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Watch the livestream at <https://youtube.com/live/zr1g5YCcwTk?feature=share>

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*The City Council may vote to go into Closed Session on any agenda item as allowed by State Law.*

***ROUTINE BUSINESS***

1. Announcement of Open Meetings Act
2. Roll Call
3. Pledge of Allegiance
4. Mayors Report
5. City Administrators Report (Pages 2-5)
6. Chief of Police Report

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***CONSENT AGENDA (Pages 6-12)***

1. Minutes Approval for October 2, 2023
2. Agenda Approval
3. Treasurers Report
4. Police Report
5. Consent Agenda

*Any item listed on the Consent Agenda may, by the request of any single Council Member, be considered as a separate item under the Regular Agenda Section of the Agenda.*

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***OLD BUSINESS***

1. None

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***REGULAR BUSINESS***

1. Public Hearing – 2020 CDBG Owner Occupied Rehabilitation Program (Grant CDBG#20-HO-36035) (Pages 13-14)
2. Discussion – Review of EDGE 3<sup>rd</sup> Quarter 2023 Report | EDGE, Inc. (Pages 15-16)
3. Discussion and Action – Resolution 2023-R116 to appoint Trevor Campbell and Anthony Nussbaum (alternate) to the MEAN Board of Directors & NMPP Members Council (Pages 17-18)
4. Discussion and Action – Notice of Claim by Public Justice for discrimination and tort claims on behalf of Tara Blunt against the City of Falls City and Falls City Public Schools (Pages 19-26)

***ADJOURNMENT***

Anthony Nussbaum, City Clerk

**REPORT TO MAYOR & COUNCIL PERSONS**

**FROM ANTHONY NUSSBAUM**  
**CITY ADMINISTRATOR**

**REGARDING** Administrators Report – October 16, 2023

**DATE** October 13, 2023

**Operations Update**

As of mid-October, over 520 citizens are actively using the official mobile app. With features like City Info, Municipal Services, Culture & Recreation, Jobs, Around FC, Business Directory, Events, News, and Report Issues you'll find it easier than ever to stay connected with City of Falls City, NE with just a few taps on your mobile device.

The acquisition of the parking lot at 1514 Chase was completed in late September 2023. The property which includes about 0.35 Acres of surface parking was purchased from First Interstate Bank to secure downtown parking availability for business's and citizens. Prior to the purchase, the property was leased to the city under a maintenance lease agreement with Tier One Bank.



The fall Community Clean-Up event will be held at the Prichard Auditorium parking lot on Saturday October 21<sup>st</sup>, 2023. See attached flyer for items being accepted and timeframes. A pick-up and haul off program is also being provided by the Boy Scouts! Thanks to Falls City Chamber of Commerce Director, Amber Holle, for coordinating the clean-up event.

**Community Development**

Recreation/Wellness Center Feasibility Study: Draft summary reports provided by APMA, have been reviewed with City Administration. Final study reports, presentations of findings and draft building uses will be presented to community stakeholders in late October in addition to the City Council following in November.

Another vacant property was demolished through the Housing Abatement/Demolition Program near 5<sup>th</sup> & Wilson Street this month. In addition, city crews will begin demolition of 3 other properties in the coming weeks. A few vacant properties have been removed.

The Southeast Nebraska Land Bank met in its 1<sup>st</sup> regular session meeting on Thursday, October 12, 2023. During the meeting, agency by-laws were adopted and approval of the 501c3 application was completed. Discussion with council will be performed in the near future regarding transferring of existing city owned residential parcels to the land bank.

A public hearing for the 2023-2024 One & Six Year Street Plan will be completed at the regular meeting of the Board of Public works on November 2, 2023. Additional street projects have been added for public review in addition to removal of projects that have been completed.

A new tree was planted at Grandview Park to replace an existing tree that was removed due to disease. The tree was donated by the Philanthropic Education Organization and planted by city park crews. Thanks to everyone involved.

## Human Resources

All positions are filled at this time.

## Projects

2023 Tyler Tech Implementation – Financial configuration implementation sessions were completed with over 120 hours of administrative and management staff time spent with the Tyler Tech software implementation team. A new GL chart of accounts has been created in addition to mapping of existing chart of accounts from the old software. In addition to the configuration, data cleanup is being performed to help streamline future processing. Validation processes for both general ledger, fixed assets, inventory, purchasing and payroll will begin the last week of October to prepare for the Go-Live readiness at the beginning of November. The new pooled cash environments have been setup and ready for implementation in conjunction with the Go-Live date of November 20, 2023 for financials. Ancillary modules (Fixed Assets, Inventory, Purchasing) go-live will immediately follow in early December. Modules yet to be completed are Parks & Rec, Utility Billing, Content Manager, Community Development, Accounts Receivable and Utility Billing.

2023 Street Improvements Project-Phase I – Design plans are around 60% complete with final bid documents on schedule for delivery and project bidding bid-November.

2022 Electrical Distribution System Improvements (4.16 Switchgear PDC Project) – Foundation construction for the PDC began at the Power Plant site. Extensive buried foundations from old water-cooling ponds were encountered that require isolated removal. Encountering the foundation was expected, however the extent of the removal scope of work has increased. Foundation will need to be constructed prior to delivery of the PDC which is planned to be delivered in late March or early April 2024.

2022 Electrical Distribution System Improvements (Primary Underground Project) – Final materials being procured. Contracts were awarded. This project was originally scheduled for a 2023 construction start but construction was postponed due to materials lead times. We are currently expecting a spring to summer 2024 start. BOPW will need to make a decision on property owner cost reimbursement for interior electrical service component for effected properties. M&A will generate a form for customers to utilize to submit expenses.

2023 Northeast Force Main Replacement - Project is currently in preliminary design stages. Project consists of replacement of approximately 5000 linear feet of sewer force main along 652 Blvd from 15th Street to 27th Street. Currently working with landowners on easement needs in addition to awaiting a hopeful award of funding through the House Appropriations Committee. Funding notices will likely not be known until congressional budgets are approved which could be after December 2023.

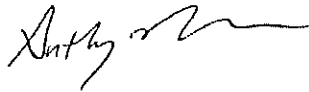
2023 Street Sign Replacement Project – Street signs are being replaced systematically along collector streets beginning on the west side of town north of 14<sup>th</sup> Street. As most sign post installations require 811 locates, only portions of signs are being replaced as to not flood utility locators with excess work. The old street signs will be placed for public auction on Municibid.com. Outreach for advertising the auctions will be performed in the next couple weeks.

Tiger Trail Street Improvement Project – Earthwork embankment was constructed in addition to sanitary sewers were installed along the cul-de-sac. Concrete paving is planned for late October or early November pending weather conditions. The paving of this project will be performed in conjunction with the pavement of the Abbott Street and 31<sup>st</sup> Street extensions planned within the Wilderness Falls III project which is also currently under construction.

Projects that were completed this fiscal year as follows:

- 33<sup>rd</sup> Street – Bill Schock Blvd to Lane Street
- 2023 Storm Sewer Repair – 16<sup>th</sup> & Crook Street
- Engine 5 Rebuild at Power Plant
- Engine 8 Automation at Power Plant
- Sacred Heart South Parking Lot – Power Underground Project
- Richardson County Service Yard Project – Power Underground project
- 2021 Sanitary Sewer Rehabilitation & Improvement Project
- BNSF Water Main Relocation
- 2023 Phase 8 Gas Main Replacement
- 2023 WWTP Reed Bed Replacement
- 911 Wireless Conversion - Lumen

Respectfully,



Anthony Nussbaum  
City Administrator/Clerk/Treasurer



# COMMUNITY CLEAN UP



**SATURDAY, OCTOBER 21ST**  
**FROM 7 TO 11 AM**



IN THE PARKING LOT EAST OF PRICHARD AUDITORIUM  
BY: FALLS CITY SANITATION

SPONSORED BY THE CITY OF FALLS CITY  
ACCEPTING LARGE & BULKY TRASH, APPLIANCES,  
FURNITURE, BUILDING MATERIALS & METALS  
NO TIRES, HAZARDOUS WASTE OR TOXIC CHEMICALS

## **PAPER SHREDDING**

**FROM 9 TO 11 AM**

AT THE PARKING LOT EAST OF PRICHARD AUDITORIUM  
BY: PAPER EATERS

SPONSORED BY FRONTIER BANK  
ONLY FOR INDIVIDUALS & FAMILIIES. PLEASE NO BUSINESSES.

## **ELECTRONICS RECYCLING**

**FROM 10AM TO NOON**

AT KAWRES SUPERSTORE, 1515 STONE STREET  
ACCEPTING ELECTRONICS SUCH AS COMPUTERS & PRINTERS  
NO FLAT PANEL TVS

**NEED HELP HAULING YOUR LARGE ITEMS?**  
**THE BOY SCOUTS WILL PICK UP & HAUL OFF YOUR**  
**UNWANTED ITEMS FOR A \$5 DONATION PER ITEM!**  
**CALL AMBER AT 402-245-4228 TO SCHEDULE!**

## Consent Resolution OCTOBER 16, 2023

*WHEREAS*, certain business of the City Council (Council) of the City of Falls City (City) transpires on a regular and routine basis or is not of controversial nature; and

*WHEREAS*, roll call votes on each individual issue greatly extend the meeting time.

*NOW, THEREFORE, BE IT HEREBY RESOLVED BY* the City Council that in the interest of economizing time, yet complying with the Public Meeting Laws of the State of Nebraska, which require roll call voting, the following issues are hereby consolidated in this Consent Resolution:

1. *BE IT FURTHER RESOLVED BY* the Council that the minutes from the October 2, 2023 regular meeting is hereby approved.
2. *BE IT FURTHER RESOLVED BY* the Council that the agenda for October 16, 2023, is hereby approved.
3. *BE IT FURTHER RESOLVED BY* the Council that the Treasurer's Report for September, 2023 is hereby approved.
4. *BE IT FURTHER RESOLVED BY* the Council that the Police Report for September, 2023 of the City of Falls City are hereby approved.
5. *BE IT FURTHER RESOLVED BY* the Council that the Consent Resolution for October 16, 2023, is hereby approved.



October 2, 2023

A meeting of the City Council of the City of Falls City, Nebraska, was held in said City on the 2<sup>nd</sup> day of October 2023, at 6:00 o' clock P.M. Council met in regular session. Mayor Harkendorff called the meeting to order and Clerk Nussbaum recorded the minutes of the meeting. On roll call the following Council persons were present: Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. Absent: Fouraker. Notice of the meeting was given in advance thereof by posting in three public places, a designated method for giving notice as shown by the Certificate of Posting Notice attached to these minutes. Notice of the meeting was given in advance thereof by posting in three public places, a designated method for giving notice as shown by the Certificate of Posting Notice attached to these minutes. Notice of this meeting was given to the mayor and all persons of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Mayor Harkendorff publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

### CONSENT AGENDA

A motion was made by Council person Leyden and seconded by Council person Ractliffe to approve the Consent Agenda as follows: *WHEREAS*, certain business of the City Council (Council) of the City of Falls City (City) transpires on a regular and routine basis or is not of controversial nature; and *WHEREAS*, roll call votes on each individual issue greatly extend the meeting time. *NOW, THEREFORE, BE IT HEREBY RESOLVED* BY the City Council that in the interest of economizing time, yet complying with the Public Meeting Laws of the State of Nebraska, which require roll call voting, the following issues are hereby consolidated in this Consent Resolution: 1. *BE IT FURTHER RESOLVED* BY the Council that the minutes from the September 18, 2023 regular meeting is hereby approved. 2. *BE IT FURTHER RESOLVED* BY the Council that the agenda for October 2, 2023, is hereby approved. 3. *BE IT FURTHER RESOLVED* BY the Council that the Claims for September, 2023 is hereby approved. 4. *BE IT FURTHER RESOLVED* BY the Council that the Consent Resolution for October 2, 2023, is hereby approved. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

### SECOND READING OF ORDINANCE 2023-103 TO AMEND ORDINANCE 2022-107 TO CORRECT THE EFFECTIVE DATE OF RATES INCREASES FOR RURAL WATER DISTRICT II

A motion was made by Council member Ractliffe and seconded by Council member Ferguson to suspend the rules and move the final reading. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

A motion was then made by Council member Ferguson and seconded by Council member Ractliffe to accept the final reading of Ordinance #2023-102. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

### REVIEW OF FY 2023-2024 INSURANCE RENEWAL PREMIUMS FOR THE CITY GENERAL AND BOARD OF PUBLIC WORKS

A motion was made by Council member Ferguson and seconded by Council member Leyden to approve the FY 2023-2024 insurance renewal rates and grant authority to negotiate deductible to the City Administrator. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

### REVIEW OF ICS DEPOSIT AGREEMENT FOR CITY GENERAL FUNDS

A motion was made by Council member Ferguson and seconded by Council member Rhodd to approve

execution of the agreement as presented. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

**REQUEST FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR WEDDING RECEPTION AT PRICHARD AUDITORIUM ON DECEMBER 16, 2023 – KYLE BAUMAN & MADI STAMPER**

A motion was made by Council member Ractliffe and seconded by Council member Holle to approve the request as presented. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

**REQUEST TO USE STONE STREET ON NOVEMBER 24, 2023 FROM 15<sup>TH</sup> TO 18<sup>TH</sup> STREET FOR LIGHTED CHRISTMAS PARADE AND TO BLOCK OFF STREET PARKING ON THE 1500 TO 1700 BLOCKS OF STONE STREET BETWEEN 5-8PM – FALLS CITY CHAMBER AND MAIN STREET**

A motion was made by Council member Leyden and seconded by Council member Ferguson to approve the request as presented. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

**REVIEW PROJECTS NO'S 004, 007, 010, 012, 017 AND 019 FOR THE 2020 OWNER-OCCUPIED REHABILITATION PROGRAM AS RECOMMENDED BY THE HOUSING BOARD - SENDD**

A motion was made by Council member Holle and seconded by Council member Ferguson to approve the OOR projects as recommended by the Housing Board. Roll was called on this motion and the Council persons voted as follows: "YEA" Buckminster, Ferguson, Holle, Leyden, Ractliffe, Rhodd, Wisdom. "NAY" None. "ABSENT" Fouraker. Motion carried.

*THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 6:22pm*

I, the undersigned, City Clerk for the City of Falls City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by Mayor Harkendorff and Council on October 2, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by persons of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to persons of the public, posted during such meeting in the room in which such meeting was held.

(SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY CLERK

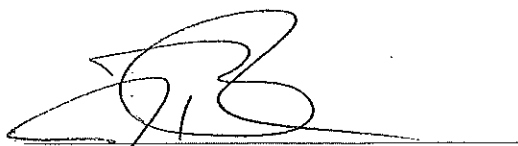
\_\_\_\_\_  
MAYOR



# FCPD Monthly Report - September 2023

	<u>MONTH</u>	<u>YEAR</u>	<u>CALLS FOR SERVICE</u>	<u>MONTH</u>	<u>YEAR</u>
<b>ARRESTS</b>					
Felony	3	22	911 Hangup/Misdial	26	430
Misdemeanor	17	176	Animal Call	34	275
City Ordinance	4	73	Accident	8	65
<b>Total:</b>	24	271	Alarm	12	71
<b>TRAFFIC</b>					
Citations	66	406	Ambulance	72	619
Warnings	78	536	Assault	4	14
<b>Total:</b>	144	942	Burglary	0	2
<b>PARKING</b>					
Citations	17	131	Burn Permit	6	257
Warnings	0	0	Civil Standby	0	0
<b>Total:</b>	17	131	Curfew	0	5
<b>OTHER</b>					
Warnings	12	48	Welfare Check	20	123
			Domestic Disturbance	5	34
			Disturbance	3	38
			Escort	1	4
			Fire Call	3	93
			Found or Lost Property	10	53
			Fingerprints	0	12
			Fraud	4	20
			Gun Permit	4	36
			HHS Intake	12	109
			House Watch	2	12
			Investigation	12	68
			Information Only	39	237
			Law Enforcement Assist	0	14
			Loitering	0	4
			Motorist Assist	8	76
			Missing Person/Juvenile	0	6
			Miscellaneous	55	488
			Noise Disturbance	7	75
			Nuisance	36	251
			Open Door	0	14
			Parking Complaint	7	49
			Phone Scam	0	25
			Referral	30	344
			Records Check	8	82
			Runaway	1	6
			Suspicious Person/Vehicle	5	71
			Theft	6	60
			Traffic/Driving Complaint	8	97
			Trespassing	0	17
			Truancy	0	8
			Vandalism	2	15
			Vehicle Repossession	0	2
			Warrant Arrest	1	24
			Weather Notification	2	28

\* 911 call data not available at this time due to transition to new 911 console system. Data will be available in a few weeks (see attached).



Jamie Baker

Reported by Marci Ankrom

# Falls City Police Department

## Crimes and Clearance Rate

### Part I Crimes

Date: September 2023

Number and Disposition of Offenses Known to the Police

UNIFORM CLASSIFICATION OF OFFENSES	OFFENSES KNOWN TO THE POLICE					OFFENSES CLEARED		
	REPORTED OR KNOWN THIS MO.	UNFOUNDED	ACTUAL OFFENSES THIS MO.	ACTUAL THIS YR TO-DATE	ACTUAL LAST YR TO-DATE	THIS MONTH	THIS YEAR TO-DATE	LAST YEAR TO-DATE
PART I								
1. Criminal Homicide								
2. Rape	1		1	4	3	1	4	3
3. Robbery								
Armed – any weapon								
Strong arm – no weapon								
4. Assault	2		2	3	1	2	3	1
5. Burglary								
Forcible Entry					2			2
Unlawful entry – no force								
Attempted forcible entry								
6. Thefts	2		2	7		1	6	
Pocket picking								
Purse snatching								
Shoplifting	6		6	19	12	6	19	12
Thefts from auto				1			1	
Thefts of auto parts & acc.								
Thefts of bicycles								
Thefts from buildings				3	3		2	2
Thefts from coin operated machine								
All other thefts				9	4		9	4
7. Motor vehicle theft								
Autos								
Trucks and buses								
Other vehicles								
8. Arson								
<b>Total</b>	<b>11</b>		<b>11</b>	<b>46</b>	<b>25</b>	<b>10</b>	<b>44</b>	<b>24</b>

PART I % CLEARED      90%      96%      96%

## Falls City Police Department

### Crimes and Clearance Rate

#### Part II Crimes

Date: September 2023

Number and Disposition of Offenses Known to the Police

UNIFORM CLASSIFICATION OF OFFENSES	OFFENSES KNOWN TO THE POLICE					OFFENSES CLEARED		
	REPORTED OR KNOWN THIS MO.	UNFOUNDED	ACTUAL OFFENSES THIS MO.	ACTUAL THIS YR TO- DATE	ACTUAL LAST YR TO- DATE	THIS MONTH	THIS YEAR TO- DATE	LAST YEAR TO- DATE
PART II								
1. Other Assaults	7		7	37	49	7	37	49
2. Forgery & Counterfeiting								
3. Fraud	6		6	9	1	6	9	
4. Embezzlement								
5. Stolen Property								
6. Vandalism				4	10		4	6
7. Weapons-Possession				2	2		2	2
8. Prostitution								
9. Other Sex Offenses	1		1	12	2	1	12	2
10. Narcotics Laws	3		3	31	15	3	31	15
11. Gambling Laws								
12. Offenses Against Family	3		3	62	45	3	62	45
13. Driving Under Influence	1		1	4	2	1	4	2
14. Liquor Laws	1		1	6		1	6	
15. Disorderly Conduct	1		1	20	13	1	20	13
16. All Other Offenses	23		23	104	94	23	104	94
<b>TOTAL</b>	46		46	291	233	46	291	228
<b>PART I&amp;II TOTAL</b>	57		57	337	258	56	335	252

**Combined Total**

<b>Part II % Cleared</b>	<b>100%</b>	<b>100%</b>	<b>98%</b>
<b>Part I &amp; II % Cleared</b>	<b>98%</b>	<b>99%</b>	<b>98%</b>

**FALLS CITY**  
**CODE ENFORCEMENT**  
**MONTHLY REPORT**

SEPTEMBER, 2023

NUISANCES REPORTED	VIOLATIONS	REINSPECTED	VIOLATIONS FILED
36	36	36	1

TREES REPORTED	VIOLATIONS	REINSPECTED COMPLIANT	VIOLATIONS FILED
22	22	10	0

ABATEMENT REQUEST

0
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ANIMAL CALLS	ANIMALS PICKED UP	ANIMALS CLAIMED	ANIMALS ADOPTED
34	10	5	5

CODE ENFORCEMENT

*Pradai Jones*



**CITY OF FALLS CITY  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN THAT ON October 16, 2023**, in the City Office at 2307 Barada Street, Falls City, NE 68355, as part of their 6:00 P.M. City Council meeting, the City of Falls City will hold a public hearing to provide an opportunity for public comment concerning an existing Community Development Block Grant (CDBG) project awarded to the City.

**CDBG #20-HO-36035 Owner-Occupied Rehabilitation:** The City of Falls City was awarded \$547,000 in 2020 CDBG funds to implement a Citywide "Owner-Occupied Housing Rehabilitation Program." Eighteen homes are scheduled to be rehabilitated for LMI owner-occupant families as a result of the program. 100% of the CDBG funds will benefit Low-to-Moderate Income Persons. Of the CDBG funds awarded, \$450,000 were allocated to Housing Rehabilitation Code 14A, \$50,000 for Housing Management Code 14H, \$27,000 Lead Paint Testing Code 14I, and \$20,000 for General Administration Code 21A.

All interested parties are invited to attend this public hearing, at which time you will have an opportunity to be heard regarding this project. Written and oral testimony will also be accepted at the public hearing being held as part of the regular City Council meeting. Said meeting is scheduled to start at 6:00 P.M., October 16th, 2023, at the City Office in the council chambers, 2307 Barada Street, Falls City, NE 68355. Written comments addressed to Anthony Nussbaum, City Administrator, at 2307 Barada Street, Falls City, NE 68355 will be accepted if received on or before October 10, 2023.

Individuals requiring physical or sensory accommodation including interpreter services, Braille, large print, or recorded materials, please contact Anthony Nussbaum, City Administrator, at 2307 Barada Street, Falls City, NE 68355, 402-245-2851 no later than October 15, 2023. Accommodations will be made for persons with disabilities and non-English speaking individuals provided that at least one business days' notice is received by the City of Falls City.



**REPORT TO MAYOR & COUNCIL PERSONS**

**FROM ANTHONY NUSSBAUM  
CITY ADMINISTRATOR**

**REGARDING** CDBG #20-HO-36035 OOR Grant

**DATE** October 12, 2023

In 2020, the City of Falls City received \$547,000 in CDBG funds to launch a Citywide "Owner-Occupied Housing Rehabilitation Program," with the aim of renovating 18 homes for low-to-moderate income (LMI) owner-occupant families. The entire CDBG funding of \$547,000 is designated to benefit LMI individuals. Specifically, \$450,000 was earmarked for Housing Rehabilitation (Code 14A), \$50,000 for Housing Management (Code 14H), \$27,000 for Lead Paint Testing (Code 14I), and \$20,000 for General Administration (Code 21A). The responsibility for managing and coordinating the grant has been contracted out to SENDD.

As of now, there is an unspent balance of approximately \$251,828.00 from the original allocation of \$450,000. The grant agreement is set to conclude on November 17, 2023, and since the grant funds have not been fully utilized, an extension of the grant will require review by the governing body during the City Council meeting scheduled for November 6, 2023.

To date, the program has received a total of 35 applications, surpassing the initial goal of 18. Here is an overview of the current status of the grant projects:

Rehabilitation Projects	Total to Date
Completed	2
Awarded (Under Construction)	7
Bidding (Due October 15)	5
Inspection Ready	5
Verifying (Pending Site Inspection)	8
Rejected Projects	6
On-Hold Projects	2

Respectfully,

Anthony Nussbaum  
City Administrator/Clerk/Treasurer



**October 2023 | 3<sup>rd</sup> Quarter 2023 | July, August & September**

*Our mission is to encourage economic growth and improve the business conditions of the greater Falls City area. Our goal is to develop a prosperous business community and growing job market—the foundations of a healthy economy.*

#### **Project**

- **Wilderness Falls 3:** Hosted a Wilderness Falls 3 Groundbreaking Ceremony on August 18<sup>th</sup> with Excel Development for the construction of eight duplexes at Champions Crossing.

#### **Financials**

- The EDGE financials are included for review.

#### **Marketing & Sales**

- A contract to sell North Commercial Corridor property was signed, but the investor was forced to renege on the purchase agreement. We continue to solicit prospects for the development with NAI FMA.
- Attended the NDOT Transportation Summit in Kearney that outlined a few federal grant opportunities. Also discussed available grant options with OPPD. These federal grant applications require many resources with a low percentage of award.

#### **Product Development & Public Policy**

- Discussions with OPPD for electrical infrastructure reliability and resilience continue. We are seeking an affordable plan to apply for the \$15m that LB977 allocated.
- Working with engineers on a layout plan for utility infrastructure locations and interior road elevations at North Commercial Corridor.
- Falls City Area Properties, LLC purchased a 3.2-acre lot at 1500 Valley Avenue that is zoned High/Medium Density Residential. The property was purchased as a speculation project for future housing. Potential investors are encouraged to reach out.
- The Southeast Nebraska Land Bank has been formed and board members attended an orientation. Meetings are noon on the 2<sup>nd</sup> Thursday of each month at City Hall.
- Falls City Industrial Development Corporation is dissolving and prepared to transfer assets, liabilities, and Industrial Park options to Falls City Area Properties, LLC.



### **Investor and Community Relations**

- Attended tour of area wellness/recreation centers with local stakeholders and architects assigned to our project. Also attended a local listening feedback session.
- Discussion of how to strengthen community childcare and build capacity continue.
- Met with a member-investor employer to discuss local investment options that diversify their revenue portfolio.
- Met with Senator Deb Fischer on August 2<sup>nd</sup> to discuss local projects and federal affairs.
- Attended the Nebraska Ag and Economic Development Summit in Kearney hosted by Governor Pillen and the Nebraska Diplomats.
- Attended an Airport Authority meeting inviting the board to utilize EDGE's services for any potential improvement projects.
- Hosted Manufacturing Day for freshmen at Falls City High, Sacred Heart, and Humboldt Table Rock Steinauer. Students toured FAST Global Solutions, Airlanco, Herzog, Falls City Foods, True Ag & Turf, and Southeast Community College. F&M Bank sponsored and cooked lunch hosted in FAST's new employee breakroom.

*EDGE would like to extend special thanks to the Mayor, City Council, and County Commissioners for their continued support both financially and in time given through Board/Committee representation. EDGE will continue to utilize funds to encourage economic growth and improve the business conditions of the greater Falls City area.*

**Respectfully Submitted,**



**Lucas Froeschl**



Resolution No. 2023-R116

Appointment to MEAN Board of Directors

**Director to MEAN Board of Directors**

This is to certify that on September 28, 2023, in the  
City of Falls City, State of Nebraska, I duly  
[Insert: City/Village/Town] [Insert: Name of City/Village/Town] [Insert: Name of State]  
appointed Trevor Campbell to serve as director\* to represent the  
[Insert: Name of person appointed to represent municipality]  
City of Falls City on the Board of Directors of the  
[Insert: City/Village/Town] [Insert: Name of City/Village/Town]

Municipal Energy Agency of Nebraska. The appointment will run until a successor is appointed with all of the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq.

*\*Upon the adoption of an ordinance or passage of a resolution as provided in this section, the mayor, in the case of a city, the chairperson of the board of trustees, in the case of a village, or the chairperson of the governing body, of each of the proposed participating municipalities, with the approval of the respective governing body, shall appoint a director.*

**Alternate Director to MEAN Board of Directors**

This is to certify that on September 28, 2023, in the  
City of Falls City, State of Nebraska, I duly  
[Insert: City/Village/Town] [Insert: Name of City/Village/Town] [Insert: Name of State]  
appointed Anthony Nussbaum to serve as alternate director\*\* to represent the  
[Insert: Name of person appointed to represent municipality]  
City of Falls City on the Board of Directors of the Municipal  
[Insert: City/Village/Town] [Insert: Name of City/Village/Town]

Energy Agency of Nebraska. The appointment will run until a successor is appointed with all of the powers and duties incident to such office. This certificate is issued in compliance with the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq.

*\*\*Upon the adoption of an ordinance or passage of a resolution as provided in this section, the mayor, in the case of a city, the chairperson of the board of trustees, in the case of a village, or the chairperson of the governing body, of each of the proposed participating municipalities, with the approval of the respective governing body, shall appoint a director.*

Appointment to NMPP Members' Council

NOW, THEREFORE, BE IT RESOLVED by the Falls City City Council  
[Insert: City Council/Village Board of Trustees/Town Board of Trustees]

of the City of Falls City, State of Nebraska, that:  
[Insert: City/Village/Town] [Insert: Name of City/Village/Town] [Insert: Name of State]

1. Such City be and hereby is a member of the Nebraska Municipal Power Pool.  
[Insert: City/Village/Town]

2. The Falls City City Council of the City of  
[Insert: City Council/Village Board of Trustees/Town Board of Trustees] [Insert: City/Village/Town]

Falls City, State of Nebraska, does hereby appoint  
[Insert: Name of City/Village/Town] [Insert: Name of State]

Trevor Campbell, as the representative\* of the City  
[Insert: Name of person appointed to represent municipality] [Insert: City/Village/Town]

of Falls City, State of Nebraska, to the Members' Council  
[Insert: Name of City/Village/Town] [Insert: Name of State]

of the Nebraska Municipal Power Pool.

3. The Falls City City Council of the City of  
[Insert: City Council/Village Board of Trustees/Town Board of Trustees] [Insert: City/Village/Town]

of Falls City, State of Nebraska, does hereby appoint  
[Insert: Name of City/Village/Town] [Insert: Name of State]

Anthony Nussbaum as the alternate representative\* of the  
[Insert: Name of person appointed to represent municipality]

City of Falls City, State of Nebraska,  
[Insert: City/Village/Town] [Insert: Name of City/Village/Town] [Insert: Name of State]

to the Members' Council of the Nebraska Municipal Power Pool.

*\*Pursuant to Article V of the Amended and Restated Bylaws of the Nebraska Municipal Power Pool, "Any person appointed as Representative or Alternate Representative shall be a resident of the area receiving services from the appointing Member."*

This is to certify that the appointments set out above were approved by the

Falls City City Council of the City of  
[Insert: City Council/Village Board of Trustees/Town Board of Trustees] [Insert: City/Village/Town]

of Falls City, State of Nebraska, at their meeting on  
[Insert: Name of City/Village/Town] [Insert: Name of State]

September 28, 2023.  
[Insert: Month, Day] [Insert: Year]

\_\_\_\_\_  
Clerk

(SEAL)



**REPORT TO MAYOR & COUNCIL PERSONS**

**FROM ANTHONY NUSSBAUM  
CITY ADMINISTRATOR**

**REGARDING** Notice of Claim Letter – Public Justice

**DATE** October 12, 2023

On 10.2.2023, the City Clerk's office received a Notice of Claim sent via priority mail. We have provided a redacted version of this notice, which conceals the identities of minor children, for the governing body's examination. The Notice of Claim has been shared with City Attorney Mike Dunn's office, and it has also been reported to our city's insurance provider, EMC Insurance Companies. As of now, no lawsuit has been served to us.

Based on the current information available, it remains uncertain whether the city will become involved in this matter as per the allegations presented. We are eagerly awaiting a formal coverage opinion that will assist us in determining if any of the City's policies could provide coverage for this claim. This assessment process may extend for a maximum of 30 days.

For the time being, I kindly request the governing body review the Notice of Claim and consider postponing any actions by tabling the item while the insurance investigation is underway.

Respectfully,

A handwritten signature in black ink, appearing to read "Anthony Nussbaum", with a stylized flourish at the end.

Anthony Nussbaum  
City Administrator/Clerk/Treasurer





September 29, 2023

Anthony Nussbaum  
City Administrator/Clerk/Treasurer  
The City of Falls City  
2307 Barada Street  
Falls City, Nebraska 68355

**Re: Notice of Claim on behalf of [REDACTED] against Falls City**

Dear Mr. Nussbaum:

Public Justice represents [REDACTED], a former student at Falls City South Elementary School, through his mother, Tara Blunt, in his discrimination and tort claims against the City of Falls City and Falls City Public Schools (“Defendants”).<sup>1</sup> This letter serves as notice that [REDACTED] is making a claim against Defendants under Nebraska law pursuant to Nebraska Revised Statute 13-905 and seeks all available remedies.<sup>2</sup>

As explained below, Defendants violated federal and state law when they failed to promptly and adequately respond to a pattern of race-based abuse that [REDACTED] experienced at Falls City South Elementary School. For the past two school years, a group of students has regularly taunted [REDACTED] with racial slurs (including the “N” word), threatened him, and physically assaulted him. On October 3, 2022, one of these students attacked [REDACTED] and stomped on his head, leaving him sobbing in the fetal position. Yet, remarkably, school officials did not inform [REDACTED]’s mother or even bring [REDACTED] to the school nurse. [REDACTED] and Ms. Blunt have repeatedly complained to school officials, who have failed to respond meaningfully to the ongoing abuse—which has only escalated. The unchecked race-based harassment has made school intolerable for [REDACTED] and ultimately forced him to leave the public school system entirely for a private school he is attending this fall.

Defendants’ conduct violated federal and state law, including Title VI of the Civil Rights Act of 1964, the Equal Protection Clause of the U.S. Constitution, and Nebraska anti-discrimination and tort law. Nebraska law entitles [REDACTED] to damages for his medical and therapy expenses, school tuition, and the extreme emotional distress he has experienced for the past two school years. We relate the claims in more detail below.

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<sup>1</sup> Christopher Welsh of Welsh & Welsh, copied on this letter, is co-counsel for [REDACTED].

<sup>2</sup> We previously detailed [REDACTED]’s claims in a letter dated August 21, 2023 to Superintendent Tim Heckenlively, forwarded to Charles Wilbrand as counsel for Defendants.



## I. Factual Background

█ was one of the few Black students in Falls City Public Schools (“FCPS”). For the past two school years, █ has experienced persistent abuse based on his race that Defendants have failed to meaningfully address—or even acknowledge as race-based.

### A. Defendants failed to respond to racial harassment in 2022, exposing █ to continued harassment including physical assault.

Starting at least as early as spring 2022, when █ was in the third grade, a group of white students<sup>3</sup> began to harass him regularly based on his race. They called him a “monkey” and told him his skin looked like a “turd,” that he could only run fast because he is Black, and that he had “bird’s nest hair.” They told him that Ms. Blunt (who is white) must not be his real mother because he is Black. █ would come home in tears every other school day. In spring 2022, Ms. Blunt reported this ongoing harassment to █’s teacher and then-Principal Robert Alderson. But Mr. Alderson told Ms. Blunt that he did not believe there was “any racism going on.” As far as we know, neither Mr. Alderson nor any other staff took any steps to stop the harassment.

Because Defendants failed to act, the harassment escalated. Starting on the first day of school the following fall, the same students continued to harass █ for the color of his skin, using the same racial epithets. Unchecked by school officials, the harassment soon turned to physical assault. On October 3, 2022, one of the same four students pushed █ to the ground and stomped on his head. Teachers found █ “in the fetal position and crying,” according to school records. Remarkably, however, no one from the school informed Ms. Blunt of the incident; she only learned of it through a records request eight months later, in June 2023.<sup>4</sup> The records do not indicate that the school disciplined █’s attacker. And Ms. Blunt was never informed of any steps taken to prevent these other students from harming █ again. █ was not even taken to the school nurse to assess him for a concussion. And since the assault, █ has experienced persistent headaches that recur to this day.

### B. █ and Ms. Blunt complained to school officials, who minimized the abuse and continued to deny that it was race-based.

Both █ and Ms. Blunt repeatedly complained to school officials throughout the fall of 2022 and well into spring 2023, to no avail. Ms. Blunt reported the ongoing

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<sup>3</sup> █, █, █, and █.

<sup>4</sup> Although the records indicate that Ms. Craig called Ms. Blunt, Ms. Blunt never received the call and neither Ms. Craig nor any other school official ever followed up with her about the incident, even though Ms. Blunt was in regular communication with Ms. Craig throughout the year. █ himself complained of a headache that day when Ms. Blunt picked him up from school, but he was embarrassed about the incident and did not tell her about it at the time.

harassment to South School Assistant Principal Wendy Craig<sup>5</sup> at the start of the school year and repeatedly as it continued. But Ms. Craig laughed and dismissed the ongoing racist harassment as “boys being boys.” Despite receiving these reports, Ms. Craig did not document any of these 2022 incidents of harassment. Sometimes, the boys were taken to the office to discuss their behavior, then sent back to class. But to our knowledge, school staff did not treat the abuse as racial harassment or educate the students about the race-based nature of their words and actions. Instead, when the school guidance counselor discussed the abuse with the boys, he cast it as mutual bullying—and made [REDACTED] apologize to his harassers. None of this was reasonably calculated to stop the harassment.

And so it continued. The same boys bullied [REDACTED] about his race almost every day throughout the 2022-23 school year. They continued to call [REDACTED] racist names and pushed, shoved, and hit him at recess. [REDACTED] continued to tell teachers and a guidance counselor about the bullying—including the race-based language the other students used—but teachers ignored or dismissed his reports, and none adequately responded. Instead, they minimized the problem. When [REDACTED] came to the office to complain about the ongoing racist harassment, staff members asked him if it was a “big problem or a little problem,” even though school staff knew the harassment had turned physical. In one case, a guidance counselor told [REDACTED] he should just tell the other boys he “didn’t like it” when they called him racial slurs. In others, staff members reacted with hostility. When [REDACTED] sought help from a teacher while being harassed at recess, she yelled at him for “tattling.” By the spring of 2023, [REDACTED] felt that there was no one at school to turn to for help.

**C. Because Defendants failed to take adequate action to stop the harassment, students continued to assault [REDACTED] and call him racial slurs.**

Then, on April 11-13, 2023, students in the same group called [REDACTED] the N-word three days in a row. School records document all three incidents.

On April 11, 2023, [REDACTED] told [REDACTED] to turn the “T” in [REDACTED]’s “Tiger” bracelet to an “N” and told him, “that’s what you are.” But when [REDACTED] told his teacher, Brandon Gibson, Mr. Gibson told [REDACTED] that he did not believe him. And when Ms. Blunt reported the incident to Ms. Craig and Principal Shelly Leyden that afternoon, Ms. Craig told her she believed that [REDACTED] did not understand that the N word was racist. Instead of being disciplined, [REDACTED] was simply asked to apologize and sent back to class.

Emboldened, [REDACTED]’s friend [REDACTED] called [REDACTED] the N word again the next day. Remarkably, when [REDACTED] told Ms. Craig, she responded that she did not believe him—until [REDACTED] admitted it. [REDACTED] received one day of “in-school suspension,” but he was still allowed to attend recess and interact with [REDACTED] the next day. He and [REDACTED] bragged in the hall to other students (including [REDACTED]) about calling [REDACTED] the N word and boasted that they “got off easy” and “enjoyed” in-school suspension. And sure enough, later that day, [REDACTED]’s friend [REDACTED] chased after [REDACTED] at recess yelling “I’m going to get you,

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<sup>5</sup> Although Ms. Craig’s title is “Assistant Principal,” she is in charge of the South School.

you black n-----.” ██████, too, received a so-called “in-school suspension”—but like ██████, he too attended recess the next day.

On April 18, 2023, Ms. Blunt filed a complaint with the Nebraska Commissioner of Education about FCPS’s (and especially Ms. Craig’s) failure to adequately respond to the race-based harassment. As Superintendent Heckenlively later told Ms. Blunt, he learned of the complaint immediately after Ms. Blunt submitted it. Just one week after she submitted the complaint, Ms. Blunt received a response from the Commission saying it had closed the complaint because the issue had been handled at the school level. But the issue had not been handled, and the harassment continued.

On May 15, 2023, after observing students pushing each other in line, Ms. Craig singled out ██████ and forcefully grabbed his arm, pulled him out of line, and dragged him to another location—then denied doing so. This unnecessary physical intervention raised serious concerns that she mistreated ██████ because of Ms. Blunt’s complaint to the state commission. That same day, yet another student in the same group—██████—called ██████ the N word. Yet, again, when ██████ reported the racial slur, Ms. Craig told ██████ that she did not believe him. ██████ later admitted that he used the N word, and the school gave him the same slap on the wrist that had been ineffective twice before: it gave ██████ a one-day “in school suspension” during which he was still allowed to attend the school field day—and interact with ██████—the very next day.

Two days later, on May 17, 2023, ██████ shoved ██████ and threatened to jump him after school. Knowing by now that there would be no serious consequences, ██████ admitted to the threat and—for the first time after a pattern of harassment that spanned two school years—received a one-day out-of-school suspension. Still, the suspension did nothing that deterred him from following through on his threat the next day. ██████ tried to assault ██████ in the park on his way home before bystanders intervened to stop him.

**D. Ms. Blunt elevated her complaints to Superintendent Heckenlively but still received no response reasonably calculated to end the harassment.**

Realizing there would be no effective response at the school level, Ms. Blunt contacted Superintendent Heckenlively by email about Ms. Craig’s apparent retaliation—in forcefully grabbing ██████ by the arm—and the harassment ██████ had been experiencing through the school year. At first, Mr. Heckenlively directed Ms. Blunt to resolve the issue with Ms. Craig. When pressed, however, he agreed to meet with Ms. Blunt.

Ms. Blunt met with Mr. Heckenlively on June 2, 2023. In that conversation, Mr. Heckenlively expressed openness to changing FCPS policies around racial harassment and reinstating the “Second Step” program, a program FCPS had abandoned that was designed to teach students emotional skills, such as empathy and building positive

relationships that included some discussion of race.<sup>6</sup> Discouragingly, however, when Ms. Blunt suggested that teachers and administrators should receive diversity and inclusion training, Mr. Heckenlively appeared to dismiss the idea, saying that school district did not “have time” for that training. And he offered no plan to ensure that ■■■ could safely attend school the following year.

Ms. Blunt followed up on the June 2, 2023 conversation via email on June 5, 2023. She asked Mr. Heckenlively what steps would be taken to investigate Ms. Craig’s handling of the race-based harassment and apparent retaliation, and what steps it would take to improve the situation for the coming school year. But Defendants refused to engage further. On June 12, 2023, Mr. Heckenlively responded that FCPS would “no longer discuss this matter with [her].” As a result of Defendants’ continued inaction—with her son experiencing crippling fear of returning to public school—Ms. Blunt saw no viable choice but to send her son to a local private school for this coming fall.

## **II. Defendants’ Conduct Violated Federal and State Law**

Defendants’ failure to adequately respond to the ongoing abuse ■■■ experienced violated federal and state law. Specifically, it violated Title VI of the Civil Rights Act of 1964; the Equal Protection Clause of the U.S. Constitution; the Nebraska Constitution; and Nebraska common law. We previously detailed these claims in our August 21, 2023 letter to Superintendent Heckenlively and summarize the Nebraska law claims below.

### **A. Nebraska Common Law**

Defendants are liable under Nebraska tort law for breaching their “duty to supervise and prevent harm to their students.” *Hertzel ex rel. Joplin v. Palmyra Sch. Dist.*, 733 N.W.2d 578, 584-85 (Neb. Ct. App. 2007) (holding that plaintiff’s negligent supervision claim survived summary judgment where a school counselor had notice of a single instance of student-on-student harassment and failed to investigate it). Nebraska law imputes the negligence of Defendants’ employees to Defendants. *Id.* at 585.

There can be no question that Defendants’ staff failed in their duty to supervise ■■■ and the students who inflicted severe psychological harm on him. Though school staff received numerous reports that other students were harassing ■■■, they did not take steps designed to prevent further harassment. As a result, ■■■ faced unrelenting verbal

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<sup>6</sup> FCPS appears to have abandoned the program based on concerns from a few parents—including the parents of two of the children who bullied ■■■—who objected *because* they believed that the program taught students about race and gender-based harassment. See N. McKim, Parental concerns lead to spill over FCPS Board meeting; some Falls City Educators, Region V and The Committee for Children respond, Falls City Journal (May 17, 2022), <https://fcjournal.net/2022/05/17/parental-concerns-lead-to-spill-over-fcps-board-meeting-some-falls-city-educators-region-v-and-the-committee-for-children-respond/>.

harassment for months, causing him lasting psychological trauma with physical symptoms (including recurring migraines and headaches) that ultimately forced him to withdraw from Falls City Public Schools. These facts state a straightforward claim for negligence under Nebraska law, including negligent infliction of emotional distress. *See, e.g., Bonnell v. Karels*, No. 4:18-CV-3066, 2018 WL 3383413, at \*4 (D. Neb. July 11, 2018) (finding that similar allegations of psychological harm stated claim for NIED).

### **B. The Anti-Discrimination Clause of the Nebraska Constitution**

Defendants are also liable under the Nebraska Constitution, which prohibits race-based discrimination in public schools. Neb. Const. art. I, § 30(1). The remedies for a violation of this provision are the same as for “violations of Nebraska’s antidiscrimination law.” *Id.* § 30(7). Nebraska’s race-discrimination statute “is patterned after Title VII,” *Al-Zubaidy v. TEK Indus., Inc.*, 406 F.3d 1030, 1039 (8th Cir. 2005), which holds an institution liable for third-party harassment if it “knew or should have known of the harassment and failed to take proper remedial action.” *Malone v. Ameren UE*, 646 F.3d 512, 517 (8th Cir. 2011). Because Defendants knew of the harassment but failed to take appropriate remedial action, Defendants are liable under the Nebraska Constitution, entitling ■■■ to the full range of damages available under Nebraska law. *See, e.g., Hurd v. City of Lincoln*, No. 4:16-CV-3029, 2019 WL 1958111, at \*5 (D. Neb. May 2, 2019) (explaining that Nebraska discrimination law allows uncapped damages for past and future emotional distress as well as economic losses, and sustaining award of over \$400,000 for emotional distress in harassment case against city).<sup>7</sup>

### **III. Damages**

■■■ seeks compensation for the harm he suffered as a result of Defendants’ conduct—including physical harm, pain and suffering, emotional distress, past and future medical expenses, lost educational opportunities, and loss of future income.

Sincerely,

/s/ Sean Ouellette

Sean Ouellette

Adele Kimmel

Mollie Berkowitz

Public Justice

1620 L Street NW, Suite 630

Washington, DC 20036

(202) 797-8600, ext. 264

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<sup>7</sup> Although ■■■’s claim under the Nebraska Constitution is not subject to the Political Subdivisions Tort Claims Act, we include it here for completeness.



Anthony Nussbaum  
September 29, 2023  
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*souellette@publicjustice.net*

*Counsel for* [REDACTED]

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