

**IN LIEU OF
DIRECTORS' MEETING
ADDENDUM
Monday, April 26, 2021**

I. CONSTITUENT CORRESPONDENCE

1. The latest on COVID – Robert Borer
2. John McCollister's Racism – Robert Borer
Response provided by John McCollister
3. General Obligation Highway Allocation Bonds – Russell Miller
4. AG's Response to request for proof of Baird was vaccinated – Robert Borer
5. Public Records Request - Robert Borer
6. Proposed Resolution 21R-151 – Richard Bagby

Angela M. Birkett

From: Robert Borer <robert.borer@doane.edu>
Sent: Wednesday, April 21, 2021 1:18 PM
To: Council Packet; morfeld@civicsubversion.com; senators@ne.leg.gov; Mayor; pete.ricketts@nebraska.gov; Terry T. Wagner; baird@tyrantandfake.net; bcc'd@everyoneelse.seetruth
Subject: The latest on covid, plus "We the People" or "We the Lawyers"?

Senators-

See image below. The alleged (and yet-to-be-isolated) SARS-CoV-2 contagion continues to underperform. It finished in third place in 2020 and the race was no where close.

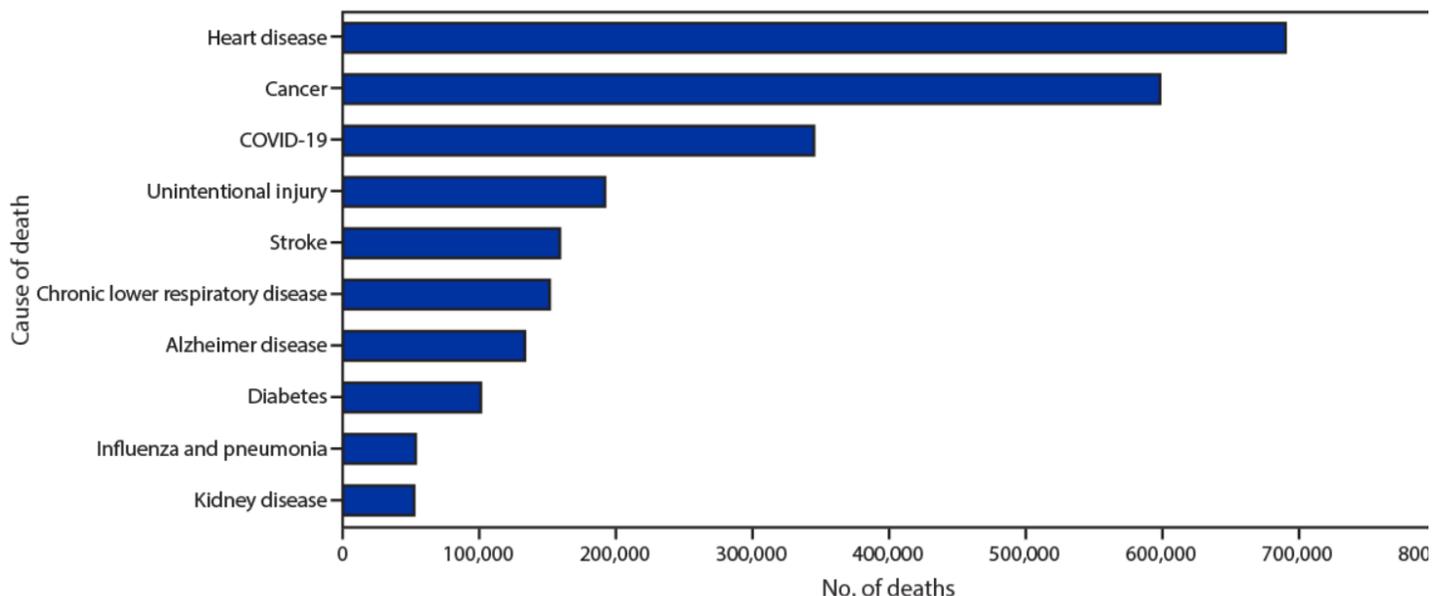
Why have we never declared a national emergency over CVD or Cancer???

Those deaths don't just come around once every couple of decades (like "pandemics" do), they come EVERY year.

(Source for the images below:

https://www.cdc.gov/mmwr/volumes/70/wr/mm7014e1.htm?fbclid=IwAR26S82f8pUdIyM7GQ9vyH90dk4MpICKRV9CR_y2ehtONmzBeSPrAce32uY#F1_down)

FIGURE 2. Provisional* number of leading underlying causes of death[†] — National Vital Statistics System, United States, 2020



* National Vital Statistics System provisional data are incomplete. Data from December are less complete due to reporting lags. Deaths that occurred among residents of U.S. territories and foreign countries were excluded.

Deaths for which COVID-19 was a contributing, but not the underlying, cause of death are not included in this figure.

Next let's look at the above 2020 mortality by age group.

See next two images below. The numbers behind these charts come from the same link provided above.

The question is, why does the "covid" mortality footprint mirror/reflect the all cause mortality footprint?

Why isn't SARS-CoV-2 an equal opportunity killer?

Why doesn't it affect all age groups equally?

More to the point, why doesn't it affect all *individuals* equally??

Does a person's physical condition (tissue health) have anything to do with it? If you believe your own eyes, you have to believe it does. And if that's the case, then why aren't they telling people how to improve their health condition instead of pushing nonstop fear and experimental/fake prophylactics?

Here's the answer to the equal opportunity question:

Covid mortality has the same age-related footprint as all cause mortality because the covid narrative was, by-and-large, a hijacking, by means of gross fear mongering, of already poor health. The covid narrative created an atmosphere of fear that put sick people into a state of panic and into living conditions they were unable to thrive in. **Isolation, in this case, wasn't healthcare , it was torture.** Those who were already sick died earlier than necessary because of extreme and extensive isolation, poor care and a lack of loving human interaction. It's an easy game for those at the top of the covid food pyramid to play. (If you don't think Gates is into depopulation, you are very naive.)

But, it is asked, weren't there also acute cases of illness and death among the young and seemingly healthy individuals that were also attributed to "covid"?

Yes. But very few. Look again at the covid chart below. 92% of all "covid" mortality was 55 and over.

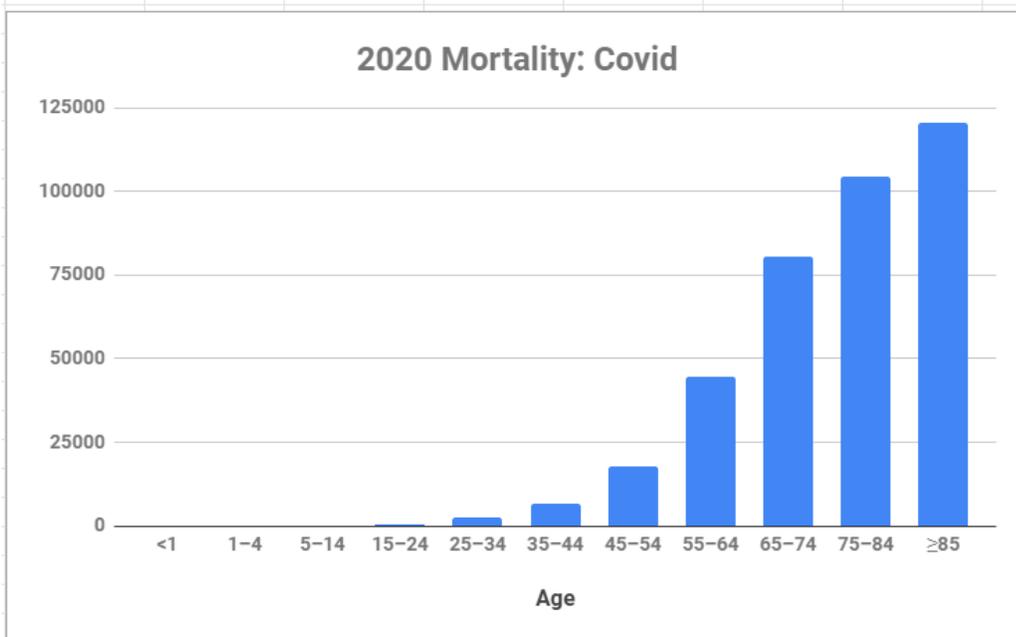
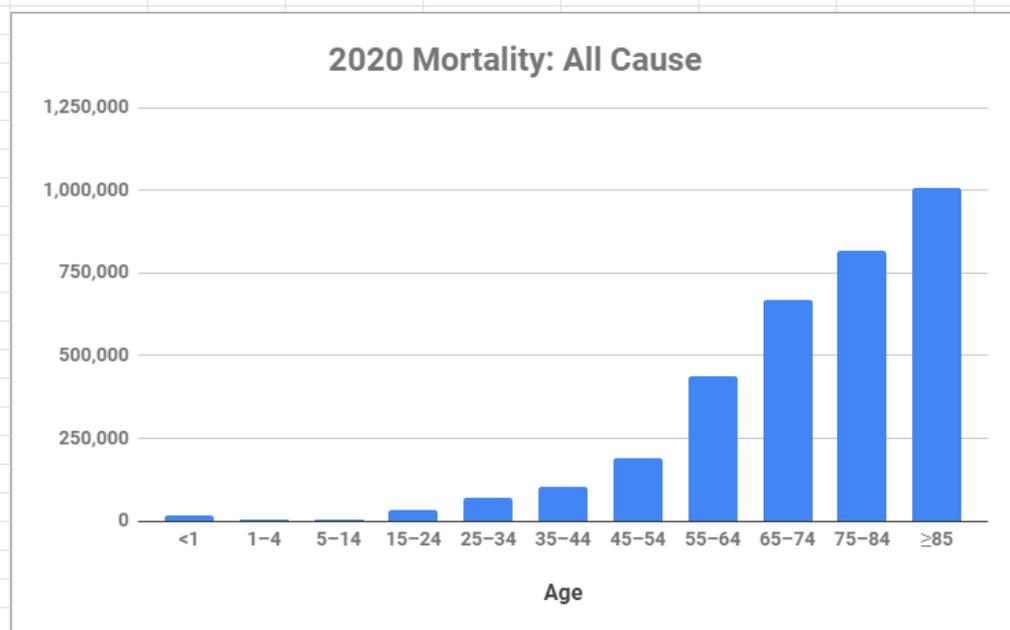
We have to remember two things here. While chronic disease is not as common in younger age groups, it still exists. And these are the young/er and seemingly healthy individuals who allegedly died of "covid." The CDC says as much. Quoting:

"There were co-morbidities or other conditions listed on the death certificate in 94% of all COVID-19 deaths. The 6% of death certificates in which COVID-19 was the only condition listed was likely related to a lack of detail listed about other conditions present at the time of death."

This small subset was pushed over the edge by isolation and poor care just like older people were.

The very smaller subset of genuinely acute respiratory illnesses likewise died from poor care because of fear by providers of contracting the contagion. A positive lab test turned people into lepers, especially the young and seemingly healthy. "If 'covid' can do this to a young and healthy person, it can do it to us." But these people also likely delayed seeking care because the world suddenly turned into a very scary place.

Pneumonia/respiratory illness can manifest in anyone with a chronically poor diet and lifestyle, now matter how young and healthy they look, and suddenly, we can't have such people breathing on us. (Note: They don't bother me to this day. And I remain illness free from day one, despite not ever masking or anti-social distancing.)



That concludes the "pandemic" news.

With regard to the other subject mentioned above... is it "We the People" or "We the Lawyers"?

Morfeld and Hansen (and others) think it's We the Lawyers.

But what does a doctor of jurisprudence degree confer?

Does it confer goodwill?

Does it confer good character?

Does it confer honesty?

Does it confer integrity?

Does it confer common sense?

Does it confer immunity to sophistry and corruption?

Does it confer loyalty to the Constitution?

Does it confer a coherent worldview that aligns with the Declaration, the basis of our Constitution, and with the fact that our fundamental rights come from God and not man?

The answer is a big fat NO on every account. Leftists like Morfeld are smooth talking subversives who should be shamed and scorned. And if you think doing such is unChristian, you need to reread your Bibles, particularly the Gospels, and pay close attention to the words of Christ. He called a spade a spade. He was no namby-pamby, and that was why the powers that be wanted to crucify him. He spoke the hard truth. He didn't pull punches.

Imagine that.

Making deals with the likes of Morfeld and Co is making deals with the devil.

Robert J. Borer
District 25

Angela M. Birkett

From: John McCollister <jmccollister@leg.ne.gov>
Sent: Friday, April 23, 2021 11:55 AM
To: Robert Borer
Cc: allsenators@ne.leg.gov; manyothers@blindcopied.usa; Council Packet
Subject: Re: John McCollister's racism

Robert,

Thanks for your email. Your concern for transparency is commendable but you failed to note that I responded to your email of yesterday this morning with the story from the OWH regarding the Chris Baker tweet and subsequent firing from KFAB to provide necessary context. The Baker posting, shortly following the conviction of a cop in Minnesota killing a prone black man, most definitely had a racial context. I'm truly sorry you and your group can't see the connection

Contrary to your statement, I would argue that my social media posting did provide necessary transparency about the matter. The reaction in social media and in the press was immediate and compelling. Advertisers complained to KFAB and the station management made the decision to fire Baker. It was no small matter and the Baker tweet and on its face had an obvious racial connotation. Given the the many people responding on social media, the radio station management and the interest manifested in the OWH article would suggest that most people see the inherent racism embodied in the Baker posting, why can't you reach the same conclusion?

I truly enjoy the give and take of political discussions but I would request that we elevate the conversation by elimination of name calling and making false accusations. Maybe we should take up the issue of what the Republican Party stands for these days.

Take care and have a good weekend.

John

NE State Senator John McCollister
District 20
402-471-2622
jmccollister@leg.ne.gov

Legislative Blog: <http://news.legislature.ne.gov/dist20/>

On Fri, Apr 23, 2021 at 11:05 AM Robert Borer <robert.borer@doane.edu> wrote:

Friends-

Transparency-dodging RINO Republican John McCollister recently attacked a real conservative (Chris Baker) and accused him of racism, because he tweeted the image below in response to the Derek Chauvin verdict.

When Mr. McCollister was asked to explain *how* the image was racist, he couldn't...because it isn't.

There's nothing inherently racist about the image. Whatever you want to read into it, the fact is, people of all skin colors have acted, and still act, this way. They celebrate. They dance.

But someone with an agenda saw it as an opportunity to allege racism, knowing others would jump on board. Mr. McCollister, hating real conservatives as he does, decided to do the same. And being incapable of explaining himself, except by bare assertion, makes him guilty of committing the bandwagon fallacy (i.e., acting without thinking just because the mob is acting).

No one has any real proof that Chris Baker is a racist. That's because he isn't one.

Make no mistake, the real racists are the Democrats and RINOs like McCollister, who constantly beat the drum that blacks aren't capable of helping themselves. Thomas Sowell and a host of others say otherwise. I say otherwise.

Respectfully,

Robert J. Borer
District 25



Chris Baker
@CBakerShow



Guilty!



Tweet your reply



Angela M. Birkett

From: Russell Miller <neb31340@twc.com>
Sent: Friday, April 23, 2021 6:31 PM
To: Council Packet
Subject: russell miller suggestion on General Obligation Highway Allocation bonds

From : Russell Miller 23 April 2021
341 S. 52 Street
Lincoln, Nebraska 6510

To : Lincoln City Council

Subject : item 21-35 General Obligation Highway Allocation Fund Bonds

Hello,

The question is **What will this bond money be used for?** Repair of our streets or building new ones in a new development?

I understand the rationale for issuing the bonds, which will hopefully lock in low interest money and, thus complete more projects sooner. I also understand the statements in the Lincoln Transportation Strategy Recommendations and Report of January 11, 2018 (LTARR), Section 2 which discuss at length the financial wisdom of maintaining our streets. Page 2-5 has a graphic illustrating the importance of maintaining our streets and page 2-6 has a table listing the various costs of not maintaining the streets.

Lincoln's past history has demonstrated that we like to use our money to build new streets and let current streets deteriorate. This is shown in the Advisory Committee on Transportation (ACT) hand-out of 17 October 2019 titled "Street Conditions Data by Council District" (<https://app.lincoln.ne.gov/city/ltu/streets/act/pdf/2019-10-17-streets-data.pdf>). This document states Lincoln has over 750 centerline miles that require repair of some sort (repair, rehabilitation or reconstruction). The 450 centerline miles that need rehab should be a priority for us because rehabbing would prevent these streets from requiring the very expensive reconstruction. This rehabbing is precisely what is recommended in the LTARR.

I urge the Council to modify these bond terms so that at least 85% of the proceeds have to be used for Lincoln street rehab. 15% could be used for new construction to the new developments.

Such action would give us Lincoln taxpayers a chance to get ahead of street maintenance problem and its money pit.

Thank you,
Russell Miller

Angela M. Birkett

From: Robert Borer <robert.borer@doane.edu>
Sent: Sunday, April 25, 2021 7:20 AM
To: Beiermann, Katie; Mayor; Council Packet
Subject: AG's Office Response to my request for proof Baird was vaccinated
Attachments: File No. 21-R-109_ Robert Borer, Petitioner.pdf

Dear Ms. Beiermann,

The LLCHD just updated their Directed Health Measures document to say that fully vaccinated people now enjoy certain privileges that those not fully vaccinated cannot enjoy. You just made the argument that vaccination card issuance is not a matter of public record, and therefore people may misrepresent themselves as fully vaccinated without fear of repercussion, because no public record exists to prove otherwise. (Or should I understand you as basing your response on "the letter" of what I requested and not on "the spirit," in which case you're telling me I need to make a new request to another government agency?)

Moreover, the LLCHD has set a goal of getting "75% of our eligible residents fully vaccinated" and suggested that the relaxation of certain health measures may depend on that. How is it possible to know what percentage of eligible residents are fully vaccinated without keeping an official public record of who is getting vaccinated and when??

Baird is a government official. She is using her official capacity to promote an experimental (EUA) vaccine that is potentially harmful by definition, while at the same time, being unwilling to provide proof of being vaccinated herself. By your logic, she is justified in doing so, because a public record of such an event doesn't exist.

Robert J Borer

On Fri, Apr 23, 2021 at 5:03 PM Beiermann, Katie <katie.beiermann@nebraska.gov> wrote:

Please see the attached letter regarding the above-captioned matter. Thank you.—

Katie Beiermann

Legal Assistant

Nebraska Attorney General's Office

2115 State Capitol

Lincoln, NE 68509

Office: (402) 471-2931

Fax: (402) 471-4725



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DOUGLAS J. PETERSON
ATTORNEY GENERAL

LESLIE S. DONLEY
ASSISTANT ATTORNEY GENERAL

April 23, 2021

Via email at robert.borer@doane.edu
Robert J. Borer

RE: Consolidated File No. 21-R-109
Lincoln-Lancaster County Health Department; Robert J. Borer, Petitioner
and
City of Lincoln, Mayor Leirion Gaylor Baird; Robert J. Borer, Petitioner

Dear Mr. Borer:

This letter is in response to your correspondence received by this office on April 8 and 16, 2021, in which you requested the assistance of the Attorney General in obtaining certain records from the Lincoln-Lancaster County Health Department (“LLCHD”) and the City of Lincoln’s mayor, Leirion Gaylor Baird. We have consolidated your correspondence for purposes of this response. On April 16, we discussed these matters with Assistant City Attorney Rick Tast. We construed your correspondence to be a petition under § 84-712.03(1)(b) of the Nebraska Public Records Statutes (“NPRS”), Neb. Rev. Stat. §§ 84-712 through 84-712.09 (2014, Cum. Supp. 2020). Our findings with respect to these matters are set forth below.

RELEVANT FACTS

Your petition involves three separate public records requests, summarized as follows:

I. On March 26, 2021, you emailed a public records request to Pat Lopez, director of the LLCHD, seeking the following records:

- the initial covid PCR test cycle threshold (CT) used for Lancaster County PCR covid test samples
- the current covid PCR test cycle threshold used for Lancaster County PCR covid test samples
- the date, or dates, at which the covid PCR test cycle threshold used for Lancaster County changed, if any change/s occurred
- please separate by lab, if labs used different covid PCR test cycle thresholds and changed them at different times

Robert J. Borer
April 23, 2021
Page 2

Mr. Tast timely responded to you on April 1, indicating that the LLCHD had no records responsive to your request.

II. On April 1, 2021, you submitted another request to Ms. Lopez, seeking

—a list of the lab sites used by the LLCHD and/or Lancaster County test sites to evaluate samples/specimens collected from individuals in the effort to screen for infection with SARS-CoV-2...*****THAT USE the PCR test for that evaluation*****

Mr. Tast timely responded to this request on April 7, indicating again that the LLCHD had no responsive records. He further advised that opinions issued by the Attorney General have concluded that “[section] 84-712 does not require a public agency to review documents and create abstracts or other lists, to answer questions or to create documents which do not otherwise exist.”¹

III. In a letter dated April 8, 2021, addressed to Mayor Gaylor Baird, you requested a “digital photo copy of [her] covid vaccination card.” Mr. Tast timely responded to you on April 13, indicating that “[v]accinations [sic] cards provided to individuals receiving COVID-19 vaccine by the Lincoln-Lancaster County Health Department do not constitute a public record. For this reason, the City of Lincoln has no documents responsive to your request.”

We note that you sent several follow-up emails to Mr. Tast generally arguing that the mayor’s vaccine card was a public record. In your petition to this office, you state, in pertinent part:

I served Lincoln's Mayor, Leirion Gaylor Baird, with a formal public records request for a digital copy of her covid vaccine card.

She presented herself, in her official public capacity, as an example for the public to follow with regard to getting the covid vaccine.

The event was staged for a photo op, and the photo was posted on her official Facebook page (see link below), which makes it "a public record and subject to the [sic] Nebraska's Open Government and Public Records laws." (See image #13 attached.)

<https://www.facebook.com/MayorLeirion/posts/918459598970913>

The public has a right to know whether this event (of her receiving a covid vaccination) was genuine or not . . . whether she actually received the vaccine or not.

¹ We note that Mr. Tast also informed you that the LLCHD receives COVID-19 test results from all providers conducting tests within the county, and from providers when a resident is tested outside of Lancaster County.

The only way for the public to know this at this point . . . the only way for the public to know that her example is genuine, and therefore worthy of being followed, is to see her vaccination card/record. In the event that it becomes necessary to show proof of vaccination, no one can simply present a picture of themselves with a needle in their arm and pass that off as proof of vaccination. A vaccination card must be presented. The public deserves to know if she is being honest. Granted, she could forge the document, but that would not be wise, as it could come back to haunt her.

* * *

My mission is simply to hold elected and appointed officials accountable to We the People they were elected to serve, and to keep them honest in all their dealings with their constituents.

DISCUSSION

Neb. Rev. Stat. § 84-712.03 states, in pertinent part, that “[a]ny person denied any rights granted by sections 84-712 to 84-712.03 may . . . [p]etition the Attorney General to review the matter to determine whether a record may be withheld from public inspection or whether the public body that is custodian of such record has otherwise failed to comply with such sections” With respect to your March 26 and April 1 requests, the LLCHD represented to you that it had no responsive records. Mr. Tast has represented the same to the undersigned. You have not been denied any rights granted to you under §§ 84-712 to 84-712.03 because the LLCHD has no such records. There is no relief available to you. Moreover, “absent contrary evidence, public officers are presumed to faithfully perform their official duties.” *Thomas v. Peterson*, 307 Neb. 89, 98, 948 N.W.2d 698, 706 (2020). In this regard, you have presented no evidence that would support finding that records are being unlawfully withheld.

In his response to your second request, Mr. Tast correctly pointed to opinions of this office where we concluded that public bodies are not required to create records which do not otherwise exist in response to requests made under § 84-712 of the NPRS. For example, in our disposition letter to *File No. 18-R-122; Nebraska State Patrol, Annita Lucchesi, Petitioner* (July 25, 2018), we concluded that the Nebraska State Patrol was not required to compile data on criminal cases involving Alaska Native and American Indian women and girls since the data would have to be culled from individual files to create a new record. In addition, the information sought was not stored in a NSP database which could be retrieved, compiled and produced under Neb. Rev. Stat. § 84-712(3)(b)(iii). We reached a similar conclusion in our disposition letter in *File No. 19-R-117; Department of Health and Human Services; Alec Ferretti, Petitioner* (June 20, 2019), finding that the department was under no obligation to engage in a “verification” process to supplement the death records currently existing in its database.

Consequently, since there are no responsive records, and no obligation to create records or compile lists, the LLCHD's responses to your March 26 and April 1 public records requests were appropriate.

With respect to your request for the mayor's vaccine card, we agree with the city's position that the card is not a public record. "Public records" in Nebraska "include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing." Neb. Rev. Stat. § 84-712.01(1) (2014). Mayor Gaylor Baird's vaccine card is a *personal* immunization record; it is not a record "of or belonging to" the City of Lincoln.

In addition, we find your argument that a photo showing the mayor receiving a COVID vaccine shot somehow makes her vaccine card a public record is without merit. There is no dispute that the content posted on the mayor's official Facebook page is a public record. As you point out in your petition, the mayor's Facebook page expressly makes that disclaimer.² However, the mayor did not post a photo of her vaccine card on Facebook. And while Mayor Gaylor Baird may be a public official, that fact does not make her personal health records public.

CONCLUSION

Based on the foregoing, we conclude that both the LLCHD and the City of Lincoln responded appropriately to your public records requests. Since no further action by this office is necessary, we are closing our file.

If you disagree with the conclusion reached above, you may wish to review the other remedies available to you under Neb. Rev. Stat. § 84-712.03.

Sincerely,

DOUGLAS J. PETERSON
Attorney General

Leslie S. Donley
Assistant Attorney General

c: Rick Tast (via email only)

49-2686-29

² "This is the official City of Lincoln account for Mayor Leirion Gaylor Baird. All information on this site is a public record and subject to the Nebraska's Open Government and Public Records laws."

Angela M. Birkett

From: Robert Borer <robert.borer@doane.edu>
Sent: Sunday, April 25, 2021 7:42 AM
To: Pat D. Lopez; Pat D. Lopez; Council Packet
Subject: Public Records Request (newest case numbers and percentage of fully vaccinated)

Robert J. Borer
6541 S 59th Pl
Lincoln, NE 68516
402.570.2549

April 25th, 2021

Pat Lopez, Health Director
Lincoln-Lancaster County Health Department
3131 "O" Street
Lincoln, NE 68510-1523

Dear Ms. Lopez:

In the interest of educating the public, and in the interest of holding elected and appointed officials accountable, I am hereby requesting, pursuant to Nebraska Public Records Law § 84-712 et seq., the following:

- a digital copy of the latest document or email announcing to the LLCHD the latest number of new lab-confirmed cases of COVID-19
- a digital copy of the latest document or email **to** the LLCHD confirming the latest percentage of eligible residents that are fully vaccinated
- a digital copy of the latest document or email **from** the LLCHD confirming the latest percentage of eligible residents that are fully vaccinated

This information is not being sought for commercial purposes. It is strictly for the purposes stated above.

The Nebraska Public Records Law requires a response time of four business days.

Thank you for your assistance.

Sincerely,

Robert J. Borer
402.570.2549

Angela M. Birkett

From: Richard Bagby <rpsgt@me.com>
Sent: Sunday, April 25, 2021 1:25 PM
To: Council Packet
Subject: Support 21R-151

I support resolution 21R-151 and hope you do as well. If “Nebraska the good life” is to mean anything at all then it means support for this resolution. I ask for your unanimous vote of approval.

Richard Bagby
389 S. 47th St.,
Lincoln, NE 68501
402-488-8567