

STATEMENT OF APPROVAL

THE STATE OF TEXAS ]

COUNTY OF LAVACA ]

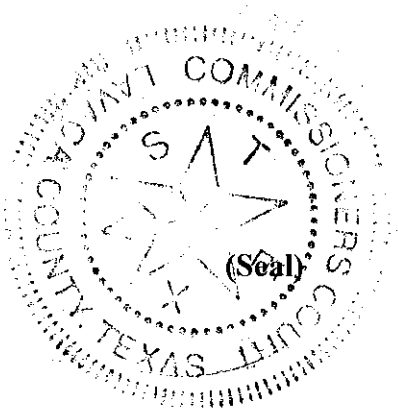
We, the County Judge, and Commissioners of Lavaca County, Texas, majority being present, do hereby certify that the above and foregoing Minutes of the Commissioners' Court Meeting dated April 27, 2020 are this day approved as submitted.

Signed this the 11<sup>th</sup> day of May, 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 April 27, 2020**

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Monday, April 27, 2020, at 10:00 A.M. in the Lavaca County Commissioners' Courtroom, 1<sup>st</sup> Floor, 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, 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.

Pastor Herb Beyer was present to say the Invocation.

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

**Discussion and/or Action Agenda:**

**1. Discuss Commissioners Court rules as it relates to broadcasting live.**

Judge Keith Mudd reported to the court that Commissioners' Court meetings are being broadcast live on Facebook and are viewable there for 90 days.

Judge Keith Mudd reminded the court that this meeting is not a press conference, attendees should sign the Signature Roster, and anyone who wishes to speak should fill-out a Public Participation form.

Marie Day, a Lavaca County resident, addressed the court with questions and comments regarding this agenda item.

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

**2. Discuss and/or take action regarding the COVID-19 Disaster Declaration, as declared on March 13, 2020. (Judge/Commissioners)**

Egon Barthels, Lavaca County Emergency Management Coordinator, gave an update regarding COVID-19 and Lavaca County.

Marie Day, Mark Myers, Kathleen Leininger, and Cheryl Thompson Draper addressed the court with questions and concerns regarding this agenda item.

Shana Opela, Lavaca County Auditor, and Sheriff Micah Harmon commented on the Disaster Declaration.

- Moved by Commissioner Neil F. Bates, Jr.

“I would like to make a motion...I’m against the continuation of the Disaster Relief. I would like to take a stand and stop hurting our citizens in regards to that.” “I will make that in the form of a motion whether it passes or not. I will move that we end the Disaster Declaration as it’s stated and eliminate any penalties. The Disaster Declaration expires, which it does, today. My motion is to allow the Disaster Declaration to expire on this day. And that’s my motion.”

**Motion Died for Lack of a Second.**

“I will withdraw my motion if the other Commissioners decide to Table Item No. 2 until another time.”

- Commissioner Bates restated his motion: “I move that we allow Lavaca County Disaster Declaration to expire on its normal life as of, I assume, as of today, I assume for the certain period of time. My motion is to allow the Disaster Declaration to expire on its own without us renewing. That’s my motion.”

**Motion Died for Lack of a Second.**

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

“I would like to strike the item stating [*BE IT ALSO PROCLAIMED that a violation of this Disaster Declaration may be punishable by a fine or confinement in jail.*] I would like to move, we strike that, is it two lines/sentences or that phrase. That will be my motion to strike that one aspect.”

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: 17925**

- Moved by Commissioner Edward Pustka, seconded by Commissioner Neil F. Bates, Jr.

Commissioner Pustka made a motion to extend the Disaster Proclamation as amended until May 11th.

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: 17926**

Judge Keith Mudd summarized by saying: The Disaster Proclamation was signed on March 13 and amended April 27<sup>th</sup>.

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

**3. Presentation of Lavaca County Financial Report for Fiscal Year ending September 30, 2019 by Wayne Beyer and Company. (Auditor)**

Wayne R. Beyer was present in court to give presentation.

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

“I make a motion to accept the Lavaca County Financial Report for Fiscal Year ending September 30, 2019 by Wayne Beyer and Company.”

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: 17927**

**4. Presentation of the mid-year review of health insurance and new programs available to covered employees/dependents of Lavaca County from the Texas Association of Counties (TAC). (Auditor)**

Texas Association of Counties (TAC) representative(s) not in attendance.

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

“I make a motion to TABLE Item No. 4.”

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: 17928**

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

**5. Approve the Proclamation declaring the week of April 12 through 18, 2020 as National Telecommunicators Week in Lavaca County. (Sheriff)**

Judge Keith Mudd read the Proclamation aloud in open court.

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

“I make a motion to approve the Proclamation declaring the week of April 12 through 18, 2020 as National Telecommunicators Week in Lavaca County.”

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: 17929**

**6. Approve the Proclamation declaring May 15, 2020 as Peace Officers’ Memorial Day, and the week of May 10 through May 17, 2020 as Police Week in Lavaca County. (Sheriff)**

Judge Keith Mudd read the Proclamation aloud in open court.

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

“I make a motion to approve the Proclamation declaring May 15, 2020 as Peace Officers’ Memorial Day, and the week of May 10 through May 17, 2020 as Police Week in Lavaca County.”

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

**Motion Carried**  
**Court Order: 17930**

**7. Discussion of the Budget Fiscal Year 2021 Process. (Judge)**

Judge Keith Mudd reported to the court that Budget packets will be ready of pick-up May 1, 2020 and are due back to the Judge’s office by June 1, 2020. Public hearings will follow in June.

Marie Day, a Lavaca County citizen, addressed the court with questions regarding this agenda item.

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

**8. Per guidelines of USERRA (Uniformed Services Employment and Reemployment Rights Act) - removal of Employee #1012 as an active employee of Lavaca County. (Auditor)**

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

“I make a motion to as per guidelines of the USERRA removal of Employee #1012 as an active employee of Lavaca County.”

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

**Motion Carried**  
**Court Order: 17931**

**9. Discuss and/or take action on the County Transportation Infrastructure Funds (CTIF) grant program for transportation infrastructure projects. (Judge & Commissioners)**

- Moved by Commissioner Dennis W. Kocian.

“I make a motion that we go forward with the program based on our transportation and we divide 25% to each precinct.”

**Motion Died for Lack of a Second.**

- Moved by Commissioner Ronald Berkenhoff, seconded by Commissioner Edward Pustka.

“I make a motion to divide the moneys 31% to Precinct 2, 30% to Precinct 3, 20% to Precinct 1, and 19% to Precinct 4.”

Judge Keith Mudd called for a vote by a show of hands.

Commissioners Precinct 1, 2, and 3 voted FOR the motion.

Commissioner Precinct 4 and County Judge voted AGAINST the motion.

County Judge Keith Mudd	NO
Edward Pustka, Commissioner Pct. 1	YES
Ronald Berkenhoff, Commissioner Pct. 2	YES
Neil F. Bates, Jr., Commissioner Pct. 3	YES
Dennis W. Kocian, Commissioner Pct. 4	NO

**Motion Carried**

**Court Order: 17932**

**10. Approve attached Exhibit A as Surplus Property for Tax Assessor-Collector office. (Tax Assessor-Collector)**

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

“I make a motion to approve attached Exhibit A as Surplus Property for Tax Assessor-Collector office.”

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

**Motion Carried**

**Court Order: 17933**

**11. Approve the First Addendum to the Non-Exclusive License and Services Agreement (NELSA) between Local Government Solutions, L.P. and Lavaca County to include other County Offices. (Judge)**

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

“I move to approve and accept the First Addendum to the Non-Exclusive License and Services Agreement (NELSA) between Local Government Solutions, L.P. and Lavaca County to include other County Offices.”

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: 17934**

**12. Acknowledge the Extension of the Delago Resources, LLC Oil, Gas and Mineral Lease dated April 27, 2020 between Lavaca County and Delago Resources, LLC. (Judge)**

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

“I move to acknowledge the Extension of the Delago Resources, LLC Oil, Gas and Mineral Lease dated April 27, 2020 between Lavaca County and Delago Resources, LLC.”

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: 17935**

**13. Approve the hiring of Jason Migl, Heavy Equipment Operator Pct. #3, Grade 5 4<sup>th</sup> Quartile, effective April 27, 2020. (Pct. #3)**

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

“I would like to approve hiring Jason Migl, Heavy Equipment Operator Precinct 3, Grade 5, minimum quartile, that quartile is a typo, effective April 27, 2020. I 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: 17936**

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

**14. Discuss and/or take action of the restructuring of the Administrative Assistant Positions in the Judge and Commissioners' Office. (Judge/Commissioners)**

Judge Keith Mudd reported to the court that job descriptions for the Administrative Assistant Positions have been revised. These positions will be cross trained. Neither position will be Executive. Neither position will have any supervisory duties.

Judge explained that Workman’s Comp contact, claims and information will be transferred out of the Judge’s office. The plan is that the Auditor’s office will be the official HR office.

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

**15. Discuss and/or take action of the hiring process for the full-time Administrative Assistant Position for the Judge and Commissioners’ office. (Judge/Commissioners)**

Judge Keith Mudd reported to the court that there will be a hiring committee for the Administrative Assistant Position consisting of: Commissioner Ronald Berckenhoff, Treasurer Karen Bludau, Auditor Shana Opela, and himself, Judge Keith Mudd. If necessary, would then come to Commissioners to split the vote.

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

**Consent Agenda:**

16. Minutes from April 13, 2020 Regular Called Commissioners’ Court Meeting Minutes.

17. Colorado Valley Telephone Cooperative, Inc. requests approval from the Commissioners Court for the installation of new Buried Fiber Optic cable within the corridors of LCR #248. (Pct. 2)

18. Lavaca County Road Special Use Agreement between Modern Exploration, Inc. and Pct. #2 to include LCR #262 to wellsite and back. (Pct. #2)

19. Claims and/or Payroll. – No Payroll Documentation Submitted to the Minutes of the Court.

20. Budget Amendments, if any

Marie Day addressed the court with questions concerning the Budget Amendment.

**Approved.**

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

“I make a motion to accept the consent agenda.”

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: 17937**

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

County Judge Keith Mudd called for a motion to adjourn.

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



“So moved.”

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: 17938**

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

**Adjournment by Presiding Officer at 12:14 P.M.**

Signature Roster

Attendance at Commissioner's Court Meeting

APRIL 27, 2020

Regular Called

Sign Here

Print Name Here

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- 20

*[Handwritten signatures in the "Sign Here" column]*

Mark Myers  
Janet F. Fruit  
Reuthesh Beyer  
Kyle A. Denney  
Lori A. Wenske  
M. LARMON  
P PATTERSON  
MARY Lee Berger  
Sherry T. Henke  
Egon BARLEIS  
STUART FRYRN

Signature Roster

Attendance at Commissioner's Court Meeting

APRIL 27, 2020

Regular Called

Sign Here

Print Name Here

1 Wayne R Beyer WAYNE R Beyer

2 Jim Apple Jim Apple

3 Shana Opel Shana Opel

4 Deborah A. Sencik Deborah A Sencik

5 Karen Bludau Karen Bludau

6 Audrey Barrera Audrey Barrera

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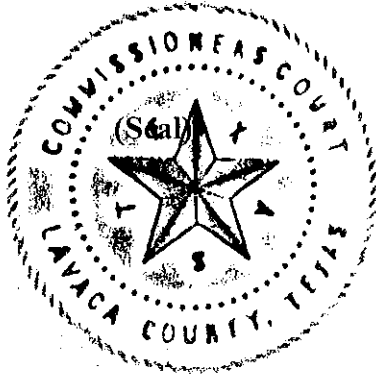
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Minutes of Elizabeth A. Kouba, County Clerk, Lavaca County:

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 27, 2020.

ATTEST

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



Signed this 1 day of May, 2020

Elizabeth A. Kouba, County Clerk  
Elizabeth A. Kouba