

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 July 27, 2020 are this day approved as submitted.

Signed this the 27<sup>th</sup> day of July, 2020, A.D.

Keith Mudd, County Judge  
Keith Mudd

ATTEST:

Elizabeth A. Kouba, County Clerk  
Elizabeth A. Kouba



THE STATE OF TEXAS )(  
 COUNTY OF LAVACA )(

**Regular Meeting July 13, 2020**

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, July 13, 2020, at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1<sup>st</sup> Floor, in Hallettsville, Texas.

**Present:**

County Judge Keith Mudd  
 Edward Pustka, Commissioner Pct.1  
 Ronald Berckenhoff, Commissioner Pct. 2  
 Neil F. Bates, Jr., 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.

**Roll Call:**

All members of the court were present.

Judge Keith Mudd delivered the Invocation.

The meeting was called to order by Judge Keith Mudd, followed by the Pledge of Allegiance and Pledge to the Texas Flag by Commissioner Neil F. Bates Jr.

**Discussion and/or Action Agenda:**

**1. Emergency Management update and discussion. (OEM)**

Kathleen Leininger, Lavaca County resident, addressed the court regarding this agenda item.

Egon Barthels, Lavaca County Emergency Management Coordinator, reported on COVID-19 related information to the public.

A copy of the report was submitted to the court.

**2. Presenting a Certificate of Recognition from Ben Leman, State Representative District 13 on behalf of The State of Texas to the Lavaca County Emergency Management Coordinator. (Judge)**

Judge Keith Mudd presented Egon Barthels, Lavaca County Emergency Coordinator with the certificate

**3. Discuss and/or take action - GLO Grants CDBG-DR and CDBG-MIT-HMGP. (Judge)**

This item will be brought back to court in 2 weeks.

**No action taken on this agenda item.**

**4. Approve the hiring of Benji Allen as Deputy Sheriff with a starting salary of \$45,207 effective June 29<sup>th</sup>, and approve his bond. (Sheriff)**

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka

“I make a motion to approve the hiring of Benji Allen as Deputy Sheriff with a starting salary of \$45,207 effective June 29<sup>th</sup>, and approve his bond.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17972**

**5. Approve the hiring of Mason Galvan as Transport Deputy with a starting salary of \$45,207 effective June 29<sup>th</sup>, 2020 and approve his bond. (Sheriff)**

Moved by Commissioner Dennis W. Kocian, seconded by Commissioner Neil F. Bates, Jr

“I make a motion to approve the hiring of Mason Galvan as Transport Deputy with a starting salary of \$45,207 effective June 29<sup>th</sup>, 2020 and approve his bond.

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17973**

**6. Discuss and/or take action on setting a special meeting date and time for demonstration of proposed new voting machines. The proposed dates are July 21<sup>st</sup> or July 22<sup>nd</sup>. (Elections)**

Moved by Commissioner Edward Pustka, seconded by Commissioner Ronald Berckenhoff

“I make a motion to have a special called meeting on July 21<sup>st</sup> at 1 pm at the Annex Courtroom to see a special demonstration of the new proposed voting machines that we may purchase”.

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17974**

**7. Declare the items on the attached Exhibit A as surplus property. (Pct. 3)**

**3 Point Blade, Tag #0101410, MFG by Service Equip Co. in 1954**

**A Maxus Co. 60 Gallon Air Compressor model #840100AJ Tag #003002**

**(The air compressor does work, but inefficient for heavy commercial use in a Pct.)**

Judge addressed the court that there is no Exhibit A they are as listed.

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Dennis W. Kocian

“I make a motion to declare the following as surplus property a 3 Point Blade, Tag #0101410, MFG by Service Equip Co. in 1954, an antique, a Maxus Co. 60 Gallon Air Compressor model #840100AJ Tag #003002. We have replaced that air compressor with a more commercial unit that holds better pressure for heavy equipment tires. So I would like to put that in the form of a motion”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17974-1**

**8. Discuss and/or take action on the need for a County Subdivision Plan. (Judge/Commissioners)**

Stuart Fryer, Lavaca County Attorney, addressed the court in regards to doing a County Subdivision Plan.

**NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.**

No action taken on this agenda item.

**9. Building repairs, and maintenance update. (Judge)**

Judge Keith Mudd reported the following:

- Basement of the courthouse has flooded 2 times.
- Courthouse drain system is an area of concern and being discussed.
- Water that came in the district courtroom in between two of the windows.
- Permission was given by the Historical Commission to seal the windows and they have asked that an inspection of the windows be done every 2 years.
- Looking into lockdown of the courthouse on days of high risk court.

- Looking into possibly reversing the doors so they would push out.
- Tax office is still currently closed to the public.
  - Deborah A. Sevcik, Tax Assessor-Collector, reported that her office still doesn't have all the barriers up yet.

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

No action taken on this agenda item.

**10. Discuss and/or take action for the purchase or rental of a man lift or bucket truck for County wide use.** (Judge/Commissioners)

Judge Keith Mudd addressed the court on use of this item around the courthouse and county wide use.

NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.

No action taken on this agenda item.

**11. Approve the purchase of a used 2012 Mack CHU 613 Dump truck, with 10 speed manual transmission, MP8 415 HP, VIN# 1M2AN07C8CM010872, from Performance Truck-Victoria, with a total purchase price of \$60,194.40.** (Pct. #1)

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

“Yes I'd like to move that we approve the purchase of a 2012 Mack CHU 613 Dump truck, with 10 speed manual transmission, MP8 415 HP, VIN# 1M2AN07C8CM010872, from Performance Truck out of Victoria TX, with a total purchase price of \$60,194.40.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17975**

Shana Opela, Lavaca County Auditor, addressed court if they wanted the motion amended to read by board price.

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

“Amend motion to include by board purchase price”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES

Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**12. Discuss and/or take action on LCRS operations, budget, and personnel.** (Judge/Commissioners)

Debbie Fishbeck, Lavaca County Rescue Service Director, addressed the court and answered questions that were asked in regards to LCRS.

**NO DOCUMENTATION SUBMITTED TO THE MINUTES OF THE COURT.**

No action taken on this agenda item.

**13. Executive session to discuss LCRS personnel.** (Judge/Commissioners)

Judge Keith Mudd and the Commissioners went into Executive Session from 11:47 AM – 12:46 PM

Judge Keith Mudd called the meeting back to order at 12:48 PM

**14. Discuss and take action if (necessary) regarding LCRS personnel.** (Judge/Commissioners)

Moved by Judge Keith Mudd, seconded by Commissioner Neil F. Bates, Jr.

“As County Judge I make a motion that we officially terminate our current EMS director, Debbie Fishbeck, and go out to search for a new one”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17976**

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Neil F. Bates, Jr

“I make a motion to give the Judge Mudd permission to appoint an interim EMS Director”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES

Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17977**

Moved by Commissioner Neil F. Bates, Jr., seconded by Commissioner Ronald Berckenhoff

“I make a motion to authorize the Judge’s office to research and advertise for a permanent Director for the Lavaca County Rescue Service”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17978**

### Consent Agenda

Moved by Commissioner Ronald Berckenhoff, seconded by Commissioner Edward Pustka

“I make a motion to pass on item number 19 the County Auditor Monthly Report will be out on July 27<sup>th</sup> meeting which is our next meeting”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**  
**Court Order: 17979**

15. Minutes of June 22, 2020 Regular Called Commissioners Court Meeting

16. Lavaca County Road Special Use Agreement between Capital Star Oil & Gas, and Pct.1 to include LCR #1A & 1B.

17. Colorado Valley Telephone Cooperative Inc., requests approval for the installation of new buried fiber optic cable within the corridors of LCR #232.

18. File of record the Tax Assessor-Collector Vehicle Inventory Tax (VIT) Budget for 2020-2021.

19. County Auditor Monthly Report.

20. Monthly County Treasurer Report, Quarterly Investment Report, and Public Financial Report.

21. Tax Assessor/Collector Report as per 31.10 of the Property Code.

22. County Officials Reports:

- a. Auditor's Cash Balance Report – June 2020
- b. County Attorney Hot Check Collection Report – April 2020
- c. County Attorney Hot Check Collection Report - May 2020
- d. Constable Pct. 1 – May 2020 Report
- e. Constable Pct. 2 – May 2020 Report
- f. Constable Pct. 3 – May 2020 Report
- g. Constable Pct. 4 – June 2020 Report
- h. County Clerk – LGS Total Collections – May 2020 Report – Approved by Auditor
- i. County Clerk – Tyler Total Collections – May 2020 Report – Approved by Auditor
- j. District Clerk – April 2020 Report
- k. District Clerk – May 2020 Report
- l. J.P. Pct. 1 – May 2020 Report
- m. J.P. Pct. 1 – June 2020 Report
- n. J.P. Pct. 2 – May 2020 Report
- o. J.P. Pct. 2 – June 2020 Report
- p. J.P. Pct. 3 – May 2020 Report
- q. J.P. Pct. 3 - June 2020 Report
- r. J.P. Pct. 4 – May 2020 Report
- s. J.P. Pct. 4 – June 2020 Report

23. Claims and/or Payroll.

24. Budget Amendments, if any.

**Approved.**

Moved by Commissioner Ronald Berckenhoff seconded by Commissioner Edward Pustka.

“I make a motion to approve the consent agenda as amended.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct.1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17980**

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



County Judge Keith Mudd called for a motion to adjourn.

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

“I make a motion to adjourn the meeting.”

County Judge Keith Mudd	YES
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berckenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	YES

**Motion Carried**

**Court Order: 17981**

**Adjournment by Presiding Officer at 1:02 P.M.**

Signature Roster

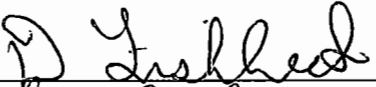
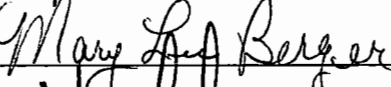

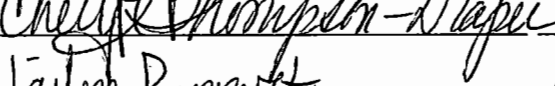
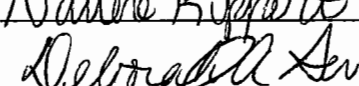
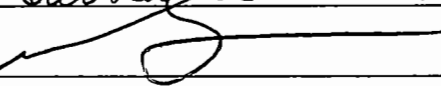

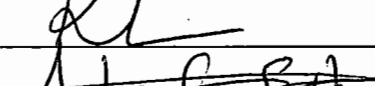


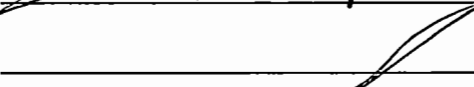
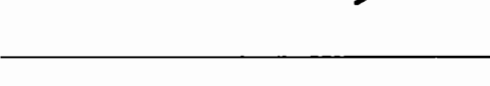
Attendance at Commissioner's Court Meeting

July 13, 2020

Regular Called

Sign Here

Print Name Here

1		Debbie Fishbeck
2		Mary Lee Berger
3		HEATHER
4		Cheryl Thompson-Draper
5		Nailene Ruppert
6		Deborah A Sercik
7		MICAH HARMON
8		PAULA PATTERSON
9		
10		
11		STUART FLYNN
12		Kyle A Demey
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Signature Roster

Attendance at Commissioner's Court Meeting

July 13, 2020

Regular Called

Sign Here

Print Name Here

1	<i>Karen Bludau</i>	<i>Karen Bludau</i>
2	<i>Jim Apple</i>	<i>Jim Apple</i>
3	<i>Shana Opela</i>	<i>Shana Opela</i>
4	<i>Christy Wilson</i>	<i>Christy Wilson</i>
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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 July 13, 2020.**

**ATTEST**

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



Signed this 16 day of July, 2020

Elizabeth A. Kouba, County Clerk  
Elizabeth A. Kouba