



NEBRASKA AUDITOR OF PUBLIC ACCOUNTS

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November 25, 2025

Clint Dubas, Chairperson
Loup Ferry Township Nance County
56217 N. Creek Road
Palmer, NE 68864

Dear Chairperson Dubas:

The Nebraska Auditor of Public Accounts (APA) has reviewed the audit waiver request received from the Loup Ferry Township Nance County (Township) for the fiscal year ending 2025. **That request has been approved.**

While performing, pursuant to Neb. Rev. Stat. § 84-304 (Supp. 2025), the preliminary examination necessary to determine whether further audit work would be required or the audit waiver should be allowed, the APA noted certain internal control or compliance matters, or other operational issues, within the Township.

The following information is intended to improve internal controls or result in other operational efficiencies.

Comments and Recommendations

1. Board Member Compensation & Political Accountability and Disclosure Act

The APA received the Township Board (Board) meeting minutes and the accompanying claims listing for September 19, 2025. From this listing, the APA identified a possible violation of the Nebraska Political Accountability and Disclosure Act (Act) by Board member Clint Dubas.

In addition to being a Board member, Mr. Dubas operates a motor grader on behalf of the Township. According to the above-referenced meeting minutes, Mr. Dubas appears to have failed to abstain from voting on the following September 19, 2024, claims to himself, totaling \$4,050:

Payee	Description	Amount
Clint Dubas	Road repair on fiber optic installation	\$ 600
Clint Dubas	Road work	3,450
Total		\$ 4,050

An excerpt from the September 19, 2025, Board meeting minutes is shown below:

*# 3669.41 for a total expense of \$12,552.47. Moved
Mr. Neff moved to approve the payment of these
expenses. Clint Dubas gave a second and the
motion carried.*

Additionally, the Board approved the payment of wages at this same meeting, as shown in the following excerpt:

*Clint Dubas will continue to do maintenance on minimum maintenance roads and other roads as needed.
Payment of wages was then approved by motion by Tom Knopik and second by Clint Dubas.*

The meeting minutes specify neither the wages nor the pay rate approved. If the wages approved by the Board were for payment to Mr. Dubas for road maintenance, it is clear that he failed to abstain from voting to approve that payment to himself.

The Act is set out at Neb. Rev. Stat. § 49-1401 et seq. (Reissue 2021; Cum. Supp. 2024; Supp. 2025). Neb. Rev. Stat. § 49-1499.03(2) (Cum. Supp. 2024) provides the following:

(a) 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, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

(i) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict;

(ii) Deliver a copy of the statement to the person in charge of keeping records for the political subdivision who shall enter the statement onto the public records of the political subdivision; and

(iii) Except as otherwise provided in subsection (3) of this section, abstain from participating or voting on the matter in which the public official has a conflict of interest.

(b) The public official may apply to the commission for an opinion as to whether the person has a conflict of interest.

(Emphasis added.) Section § 49-1499.03(3)(a), as referenced above, provides the following exceptions for compliance with the above requirements, including the prohibition against “participating or voting on the matter in which the public official has a conflict of interest”:

(i) To the extent that the individual's participation is legally required for the action or decision to be made; or

(ii) If the potential conflict of interest is based on a business association and (A) such business association is an association of such political subdivisions, (B) the political subdivision is a member of such association, and (C) the business association exists only as the result of such public official holding office.

However, none of these exceptions appear applicable to the situation at issue – meaning that Mr. Dubas was likely ineligible to participate in any vote to approve his own wages.

Because ensuring adherence to the provisions of the Act can sometimes prove complicated, it is worth noting that Neb. Rev. Stat. § 49-14,100 (Reissue 2021) provides the following:

Any person who is in doubt as to the propriety of action proposed to be taken by him may apply to the commission for an advisory opinion relating thereto, and the commission shall have authority to render such opinions. When an advisory opinion is issued pursuant to a complete and accurate request, such opinion shall be a complete defense to any charge of violation of sections 49-1493 to 49-14,104 as to any action taken strictly subject to the terms of such opinion.

Regarding the failure of the Board’s meeting minutes to specify the approved wages or pay rate, Neb. Rev. Stat. § 23-258 (Reissue 2022) provides the following:

The following shall be deemed town charges: The compensation of town officers for services rendered their respective towns, contingent expenses necessarily incurred for the use and benefit of the town, the money authorized by the vote of the town meeting for any town purposes, and every sum directed by law to be raised for town purposes.

(Emphasis added.) Additionally, Neb. Rev. Stat. § 23-224 (Reissue 2022) says the following:

The electors present at the annual town meeting shall have power:

* * * *

(8) To direct the raising of money by taxation, subject to approval by the county board . . . (c) for any other purpose required by law; . . . (e) for the compensation of town officers at the rate allowed by law and, when no rate is fixed for such amount, as the electors may direct[.]

(Emphasis added.) Electors participating in the Township’s annual meeting – as well as Board members conducting official business – constitute a public body subject to the provisions of the Open Meetings Act, which is set out at Neb. Rev. Stat. §§ 84-1407 to 84-1414 (Reissue 2024; Supp. 2025). In particular, Neb. Rev. Stat. § 84-1413(1) (Reissue 2024) requires such public bodies to “keep minutes of all meetings,” showing, among other things, “the substance of all matters discussed.”

Neglecting to state on the record, as reflected in the Board’s meeting minutes, the specific amount of any wage or pay rate approved constitutes an apparent violation of § 84-1413(1).

Good internal control requires procedures to ensure: 1) adherence to the Act’s prohibition against public officials voting to grant financial benefits to themselves; and 2) inclusion of the specific amount of any compensation approved by the Board in the minutes of the meeting during which such authorization occurred.

Without such procedures, there is an increased risk for both statutory violations and the loss of Township funds.

We recommend the Board implement procedures to ensure the following: 1) adherence to the Act’s prohibition against public officials voting to grant financial benefits to themselves; and 2) inclusion of the specific amount of any compensation approved by the Board in the minutes of the meeting during which such authorization occurred. Because this comment points to a possible violation of the Act, we are forwarding the information herein to the Nebraska Accountability and Disclosure Commission for further review.

2. Payments Not Approved

The APA reviewed a copy of the minutes for the September 19, 2025, meeting of the Board. Those minutes reflect the Board’s approval of all Township expenditures for the fiscal year ended June 30, 2025. According to Township officials, the Board meets only once every year – meaning that any Township expenditures for the last year were not approved by the Board prior to payment.

Nebraska law requires the Board to approve all claims against the Township. In particular, Neb. Rev. Stat. § 23-255 (Reissue 2022) states the following, in relevant part:

All claims and charges against the town, duly audited and allowed by the town board, shall be paid by order so drawn.

(Emphasis added.) Properly discharging the above statutory duties necessarily entails the Board’s approval of all expenditures of Township funds prior to their actual disbursement.

A good internal control plan and sound business practices require procedures to ensure that the Board approves all expenditures and business transactions of the Township prior to payment.

Without such procedures, there is an increased risk for not only failure to comply with State statute but also loss or misuse of public funds.

We recommend the implementation of procedures to ensure the Board approves all expenditures of Township funds prior to payment.

* * * * *

The preliminary planning work that resulted in this letter was designed primarily on a test basis and, therefore, may not bring to light all existing weaknesses in the Township’s policies or procedures. Nevertheless, our objective is to use the knowledge gained during the performance of that preliminary planning work to make comments and suggestions that we hope will prove useful to the Township.

This communication is intended solely for the information and use of the Township and its management. It is not intended to be, and should not be, used by anyone other than those specified parties. However, this letter is a matter of public record, and its distribution is not limited.

If you have any questions, please contact **Dakota Christensen at 402-499-8702 or dakota.christensen@nebraska.gov.**

Sincerely,



Mark Avery, CPA
Assistant Deputy Auditor

cc. Nebraska Accountability and Disclosure Commission