



December 13, 2024

MEETING MINUTES

OF CALHOUN COUNTY COMMISSIONERS' COURT

MET IN A SPECIAL MEETING AT 3:00PM. IN THE COMMISSIONERS' COURTROOM IN THE COUNTY COURTHOUSE AT 211 S. ANN STREET SUITE 104 PORT LAVACA, CALHOUN COUNTY, TEXAS.

THE FOLLOWING MEMBERS WERE PRESENT:

(NOT PRESENT) Richard Meyer
David Hall
(Judge Pro Tem) Vern Lyssy
Joel Behrens
Gary Reese
Anna Goodman
By: Kaddie Smith

County Judge
Commissioner Pct 1
Commissioner Pct 2
Commissioner Pct 3
Commissioner Pct 4
County Clerk
Deputy Clerk

The subject matter of such meeting is as follows:

1. Call meeting to order.

Meeting was called to order at 3pm by Commissioner Vern Lyssy.

2. Public comment.

Commissioner David Hall asked the court to take a moment of silence for the late Judge Meyer.

3. Consider and take necessary action to authorize Commissioner Lyssy to execute the settlement participation and release forms regarding settlement offers from Kroger in the matter of Texas opioid multi-district litigation for the County.

RESULT:

APPROVED [UNANIMOUS]

MOVER:

David Hall, Commissioner Pct 1

SECONDER:

Gary Reese, Commissioner Pct 4

AYES:

Commissioner Hall, Lyssy, Behrens, Reese

4. Consider and take necessary action to approve an order authorizing Calhoun County to self-insure any person appointed to a vacancy in the office of County Judge, pursuant to Tex. Loc. Gov't Code § 88.008, allowing the appointed officer to perform the duties of the office without executing a bond for the remainder of their term, until after the swearing in of an elected officer on January 1, 2027.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Commissioner Hall, Lyssy, Behrens, Reese

5. Consider and take necessary action by Commissioners Court to appoint and swear in Shannon Salyer as Judge of Calhoun County, to fill the vacancy that resulted from the death of Judge Richard Meyer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hall, Commissioner Pct 1
SECONDER:	Joel Behrens, Commissioner Pct 3
AYES:	Commissioner Hall, Lyssy, Behrens, Reese

6. Consider and take necessary action to accept the resignation of Commissioner Vern Lyssy.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Judge Salyer, Commissioner Hall, Lyssy, Behrens, Reese

7. Consider and take necessary action to appoint Commissioner Joel Behrens to be Judge Pro Tem of Commissioners Court and to be the Court's representative to the monthly meetings of the Memorial Medical Center's Board of Managers.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gary Reese, Commissioner Pct 4
SECONDER:	David Hall, Commissioner Pct 1
AYES:	Judge Salyer, Commissioner Hall, Behrens, Reese

8. Consider and take necessary action to approve an order authorizing Calhoun County to self-insure any person appointed to a vacancy in the office of a County Commissioner, pursuant to Tex. Loc. Gov't Code § 88.008, allowing the appointed officer to perform the duties of the office without executing a bond for the remainder of their term, until after the swearing in of the elected officer on January 1, 2027.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hall, Commissioner Pct 1
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Judge Salyer, Commissioner Hall, Behrens, Reese

9. Consider and take necessary action by Judge Shannon Salyer to appoint and swear in Ronald Best to be Commissioner of Calhoun County Precinct No. 2, to fill the vacancy resulting from the resignation of former Commissioner Vern Lyssy.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	David Hall, Commissioner Pct 1
AYES:	Judge Salyer, Commissioner Hall, Behrens, Reese

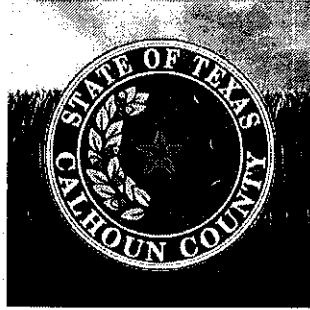
10. Consider and take necessary action to accept the resignation of Judge Shannon Salyer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hall, Commissioner Pct 1
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Judge Salyer, Commissioner Hall, Best, Behrens, Reese

11. Consider and take necessary action by Commissioners Court authorizing the appointment and swearing in of Vern Lyssy as Judge of Calhoun County, to fill the vacancy that resulted from the resignation of former Judge Shannon Salyer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Commissioner Hall, Best, Behrens, Reese

12. Adjourn. 3:13



CALHOUN COUNTY COMMISSIONERS' COURT PACKET COMPLETION SHEET

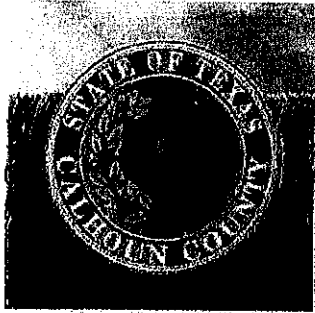
-
- ☒ **All Agenda Items Properly Numbered**
- ☒ **Contracts Completed and Signed**
- ☒ **All 1295's Flagged for Acceptance
(number of 1295's N/A)**
- ☒ **All Documents for Clerk Signature Flagged
(All documents needing to be attested to need to be
signed day of Commissioner's Court.)**

On this 14th day of December 2024, the packet

for the 13th day of December 2024 Commissioners'
Special Regular Session was submitted from the Calhoun County Judge's
office to the Calhoun County Clerk's Office.

Debbie Vickery
Calhoun County Judge/Assistant

AGENDA



Richard H. Meyer
County Judge

David Hall, Commissioner, Precinct 1
Vern Lyssy, Commissioner, Precinct 2
Joel Behrens, Commissioner, Precinct 3
Gary Reese, Commissioner, Precinct 4

NOTICE OF SPECIAL MEETING

The Commissioners' Court of Calhoun County, Texas will meet on Friday,
December 13, 2024 at 3:00 p.m. in the Commissioners' Courtroom in the County
Courthouse at 211 S. Ann Street, Suite 104, Port Lavaca, Calhoun County, Texas.

AGENDA

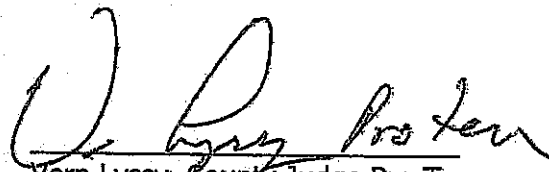
AT 1:29 FILED 1:29 O'CLOCK P M

The subject matter of such meeting is as follows:

1. Call meeting to order.
2. Public comment.
3. Consider and take necessary action to authorize Commissioner Lyssy to execute the settlement participation and release forms regarding settlement offers from Kroger in the matter of Texas opioid multi-district litigation for the County.
4. Consider and take necessary action to approve an order authorizing Calhoun County to self-insure any person appointed to a vacancy in the office of County Judge, pursuant to Tex. Loc. Gov't Code § 88.008, allowing the appointed officer to perform the duties of the office without executing a bond for the remainder of their term, until after the swearing in of an elected officer on January 1, 2027.
5. Consider and take necessary action by Commissioners Court to appoint and swear in Shannon Salyer as Judge of Calhoun County, to fill the vacancy that resulted from the death of Judge Richard Meyer.
6. Consider and take necessary action to accept the resignation of Commissioner Vern Lyssy.

DEC 10 2024
COUNTY CLERK, CALHOUN COUNTY, TEXAS
DEPUTY: ANNA GOODMAN
Kaddu Smith

7. Consider and take necessary action to appoint Commissioner Joel Behrens to be Judge Pro Tem of Commissioners Court and to be the Court's representative to the monthly meetings of the Memorial Medical Center's Board of Managers.
8. Consider and take necessary action to approve an order authorizing Calhoun County to self-insure any person appointed to a vacancy in the office of a County Commissioner, pursuant to Tex. Loc. Gov't Code § 88.008, allowing the appointed officer to perform the duties of the office without executing a bond for the remainder of their term, until after the swearing in of the elected officer on January 1, 2027.
9. Consider and take necessary action by Judge Shannon Salyer to appoint and swear in Ronald Best to be Commissioner of Calhoun County Precinct No. 2, to fill the vacancy resulting from the resignation of former Commissioner Vern Lyssy.
10. Consider and take necessary action to accept the resignation of Judge Shannon Salyer.
11. Consider and take necessary action by Commissioners Court authorizing the appointment and swearing in of Vern Lyssy as Judge of Calhoun County, to fill the vacancy that resulted from the resignation of former Judge Shannon Salyer.
12. Adjourn.


Vern Lyssy, County Judge Pro-Tem
Calhoun County, Texas

A copy of this Notice has been placed on the inside bulletin board of the Calhoun County Courthouse, 211 South Ann Street, Port Lavaca, Texas, which is readily accessible during normal business hours. This Notice shall remain posted continuously for at least 72 hours preceding the scheduled meeting time. For your convenience, you may visit the county's website at www.calhouncobx.org under "Commissioners' Court Agenda" for any official court postings.

01

02

03



December 13, 2024

MEETING MINUTES

OF CALHOUN COUNTY COMMISSIONERS' COURT

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(NOT PRESENT) Richard Meyer
David Hall

(Judge Pro Tem) Vern Lyssy

Joel Behrens

Gary Reese

Anna Goodman

By: Kaddie Smith

County Judge

Commissioner Pct 1

Commissioner Pct 2

Commissioner Pct 3

Commissioner Pct 4

County Clerk

Deputy Clerk

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2. Public comment.

Commissioner David Hall asked the court to take a moment of silence for the late Judge Meyer.

3. Consider and take necessary action to authorize Commissioner Lyssy to execute the settlement participation and release forms regarding settlement offers from Kroger in the matter of Texas opioid multi-district litigation for the County.

RESULT:**MOVER:****SECONDER:****AYES:****APPROVED [UNANIMOUS]**

David Hall, Commissioner Pct 1

Gary Reese, Commissioner Pct 4

Commissioner Hall, Lyssy, Behrens, Reese

PHIPPS ORTIZ TALAFUSE PLLC

December 9, 2024

URGENT AND CONFIDENTIAL SETTLEMENT COMMUNICATIONS

County of Calhoun
211 S. Ann Street, Suite 301
Port Lavaca, TX 77979

via eMail: richard.meyer@calhouncotx.org;
david.hall@calhouncotx.org;
vern.lyssy@calhouncotx.org;
joel.behrens@calhouncotx.org;
gary.reese@calhouncotx.org;
dan.heard@calhouncotx.org;

RE: TEXAS OPIOID LITIGATION; IN THE 152ND DISTRICT COURT OF HARRIS COUNTY, TEXAS;
MDL MASTER CAUSE NO. 2018-63587
Calhoun

Time Sensitive – Proposed Opioids Settlement – Releases Due by 12/18/24

Dear Calhoun County Members,

We have negotiated an additional settlement in the Texas Statewide Opioid Litigation with Retail Pharmacy Defendant Kroger, each subject to the County's approval and the County Judge's signature on or before **December 18th**. Please note that this deadline to return signed releases for this settlement means your Commissioners' Court must approve the settlement before the Release is due. Because we are recommending you accept these settlement, please let us know as soon as possible on what date this can be heard by the Commissioners' Court **before December 18th**.

THIS IS A FAST TRACK SETTLEMENT –when you have determined a date for the Commissioners' Court meeting, please place an action item on your Commissioner's Court Agenda. Recommended language for the action item is attached hereto. Because this is our eleventh settlement with Opioid Defendants and we recommend you participate in this settlement, you may use the attached PowerPoint in Executive Session and may sign and return the Release, once approved, by the Commissioners' Court. If you would like Counsel to appear by Zoom or in person, please let us know immediately so that we may make arrangements.

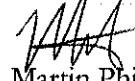
The attached Release, once signed, must be scanned and returned to my office as soon as possible, but **no later than noon on December 17, 2024**.

Please ensure that you have this settlement on your meeting agenda and that you notify us of that meeting date.

Page 2 of 2
December 9, 2024

Thank you for your attention to this matter. Please don't hesitate to call my legal assistant, María Franco at 210.340.9877 or via eMail at maria@PhippsOrtizTalaFuse.com, with any questions or concerns.

Thank you,



Martin Phipps

Encl

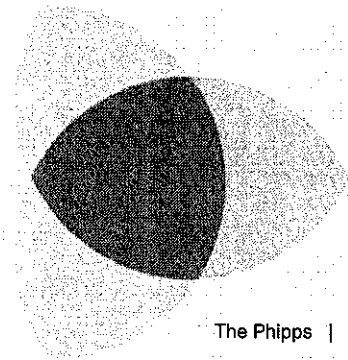


Exhibit A

TEXAS SETTLEMENT SUBDIVISION PARTICIPATION AND RELEASE FORM

Political Subdivision: Calhoun County	Texas
Authorized Official:	Commissioner Vern Lyssy
Address 1:	Calhoun County Courthouse
Address 2:	211 S. Ann St.
City, State, Zip:	Port Lavaca, TX 77979
Phone:	361-553-4600
Email:	vern.lyssy@calhouncotx.org

The governmental entity identified above ("Texas Political Subdivision"), in order to obtain and in consideration for the benefits provided to the Texas Political Subdivision pursuant to the Kroger Texas Settlement Agreement and Full Release of All Claims dated Dec. 13, 2024 ("Kroger Texas Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Texas Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Texas Political Subdivision above is aware of and has reviewed the Kroger Settlement Agreement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Texas Political Subdivision elects to participate in the Kroger Texas Settlement and become a Participating Texas Political Subdivision as provided therein.
2. The Texas Political Subdivision shall immediately cease any and all litigation activities as to the Released Entities and Released Claims and, within 14 days of executing this Participation and Release Form, its counsel shall work with Kroger's counsel to dismiss with prejudice any Released Claims that it has filed.
3. The Texas Political Subdivision agrees to the terms of the Kroger Texas Settlement pertaining to Texas Political Subdivisions as provided therein.
4. By agreeing to the terms of the Kroger Texas Settlement and becoming a Releasor, the Texas Political Subdivision is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date of the Release.
5. The Texas Political Subdivision agrees to use any monies it received through the Kroger Texas Settlement solely for the purposes provided therein.

6. The Texas Political Subdivision submits to the exclusive jurisdiction and authority of the Texas Consolidated Litigation Court as defined in the Kroger Texas Settlement. For the avoidance of doubt, nothing contained in this Participation and Release Form, or the Kroger Texas Settlement, constitutes consent to jurisdiction, express or implied, over the Texas Political Subdivision or its selected counsel to the jurisdiction of any other court (including without limitation MDL 2804, the MDL 2804 Fee Panel, the MDL 2804 Enforcement Committee, or the Court in which any Texas Consent Judgment is filed) for any purpose whatsoever.
7. The Texas Political Subdivision, as a Participating Texas Subdivision, has the right to enforce the Kroger Texas Settlement in the Texas Consolidated Litigation Court as provided therein.
8. The Texas Political Subdivision, as a Participating Texas Subdivision, hereby becomes a Releasor for all purposes in the Kroger Texas Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Texas Political Subdivision hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entities in any forum whatsoever. The releases provided for in the Kroger Texas Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entity the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Texas Political Subdivision to release claims. The Kroger Texas Settlement shall be a complete bar to any Released Claim.
9. The Texas Political Subdivision hereby takes on all rights and obligations of a Participating Texas Subdivision as set forth in the Kroger Texas Settlement.
10. In connection with the releases provided for in the Kroger Texas Settlement, each Texas Political Subdivision expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Texas Political Subdivision hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Texas Settlement.

11. The Texas Political Subdivision acknowledges, agrees, and understands that the Maximum Texas Settlement Amount to be paid under the Kroger Texas Settlement for the benefit of the Participating Texas Political Subdivision, is less than or equal to the amount, in the aggregate, of the Alleged Harms allegedly suffered by the governmental entity, constitutes restitution and remediation for damage or harm allegedly caused by Kroger in order to restore, in whole or part, the governmental entity to the same position or condition that it would be in had it not suffered the Alleged Harms; and constitutes restitution and remediation for damage or harm allegedly caused by the potential violation of a law and/or is an amount paid to come into compliance with the law.
12. Nothing herein is intended to modify in any way the terms of the Kroger Texas Settlement Agreement, to which the Texas Political Subdivision hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Kroger Texas Settlement, the Kroger Texas Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Texas Political Subdivision.

Signature: 
Name: Vern Lyssy
Title: Commissioner of Calhoun County, Texas
Date: December 13, 2024

THE STATE OF TEXAS §

COUNTY OF Calhoun §

**ORDER (RESOLUTION) AUTHORIZING APPROVAL OF PROPOSED TEXAS
STATEWIDE OPIOID SETTLEMENT AGREEMENTS**

BE IT REMEMBERED, at a regular meeting of the Commissioners Court of Calhoun County, Texas, held on the 13th day of December, 2024, on motion made by David Hall Commissioner of Precinct 1 and seconded by Gary Reese Commissioner of Precinct 4, the following Order (Resolution) was adopted:

WHEREAS, Calhoun County obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, "Defendants") have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and

WHEREAS, these actions, conduct and misconduct have resulted in significant financial costs in the past to the County and will undoubtedly result in significant financial costs in the future; and

WHEREAS, the County brought or has investigated claims against The Kroger Co. ("Kroger"), and certain other defendants related to potentially released claims; and (2) other defendants in the opioid supply chain on behalf of the County in *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, currently pending in the 152nd District Court of Harris County, Texas and/or removed pending remand; and

WHEREAS, on October 30, 2024, the Kroger Defendant in the opioid litigation brought by the County, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Kroger Texas Statewide Opioid Settlement Agreement and Release (hereinafter collectively the "Texas Agreement"); and

WHEREAS, Special Counsel and the State of Texas have recommended that the Calhoun County Commissioners Court support the adoption and approval of the

Texas Agreement in its entirety; and

WHEREAS, even though the payments from the settlements reflect partial compensation to Calhoun County for the past damages it has suffered or the future damages it is likely to incur, given the risks of litigation, the fact that it is to the benefit of Texas and the County and its residents, and that it reduces the risks associated with protracted litigation;

NOW, THEREFORE, BE IT RESOLVED that we, the Commissioners Court of Calhoun County:

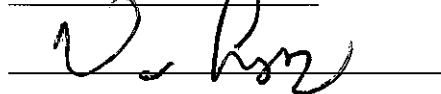
1. Support the adoption and approval the Texas Agreement;
2. Authorizes the County to execute the Texas Release for the Texas Subdivision Participation Form and Release; and
3. Finds as follows:
 - a. There is a substantial need for repayment of past opioid-related expenditures and payment to help abate current and future opioid-related harms in and about Calhoun County, Texas; and
 - b. The County Commissioners Court supports in its entirety the Texas Agreement. The County Commissioners Court understands that the purpose of each Settlement is to effectuate resolution of the Opioid Litigation against the Kroger Defendants. We also understand that an additional purpose is to ensure the effective means of distributing any potential settlement funds obtained under settlements in Texas and under the jurisdiction of Texas Courts in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this County and throughout Texas.

The County is hereby authorized to approve and accept the Texas Agreement as set forth herein.

The County Judge or designated official is hereby authorized to execute and deliver the settlement documents recommended for approval by Special Counsel in the above referenced case and to approve such terms and provisions for the full and final settlement of all matters set forth therein.

DONE IN OPEN COURT on this the 13th day of December, 2024.

Calhoun County COUNTY, TEXAS



Vern Lyssy, ~~County Judge~~ County Commissioner

ATTEST:

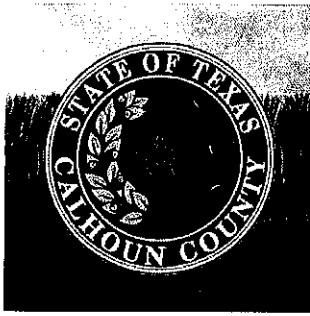
Kadeji Smith
deputy, County Clerk



04

4. Consider and take necessary action to approve an order authorizing Calhoun County to self-insure any person appointed to a vacancy in the office of County Judge, pursuant to Tex. Loc. Gov't Code § 88.008, allowing the appointed officer to perform the duties of the office without executing a bond for the remainder of their term, until after the swearing in of an elected officer on January 1, 2027.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Commissioner Hall, Lyssy, Behrens, Reese



Richard H. Meyer
County Judge

David Hall, Commissioner, Precinct 1
Vern Lyssy, Commissioner, Precinct 2
Joel Behrens, Commissioner, Precinct 3
Gary Reese, Commissioner, Precinct 4

**ORDER AUTHORIZING
SELF-INSURANCE IN LIEU OF BOND FOR
APPOINTEES TO THE OFFICE OF COUNTY JUDGE**

WHEREAS, it is necessary for the Commissioners Court of Calhoun County, Texas, to fill a vacancy in the office of County Judge; and

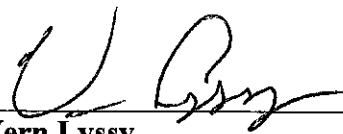
WHEREAS, any continued delay for an officer appointed to fill this vacancy from beginning their official duties is harmful to the continuity of county business; and

WHEREAS, Section 88.008 of the Texas Local Government Code allows a county officer or employee to perform the duties of the office or employment without executing a bond if Commissioners Court by order authorizes the county to self-insure against losses that would have been covered by the bond.

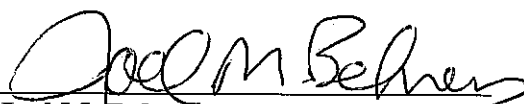
IT IS SO ORDERED that Calhoun County self-insure any person appointed the office of County Judge against losses that would have been covered by the bond and in the amount that would have been covered by the bond, allowing the appointed officer to perform the duties of the office without executing a bond until the expiration of their term. This order will remain in effect until after the swearing in of an elected officer on January 1, 2027, and shall be kept and recorded by the Calhoun County Clerk. Executed on this the 13th day of December, 2024.



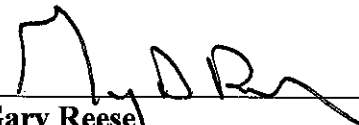
David Hall
Commissioner, Precinct 1



Vern Lyssy
Commissioner, Precinct 2

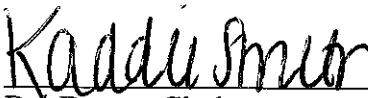


Joel M. Behrens
Commissioner, Precinct 3

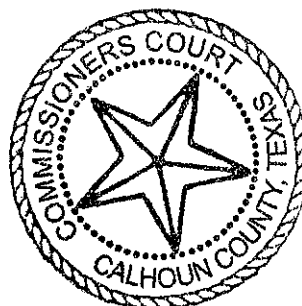


Gary Reese
Commissioner, Precinct 4

Attest: Anna Goodman, County Clerk



By: Deputy Clerk



05

5. Consider and take necessary action by Commissioners Court to appoint and swear in Shannon Salyer as Judge of Calhoun County, to fill the vacancy that resulted from the death of Judge Richard Meyer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hall, Commissioner Pct 1
SECONDER:	Joel Behrens, Commissioner Pct 3
AYES:	Commissioner Hall, Lyssy, Behrens, Reese

06

6. Consider and take necessary action to accept the resignation of Commissioner Vern Lyssy.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Judge Salyer, Commissioner Hall, Lyssy, Behrens, Reese

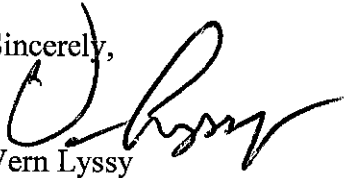
December 13, 2024

Commissioners Court
Calhoun County Courthouse
211 S. Ann St.
Port Lavaca TX, 77979

Judge Salyer and fellow Commissioners,

Please consider this letter written notice of my resignation of the office of Commissioner of Calhoun County Precinct 2, effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Vern Lyssy", written over the printed name.

Vern Lyssy
Commissioner, Pct. 2
Calhoun County, Texas

07

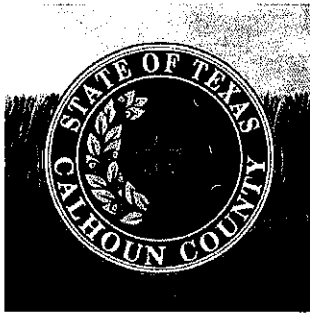
7. Consider and take necessary action to appoint Commissioner Joel Behrens to be Judge Pro Tem of Commissioners Court and to be the Court's representative to the monthly meetings of the Memorial Medical Center's Board of Managers.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gary Reese, Commissioner Pct 4
SECONDER:	David Hall, Commissioner Pct 1
AYES:	Judge Salyer, Commissioner Hall, Behrens, Reese

08

8. Consider and take necessary action to approve an order authorizing Calhoun County to self-insure any person appointed to a vacancy in the office of a County Commissioner, pursuant to Tex. Loc. Gov't Code § 88.008, allowing the appointed officer to perform the duties of the office without executing a bond for the remainder of their term, until after the swearing in of the elected officer on January 1, 2027.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hall, Commissioner Pct 1
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Judge Salyer, Commissioner Hall, Behrens, Reese



Shannon Salyer
County Judge

David Hall, Commissioner, Precinct 1
Vern Lyssy, Commissioner, Precinct 2
Joel Behrens, Commissioner, Precinct 3
Gary Reese, Commissioner, Precinct 4

**ORDER AUTHORIZING
SELF-INSURANCE IN LIEU OF BOND FOR
APPOINTEES TO THE OFFICE OF COUNTY COMMISSIONER**

WHEREAS, it is necessary for the Commissioners Court of Calhoun County, Texas, to fill a vacancy in the office of County Commissioner; and

WHEREAS, any continued delay for an officer appointed to fill this vacancy from beginning their official duties is harmful to the continuity of county business; and

WHEREAS, Section 88.008 of the Texas Local Government Code allows a county officer or employee to perform the duties of the office or employment without executing a bond if Commissioners Court by order authorizes the county to self-insure against losses that would have been covered by the bond.

IT IS SO ORDERED that Calhoun County self-insure any person appointed the office of County Commissioner against losses that would have been covered by the bond and in the amount that would have been covered by the bond, allowing the appointed officer to perform the duties of the office without executing a bond until the expiration of their term. This order will remain in effect until after the swearing in of an elected officer on January 1, 2027, and shall be kept and recorded by the Calhoun County Clerk. Executed on this the 13th day of December, 2024.

A handwritten signature in black ink, appearing to be "David Hall", written over a horizontal line.

David Hall
Commissioner, Precinct 1

A handwritten signature in black ink, appearing to be "Shannon Salyer", written over a horizontal line.

Shannon Salyer, County Judge

A handwritten signature in black ink, appearing to be "Vern Lyssy", written over a horizontal line.

Vern Lyssy
Commissioner, Precinct 2

A handwritten signature in black ink, appearing to be "Joel M. Behrens", written over a horizontal line.

Joel M. Behrens
Commissioner, Precinct 3

A handwritten signature in black ink, appearing to be "Gary Reese", written over a horizontal line.

Gary Reese
Commissioner, Precinct 4

Attest: Anna Goodman, County Clerk

A handwritten signature in black ink, appearing to be "Kaddie Smith", written over a horizontal line.

By: Deputy Clerk



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9. Consider and take necessary action by Judge Shannon Salyer to appoint and swear in Ronald Best to be Commissioner of Calhoun County Precinct No. 2, to fill the vacancy resulting from the resignation of former Commissioner Vern Lyssy.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	David Hall, Commissioner Pct 1
AYES:	Judge Salyer, Commissioner Hall, Behrens, Reese

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10. Consider and take necessary action to accept the resignation of Judge Shannon Salyer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Hall, Commissioner Pct 1
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Judge Salyer, Commissioner Hall, Best, Behrens, Reese

December 13, 2024

Commissioners Court
Calhoun County Courthouse
211 S. Ann St.
Port Lavaca TX, 77979

Esteemed Commissioners of Calhoun County,

Please consider this letter written notice of my resignation of the office of County Judge,
effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Salyer', with a long horizontal line extending to the right.

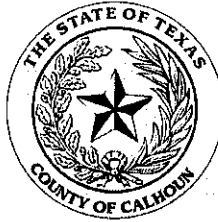
Shannon Salyer
County Judge
Calhoun County, Texas

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11. Consider and take necessary action by Commissioners Court authorizing the appointment and swearing in of Vern Lyssy as Judge of Calhoun County, to fill the vacancy that resulted from the resignation of former Judge Shannon Salyer.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joel Behrens, Commissioner Pct 3
SECONDER:	Gary Reese, Commissioner Pct 4
AYES:	Commissioner Hall, Best, Behrens, Reese

12. Adjourn. 3:13



SARA M. RODRIGUEZ
CALHOUN COUNTY CRIMINAL DISTRICT ATTORNEY

Christy Brown Dunn, First Assistant CDA
W. A. (Bill) White, Assistant CDA
Trevor A. Finster, Assistant CDA

Arnold K. Hayden, Assistant CDA
Randy R. Crider, Investigator
Alicia F. Gonzales, Victim Asst. Coordinator

December 9, 2024

Commissioners Court of Calhoun County
Calhoun County Courthouse
211 S. Ann St.
Port Lavaca, Texas 77979

Re: Process for County Judge Appointment

Dear Commissioners:

Due to the value of continuity of the Court and the complexity of unresolved projects and issues left by the untimely and unexpected death of Judge Richard Meyer in the middle of his term, the Court has expressed to me a desire to explore the possibility of filling the vacancy in the office of County Judge by appointing a person currently serving as County Commissioner. As such, I was asked to examine the legal procedures necessary for accomplishing this task, should the Court decide to go in this direction.

The Texas Constitution requires that any vacancy in the office of county judge be filled by commissioners court.¹ An appointment filling the vacancy of county judge requires only a majority of the members of the court who are present and voting.² The person appointed would hold the office until the next general election.³

While Texas law clearly authorizes a commissioners court to appoint a new county judge in the event of a vacancy, there are some complications that arise when the desired appointee is a sitting commissioner on the court. The Attorney General of Texas has previously issued opinions warning against a court appointing a

¹ Tex. Const., art. V, § 28(b).

² Tex. Local Gov't Code § 87.041(b).

³ Tex. Local Gov't Code § 87.041(c).

commissioner to a vacant county office unless that commissioner resigns first.⁴ The issue here is that a resignation for a county office in Texas is not effective until the vacancy has been filled by a duly-qualified replacement,⁵ and the only office authorized to appoint a county commissioner in the case of a vacancy of office is a sitting county judge.⁶

I have spoken to Paul Miles, Associate General Counsel for Legal Department of the Texas Association of Counties, and Jim Allison of Allison, Bass, & Magee, and both agree that the opinions issued by the Attorney General complicate the procedure for appointing a commissioner to fill a vacancy in the office of county judge. They both have agreed with my suggestion that, to do it correctly, the procedure below should be followed:

1. Commissioners Court appoints a new County Judge.
2. A County Commissioner resigns and the new County Judge appoints a new County Commissioner to replace the former Commissioner.
3. The County Judge resigns and Commissioners Court appoints former Commissioner as next County Judge.

I would also suggest that the Court pass an order allowing for the County to self-insure the newly appointed officers, so that everyone can be sworn-in and begin their official duties immediately after they are appointed.

Our office is eager to provide continued support to the Commissioners Court as it leads Calhoun County through this difficult time. Please let me know if there's any additional legal research needed regarding this matter.

Sincerely,



Arnold K. Hayden
Assistant Criminal District Attorney

⁴ Tex. Att'y Gen. Op. Nos. C-452 (1965) & O-410 (1939).

⁵ Tex. Const. art. XVI, § 17.

⁶ Tex. Local Gov't Code § 87.042(a).

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