>68748</u> STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE				

ITEM 2	TITLE, AGENCY, ADDRESS AND PHONE	
Your Title <u>Planning Commission Member</u> Agency <u>Madison County Joint Planning Commission</u>		
Agency Address <u>1112 Bonita Drive, Norfolk, NE 68701</u>		
Agency Phone <u>402-370-3577</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>To Be Determined</u>	
Description of Potential Conflict: Madison County will receive an application for a Wind Energy Project in the near future. As a member of the Madison County Planning Commission, I will be asked to vote on a recommendation for approval or denial that will be advanced to the local governing body for approval. I am requesting a determination from your agency regarding my ability to vote on this issue. I will provide details in Item 5 regarding my potential conflict. Thank you.	

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT☒ You☒ Member of your Immediate Family:Ruth M Oswald

NAME

Business With Which You

☐ Are Associated (See Definitions)

NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT

We have entered into a transmission easement agreement with Corn Silk Wind energy, LLC. Legal description East 1/2 of the SE 1/4 Section 10, Township 12 North Range 1W of 6th P.M. Madison County NE

ITEM 6 CONTINUATION

(SIGNATURE)

Merlin K Oswald

(DATE)

February 3, 2025