



STATE OF NEBRASKA
Office of the Attorney General

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May 5, 2026

Via email at [REDACTED]
Doug Rix

RE: *Public Records Matter Involving the David City Clerk's Office*
File No. 20261035

Dear Mr. Rix:

This letter is in response to your public records petition received by this office on April 21, 2026. You are challenging the response you received from the David City Clerk's Office pertaining to certain public records requests you submitted on April 9, 2026. We reviewed your petition under the Nebraska Public Records Statutes (NPRS), Neb. Rev. Stat. §§ 84-712 to 84-712.09 (2024). Our findings and conclusion are set out below.

RELEVANT FACTS

This matter concerns four out of six public records requests¹ as follows:

1. Police budgeted expenditures and actual expenditures by year.
2. A copy of the Police Chief's employment [agreement] if there is one. If there isn't one, I want to know if she was required to move into D.C. when she was hired.
3. Summary of the number of grievances filed by employees since Jessica has been Mayor.
4. Summary of the number of times the city has gone into executive session and the reasons since Jessica has been Mayor.
5. Summary of legal fees by year since Jessica has been Mayor.

¹ Reproduced verbatim from your requests submitted to the Clerk's Office and aligned with the Clerk's response.

6. Copy of 2024-25 annual audit.

For request numbers 1, 3, 4 and 5, you wrote “x summary” as an option on the city’s Request For Records form.²

Lori Matchett, City Clerk-Treasurer, timely responded to your request on April 15, providing you responsive records for request no. 1. Ms. Matchett indicated there was no employment agreement responsive to request no. 2, and referred you to Section 1.07 of the attached personnel manual for residency requirements. For request no. 3, Ms. Matchett stated that “[t]he Nebraska public records statutes [do] not require a public entity to review documents and create abstracts or other lists, to answer questions or to create documents which do not otherwise exist,” citing the Attorney General’s Public Records Outline located at <https://ago.nebraska.gov/public-records>. She withheld “grievance records” under the exception to disclosure under Neb. Rev. Stat. § 84-712.05(8). For request nos. 4 and 5, Ms. Matchett informed you a public entity is not required to create a summary, and provided you links to access the city council’s meeting minutes and agendas. For request no. 6, Ms. Matchett provided you a link to the Auditor of Public Accounts’ audit webpage, and included information on how to access the audit for the City of David City.

You state in your petition that “[t]hey vaguely answered two questions and denied four requests.”

DISCUSSION

The NPRS generally allow Nebraska residents and other interested persons the right to examine public records in the possession of public agencies during normal agency business hours, to make memoranda and abstracts from those records, and to obtain copies of records in certain circumstances. Under § 84-712(4), interested persons seeking access to or copies of a particular public record initiate that process by providing a “written request” to the custodian of that record for such access or copies. In connection with our enforcement authority under the NPRS, we have consistently taken the position for a number of years that those statutes do not require public agencies to answer questions or to create records which do not otherwise exist.³ Instead, those statutes focus on access to and copies of *specific records*.

² The actual options on the form include:

- Inspect the records named/described.
- Make notes from the records named/described.
- Obtain copies of some of the records named/described.
- Obtain copies of all records name/described.

³ See Op. Att’y Gen. No. 94092 (November 22, 1994); Op. Att’y Gen. No. 94035 (May 11, 1994); Op. Att’y Gen. No. 87104 (October 27, 1987).

Under Neb. Rev. Stat. § 84-712(3)(a), a custodian of a public record is not required to provide copies of any public record that is available to the requester on the custodian's website on the Internet, unless the requester does not have reasonable access to the Internet due to lack of a computer, lack of Internet availability, or inability to use a computer or the Internet. The records custodian is required to provide the location of a public record on the Internet to the requester.

Based on our review of your requests and Ms. Matchett's response, we find no violations of the NPRS. Ms. Matchett provided you responsive records or links to access responsive records in her response. She has no legal obligation under the NPRS to provide the summaries you requested if those records do not already exist. Declining to create summaries does not equate to a denial of public records. And absent any direct evidence to the contrary, we presume that public officials act in good faith and that they are speaking truthfully if they indicate they do not have records responsive to a particular records request.⁴

CONCLUSION

We conclude the David City Clerk's Office provided you all records it has in its custody which are responsive to your public records requests. In addition, there is no requirement under the NPRS to answer questions or create documents that do not otherwise exist. The purpose of these statutes is to give you access to *public records*. There is also no question that Ms. Matchett provided you public records (or links to access public records) as requested and in a timely manner.

⁴ See *Wolf v. Grubbs*, 17 Neb. App. 292, 314, 759 N.W.2d 499, 520 (Neb. Ct. App. 2009) (The court held that "[i]n the absence of evidence to the contrary, it may be presumed that public officers faithfully performed their official duties and that absent evidence showing misconduct or disregard of law, the regularity of official acts is presumed.").

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Since we conclude the David City Clerk's Office did not violate the NPRS, no further review by this office is necessary, we are closing our file. If you disagree with our conclusion, you may wish to discuss this matter with your private attorney to determine what other remedies may be available to you under the NPRS.

Sincerely,

MIKE HILGERS
Attorney General



Leslie S. Donley
Assistant Attorney General

c: Lori Matchett

49-4144-31