

BOARD OF COMMISSIONERS MINUTES
Emergency Meeting
September 19, 2025

The Cherry County Board of Commissioners convened in emergency session on September 19, 2025 at 1:00 p.m. in the Commissioners Meeting Room of the Cherry County Courthouse. Notice of the meeting was posted on Tuesday, September 16, 2025 at 4:25 p.m. on the Cherry County Website, the Courthouse doors, the Clerk’s office, the Valentine Public Library, and the Post Office. The notice of the meeting was also sent to KVSH and KSDZ Radio. The meeting was called to order at 1:00 p.m. by Chairman McConaughey. Roll call was taken. Present at the meeting were Cherry County Commissioners Mike McConaughey, Nina Nelson, Martin DeNaeyer, and Cherry County Clerk Samantha Leonard. The Pledge of Allegiance was recited, and the Open Meetings Act Poster was acknowledged by Chairman McConaughey.

The purpose of this emergency meeting was to discuss legal strategy for and in response to the complaint contained in BSH Kilgore, LLC vs. Cherry County, et al, CI 25-42 in the District Court of Cherry County, Nebraska.

At 1:01 p.m. the meeting was moved to the Cherry County Court Room.

The board discussed legal strategy with County Attorney Eric Scott. Mr. Scott informed the board he reached out to NIRMA and Cherry County has defense and coverage per the insurance policy between NIRMA and Cherry County. The board discussed options of additional counsel with Mr. Scott. The board can request additional counsel to NIRMA, but it must be approved by insurance if Cherry County wants NIRMA to pay for said counsel. The board reiterated to the public that the County policy with NIRMA is \$300,000 for counsel with a \$10,000 deductible. The policy of NIRMA for counsel is the County can hire NIRMA for counsel; NIRMA will make the decision of a specific law firm to represent and take action on the case. If the County chooses not to hire NIRMA, the County can choose their own counsel to be paid solely by the County.

At 1:18 p.m. McConaughey moved and DeNaeyer seconded to enter executive session to discuss legal strategy for pending litigation for Cherry County with the County Attorney, Board, and County Clerk to remain in the room. Roll call vote: Aye – DeNaeyer, Nelson, McConaughey. The motion carried. Chairman McConaughey restated the limitation of subject matter of the executive session to be the discussion of legal strategy for the pending litigation of Cherry County. At 2:11 p.m. the meeting room doors were reopened, and the public was allowed to enter. Once the public all reentered, Chairman McConaughey restated the executive session was entered to discuss legal strategy for the pending litigation for Cherry County and no action was taken during executive session.

The consensus of the board is to engage NIRMA in this matter.

McConaughey moved and Nelson seconded to submit this matter to NIRMA for coverage, appropriate response and to a request for co-counsel. Roll call vote: Aye – Nelson, McConaughey, DeNaeyer. The motion carried.

The board asked Clerk Leonard to send an email to NIRMA on their behalf for said motion.

At 2:14 p.m. Chairman McConaughey adjourned the meeting.

State of Nebraska,)
) SS.
County of Cherry,)

I, Samantha Leonard, the undersigned County Clerk of Cherry County, Nebraska, do hereby certify the foregoing minutes are true and are part of the official records of this office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 30th day of September 2025.

Samantha Leonard
Cherry County Clerk

Mike McConaughey, Chairperson
Cherry County Board of Commissioners