

02/15/2022 Regular Session

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
TUESDAY, FEBRUARY 15, 2022
10:00AM REGULAR SESSION**

Commissioners met in regular session with all members present.

1. Invocation and Pledges

Prayer said by Gene Dolle

Pledges said by Dustin Nicholson

2. Consider and take action on approval of:

A. The minutes of the previous meeting:

B. Payroll changes:

C. Payroll:

D. Budget amendments:

E. Accounts Payable:

Expense Approval Report:

F. Accept for recording: Auditor reports; Treasurer reports; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; Racial Profiling Report for Constable Pct. 3; Master Truck/Trailer Rental Agreement between Longview Truck Center and Upshur County; and applications for use of Upshur County roads and rights-of way and permit request.

Motion to approve and record items A- F made by Dustin Nicholson

Second by Jay W. Miller

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge

Tefteller voted for.

Motion approved.

Copies attached.

3. Discuss and take action to award Road & Bridge bids.

Motion to award the following bids made by Jay W. Miller
Second by Mike Ashley
Oil Dirt, Hot Oil Sand, Rock/Rip Rap – Longview Asphalt
Type D Hot Mix – Wood County
Refined Road Oil – Bryan & Bryan
Emulsified Asphalt – Ergon Asphalt & Emulsions
Pug Milling – J&B Productions
Gene Dolle, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.
Copy attached.

Motion to table bid for Gas & Diesel made by Mike Ashley
Second by Jay W. Miller
Gene Dolle, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.
Commissioner Dustin Nicholson left the Courtroom due to conflict of interest.

4. Discuss and take action to designate the polling locations and times for early voting and to designate the election day polling locations for the May 7, 2022 Constitutional Amendment Election.

Motion to approve the locations and times for the May 7, 2022
Constitutional Amendment Election made by Jay W. Miller
Second by Mike Ashley
Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge
Tefteller voted for.
Motion approved.
Copy attached.

5. **Discuss and take action to approve Interlocal Cooperation Agreement for Multi-County Adult Sexual Response Team between Cass County, Marion County, Morris County and Upshur County.**

Motion to approve an Interlocal Cooperation Agreement for Multi-County Adult Sexual Response Team between Cass, Marion, Morris and Upshur Counties made by Mike Ashley

Second by Dustin Nicholson

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

6. **Discuss and take action to approve the Certification of Revenue from the Auditor for the Special Revenue Fund 250 (State Chapter 59 Asset Forfeiture Fund-District Attorney's Department) and to a special budget for same.**

Motion to approve the Certification of Revenue from the Auditor for the Special Revenue Fund 250 (State Chapter 59 Asset Forfeiture Fund-District Attorney's Department) and to a special budget for same made by Gene Dolle

Second by Dustin Nicholson

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

Copy attached.

7. **Discuss and take action to approve and accept for recording the Internal Audit Report for the Upshur County Clerk's Office.**

Motion to approve and accept for recording the Internal Audit Report for the Upshur County Clerk's Office made by Mike Ashley

Second by Gene Dolle

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

Copy attached.

- 8. Discuss and take action to adopt Texas Health and Safety Code 343, to give Upshur County the authority to take legal action to enforce laws against Public Nuisance and abate the Public Nuisance.**

Motion to adopt Texas Health and Safety Code 343, to give Upshur the authority to take legal action to enforce laws against Public Nuisance and abate the Public Nuisance made by Gene Dolle

Second by Mike Ashley

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

- 9. Discuss and take action to accept a \$1,250 donation from Peter's Chevrolet for the Upshur County Sheriff's office uniform budget.**

Motion to accept the \$1,250 donation from Peter's Chevrolet for the Upshur County Sheriff's Office uniform budget made by Mike Ashley

Second by Gene Dolle

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

- 10. Discuss and take action to accept a donation of 12 eight foot tables from Bettie Methodist Church (FM 2088) for use in the Sheriff's office training room.**

Motion to accept a donation of 12 eight foot tables from Bettie Methodist Church for the Sheriff's Office training room made by Mike Ashley

Second by Jay W. Miller

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

- 11. Discuss and take action to accept a \$50,000 donation to Upshur County for use in building a gun range at the pug mill for peace officer training, under the auspices of the Upshur County Sheriff's Office.**

Motion accept a \$50,000 donation to Upshur County for building a gun range at the pug mill for peace officer training under the auspices of the Upshur County Sheriff's Office made by Mike Ashley

Second by Gene Dolle

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

- 12. Hear presentation from Credit Union of Texas about improvement and development of the County vacant lot on the Northeast side of the square.**

The Court heard a presentation from Barry Smith, with Credit Union of Texas about developing the vacant lot on the Northeast side of the square. Mr. Smith proposed building a Community Stage to bring a visually interesting and unique stage to downtown Gilmer to host free community events for the residents of Upshur County. Partnering with organizations throughout the area to utilize the space and bring value to the businesses on the Square. The Venue would feature a covered 3 sided stage, stage size will accommodate large regional acts, equipped with professional lighting and sound, VIP area will include exclusive access and seating, parking and backstage area will be easily blocked off for larger events. No action was needed.

- 13. Discuss and take action to authorize the County Judge to sign and execute an Order regarding settlement offers in the matter of Texas opioid multi-district litigation for the County in the matter of County of Upshur vs. Purdue Pharma, Inc., et al, MDL PRETRIAL CAUSE NO. 2018-63587, in the 152nd District Court of Harris County, Texas, removed to MDL 2804, N.D. OHIO.**

14. **Court will go into EXECUTIVE SESSION as authorized by V.T.C.A. Sec. 551.071 for consultation with it's attorney regarding pending litigation in the matter identified in paragraph 13 above.**


Judge Tefteller excused himself due to Conflict of Interest. Jay W. Miller resided.

15. **The Court will re-convene into open session and take any action necessary as a result of Executive Session.**

The court re-convened into open session.

Motion to accept the Endo Settlement, Teva Settlement, Big 3 Distributors Settlement and authorize the County Judge signature on the Texas Release and Participation Form and hold in escrow pending effective settlements made by Jay W. Miller
Second by Mike Ashley
Gene Dolle, Dustin Nicholson, Mike Ashley and Jay W. Miller voted for.
Motion approved.
Copies attached.

16. **Adjourn.**



Attest: Terri Ross, Upshur County Clerk

Attendance sheet placed into minutes for recording purposes only.
Bills previously approved placed into minutes for recording purposes only.
Jury payroll placed into minutes for recording purposes only.

