

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

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Thursday, June 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 10:05 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**

Stefan Cole addressed the Commissioners regarding his role in helping locals with disabilities and had questions regarding the IT services contract and the ADA website laws.

**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; 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 5-0. Unanimous vote in favor.

(SEE ATTACHED)

**3. Hear from Carolyn Williams, Director of the Upshur County Literacy Program. Discuss and take necessary action.**

Carolyn Williams, Director of the Upshur County Literacy Program, gave a brief review of what the Literacy Program does for the community. The Literacy Program provides adult based education and GED services. The Literacy Program also works with students age 16 and up and currently have 17 enrolled in their program. Ms. Williams informed the Court that she is not currently receiving funding from the County but has found records of where the County has funded their program in the past at \$1,500.00 per quarter. She informed the Court that she would be grateful for any funding they could provide. No action.

**4. Discuss and take action to approve funding Emergency Management to complete the removal of tornado debris stored at the City of Gilmer dump and the City of Ore City dump.**

Marc Nichols, Upshur County Emergency Management Director, informed the Court that he had no funds available through his budget to complete the removal of the tornado debris stored at the City of Gilmer dump and the City of Ore City dump. He requested the Court to help fund this at an estimated amount of \$4,000.00 not to exceed \$6,000.00. Motion by Dustin Nicholson with a second by Gene Dolle to approve funding to Emergency Management in an amount of \$4,000.00 up to \$6,000.00 to complete the removal of tornado debris stored at the City of Gilmer dump and the City of Ore City dump. Motion carried 5-0. Unanimous vote in favor.

**5. 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.**

Connie Williams, Upshur County Auditor, informed the Court that they have already secured the bid of getting the electricity installed and the plumbing done at the temporary building to house the courthouse employees. She also announced that Judge LeFleur had contacted ETEX Telephone for phone installation and Gilmer Computer Tech is working on the computer connections. Judge LeFleur is targeting the move for the end of the month. She also announced that there was a meeting with the interested parties who will be submitting proposals for contractor at risk should they have any questions. The next phase will be selecting the contractor.

**7. Discuss and take action to approve a Resolution (2023-07) for County membership in Texas SmartBuy the Texas Comptroller of Public Accounts Cooperative Purchasing Program.**

Motion by Mike Ashley with a second by Jay W. Miller to approve the Resolution (2023-07) for County membership in Texas SmartBuy through the Texas Comptroller of Public Accounts Cooperative Purchasing Program. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to updating the Upshur County Special Road Use Permit Rules and Procedures.**

Judge Tefteller prepared a draft and submitted to the Commissioners for review and will be set for approval at a later date. No action.

**6. Discuss and take action on options of NetData maintenance contract and discuss other available options for software contracts.**

Connie Williams, Upshur County Auditor, gave a brief update regarding the history of NetData and the contract currently in place with Upshur County. She informed the Court that in 2014 the Commissioner's Court awarded the Court Management software contract to NetData and the Financial and Human Resources contract to Tyler Technologies. Since that time, the three departments utilizing the Court Management software have indicated that they have encountered several issues and have had tremendous problems using this software and problems have continued to increase. She further informed the Court that Mr. John Galbraith, Senior Account Executive with Tyler Technologies, came in May and gave a presentation of their software to these three departments. After speaking with those that were in attendance, she had unanimous feedback and all departments were excited about what the software could do. It was a unanimous decision that Tyler Technologies would be the software better suited to their needs and the future of the county. Ms. Williams went further in saying that in order to accomplish the transition, it will be necessary to go with a twelve month contract with NetData. During that twelve month period, we would be able to do the implementation with Tyler Technologies Case Manager and Attorney Manager software. Ms. Williams further suggested that the Court would additionally need to enter into the contract with Tyler Technologies for those two pieces of software. As far as the cost, the ongoing annual maintenance for Tyler Technologies is comparable with NetData. She informed the Court that there is a one-time implementation cost in the amount of \$543,000.00. She informed the Court that she would propose to move \$342,000.00 from the insurance fund to the general fund which would leave a balance of \$101,000.00. The County Clerk and District Clerk combined have agreed to assist with the payment of this implementation cost of \$100,000.00 from their dedicated funds.

John Galbraith was present to answer any questions. Both Terri Ross, Upshur County Clerk, as well as Nicole Hernandez, Upshur County District Clerk, were present and urged the Commissioners to consider signing the contract with Tyler Technologies. Billy Byrd, Upshur County District Attorney, had questions for Mr. Galbraith and suggested to the Court that there be clauses put into the contract that will be favorable to the taxpayers and that would protect the County should Tyler Technologies and their lawyers decide to do away with Odyssey and that the County be forced to go with their new product at an additional cost in the future. He encouraged the Court to have legal documents in place for the protection of the County.

Motion by Dustin Nicholson with a second by Jay W. Miller to give the County Judge the authority to enter into a one year contract with NetData to continue the services that we already have at a renewal rate of \$168,000.00 and to also authorize Commissioners Court to enter into contract negotiations with Tyler Technologies for the new Odyssey software and

the contract be signed after approved by Billy Byrd, the Auditor's office, and this Court.  
Motion carried 5-0. Unanimous vote in favor.

**Judge Todd Tefteller recused himself from the meeting due to a conflict of interest at 11:10 a.m. and appointed Dustin Nicholson to preside on item 8) below.**

**8. Discuss and take action to approve the Allergan Texas Settlement, as well as authorizing the County to execute the Participation Form and Release and passing the Resolution (2023-08) approving the same.**

Dustin Nicholson announced to the Court that 28 counties will split a settlement of \$38 million. Motion made by Gene Dolle with a second by Mike Ashley to approve the Allergan Texas Settlement, as well as authorizing the County to execute the Participation Form and Release and passing the Resolution (2023-08) approving the same. Motion carried 4-0. Unanimous vote in favor.

**Judge Todd Tefteller re-entered the Court at 11:12 a.m. to preside over the rest of the meeting.**

**10. Discuss and take action to publish any proposed salary or other allowance increases for Elected Officials and Precinct Officers.**

Gene Dolle made a motion that if there is an across the board raise for employees that the elected officials be included also. No second. Motion dies for lack of second.

**11. Discuss and possibly take action on the FY23 Proposed Budget.**

Dustin Nicholson made a motion with a second by Jay W. Miller to fund a part time employee for the Library for \$11,000.00; \$4,000.00 to the Upshur County Literacy Program; and \$1,200.00 raise for all employees except elected officials. Motion carried 3-2. Dustin Nicholson, Jay W. Miller, and Gene Dolle for and Judge Tefteller and Mike Ashley against.

Connie Williams addressed the Court regarding the increases for the employees in the Treasurer's office. In order to provide those employees with an additional \$1,000.00 to their salary, she informed the Court that she is willing to give up \$1,000.00 from her budget and the Treasurer is willing to give up \$2,000.00 from her budget from the Travel and Supplies line items to go towards these raises. Dustin Nicholson made a motion with a second by Jay W. Miller to give the Auditor permission to change the budget to reflect a \$2,000.00 decrease in the Treasurer's office budget and a \$1,000.00 decrease in the Auditor's office budget to increase the salary of three employees in the Treasurer's office. Motion carried 5-0. Unanimous vote in favor.

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

- D     Section 551.071 (consultation with attorney(s));
- A,B   Section 551.072 (deliberation regarding real property);
- A,B,C,D  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:

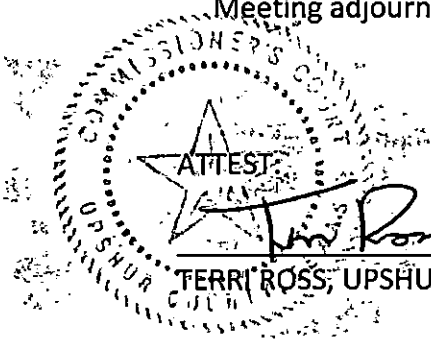
- A. Deliberation regarding contracts for facilities which may be used during the Courthouse renovation.
- B. Consider the purchase, exchange, lease, sale or value of real property in connection with the relocation of County offices during Courthouse renovation or repairs.
- C. Consideration of contracts being negotiated for County IT Services.
- D. Deliberation regarding the Texas Opiod Proposed Settlement with the Allergan Defendant.

The Court did not have a need to go into CLOSED SESSION.

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

**14. Adjourn.**

Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting.  
Meeting adjourned at 11:33 a.m. Motion carried 5-0. Unanimous vote in favor.



*TERRI ROSS*  
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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  
THURSDAY, JUNE 22, 2023  
11:00 A.M. EMERGENCY MEETING**

An Emergency Meeting of the Commissioners' Court of Upshur County, Texas was held on Thursday, June 22, 2023 at 11:00 a.m., with the following members of the Court being present, to-wit:

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

County Judge Todd Tefteller called the meeting to order at 11:00 a.m.

**1. Invocation**

Prayer was led by Mike Ashley.

**2. Consider, discuss and take action ratifying and extending the DECLARATION OF LOCAL DISASTER DUE TO THE JUNE 2023 THUNDER, RAIN AND WIND STORM dated June 16, 2023.**

Motion by Mike Ashley with a second by Dustin Nicholson to ratify and extend the DECLARATION OF LOCAL DISASTER DUE TO THE JUNE 2023 THUNDER, RAIN AND WIND STORM dated June 16, 2023 to June 30, 2023. Motion carried 5-0. Unanimous vote in favor.

**3. Adjourn.**

Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting. Motion carried 5-0. Unanimous vote in favor.

ATTEST:

  
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TERRI ROSS, UPSHUR COUNTY CLERK

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Bills previously approved placed into minutes for recording purposes only.

Jury payroll placed into minutes for recording purposes only.