

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

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Monday, May 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 10:04 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

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

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 was present to update the Court regarding the plans for the courthouse. He announced that we are at 99% complete with the plans. He also commented in regards to Item #16 below. He advised the Court that Congress of the United States has passed a bill to take the ARPA funds back that are not obligated and until we get a signed contractor on this project, these funds are not legally obligated. He further commented that this resolution is necessary stating that we need these funds for this project. He requested the Court's permission to put out for a bid for a Construction Manager at Risk. The guaranteed maximum price of the project is \$11,711,650.80. He further commented that he hopes to expect the Texas Historical Commission to give Upshur County a letter to proceed on May 19th. Once we have that, we will start having pre-construction bid meetings. Temporary buildings should be delivered June 1st.

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. 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; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Dustin Nicholson 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 a Proclamation declaring May as Mental Health Awareness Month in Upshur County.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve the Proclamation declaring May as Mental Health Awareness Month in Upshur County submitted to the Court by Community Healthcore. Motion carried 5-0. Unanimous vote in favor.

- 14. Discuss and take action to erect a wall at the library for offices for Justice of the Peace, Pct. 4 and Indigent Care to be paid out of Account #325-706-7001.**

The following attendees spoke in opposition of the Court erecting a wall at the library for office for Justice of the Peace, Pct. 4 and Indigent Care:

Regina Tefteller, President of the Library Advisory Board
Gloria McLuckie, Gilmer Area Chamber of Commerce
Kelly Potter
Johnny Taylor, Upshur County Fire Marshal
John Melvin Dodd
Olivia Fluellen Cuba
Stuart Kouba
Dolly Robison
Robert Perry

- 4. Discuss and take action to approve use of the Courthouse lawn for Memorial Day service on May 29, 2023.**

Motion by Mike Ashley with a second by Jay W. Miller to approve use of the Courthouse lawn for Memorial Day services on May 29, 2023. Motion carried 5-0. Unanimous vote in favor.

- 5. Recognize the members of the Upshur County 4-H Meats Judging Team and the Livestock Judging Team.**

Tina Rosenbalm with the Upshur County 4-H announced the members of the Meats Judging Team and the Livestock Judging Team. She announced that they have 14 students that qualified for State and will be attending the Roundup in June. The members spoke to the Court regarding the things they do for competition and the various events that they have attended and the awards that they have received as members of these 4-H teams.

6. Discuss and take action to approve the renewal of the Data Use Agreement between the Texas Health and Human Services Enterprise and Upshur County.

Motion by Mike Ashley with a second by Jay W. Miller to approve the renewal of the Data Use Agreement between the Texas Health and Human Services Enterprise and Upshur County. Motion carried 5-0. Unanimous vote in favor.

7. Discuss and take action to approve the County Clerk's purchase of a label printer to be paid out of Special Fund 221.

Motion by Mike Ashley with a second by Dustin Nicholson to approve the County Clerk's purchase of a label printer to be paid out of Special Fund 221. Motion carried 5-0. Unanimous vote in favor.

8. Discuss and take action to approve and accept for recording the Depository Contract between Upshur County and First National Bank of East Texas.

Motion by Gene Dolle with a second by Dustin Nicholson to approve and accept for recording the Depository Contract between Upshur County and First National Bank of East Texas. Motion carried 5-0. Unanimous vote in favor.

9. Discuss and take action to appoint Upshur County Sick Leave Pool Board members.

Brandy Vick, Upshur County Treasurer, announced to the Court that members had to be re-appointed every year and two years for three members total. Two members will need to be appointed at this time. She recommended Fonda Johnson and Britney Bunn for consideration.

Motion made by Mike Ashley with a second by Jay W. Miller to appoint Fonda Johnson and Britney Bunn to the Upshur County Sick Leave Pool Board and also to appoint Britney Bunn as the Chairman of the Upshur County Sick Leave Pool Board. Motion carried 5-0. Unanimous vote in favor.

10. Discuss and take action to appoint a member of the Upshur County Sick Leave Pool Board as the Chairman.

Action taken in #9 above.

11. Discuss and take action to approve and accept for recording the final plat of Lake Gladewater Subdivision.

Motion by Mike Ashley with a second by Dustin Nicholson to approve and accept for recording the final plat of Lake Gladewater Subdivision. Motion carried 5-0. Unanimous vote in favor.

12. Discuss and take action to approve changing from metal posts for road signs to PVC posts.

Motion by Dustin Nicholson with a second by Jay W. Miller to approve changing from metal posts for road signs to PVC posts. Motion carried 5-0. Unanimous vote in favor.

13. Hear from Road and Bridge Administrator concerning his annual road report for the remainder of the year. Discuss and take necessary action.

Andy Jordan was not present to present his annual road report. Matter to be placed on next meeting agenda.

14. Discuss and take action to erect a wall at the library for offices for Justice of the Peace, Pct. 4 and Indigent Care to be paid out of Account #325-706-7001.

No action.

15. Discuss and take action on disbursement of available school funds.

No action.

16. Discuss and take action to approve a Resolution (2023-06) to Encumber Unexpended ARPA Funds in Connection with the Round XII Upshur County Courthouse Renovation.

Motion by Mike Ashley with a second by Jay W. Miller to approve a Resolution (2023-06) to Encumber Unexpended ARPA Funds in Connection with the Round XII Upshur County Courthouse 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,B _____ **Section 551.072 (deliberation regarding real property);**

_____ **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.**
- B. Consider the purchase, exchange, lease, sale or value of real property in connection with the relocation of County offices during Courthouse renovation or repairs.**

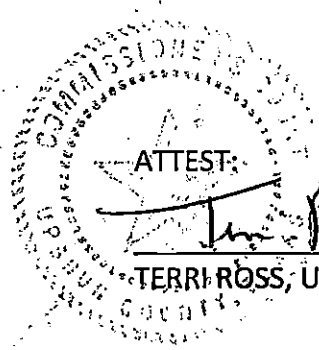
The Court went into CLOSED SESSION at 11:23 a.m.

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

The Court reconvened into OPEN SESSION at 11:55 a.m.
No action as a result of Executive Session.

20. Adjourn.

Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting.
Meeting adjourned at 11:55 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.