

THE STATE OF TEXAS)(

COUNTY OF LAVACA)(

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Tuesday, November 12th, 2013 at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1st Floor, in Hallettsville, Texas with Judge Tramer J. Woytek presiding and with Commissioner Edward Pustka, Pct. 1, Commissioner Ronald Berckenhoff, Pct. 2, Commissioner R. W. Brown, Pct. 3, and Commissioner Dennis W. Kocian, Pct. 4 all being present. Others in attendance were: Shana R. Opela, Karen Bludau, Linda Smith, Deborah A. Sevcik, Elizabeth A. Kouba, Dana Pohler, Jim Appelt, Patty Grahmann, Micah C. Harmon, Vicki T. Vogel, Sherry T. Henke, Stuart Fryer and Barbara Steffek.

The meeting was called to order by Judge Tramer J. Woytek followed by the Pledge of Allegiance to the U.S. and Texas Flags.

Under Public Communications Judge Woytek ask all Veteran's in the room to stand. Commissioner R.W. Brown was the only Veteran in attendance. Also, County Clerk, Elizabeth Kouba remembered all Veterans by reading a poem and praying the Lord's Prayer.

1. Cast vote on nominations for the election of Lavaca County Central Appraisal District Board of Directors for the 2014-2015 term of office, beginning January 1, 2014 and ending December 31, 2015. (County Judge)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to give all 1634 votes to Kenneth Henneke.

2. Set meeting date to canvass the election returns of the November 5, 2013 Constitutional

Moved by Commissioner R. W. Brown, Seconded by Commissioner Dennis Kocian, and adopted with Commissioner Edward Pustka, Judge Tramer Woytek, Commissioner R. W. Brown and Commissioner Dennis Kocian voting AYE and none voting NO and with Commissioner Ronald Berckenhoff ABSTAINING, IT IS HEREBY ORDERED to have the canvass on November 15 at 9:00 a.m. at the Annex. Judge Woytek and Commissioner Ronald Berckenhoff will be present for the canvass.

3. Consideration for Quitclaim Deed from Lavaca County to Melvin H. Janak for 0.5 acre of land of the Edwin Richeson League, Abstract No. 40, Lavaca County, Texas. (Comm. Pct. 1)

Moved by Commissioner Edward Pustka, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the Quitclaim Deed from Lavaca County to Melvin H. Janak for 0.5 acre of land of the Edwin Richeson League, Abstract No. 40, Lavaca County, Texas.

- 4. Acknowledge the following donations to the Lavaca County Senior Citizens Program:**
- * \$7,400.00 from M.G. & Lillie A. Johnson Foundation Inc. to be used as match money for the purchase of two replacement vehicles; and
 - * \$915.50 from St. Peter Lutheran Church to be used for purchases at the Hallettsville Center as well as for the meals on wheels program. (Program Coordinator)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to acknowledge the following donations to the Lavaca County Senior Citizens Program:

- * \$7,400.00 from M.G. & Lillie A. Johnson Foundation Inc. to be used as match money for the purchase of two replacement vehicles; and
- * \$915.50 from St. Peter Lutheran Church to be used for purchases at the Hallettsville Center as well as for the meals on wheels program.

- 5. Annual Computer Network Maintenance and Support Agreement – 2013-2014 Renewal for the Lavaca County Clerk's Office. (County Clerk)**

Moved by Commissioner Dennis Kocian, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the Annual Computer Network Maintenance and Support Agreement - 2013-2014 Renewal for the Lavaca County Clerk's Office.

- 6. Accept resignation of Amanda Orsak from Lavaca County Auditor's Office effective January 3, 2014. (Auditor)**

Moved by Commissioner Edward Pustka, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the resignation of Amanda Orsak from the Lavaca County Auditor's Office effective January 3, 2014.

- 7. Amend part-time employee definition in accordance with Patient Protection and Affordable Care Act – Category 4.01.02 of Lavaca County Personnel Policies. (Auditor)**

Moved by Commissioner Dennis Kocian, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to amend part-time employee definition in accordance with Patient Protection and Affordable Care Act - Category 4.01.02 of Lavaca County Personnel Policies.

- 8. Amend Medical and Life Insurance in accordance with Patient Protection and Affordable Care Act – Category 8.01.01 of Lavaca County Personnel Policies. (Auditor)**

Moved by Commissioner Dennis Kocian, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to Amend Medical and Life Insurance in accordance with Patient Protection and Affordable Care Act - Category 8.01.01 of Lavaca County Personnel Policies.

9. Adopt a look-back measurement period to determine employee full-time status for year 2015 in accordance with Patient Protection and Affordable Care Act. (Auditor)

Moved by Commissioner R. W. Brown, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to adopt a look-back measurement period to determine employee full-time status for year 2015 in accordance with Patient Protection and Affordable Care Act.

10. Adopt a Fair Labor Standards Act Safe Harbor Policy. (Auditor)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to Adopt a Fair Labor Standards Act Safe Harbor Policy for Lavaca County.

11. Amend Lavaca County Road Special Use Agreement. (County Judge)

Moved by Commissioner Edward Pustka, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to amend Lavaca County Road Special Use Agreement as stated. (Amendment shown in supporting documents).

12. Hire Mark Myers as a dispatcher, effective November 12, 2013, with a starting salary of \$29,099.00. (Sheriff)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Edward Pustka, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to hire Mark Myers as a dispatcher, effective November 12, 2013, with a starting salary of \$29,099.00.

This will bring Sheriff's office up to full staff. There are no more openings at this time.

13. Resignation of Casey Mikes from Precinct 4 effective November 15, 2013. (Comm. Pct. 4)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner R. W. Brown, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the resignation of Casey Mikes from Precinct 4 effective November 15, 2013.

14. Advertise for bids for the following:

- a. Purchase of Fuel.
- b. Purchase of Level Up-Patch Material
- c. Purchase of Soil Stabilizer Quicklime – Pebble Bulk & Powder Lime
- d. Cover Stone Material – pre-coated and uncoated
- e. Asphalt Materials
- f. Hauling of gravel from current plant location "Prihoda Gravel" to various county roads
- g. Vegetation Management Services. (Commissioners)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to advertise for bids for the following:

- a. Purchase of Fuel.
- b. Purchase of Level Up-Patch Material
- c. Purchase of Soil Stabilizer Quicklime – Pebble Bulk & Powder Lime
- d. Cover Stone Material – pre-coated and uncoated
- e. Asphalt Materials
- f. Hauling of gravel from current plant location “Prihoda Gravel” to various county roads
- g. Vegetation Management Services. (Commissioners)

Advertise for bids from November 20-December 4. The closing will be December 9th at 12:00. Bids will be opened on December 9th at 1:30 p.m. in the Commissioner Courtroom. Bids will be awarded on December 23rd.

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.

*Item #20 had non-paved portion added to LCR #15.

Moved by Commissioner Edward Pustka, Seconded by Commissioner Ronald Berkenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the consent agenda with non-paved portion added to LCR #15.

15. Minutes of October 28, 2013 Regular Meeting.

16. Margaret Steffek Mendel, granting Lavaca County Precinct #2 permission to enter property on LCR #205 for the purpose of clearing the Right-of-Way and correcting drainage problems along said roadway.

17. Lavaca County Road Special Use Agreement/Permit between Penn Virginia and Lavaca County Precinct #2 to include LCR #285. (Wombat 1H, 2H, 3H, 4H & 5H)

18. Lavaca County Road Special Use Agreement/Permit between Penn Virginia and Lavaca County Precinct #2 to include LCR #285. (Leopard 2H, 3H, 4H & 5H)

19. Application for Lavaca County Pipeline Permit between Penn Virginia Oil & Gas LP and Lavaca County Precinct #3 to include LCR #351.

20. Lavaca County Road Special Use Agreement/Permit between Esenjay Operating, Inc. and Lavaca County Precinct #1 to include LCR #1, LCR #15 non-paved portion, LCR #15A, LCR #15AA and LCR #14.

21. Lavaca County Road Special Use Agreement/Permit between Esenjay Operating, Inc. and Lavaca County Precinct #4 to include LCR #1 and LCR #14.

22. County Auditor Monthly Report

23. County Treasurer Monthly and Public Financial Reports

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

25. County Officials' Reports

26. Budget Amendments, if any

27. Claims

Court members signing of paperwork related to items above

Adjournment by Presiding Officer


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 November 12th, 2013 are
this day approved as submitted.**

Signed this the 25th day of November, A.D. 2013.


TRAMER J. WOYTEK, COUNTY JUDGE

ACKNOWLEDGED:


ELIZABETH A. KOUBA, COUNTY CLERK

