

**STATEMENT OF APPROVAL**

**THE STATE OF TEXAS ]**

**COUNTY OF LAVACA ]**

**We, the County Judge, and Commissioners of Lavaca County,  
Texas, majority being present, do hereby certify that the above and foregoing  
Minutes of the Commissioners' Court Meeting dated April 29, 2021.  
are this day approved as submitted.**

**Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2021, A.D.**

\_\_\_\_\_, **County Judge**  
**Mark Myers**

**ATTEST:**

**(Seal)**

\_\_\_\_\_, **County Clerk**  
**Elizabeth A. Kouba**

THE STATE OF TEXAS )(
COUNTY OF LAVACA )(

Special Called Meeting Thursday, April 29, 2021

Lavaca County Commissioners' Court met in a Special Called Meeting on Thursday, April 29, 2021 at 10:00 AM, in the Lavaca County Commissioners' Courtroom, 1st Floor, in Hallettsville, Texas,

Present:

- Edward Pustka, Commissioner Pct. 1
Ronald Berckenhoff, Commissioner Pct. 2
Kenny W. Siegel, Commissioner Pct. 3
Dennis W. Kocian, Commissioner Pct. 4
Elizabeth A. Kouba, Lavaca County Clerk

The attached sheets contain the names of the citizens and officials that were in attendance.

Confirm Quorum with Roll Call (please turn off cell phones and sign in):

All members of the court were present with the exception of County Judge Mark Myers.

Call to Order and Welcome

The meeting was called to order by Commissioner Dennis W. Kocian, Judge Pro-Tem.

Invocation

Pledge of Allegiance and Pledge to the Texas Flag by Commissioner Edward Pustka.

Discussion and/or action agenda:

1. Approve the Proclamation declaring April 25, 2021 to May 2, 2021 as Soil & Water Stewardship Week. (Judge)

Commissioner Dennis W. Kocian, Judge Pro-Tem, read the Proclamation as follows:

2021 Soil & Water Stewardship Week Proclamation
Whereas, fertile soil and clean water provide us with our daily sustenance, and
Whereas, effective conservation practices have helped provide us a rich standard of living, and
Whereas, our security depends upon healthy soil and clean water, and
Whereas, stewardship calls for each person to help conserve these precious resources,
Therefore, I do hereby proclaim April 25 to May 2, 2021 Soil & Water Stewardship Week."

Your Honor, I make a move to approve the Proclamation declaring April 25, 2021 to May 2, 2021 as Soil & Water Stewardship Week."

Moved by Commissioner Edward Pustka, seconded by Commissioner Kenny W. Siegel.

Table with 2 columns: Name and Response. Rows include County Judge Mark Myers (ABSENT), Edward Pustka (YES), Ronald Berckenhoff (YES), Kenny W. Siegel (YES), and Dennis W. Kocian (YES).

Motion Carried

Court Order: 18247

**2. Approve the Proclamation declaring the week of May 2<sup>nd</sup> through May 8<sup>th</sup> 2021 National Correctional Officer's Week in Lavaca County. (Judge)**

Commissioner Dennis W. Kocian, Judge Pro-Tem, read the Proclamation as follows:

“Whereas, correctional officers have the difficult and often dangerous assignment of ensuring the custody, safety and well-being of the over 600,000 in our Nation's prisons and jails. Their position is essential to the day-to-day operations of these institutions without them it would be impossible to achieve the foremost institutional goals of security and control.

Whereas, historically, correctional officers have been viewed as "guards," occupying isolated and misunderstood positions in prisons and jails. In recent years, the duties of these officers have become increasingly complex and demanding. They are called upon to fill, simultaneously, custodial, supervisory and counseling roles. The professionalism, dedication and courage exhibited by these officers throughout the performance of these demanding and often conflicting roles deserve our utmost respect. The important work of correctional officers often does not receive the recognition from the public it deserves. It is appropriate that we honor the many contributions and accomplishments of these men and women who are a vital component of the field of corrections.

Whereas, in recognition of the contributions of correctional officers to our Nation, the Congress, by Senate Joint Resolution 132, has designated the week of May 2 through May 8, 2021, as "National Correctional Officers Week."

Now, therefore, we, the members of the Lavaca County Commissioners' Court, do hereby proclaim the week beginning May 2, 2021 as National Correctional Officers Week. We call upon officials of State and local governments and the people of the United States to observe this week with appropriate ceremonies and activities.”

“I move, Your Honor approve the Proclamation declaring the week of May 2<sup>nd</sup> through May 8<sup>th</sup> 2021 National Correctional Officer's Week in Lavaca County.”

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18248**

\* Commissioner Dennis W. Kocian, Judge Pro-Tem, thanked all Correctional Officer’s for their dedicated hard work

**3. Approve the Proclamation declaring the week of May 9<sup>th</sup> through May 15, 2021 as National Police Week, and Saturday, May 15, 2021 as Peace Officers Memorial Day in Lavaca County. (Judge)**

Commissioner Dennis W. Kocian, Judge Pro-Tem, read the Proclamation as follows:

“Whereas, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week, and

Whereas, the members of the law enforcement agency of Lavaca County play an essential role in safeguarding the rights and freedoms of Lavaca County; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression and

Whereas, the men and women of the law enforcement agency of Lavaca County unceasingly provide a vital public service;

Now, therefore, we, the members of the Lavaca County Commissioners' Court, call upon all citizens of Lavaca County and upon all patriotic, civic and educational organizations to observe the week of May 9 through May 15, 2021 as Police week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

We further call upon all citizens of Lavaca County to observe Saturday, May 15, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes."

"I make a motion to approve the Proclamation declaring the week of May 9<sup>th</sup> through May 15, 2021 as National Police Week, and Saturday, May 15, 2021 as Peace, Officers Memorial Day in Lavaca County."

Moved by Commissioner Kenny W. Siegel., seconded by Commissioner Ronald Berckenhoff.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 18249**

**4. Discuss and/or approve Engagement Letter from Beyer and Company for performing Single Audit on Lavaca County financials for year ending September 30, 2020. (Auditor)**

\*Shana Opela, County Auditor briefly explained item #4.

"Your Honor, I move to approve the Engagement Letter from Beyer and Company for performing Single Audit on Lavaca County financials for year ending September 30, 2020."

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 18250**

**5. Presentation of Lavaca County Annual Financial Report for Fiscal Year Ending September 30, 2020 (Wayne Beyer and Company)**

"Your Honor, I make a motion to pass on item #5."

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Kenny W. Siegel.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES

Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18251**

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

**6. Acknowledge payment from Penn Virginia to Lavaca County Precinct #2 in the amount of \$12,586.10 for repairs to LCR. #288. (Precinct 2)**

“Yes, Your Honor, I make a motion to acknowledge payment from Penn Virginia to Lavaca County Precinct #2 in the amount of \$12,586.10 for repairs to LCR. #288.”

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18252**

**7. Certification of Unbudgeted Revenue in accordance with LGC 111.0108: Penn Virginia-Precinct 2 - \$12,586.10 Line Item 302-5622-8542, DCP- Sheriff's Department - \$1,000.00 Line Item 100-5560-8567. (Auditor).**

“Your Honor, I make a motion to approve certification of Unbudgeted Revenue in accordance with LGC 111.0108 for A. Penn Virginia-Precinct 2 - \$12,586.10 Line Item 302-5622-8542, and also B. DCP- Sheriff's Department - \$1,000.00 Line Item 100-5560-8567.”

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Kenny W. Siegel.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18253**

**8. Acknowledge the purchase of 2021 John Deer 670G Maintainer for the price of \$204,096.00. (Pct1)**

“Your Honor, I would like to first state that Precinct 1 is in the process of buying a Maintainer and it comes from RDO Equipment Company. The list price is \$416,540.00. We have a 44 % discount, which amounts to \$183,278.00. We also have a trade in that sells for \$38,200. With that being said, the balance due would be \$204,096.00 and I do have that money and do have a purchase order from the Auditor and they are a member of Buy Board. So with that I'd like to move that the purchase of 2021 John Deer 670G Maintainer for the price of \$204,096.00 be approved.”

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18254**

**9. Consider road closure on the following roads: LCR. #391,391F, 391C, 391D for Sweet Home Fireman's Fest May 14, 2021 to May 15, 2021. (Precinct 3)**

"I'd like to make a motion for the road closure on the following roads: LCR. #391, 391F, 391C, 391D for Sweet Home Fireman's Fest May 14, 2021 to May 15, 2021."

Moved by Commissioner Kenny W. Siegel, seconded by Commissioner Ronald Berckenhoff,

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18255**

**Consent Agenda** – Unless a member of the Court requests a separate consideration of any items, all under the Consent Agenda are considered to be of routine nature or have been previously deliberated by the Court in an open meeting and therefore may be approved by one motion, second and vote.

"Your Honor, I move we approve the Consent Agenda as presented."

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 18256**

10. Minutes of March 29, 2021 Regular Called Commissioners Court Meeting.

11. Minutes of April 7th, 2021 Regular Called Commissioners Court Meeting.

12. Minutes of April 12th, 2021 Regular Called Commissioners Court Meeting.

13. Lavaca County Special Road Use Agreement between Nuevo Dos Gathering and Transportation, LLC and Precinct #2 to include LCR. 261,262.

14. Application for Pipeline Permit for Nuevo Dos Gathering and Transportation, LLC and Precinct #2 to include LCR. #261. (1 crossing)

15. Application for Pipeline Permit for Nuevo Dos Gathering and Transportation, LLC and Precinct #2 to include LCR. 262. (1 Crossing)

16. Lavaca County Special Road Use Agreement between Penn Virginia Oil & Gas LP and Precinct #2 to include LCR. #264, 262.

17. Lavaca County Special Road Use Agreement between Penn Virginia Oil & Gas LP and Precinct #2 to include LCR. #1680A.

18. Claims and/or Payroll

19. Tax Assessor-Collector Report as per Section 31.10 of the Property Tax Code

20. Budget Amendments, if any

21. County Officials Reports.

- Elizabeth A. Kouba, County Clerk, LGS Total Collections, March 2021
- Elizabeth A. Kouba, County Clerk, Tyler Total Collections, March 2021.
- Hallie Hall, JP PCT #4, Money Distribution Report, March 2021.
- Mark Ivey, JP PCT #1 Money Distribution Report, March 2021.

**Court members signing of paperwork related to items above.**

Commissioner Dennis W. Kocian, Judge Pro-Tem, called for a motion to adjourn.

“Yes, so moved”

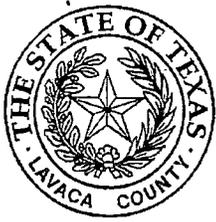
Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff.

County Judge Mark Myers	ABSENT
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Kenny W. Siegel, Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

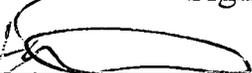
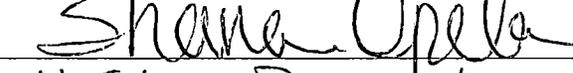
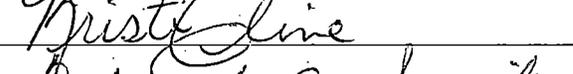
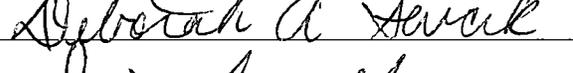
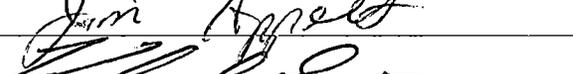
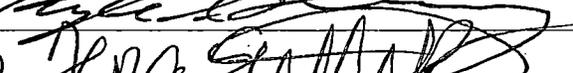
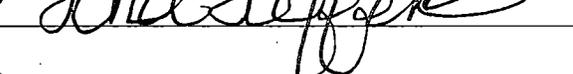
**Motion Carried**

**Court Order: 18257**

**Adjournment by Presiding Officer at 10:20 AM.**



Signature Roster  
Attendance at Commissioner's Court Meeting  
April 29, 2021  
Special Called

Sign Here	Print Name Here
1 	EGON BARTHEL
2 	Frank Fishert
3 	Shana Opela
4 	Nailene Ruppert
5 	Karen Budau
6 	Kristi Cline
7 	Deborah A. Sevcik
8 	Jim Appert
9 	Kyle A. Denney
10 	Tena Steffek
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**Minutes of Elizabeth A. Kouba, County Clerk, Lavaca County:**

**I, Elizabeth A. Kouba, County Clerk of Lavaca County, Texas, do hereby certify that the following Commissioners' Court Minutes are a true and correct record of the proceedings from the Commissioners Court Meeting on April 29, 2021.**

**ATTEST**

**Elizabeth A. Kouba, County Clerk  
& Ex-Officio Clerk of  
Commissioners' Court of  
Lavaca County, Texas**



Signed this 30 day of April, 2021

Elizabeth A. Kouba, County Clerk  
Elizabeth A. Kouba