

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
WEDNESDAY, MARCH 29, 2023
10:00 A.M. SPECIAL SESSION**

A Special meeting of the Commissioners' Court of Upshur County, Texas was held on Wednesday, March 29, 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.

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

1. Invocation

Prayer was led by Gene Dolle.

2. Discuss and take action on selection of the construction delivery methods in connection with the Round XII Courthouse Renovation e.g. by seeking proposals for Comprehensive Contracts or by a Construction Manager at Risk system.

Appearing via Zoom were James Malanaphy with the Texas Historical Commission and Carl Komatsu with Komatsu Architecture. Rick Sacy with Komatsu Architecture was present with Hon. Leward LeFleur also being present. Hon. Judge LeFleur gave a brief overview to the Court of the difference between the construction delivery methods in connection with the courthouse renovation. James Malanaphy, Carl Komatsu, and Rick Sacy further described to the Court the differences between the methods and answered any questions the Court had in regards to same.

Motion by Dustin Nicholson with a second by Gene Dolle that the construction delivery method that Upshur County use is the CMAC method aka the Construction Manager as Contractor method. Motion carried 5-0. Unanimous vote in favor.

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

Judge LeFleur announced to the Court that an application had been submitted to Satellite for the modular office space. It looks like there will be plenty of space in this modular office space with the exception of using some of the space in the administration building to conduct other business such as commissioners court meetings and storage. Judge

Tefteller's office will be connected to the board room. Judge LeFleur hopes to get the office space delivered 30 -45 days from the date this project goes out for bids. He has suggested a tentative delivery date of June 1st. Mr. Rick Sacy will look into seeing if we can go out for qualifications now.

4. Adjourn.

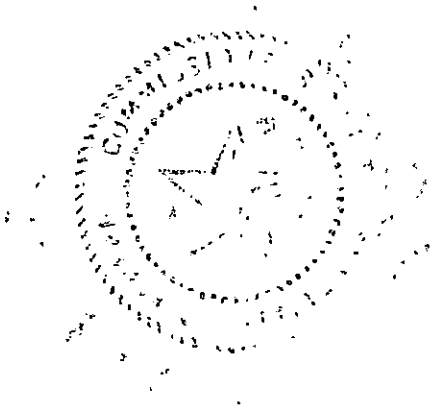
Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting.
Meeting adjourned at 11:17 a.m. Motion carried 5-0. Unanimous vote in favor.

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.



**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
FRIDAY, MARCH 31, 2023
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, March 31, 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

Absent: Jay W. Miller – Commissioner Pct. #4

Judge Tefteller called the meeting to order at 10:01 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Dustin Nicholson.

Public Comment: Jerry Beck, James Beck, and John Beck spoke to the Court regarding their concerns with the conditions of the roads, especially Gardenia Road, in Precinct 2.

2. Consider and take action on approval of:

- A. The minutes of the previous meetings;**
- B. Payroll changes;**
- C. Payroll;**
- D. Budget amendments;**
- E. Accounts Payable;**
- 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; Certificate of Liability Insurance for Beekat Oil & Fuel LP dba Eagle Fuel & Oil LP; Lease Agreement between Macquaire Equipment Capital Inc. and Upshur County for copy equipment; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve items A-F.

Motion carried 4-0. Unanimous vote in favor.

(SEE ATTACHED)

3. Discuss and take action to approve a Resolution (2023-04) declaring April as Sexual Assault

Awareness Month in Upshur County.

Holly Bruce, CEO of the Women's Center of East Texas read the Sexual Assault Awareness Month Resolution 2023-04 to the Court and asked that they approve said Resolution and declare April as Sexual Assault Awareness Month in Upshur County.

Motion by Mike Ashley with a second by Dustin Nicholson to approve the Resolution (2023-04) and declare April as Sexual Assault Awareness Month in Upshur County. Motion carried 4-0. Unanimous vote in favor.

4. Discuss and take action to approve a Resolution (2023-05) in support of the proposed Memory Health Life Center in Quitman, Texas.

Orval Lindsey presented a Resolution (2023-05) to the Court and asked for their support of the proposed Memory Health Life Center in Quitman, Texas. He discussed in depth of what this new center will provide.

Gene Dolle made a motion with a second by Dustin Nicholson to adopt the Resolution (2023-05) in support of the proposed Memory Health Life Center in Quitman, Texas. Motion carried 4-0. Unanimous vote in favor.

5. Open Bank Depository bids. Take necessary action.

Only one bid was presented and it was from First National Bank of East Texas and the check in the amount of \$71,951.38.

Dustin Nicholson made a motion with a second by Gene Dolle that we accept the bid from First National Bank of East Texas and that we allow the Auditor and Treasurer to review and make a final determination at the next meeting, April 15, 2023. Motion carried 4-0. Unanimous vote in favor.

6. Discuss and take action to accept for recording the plats for Settles Stomp subdivision and Peebo Foster Farms subdivision. This action does not approve the roads of either plat, they are to be maintained by the property owner.

Mike Ashley made a motion with a second by Dustin Nicholson to accept for recording the plats for Settles Stomp subdivision and Peebo Foster Farms subdivision and that this action does not approve the roads of either plat, they are to be maintained by the property owner. Motion carried 4-0. Unanimous vote in favor.

7. Discuss and take action to approve and accept for recording the re-plat of Lot 26-r at White Oak Creek Ranch subdivision.

Motion by Mike Ashley with a second by Gene Dolle to approve and accept for recording the

re-plat of Lot 26-r of White Oak Creek Ranch subdivision. Motion carried 4-0. Unanimous vote in favor.

8. Discuss and take action to approve the date and location for the Upshur County-Wide Cleanup day on April 29, 2023.

Mike Ashley made a motion with a second by Dustin Nicholson to approve the date of April 29, 2023 as the Upshur County Wide Cleanup Day to be held at 1426 Cottonwood Road. Motion carried 4-0. Unanimous vote in favor.

9. Discuss and take action to approve the Interlocal Agreements for School Resource Officers provided by the Upshur County Sheriff's Office for Union Grove ISD, Gilmer ISD, Ore City ISD, New Diana ISD, and Union Hill ISD.

Motion by Gene Dolle with a second by Dustin Nicholson to approve the Interlocal Agreements for School Resource Officers provided by the Upshur County Sheriff's Office for Union Grove ISD, Gilmer ISD, Ore City ISD, New Diana ISD, Union Hill ISD, and Harmony ISD. Motion carried 4-0. Unanimous vote in favor.

10. Discuss and take action to approve the Auditor's Certification of Additional Revenue for receipt of partial settlement in the Texas Opioid Litigation.

Linda Sikes, Assistant Auditor, announced that the County had received \$40,275.92 as a stipend. Motion by Mike Ashley with a second by Dustin Nicholson to approve the Auditor's Certification of Additional Revenue for receipt of partial settlement in the Texas Opioid Litigation. Motion carried 4-0. Unanimous vote in favor.

11. Discuss and take action to approve reducing the number of ARPA grant funded Road and Bridge positions from four (4) to two (2).

Motion by Gene Dolle with a second by Mike Ashley to approve reducing the number of ARPA grant funded Road and Bridge positions from four (4) to two (2). Motion carried 4-0. Unanimous vote in favor.

12. Discuss and take action to approve defunding the second Road & Bridge Administrative position and allocate 100% of the remaining administrative position to the Road & Bridge Department.

Motion by Mike Ashley with a second by Dustin Nicholson to approve defunding the second Road & Bridge Administrative position and allocate 100% of the remaining administrative position to the Road & Bridge Department. Motion carried 4-0. Unanimous vote in favor.

13. Discuss and take action entering into a (second) contract with ESA Consulting LLC at a cost of not more than \$106,818.00 to complete a Risk Based Assessment at the Upshur County

Road & Bridge Department in connection with the gasoline pipeline failure discovered in April of 2022.

Motion by Gene Dolle with a second by Dustin Nicholson to enter into a second contract with ESA Consulting LLC at a cost of not more than \$106,818.00 to complete a Risk Based Assessment at the Upshur County Road & Bridge Department in connection with the gasoline pipeline failure discovered in April of 2022. Motion carried 4-0. Unanimous vote in favor.

14. Discuss and take action establishing an alcohol content limit or rate for passing and/or failing a County job required alcohol test. DATC of Longview uses a current demarcation of 0.04%.

Motion by Dustin Nicholson with a second by Gene Dolle that we change our county policy to reflect that an applicant for employment who submits to an alcohol test will not be considered to have passed that test if the alcohol content exceeds more than 0.02%. Motion carried 4-0. Unanimous vote in favor.

15. 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.

None.

16. 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 Section 551.072 (deliberation regarding real property);

 A 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);

_____ Section 551.076 (deliberation about security audits or security devices).

TO WIT:

A. Deliberation regarding contracts for facilities which may be used during the Courthouse renovation.

No need for CLOSED SESSION.

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

18. Adjourn.

Motion by Mike Ashley with a second by Dustin Nicholson to adjourn the meeting.
Meeting adjourned at 11:09 a.m. Motion carried 4-0. Unanimous vote in favor.

ATTEST:



TERRI ROSS, UPSHUR COUNTY CLERK

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