

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 NADC FORM C-2	POSTMARK DATE	
		MICROFILM NUMBER	
BEFORE COMPLETING THIS FORM READ THE FILING REQUIREMENTS ON PAGE 3		OFFICE USE ONLY	
		FILED DEC 19 2016 CITY CLERK'S OFFICE	

- An official or employee of the executive branch of state government or any other official or employee required to file Statements of Financial Interests must file this form if he or she has a potential conflict of interest.
- Elected officials of school districts and elected officials of villages and cities (except Omaha and Lincoln) should not use this form. Use Potential Conflict of Interest Statement Form C-2A.
- File this Potential Conflict of Interest Statement with the Nebraska Accountability and Disclosure Commission and with your immediate superior (if any) whenever a potential conflict of interest situation arises.
- 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	Raybould Jane M Telephone No. (402) 430-6561
	Last First Middle
Address	3015 South 20th Street Lincoln NE 68502
	STREET ADDRESS OR RURAL ROUTE City STATE ZIP CODE

ITEM 2	TITLE, AGENCY, ADDRESS, PHONE AND SUPERIOR
Your Title	City Council Member Agency Lincoln City Council
Agency Address	555 S. 10th St., Room 111, Lincoln, NE 68508 Agency Phone (402) 441-7515
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:	1st Reading Monday, 11/21/2016 and Public Hearing Monday, 12/5/2016
Description of Potential Conflict:	<p>I am the District 3 City Council Member that represents the southwest area of the City of Lincoln. Costco has applied for a change of zone, a comprehensive plan amendment and a use permit for approximately 16 acres between 14th and Hazel Scott Drive along Pine Lake Road that is in my district. I have attended two neighborhood meetings and presentations by Costco. My constituents have expressed valid concerns with the safety of the children in the neighborhoods that attend Scott Middle School directly across the street to the East, Adams Elementary School two blocks to the South and Southwest High School on the West side of 14th Street. The traffic impact of a Costco will be significant. This new Costco would be approximately 1/2 a mile from our existing Super Saver grocery store on 27th Street. I am on the B & R Stores, Inc. Board of Directors as the vice chair and secretary as well as the director of buildings and equipment for the company. The new Costco would be another retail competitor in our trade area.</p>

ITEM 4 PERSONS WHO MAY RECEIVE FINANCIAL BENEFIT OR DETRIMENT

You
 Member of your Immediate Family: Jane Raybould, Vice Chair and Secretary of B & R Stores, Inc. Board of Directors
NAME
Business With Which You
 Are Associated (See Definitions) B & R Stores, Inc. with Super Savers, Russ's Markets, Save Best and Apple Market
NAME OF BUSINESS

ITEM 5 NATURE OF FINANCIAL BENEFIT OR DETRIMENT

There is the possibility of a decrease in our Super Saver sales with the close proximity of the Costco or it might actually increase the sales to that store since we are a different grocery retailer with full service departments. Costco's trade area is huge and can draw customers from many municipalities to the north and south of Lincoln such as Beatrice and Seward. Costco has an excellent and well deserved reputation of being a great employer and the City of Lincoln would benefit from the sales tax and wage increases. Costco does offer higher starting wages that will have an impact on all retailers in this area as we compete for labor.

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

Jane Raybould
(SIGNATURE)

10/25/2016
(DATE)

State of Nebraska

Accountability and Disclosure Commission

P.O. BOX 95086
Lincoln, Nebraska 68509
nadc.nol.org



11th Floor, State Capitol
Phone (402) 471-2522
Fax (402) 471-6599

October 31, 2016

Jane M. Raybould
3015 South 20th Street
Lincoln, NE 68502

Re: C-2 Potential Conflict of Interest Statement

Dear Ms. Raybould,

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 Tuesday, October 25, 2016.

In the Statement, you have raised the issue of whether, as a member of the Lincoln City Council ("Council"), you would have a disqualifying conflict of interest in considering a matter which is coming before the Council, which you have described as follows: "Costco has applied for a change of zone, a comprehensive plan amendment and a use permit for approximately 16 acres between 14th and Hazel Scott Drive along Pine Lake Road..". We will refer to this matter as the "Costco Application."

In your subject Statement, you note that you are a member of the Board of Directors and Vice Chair and Secretary of B & R Stores, Inc.. Section 49-1408 of the Nebraska Political Accountability and Disclosure Act ("NPADA") defines the term, "a business with which the individual is associated," and this definition includes a business in which the individual is a director or officer. We conclude, just as you have in your subject Statement, that you may have a financial benefit or detriment with respect to the Costco Application, and that B & R Stores, Inc. may likewise have a financial benefit or detriment with respect to the Costco Application. We further conclude that B&R Stores is a business with which you are associated.

As a member of the Council, you are governed by the terms and requirements of Section 49-1499.03 of the NPADA. That Section provides in pertinent part that if a person is required to, "take any action or make any decision in the discharge of

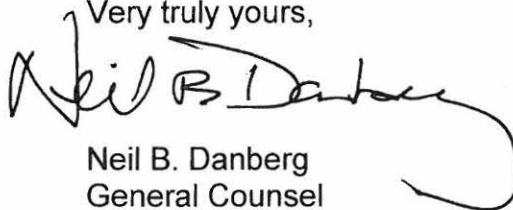
[her] official duties that may cause financial benefit or detriment to...her..., or a business with which [she is] associated," then you should prepare and file with the NADC a written statement describing the matter. You have done this by filing your subject Statement with the NADC. The cited NPADA Section further provides that the NADC will advise you with respect to what action you should take under the circumstances.

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 the Costco Application, as identified in your Statement, and as described and referenced above. Accordingly, we conclude that you should recuse yourself with respect to the Council's consideration of the Costco Application as you have described it in your Statement. Specifically, you should not participate in the discussion or the vote concerning the Costco Application when it is presented to the Council for action or decision, or at any time thereafter.

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". The signature is written in a cursive style with a long, sweeping tail that loops back under the name.

Neil B. Danberg
General Counsel