

Hayes County Commissioners
January 8, 2025

A meeting of the Hayes County Board of Commissioners was scheduled for January 8, 2025, at 4:00 P.M. in the Hayes County Courthouse, 505 Troth Street, Hayes Center, Nebraska. Advanced notice of the meeting, time and place was given to each Commissioner, was published in the *Times Republican* on January 2, 2025, and posted in accordance with law. Chair announced that a current copy of the Open Meetings Act was available for review and was posted in the room where the meeting was being held. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public.

Chairman Unger called the meeting to order at 4:00 P.M. Those present were board members: Wayne Christner, Barry Richards, and Jeffrey Unger; Tammy Schwenk, County Treasurer; Susan Messersmith, County Clerk; D. Eugene Garner, County Attorney; Tom Dow, County Sheriff; and Marian Richards, Sign Tech. Visitors present were Kevin Fornoff, Allen Erickson, Blaine Johnson, Bob Littrel, Charlie Andrew, Deb Andrew, Zach Tidyman, Kip Richards, Jarred Fichtner, Mark Clifford, Alysia Messersmith, and Derek Richards.

Richards moved, second by Christner to approve the agenda. Discussion held. Roll call: Christner, yes; Unger, yes; Richards, yes. Motion carried.

Discussion was held regarding District One Commissioner Elect's residency. Public comment was received from Kevin Fornoff and Mark Clifford. Mr. Fornoff spoke to the issue of residency, stating that he was now living in District 1 and presented an affidavit indicating his intent to live in District One. Clifford spoke in support of Mr. Fornoff.

Mr. Garner provided the Board a copy of the letter dated December 6, 2024 sent to Mr. Fornoff informing of the residency requirements for county commissioners. Mr. Garner also provided the Board with a copy of a Nebraska Supreme Court case which analyzed the residency requirement for county commissioners.

Richards moved to find Mr. Fornoff is not qualified to hold the office of Hayes County Commissioner District One due to not being a resident of District One. Chairman Unger called for a second to the motion. Chairman Unger again called for a second to the motion. Chairman Unger then made a third call for a second to the motion. Motion died for lack of a second.

Unger moved, seconded by Christner to adjourn the meeting. There being no further discussion. Roll call: Unger, yes; Richards, no; Christner, yes. Motion carried.

Chairman Unger adjourned the meeting at 4:35 P.M.

The next meeting will be on January 14, 2025, at 8:30 AM.

Hayes County Clerk

Board Chairman