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Supreme Court Ruling in Favor of Falls City EDGE

(A-P / KLZA) -- OMAHA, Neb. (AP) - The Nebraska Supreme Court has found that Falls City Economic Development and Growth Enterprise (EDGE) a private economic development group in Falls City that gets most of its funding from public money is not subject to the state's open public records law.

The high court's decision Friday came in a lawsuit filed by David Leon Frederick of Fall City, against Falls City and EDGE.

EDGE receives 63 percent of its funding from public sources.

The high court on Friday said that's not enough to make EDGE's records open to the public, reasoning that even though city funds are used for the group's economic development activities, the city does not have a duty to promote economic development.

The ruling states that EDGE is not the functional equivalent of an agency, branch or department of Falls City and therefore, EDGE's records requested by Frederick are not "public records."

Because of the determination the Supreme Court did not reach EDGE's assignment of error with respect to attorney fees or the issues raised in the cross-appeals of Frederick and Falls City.

The Supreme Court vacates and reverses the writ of mandamus and the order awarding attorney fees to Frederick in the amount of \$17, 109.59, and the cause is remanded to the district court of Richardson County with directions to dismiss.

In the court documents it noted that in the first 9 months of 2012 EDGE received \$85,840 from Falls City, \$20,000 from Richardson County and \$77,215 from private entities.

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