

**THE STATE OF TEXAS )(**

**COUNTY OF LAVACA )(**

**The Lavaca County Commissioners' Court met in a Regular Called Meeting on Wednesday, December 26, 2012 at 10:00 A. M. in the Lavaca County Commissioners' Courtroom, 1<sup>st</sup> Floor, in Hallettsville, Texas with Judge Tramer J. Woytek presiding and with Commissioner Charles A. Netardus, Pct. 1, Commissioner Ronald Berkenhoff, Pct. 2, Commissioner David Wagner, Pct. 3, and Commissioner Dennis W. Kocian, Pct. 4, all being present. Others in attendance were: Shana Opela, Diana Etzler, Haley Etzler, Lindsay Etzler, Sarah Roessler, Ryan Roessler, Rebecca Roessler, Jerry J. Kallus, Robert R. Technik, Leroy Etzler, Jim Appelt, Elizabeth A. Kouba, Pat McMaster, Angie Netardus, Richard Garcia, R.W. Brown, Gayle Bludau, Shannon R. DeForest, Dana Pohler, Edward Pustka, Linda F. Smith, Karen Bludau, Irene Szwarc, Anita Steffek, Patty Grahmann, Micah C. Harmon 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 communication Richard Garcia stated that the employees that have been participating in the Blue Cross program which started 4 years ago might have some Blue Points that are expiring at the end of the year. If the points are not used up by December 31, they will lose them. Starting in 2013 there will be new programs with the opportunity to earn more points.**

**\*\*\*\*\***

**1. Presentation of retirement and service plaques to the following:**

- Charles A. Netardus, Commissioner Precinct #1**
- David E. Wagner, Commissioner Precinct #3**
- Margaret Kallus, Tax Assessor-Collector**
- Linda Smith, 2<sup>nd</sup> 25<sup>th</sup> Judicial District Probation Director**
- James Myrick, Veteran Service Officer & Emergency Mgmt. Coordinator**

**Service and retirement plaques were presented to the above recipients.**

**\*\*\*\*\***

**2. Annual Report from Texas Agrilife Extension Agent, Shannon Deforest . (County Judge)**

**Shannon Deforest and Gayle Bludau gave reports.**

**Moved by Commissioner Dennis Kocian, Seconded by Commissioner Ronald Berkenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the annual report from Texas Agrilife Extension Agent, Shannon DeForest.**

**\*\*\*\*\***

**3. Ratify Resolution signed by the County Judge recognizing and honoring the elevation of Monsignor John Peters on December 9, 2012. (County Judge)**

**Moved by Commissioner Charles A. Netardus, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the ratification of the resolution signed by the County Judge recognizing and honoring the elevation of Monsignor John Peters on December 9, 2012.**

\*\*\*\*\*

**4. 2013 Lavaca County Investment Policy. (Treasurer)**

**Moved by Commissioner Charles A. Netardus, Seconded by Commissioner David Wagner, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the 2013 Lavaca County Investment Policy as presented and enter into the records.**

\*\*\*\*\*

**5. Approve the closure of County Road 122 at Willow Creek for a bridge replacement project. (Comm. Pct. 1)**

**Moved by Commissioner Charles A. Netardus, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the closure of County Road 122 at Willow Creek for a bridge replacement project for an estimated time of three to six months depending on weather conditions.**

\*\*\*\*\*

**6. Award bids on purchase of gasoline and diesel fuel for all Commissioners' precincts, Sheriff's Department, Senior Citizen Center (Hallettsville & Shiner) and Ambulance Rescue Service (Hallettsville & Shiner). (Commissioners)**

**Moved by Commissioner Charles A. Netardus, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to award the purchase of gasoline and diesel fuel for all Commissioners' precincts, Sheriff's Department, Senior Citizen Center (Hallettsville & Shiner) and Ambulance Rescue Service (Hallettsville & Shiner) to Rudolph's, Inc., 114 W. Grand St., Yoakum, TX**

**Precinct #1 - Storage Facilities - 1000 Gal Gasoline/1,500 Gal Diesel**

**Precinct #2 - Storage Facilities - 1000 Gal Gasoline/2,000 Gal Diesel**

**Precinct #3 - Storage Facilities - 2000 Gal Gasoline/3,000 Gal Diesel**

**Precinct #4 - Storage Facilities - 1000 Gal Gasoline/3,000 Gal Diesel**

**Sheriff Dept. - Storage Facilities - 1000 Gal Gasoline/0 Gal Diesel**

**Senior Citizens - Shiner - Storage Facilities - 300 Gal Gasoline/0 Gal Diesel**

**Senior Citizens - H'ville - Storage Facilities - 500 Gal Gasoline/0 Gal Diesel**

	No. 2 Diesel Fuel	Citgo Ultra-Low Diesel Fuel	Citgo Dyed Diesel Fuel	Citgo Regular Unleaded
A. Terminal Price	<u>No Bid</u>	<u>3.0220</u>	<u>3.0270</u>	<u>2.4600</u>
B. Tax	<u>No Bid</u>	<u>.2000</u>	<u>Ex</u>	<u>.2000</u>
C. Mark-up	<u>No Bid</u>	<u>.0715</u>	<u>.0715</u>	<u>.0699</u>

**Approve Bid #1339 and reject any and all other bids.**

\*\*\*\*\*

**7. Approve bond for Diana Goodall, Part-Time Deputy Elections Administrator. (Elections)**

**Moved by Commissioner Dennis Kocian, Seconded by Commissioner David Wagner, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the bond for Diana Goodall, part-Time Deputy Elections Administrator.**

\*\*\*\*\*

**8. Accept donation of picture from Eye From the Sky Aerial Photography of Hippo Hunter #1H drilling. (County Clerk)**

**Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Charles A. Netardus, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the donation of a picture from Eye From the Sky Aerial Photography of Hippo Hunter #1H drilling.**

\*\*\*\*\*

**9. Resolution and extension for the Local Border Security Program FY 2013 Grant. (Sheriff)**

**Moved by Commissioner Charles A. Netardus, Seconded by Commissioner David Wagner, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to pass the Resolution and extension for the Local Border Security Program FY 2013 Grant.**

\*\*\*\*\*

**10. Resignation of jailer, Sheila Panus, effective December 27, 2012. (Sheriff)**

**Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Charles A. Netardus, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the resignation of jailer, Sheila Panus, effective December 27, 2012.**

\*\*\*\*\*

**11. Damage to Lavaca County Road #353 located in Precinct #3. (Comm. Pct. 3)**

Pat McMaster addressed the court regarding the damage to Lavaca County Road #353.

Moved by Commissioner David Wagner, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to table the damage to Lavaca County Road #353 until a later date.

\*\*\*\*\*

12. Ratify donation from the Dickson-Allen Foundation to Lavaca County Senior Citizens Program in the amount of \$15,000.00. (Senior Citizens)

Moved by Commissioner Charles A. Netardus, Seconded by Commissioner Ronald Berckenhoff, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to ratify the donation from the Dickson-Allen Foundation to Lavaca County Senior Citizens Program in the amount of \$15,000.00.

\*\*\*\*\*

13. Ratify donation from the Dickson-Allen to the Records Retention Volunteers in the amount of \$15,000.00. (County Clerk)

Moved by Commissioner Dennis Kocian, Seconded by Commissioner David Wagner, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to ratify a donation from the Dickson-Allen to the Records Retention Volunteers in the amount of \$15,000.00.

\*\*\*\*\*

14. Oil, Gas and Mineral Lease 0.313 acres, A. Smothers Survey, A-50, Lavaca County, Texas. (Comm. Pct. 2)

Moved by Commissioner Ronald Berckenhoff, Seconded by Commissioner Charles A. Netardus, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the Oil, Gas and Mineral Lease 0.313 acres, A. Smothers Survey, A-50, Lavaca County, Texas.

\*\*\*\*\*

**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.

Moved by Commissioner Charles A. Netardus, Seconded by Commissioner David Wagner, and adopted by Commissioner Charles A. Netardus, Judge Tramer Woytek, Commissioner David Wagner and Commissioner Dennis Kocian voting AYE and none voting NO and with Commissioner Ronald Berckehnoff ABSTAINING, IT IS HEREBY ORDERED to approve the consent agenda as provided.

15. Minutes of the December 10, 2012 Regular Meeting.

- 16. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #288.
- 17. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #289.
- 18. Ronald Berckenhoff, granting Lavaca County Precinct #2 permission to enter property on LCR #260 for the purpose of clearing the Right-of-Way and correcting drainage problems along said roadway.
- 19. Payment in the amount of \$615.00 from Diversified Land Mgmt. Inc. for Permit to Lay Seismic Line between Seitel Data Inc. and Lavaca County Precinct #2. Commissioners' Court dated 12/10/12.
- 20. Lavaca County Road Special Use Agreement/Permit between Marathon Oil Company and Lavaca County Precinct #3 to include LCR #341A.
- 21. Lavaca County Road Special Use Agreement/Permit between Penn Virginia and Lavaca County Precinct #2 to include LCR #271, LCR #272 and LCR #274.
- 22. Lavaca County Road Special Use Agreement/Permit between Penn Virginia and Lavaca County Precinct #2 to include LCR #280.
- 23. Certificate of Liability Insurance for Bass Construction Co., Inc.
- 24. Lavaca County Road Special Use Agreement/Permit between EOG Resources and Lavaca County Precinct #3 to include LCR #298, LCR #351 and LCR #351A.
- 25. Lavaca County Road Special Use Agreement/Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #3 to include LCR #298 and LCR #351.

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 ]**

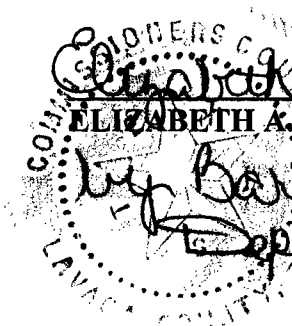
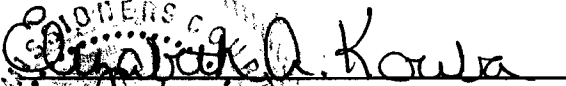
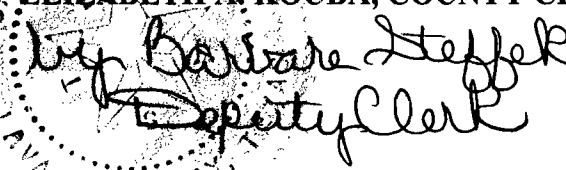
**COUNTY OF LAVACA ]**

**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 December 26th, 2012 are  
this day approved as submitted.**

**Signed this the 14th day of January, A.D. 2013.**

  
**TRAMER J. WOYTEK, COUNTY JUDGE**

**ACKNOWLEDGED:**

  
  
**ELIZABETH A. KOUBA, COUNTY CLERK**  
  
**Deputy Clerk**