

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
FRIDAY, JULY 14, 2023  
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, July 14, 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.

**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; Contract of Agreement between American Elevator Technologies and Upshur County; Intergovernmental Agreement between U.S. Marshals Service, Prisoner Operations Division, Office of Detention Services and Upshur County Jail; 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)

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

  E,F        Section 551.074 and 551.0745 (personnel matters);

**TO WIT:**

- E. Consider personnel matters (appointments, leaves, re-assignments, resignations, retirements, terminations, termination of temporary employee contracts, and contract extensions, to-wit:**
- i) Consider candidates for Interim Road & Bridge Administrator;**
  - ii) Consider scope of services of the Round XII Courthouse Renovation Administrator during the forthcoming re-location of County offices and renovation of the Upshur County Courthouse.**
- F. Consideration of security issues relative to the Round XII Courthouse Renovation, the re-location of County offices and Department Heads and the Road & Bridge Administration.**

The Court went into CLOSED SESSION at 10:08 a.m.

The Court reconvened into OPEN SESSION at 10:31 a.m.

- 3. Discuss and take action to remove a 2003 Big Tex Trailer, Serial #4X8PX182831F97657 from County inventory.**

Motion by Gene Dolle with a second by Dustin Nicholson to remove the 2003 Big Tex Trailer, Serial #4X8PX182831F97657 from County inventory. Motion carried 5-0. Unanimous vote in favor.

- 5. Discuss and take action to appoint a new member from Upshur County to the Community Healthcore Board of Trustees to serve a two-year term from September 1, 2023 – August 31, 2025.**

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

- 6. Discuss and take action to approve request by Cynthia King for out of state travel to attend the Association of Rural & Small Libraries annual conference September 20, 2023 – September 23, 2023 in Wichita, Kansas. Leaving September 19, 2023 and returning September 23, 2023.**

Motion by Gene Dolle with a second by Mike Ashley to approve request by Cynthia King for out of state travel to attend the Association of Rural & Small Libraries annual conference September 20, 2023 – September 23, 2023 in Wichita, Kansas. Leaving September 19, 2023 and returning September 23, 2023. Motion carried 5-0. Unanimous vote in favor.

**7. Discuss and take action to provide Peregrine Services with written 30 day notice of contract termination for the printing and mailing of property tax statements.**

Motion by Mike Ashley with a second by Jay W. Miller to provide Peregrine Services with written 30 day notice of contract termination for the printing and mailing of property tax statements. Motion carried 5-0. Unanimous vote in favor.

**8. Discuss and take action to approve entering into a contract with Master's Touch for the printing and mailing of property tax statements.**

Motion by Jay W. Miller with a second by Mike Ashley to approve entering into a contract with Master's Touch for the printing and mailing of property tax statements. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to approve the purchase of pads for the AEDs at the rate of \$85 each, due to their expiration, with said purchase to be paid from Courthouse Security Funds.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve the purchase of pads for the AEDs at the rate of \$85 each, due to their expiration, with said purchase to be paid from Courthouse Security Funds. Motion carried 5-0. Unanimous vote in favor.

**10. Discuss and take action to approve a transfer of \$40,000 from General Contingency 100-409-4955 to Inmate Food 100-565-3135.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve a transfer of \$40,000 from General Contingency 100-409-4955 to Inmate Food 100-565-3135. Motion carried 5-0. Unanimous vote in favor.

**11. Discuss and take action to approve the replacement of the A/C unit for the Sheriff's Office Training Center with payment to be made from the building contingency funds.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve the replacement of the A/C unit with a mini-split system not to exceed \$3,500.00 for the Sheriff's Office Training Center with payment to be made from the building contingency funds. Motion carried 5-0. Unanimous vote in favor.

**12. Discuss and take action to approve the Walgreens, CVS, and Walmart Texas Opioid Settlement, as well as authorizing the County to execute the Participation Form and Release and passing the Resolution (2023-09) approving the same.**

Judge Tefteller recused himself from the meeting as he has a conflict of interest with this matter. Dustin Nicholson will preside over this matter.

Motion by Gene Dolle with a second by Mike Ashley to approve the Walgreens, CVS, and

Walmart Texas Opioid Settlement, as well as authorizing the County to execute the Participation Form and Release and passing the Resolution (2023-09) approving the same. Motion carried 4-0. Unanimous vote in favor.

Judge Tefteller returned to the meeting.

**4. Hear from I3/NetData concerning new software, etc. Discuss and take necessary action.**

Bill Moser, Vice President of Sales with I3/NetData was present to discuss their new software that is in the developmental phase and could not promise a time frame as to when it would be released.

John Galbraith, Tyler Technologies, was present and expressed to the Court his concern with a product that is in development. He also emphasized to the Court that any new releases issued for the Tyler Technologies product would be a part of the maintenance agreement at no additional cost to the County.

Nicole Hernandez, Upshur County District Clerk, spoke about her concern should the Court continue the contract with NetData. She voiced her concerns with trusting something that doesn't exist. She further questioned the Court as to why they approved to go with Tyler Technologies two Court sessions ago and now discussing this again.

Connie Williams, Upshur County Auditor, appreciated the Court for looking at all options. When talking about cost, she wanted the Court to realize that they are also talking about employees' time to do their job. She expressed to the Court that Tyler Technologies has 90% of the business in Texas and there is a reason for that. She further stated that we are always moving to make improvements to the County and this is one of them.

No action.

**13. Discuss and take action to accept the resignation of Andy Jordan as the Upshur County Road Administrator.**

Andy Jordan, Upshur County Road Administrator, furnished the Court with a Letter of Resignation effective July 7, 2023. Motion by Mike Ashley with a second by Jay W. Miller to accept the resignation of Andy Jordan as the Upshur County Road Administrator. Motion carried 5-0. Unanimous vote in favor.

**14. Discuss and take action appointing an Interim Road Administrator due to the resignation of Andy Jordan.**

Motion by Gene Dolle with a second by Dustin Nicholson to appoint Phil Stegall as the Interim Road Administrator with Lisa Tefteller continuing her role as the general overall Director due to the resignation of Andy Jordan. Motion carried 5-0. Unanimous vote in

favor.

**15. Discuss and take action to seek applications for the position of Upshur County Road Engineer/Road Administrator and to post notice of same.**

Motion by Jay W. Miller with a second by Mike Ashley to seek applications for the position of Upshur County Road Engineer/Road Administrator and to post notice of same. Motion carried 5-0. Unanimous vote in favor.

**17. Hear an update concerning the storm cleanup and the current progress. Discuss and take necessary action.**

Phil Stegall and Lisa Tefteller were present to update the Court as to progress being made concerning the storm cleanup.

**19. Discuss and take action to appoint the Upshur County Tax Assessor to calculate the No-New Revenue Tax rate (NNR) and Voter Approval Tax Rate (VAT) and to submit the tax calculation to the Upshur County Appraisal District and post on the Upshur County website, as required by Tax Code 26.04.**

Motion by Mike Ashley a second by Jay W. Miller to appoint the Upshur County Tax Assessor to calculate the No-New Revenue Tax Rate (NNR) and Voter Approval Tax Rate (VAT) and to submit the tax calculation to the Upshur County Appraisal District and post on the Upshur County website, as required by Tax Code 26.04. Motion carried 5-0. Unanimous vote in favor.

**20. Discuss and take action to set salaries of ALL elected County and Precinct Officers.**

Motion by Dustin Nicholson with a second by Gene Dolle to set the salaries of all elected officials with the exception of the Sheriff and the four Constables at a no increase same rate currently and the Sheriff and the Constables' salaries will be set at a later Commissioners Court after duly required publishing of a public notice. Motion carried 5-0. Unanimous vote in favor.

**16. 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 Dustin Nicholson with a second by Gene Dolle extend the Declaration of Local Disaster Due to the June 2023 Thunder, Rain and Wind Storm dated June 16, 2023 to the next regular scheduled meeting on July 31, 2023. Motion carried 5-0. Unanimous vote in favor.

**MEETING ADJOURNED AT 11:45 A.M. FOR A LUNCH BREAK  
MEETING RECONVENED AT 1:01 P.M.**

**23. 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));
- Section 551.072 (deliberation regarding real property);
- G,A,B   Section 551.0725 (deliberation and discussion of contracts being negotiated);
- Section 551.073 (deliberation about gifts and donations);
- E,F     Section 551.074 and 551.0745 (personnel matters);
- F     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.**
- E. Consider personnel matters (appointments, leaves, re-assignments, resignations, retirements, terminations, termination of temporary employee contracts, and contract extensions, to-wit:
  - i) Consider candidates for Interim Road & Bridge Administrator;**
  - ii) Consider scope of services of the Round XII Courthouse Renovation Administrator during the forthcoming re-location of County offices and renovation of the Upshur County Courthouse.****
- F. Consideration of security issues relative to the Round XII Courthouse Renovation, the re-location of County offices and Department Heads and the Road & Bridge Administration.**
- G. Discuss of bids for the CMAC position in connection with the Round XII Courthouse Renovation.**

The Court went into CLOSED SESSION at 1:02 p.m.

**24. 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 2:13 p.m.

**18. Discuss and take action to approve Steve Campbell with Catacon, Inc., a subcontractor for TxDOT to haul limbs and brush to the Pritchett pug mill at the rate of \$50 per load.**

No action.

**22. 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.**

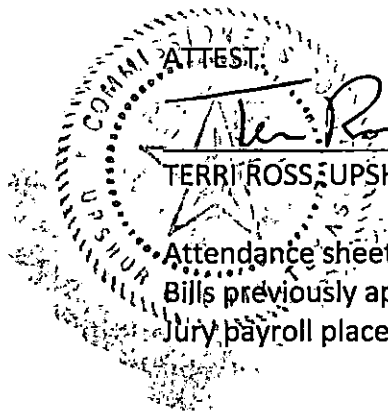
Motion by Jay W. Miller with a second by Dustin Nicholson to approve J.C. Stoddard Construction as the contractor to perform the Round XII Courthouse renovation of the Upshur County Courthouse. Motion carried 5-0. Unanimous vote in favor.


**21. Discuss and possibly take action on the FY2024 Proposed Budget.**

Judge Tefteller announced that Connie Williams, Upshur County Auditor, needs to budget the correct amounts for the Sheriff and the Constables to keep the County eligible for the SB22 funding to law enforcement and prosecution. No further action.

**25. Adjourn.**

Motion by Mike Ashley with a second by Gene Dolle to adjourn the meeting. Meeting adjourned at 2:19 p.m. Motion carried 5-0. Unanimous vote in favor.



ATTEST:  
  
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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.