

THE STATE OF TEXAS)(

COUNTY OF LAVACA)(

The Lavaca County Commissioners' Court met in a Regular Called Meeting on Tuesday, November 13, 2012 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 Charles A. Netardus, Pct. 1, Commissioner Ronald Berckenhoff, Pct. 2, Commissioner David Wagner, Pct. 3, and Commissioner Dennis W. Kocian, Pct. 4, all being present. Others in attendance were: Debbie Fishbeck, Micah Harmon, Patty Grahmann, Shana R. Opela, Jim Appelt, Dana Pohler and Barbara Steffek.

Under Public Communications Judge Woytek recognized the group of Veterans that were in attendance. They were invited to be honored guests because Veteran's Day was Sunday and it was an opportunity to say thank you.

1. Set meeting date to canvass the election returns of the November 6, 2012 General Election. (County Judge)

Moved by Judge Tramer Woytek, Seconded by Commissioner Dennis Kocian, and adopted with Commissioner Charles A. Netardus, Commissioner David Wagner and Commissioner Dennis Kocian voting AYE and none voting NO and with Judge Tramer Woytek and Commissioner Ronald Berckenhoff ABSTAINING, IT IS HEREBY ORDERED to set the date to canvass the election returns for November 19, 2012 at 10:00 a.m. in the Commissioner's Courtroom. Judge Woytek and Commissioner Berckenhoff will be present to canvass the votes.

2. 2013 Lavaca County Indigent Defense Grant Program Resolution. (County Judge)

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 accept the 2013 Lavaca County Indigent Defense Grant Program Resolution.

3. Mutual Aid Agreement for Emergency Medical Services between Colorado County Emergency Service and Lavaca County Rescue Service. (County Judge)

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 approve the Mutual Aid Agreement for Emergency Medical Services between Colorado County Emergency Service and Lavaca County Rescue Service.

4. Renewal of Service Contract for Fujitsu FI-6770 Scanner. (County Clerk)

Moved by Commissioner David Wagner, Seconded by Commissioner Charles A. Netardus, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to approve the renewal of Service Contract for Fujitsu FI-6770 Scanner for the County Clerk Office for \$1,095.00

5. Amended Agreement with Community Action committee of Victoria, Texas to change the location of services. (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 Amended Agreement with Community Action Committee of Victoria, Texas to change the location of services to the Lavaca County Courthouse Annex in the Multi-Purpose Room.

6. Request to add additional duties of Housekeeping to Debra DeLaRosa's current position and acknowledge payroll adjustment of twenty-nine (29¢) cents per hour to compensate for these duties. Duties are for the Lavaca County Rescue Service office building. (EMS Director)

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 request to add additional duties of Housekeeping to Debra DeLaRosa's current position and acknowledge payroll adjustments of twenty-nine cents per hour to compensate for these duties. Duties are for the Lavaca County Rescue Service office building.

7. Hire Darel Fishbeck as full-time road hand for Precinct #2 effective November 5, 2012. (Comm. Pct. 2)

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 approve the hiring of Darel Fishbeck as a Truck Driver Grade 3 1st Quartile with a salary of \$25,265.00 effective November 5, 2012.

8. Approve 25th Judicial District Attorney's FY 2012 Chapter 59 Asset Forfeiture Report. (County Judge)

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 25th Judicial District Attorney's FY 2012 Chapter 59 Asset Forfeiture Report.

9. Contract and Agreement for Detention Services with Guadalupe County Juvenile Services. (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 Contract and Agreement for Detention Services with Guadalupe County Juvenile Services.

10. Hire Kristine M. Trench as a substitute employee at the Hallettsville Senior Citizens Center. She will work only when needed fro \$7.25 an hour. (Senior Citizen County Coordinator)

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 hire Kristine M. Trench as a substitute employee at the Hallettsville Senior Citizens Center. She will work only when needed for \$7.25 an hour.

11. Annual Computer Network Maintenance and Support Agreement for Tax Assessor Collector. (Tax Assessor-Collector)

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 annual Computer Network Maintenance and Support Agreement for the Tax Assessor Collector as provided for a cost of \$5,700.

12. Hire James Whited, Jr. as a deputy effective November 5, 2012 with a starting salary of \$37,927.76. (Sheriff)

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 hire James Whited, Jr. as a deputy effective November 5, 2012 with a starting salary of \$37,927.76.

13. Approve bond of Deputy James Whited Jr. (Sheriff)

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 bond of Deputy James Whited Jr. as presented.

14. Approve FY 2012 Chapter 59 Asset Forfeiture Audit Report. (Sheriff)

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 FY 2012 Chapter 59 Asset Forfeiture Audit Report.

15. Salary adjustment for Deputy Leonard A. Rutledge. (Sheriff)

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 salary adjustment for Deputy Leonard A. Rutledge to be in comparison to Deputy James Whited, Jr.

County Auditor Shana Opela stated that Sheriff Harmon in his letter said it would have zero impact on his budget. It is not necessarily true this adjustment will impact his budget because even though he may have delayed in hiring a deputy this remaining budget will be utilized in paying out holiday time over the next few months. Also, if his department would loose an employee his budget is impacted too because you would have to pay out holiday time, compensation and vacation time. To give you an idea just for Columbus Day just for his deputies we paid out \$715.96 in holiday time over the 48 hours they had accrued. If you take Columbus Day, Veteran's Day, Thanksgiving Holidays, Christmas Holidays and New Year's Holidays, the money he has saved by delaying hiring a deputy will be needed. She also stated that she would not be doing her job if she did make the court aware of it.

16. Approval of spending by Commissioner Precinct #3 per Texas Local Government Code 130.908. (Comm. Pct. 3)

Moved by Commissioner David Wagner, Seconded by Commissioner Dennis Kocian, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to allow Commissioner Precinct #3 per Texas Local Government Code 130.908 to spend up to 25% of the total budget budgeted for 2012-2013 with the Auditor's Office being the watchful eye.

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 Dennis Kocian, Seconded by Commissioner David Wagner, and adopted by all members present voting AYE and none voting NO, IT IS HEREBY ORDERED to accept the consent agenda.

17. Minutes of the October 22, 2012 Regular Meeting.

18. Lavaca County Road Special Use Agreement/Permit between Penn Virginia and Lavaca County Precinct #2 to include LCR #271.

19. Extend expiration date on application for Lavaca County Pipeline Permit between HSC Pipeline Partnership, LLC and Lavaca County Precinct #3 to include Lavaca County Roads #327, #315, #326, #316 and #394. Commissioners' Court order dated July 9, 2012.

20. Lavaca County Road Special Use Agreement/Permit between Alta Mesa Services, LP and Lavaca County Precinct #4 to include LCR #458 and LCR #1.

21. Certificate of Participation from the V.G. Young Institute of County government certifying that David Wagner successfully completed 10 hours of educational training during the 90th Annual County Judges and Commissioners Association of Texas Conference.

22. Certificate of Participation from the V.G. Young Institute of County government certifying that Dennis W. Kocian successfully completed 10 hours of educational training during the 90th Annual County Judges and Commissioners Association of Texas Conference.

23. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #290.

24. Application for Lavaca County Pipeline Permit between Eagle Ford Hunter Resources, Inc. and Lavaca County Precinct #2 to include LCR #290A.

25. County Auditor Monthly Report.

26. County Treasurer Monthly and Public Financial Reports.

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

28. County Officials' Reports.

29. Certificate of Liability Insurance for Armstrong Warehouse & Transfer Co.

30. Budget Amendments, if any

31. 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 13th, 2012 are
this day approved as submitted.**

Signed this the 26th day of November, A.D. 2012.


TRAMER J. WOYTEK, COUNTY JUDGE

ACKNOWLEDGED:


ELIZABETH A. KOUBA, COUNTY CLERK

