

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
WEDNESDAY, MARCH 15, 2023  
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Wednesday, March 15, 2023 at 10:00 a.m., with the following members of the Court being present, to-wit:

Present:        Todd Tefteller – County Judge presiding,  
                    Gene Dolle – Commissioner Pct. #1,  
                    Dustin Nicholson – Commissioner Pct. #2,  
                    Mike Ashley – Commissioner Pct. #3,  
                    Jay W. Miller – Commissioner Pct. #4.

Judge Tefteller called the meeting to order at 10:00 a.m.

**1. Invocation and Pledges**

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led 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;**
- F. 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; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Gene Dolle with a second by Jay W. Miller to approve items A-F.

Motion carried 5-0. Unanimous vote in favor.

(SEE ATTACHED)

**3. Discuss and take action to approve use of the Courthouse lawn and vacant lot by the Chamber of Commerce for the Easter Egg Hunt on April 8, 2023.**

Sara Kate Jenkins was present to represent the Chamber of Commerce and requested that they be given permission to use the Courthouse lawn and vacant lot for the Easter Egg Hunt to be held on April 8, 2023. Motion by Mike Ashley with a second by Dustin Nicholson to allow the Chamber of Commerce to use the Courthouse lawn and vacant lot for the Easter

Egg Hunt on April 8, 2023. Motion carried 5-0. Unanimous vote in favor.

**4. Discuss and take action to authorize LiveGilmer.com to use the Upshur County Courthouse lawn and vacant lot for the "RISK IT FOR THE BRISKET" event they are hosting on Saturday, March 25, 2023.**

Brian Moore was present to represent LiveGilmer.com and requested that they be given permission to use the Courthouse lawn and vacant lot for the 'RISK IT FOR THE BRISKET' event to be held on Saturday, March 25, 2023. He informed the court that the vendors would be setting up the evening of March 24<sup>th</sup> and that the streets around the square would be shut down starting Thursday evening. The court requested that one side street be left open so that the county employees and people conducting business at the courthouse can access the courthouse. Motion by Dustin Nicholson with a second by Jay W. Miller to authorize LiveGilmer.com to use the Upshur County Courthouse lawn and vacant lot for the "RISK IT FOR THE BRISKET" event they are hosting for Saturday, March 25, 2023 as long as we can figure out the logistics allowing the courthouse to remain open and function as normal business March 24, 2023. Motion carried 5-0. Unanimous vote in favor.

**5. Hear from Community Healthcore concerning a Proclamation from Governor Greg Abbott proclaiming March as Developmental Disabilities Awareness Month.**

Patty Brady with Community Healthcore was present and read to the Court the Proclamation from Governor Greg Abbott proclaiming March as Developmental Disabilities Awareness Month. Motion by Mike Ashley with a second by Dustin Nicholson to adopt the Proclamation as read from Governor Greg Abbott proclaiming March as Developmental Disabilities Awareness Month. Motion carried 5-0. Unanimous vote in favor.

**6. Discuss and take action to proclaim April as Child Abuse Awareness Month in Upshur County by approving a Proclamation as well as several activities to be held on the Courthouse lawn beginning with the Blue Ribbon kick-off week March 27-31, 2023; Go Blue Day, April 14, 2023 and the Light of Hope Celebration on April 20, 2023 at 5:30 p.m. on the Courthouse lawn.**

Yecenia Hernandez with the Upshur County District Attorney's office announced to the Court those present to represent the Child Advocacy Center, CASA, Child Welfare Board, Rainbow Room, and CPS officers. Freddie Fitzgerald read the Proclamation proclaiming April as Child Abuse Awareness Month. Yecenia Hernandez requested to use the Courthouse lawn for the activities to be held the week of March 27-31, 2023; April 14, 2023, and April 20, 2023. She also requested to put ribbons around the trees around the courthouse as well as putting out signs on the lawn. Another Proclamation was read to the Court wherein Judge Tefteller and the Upshur County Commissioners proclaim April as Child Abuse Awareness Month. Motion by Mike Ashley with a second by Jay W. Miller to adopt the two proclamations declaring and proclaiming the month of April 2023 as Child Abuse Awareness Month and approving all of the activities to be held on the Courthouse lawn beginning with the Blue

Ribbon kick-off week March 27-31, 2023; Go Blue Day April 14, 2023; and the Light of Hope Celebration on April 20, 2023. Motion carried 5-0. Unanimous vote in favor.

**7. Discuss and take action to approve splitting Lot 29A Block 3 and Lot 29B Block 3 of the Buckeye Ridge Subdivision.**

Motion by Jay W. Miller with a second by Mike Ashley to approve splitting Lot 29A Block 3 and Lot 29B Block 3 of the Buckeye Ridge Subdivision. Motion carried 5-0. Unanimous vote in favor.

**8. Discuss and take action to approve the Certification of Additional Income for the \$5,000 donation from Plains Marketing, L.P. for the purpose of purchasing equipment for Constable Precinct 1.**

Constable Tim Barnett announced to the Court that he has received the funds and this is necessary to allow him to put this money in his budget. Motion by Gene Dolle with a second by Jay W. Miller to approve the Certification of Additional Income for the \$5,000 donation from Plains Marketing, L.P. for the purpose of purchasing equipment for Constable Precinct 1. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to approve a request by the Northeast Texas Municipal Water District (NETMWD) (administrator of the OSSF program for Upshur County since 2011) to allow them to increase the permit fees for a septic system to \$360 for a single family and \$610 for multifamily/commercial systems.**

Motion by Dustin Nicholson with a second by Jay W. Miller to allow the Northeast Texas Municipal Water District (NETMWD) to allow them to increase the permit fees for a septic system to \$285.00 for a single family and \$510.00 for multifamily/commercial systems. Motion carried 5-0. Unanimous vote in favor.

**10. Discuss and take action to declare a list of copiers as surplus and approve proper disposal of same.**

Linda Sikes, Assistant Auditor, announced to the Court that there are 27 copiers that need to be disposed of. She indicated that there is a non-profit agency, Texas Correctional Industry, that would benefit from these and they would come and take all of them. Motion by Dustin Nicholson with a second by Jay W. Miller to declare the list of copiers as surplus and approve of their disposal through Texas Correctional Industry. Motion carried 5-0. Unanimous vote in favor.

**11. Discuss and take action to send OTIS Elevator Company a 90-day notice of termination for service and maintenance contract.**

Motion by Jay W. Miller with a second by Mike Ashley to send OTIS Elevator Company a 90-

day notice of termination for service and maintenance contract. Motion carried 5-0. Unanimous vote in favor.

**12. Discuss and take action to enter into an Annual Elevator Maintenance Contract with American Elevator Technologies.**

Tabled.

**13. Discuss and take action to approve the District Clerk's purchase of logo collared shirts in an amount of \$600 to be paid from the Clerk's existing budget.**

No action required.

**14. Discuss and take action to approve the modification to the ESA Consulting, LLC Contract for Subsurface Investigation and Assessment Reporting at the Road and Bridge Department to extend the scope of work and the time and material fee, from a total of \$22,273.00 to a total of \$29,773.00.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve the modification to the ESA Consulting, LLC Contract for Subsurface Investigation and Assessment Reporting at the Road and Bridge Department to extend the scope of work and the time and material fee, from a total of \$22,273.00 to a total of \$29,773.00. Motion carried 5-0. Unanimous vote in favor.

**15. Discuss and take action approving AIA Document G802-2017 which is an amendment to the B101-2007 Professional Services agreement between Upshur County and Komatsu Architecture in the total amount of \$541,889.00 which amount is within THC's guidelines for the Renovation completion documents, bidding and construction services, administration of construction phase, and completion report.**

Motion by Mike Ashley with a second by Jay W. Miller to approve AIA Document G802-2017 which is an amendment to the B101-2007 Professional Services Agreement between Upshur County and Komatsu Architecture in the total amount of \$541,889.00 which amount is within THC's guidelines for the Renovation completion documents, bidding and construction services, administration of construction phase, and completion report. Motion carried 5-0. Unanimous vote in favor.

**16. Discuss and take action approving Komatsu Invoice No. 1 dated March 2, 2023 in the amount of \$24,385.50 for payment due for work done regarding the 95%-100% completion documents.**

Motion by Jay W. Miller with a second by Mike Ashley to approve the Komatsu Invoice No. 1 dated March 2, 2023 in the amount of \$24,385.50 for payment due for work done regarding the 95-100% completion documents. Motion carried 5-0. Unanimous vote in favor.

**17. Hear any updates and discuss and take necessary action concerning the Round XII Courthouse Grant Renovation and/or the Courthouse employee relocation during the renovation.**

Judge Leward LeFleur updated the Court regarding the relocation of courthouse employees during the renovation. Judge LeFleur has spoken with Satellite Shelters Incorporated out of Euless, Texas regarding modular office spaces to be rented by the county. He presented a drawing to the members. These are specifically tailored to offices. The company is State approved and on the buy board. The drawing presented should house everyone within that building. There is a one time charge of \$129,355.00 plus an additional \$10,020.00 per month. The total contract for 30 months is \$431,155.00 but this is basically a month to month contract and we may not need to entire 30 months. There was discussion about possibilities of where to hold court. Judge Tefteller suggested that he could use the old board room at the old school building for court. Sheriff Webb offered his training room for commissioners court meetings. The Gilmer school superintendent also offered the school board meeting room for commissioners court meetings as well. The Board will need to work with Lorye Harle, Elections Administrator, to find a place to house the elections equipment in a secure and climate controlled atmosphere. Motion by Jay W. Miller with a second by Mike Ashley to move forward with the application process with Satellite Shelters Incorporated for this modular office space to house county offices during the renovation. Motion carried 5-0. Unanimous vote in favor.

**18. The Court will go into CLOSED SESSION under Texas Open Meetings Act, Texas Government Code, Chapter 551 as indicated:**

- Section 551.071 (consultation with attorney(s));
- A,C   Section 551.072 (deliberation regarding real property);
- C    Section 551.0725 (deliberation and discussion of contracts being negotiated);
- Section 551.073 (deliberation about gifts and donations);
- Section 551.074 and 551.0745 (personnel matters);
- B    Section 551.076 (deliberation about security audits or security devices).

**TO WIT:**

- A. Deliberation regarding real property at Upshur County Road & Bridge Dept.;**
- B. Consider security issues as authorized under Texas Government Code, Chapter 551.074(a)(1) and 551.176.**

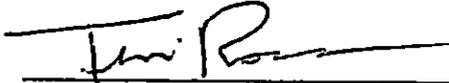
No need for CLOSED SESSION.

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

**20. Adjourn.**

Motion by Mike Ashley with a second by Dustin Nicholson to adjourn the meeting.  
Meeting adjourned at 11:47 a.m. Motion carried 5-0. Unanimous vote in favor.

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.

