

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

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Tuesday, August 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; Interlocal Agreements between Upshur County and the cities of Ore City, East Mountain and Big Sandy for the Mobile CAD Access Program; Texas Commission on Law Enforcement Audit Report on Constable Pct. 1; 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)

**22. 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) including but not limited to, to-wit:**
- i) Road & Bridge Department, Tax Assessor-Collector, the Upshur County Auditor, and the Upshur County Library;**
  - ii) Any other personnel matters.**
- F. Consult with District Attorney Billy Byrd, about personnel and legal matters affecting Upshur County Departments, i.e. Road & Bridge and the Library.**

The Court went into CLOSED SESSION at 10:04 a.m.

The Court reconvened into OPEN SESSION at 11:00 a.m.

- 3. Discuss and take action to approve the Contract with Debtbook for software to comply with GASB 87 and GASB 96 at a cost of \$8,000 for FY24, \$10,500 for FY25 and \$13,000 for FY26.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve the Contract with Debtbook for software to comply with GASB 87 and GASB 96 at a cost of \$8,000 for FY24, \$10,500 for FY25 and \$13,000 for FY26. Motion carried 5-0. Unanimous vote in favor.

- 5. Discuss and take action to approve the implementation of the Tyler Technologies Enterprise Corrections for the Sheriff's Office in conjunction with the implementation of the Court Management software previously approved by the Court.**

Connie Williams, Upshur County Auditor, addressed the Court in regards to the importance of having the Jail on the same platform as the Criminal District Attorney, the District and County Clerks, and the Courts for various reasons but especially the CJIS reporting. She informed the Court that the one time implementation cost would run approximately \$172,000 (including travel and training) and the on-going annual maintenance would run \$66,000. She informed the court that the ARPA grant has accumulated approximately \$178,000 interest to date. She proposed a way to fund this and not use General Fund money would be to use the interest earned for the one-time implementation cost. She also informed the Court that the Sheriff is willing to meet the same amount that both the District Clerk and the County Clerk offered which is \$50,000 each to go toward the cost of this which would pay for the majority of the first year's annual maintenance. Connie Williams further stated that for FY24 the actual cost to the general fund would be about \$16,000 if the court decides to go with that plan. Lt. Vanessa Ferguson addressed the Court and stressed the need for this software which would allow the efficient and beneficial flow with the Courts, Clerks and the District Attorney. John Galbraith with Tyler Technologies was also present to answer any questions that the Court might have regarding the software.

Motion by Gene Dolle with a second by Mike Ashley to approve the implementation of the Tyler Technologies Enterprise Corrections for the Sheriff's Office in conjunction with the implementation of the Court Management software previously approved by the Court. Motion carried 4-1 with Dustin Nicholson against.

**6. Discuss and take action to approve essential vehicle repairs for the Sheriff's Office, in excess of the departmental budget for such repairs, be charged to Contingency account 100-409-4958.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve essential vehicle repairs for the Sheriff's Office, in excess of the departmental budget for such repairs, to be charged to Contingency account 100-409-4958. Motion carried 5-0. Unanimous vote in favor.

**7. Discuss and take action to terminate the burn ban, allow it to continue as it is presently issued or to extend the burn ban due to the continued need of the unincorporated areas of the County for protection from outdoor burning.**

Motion by Dustin Nicholson with a second by Gene Dolle to continue the burn ban as it is presently issued to the next meeting of the Upshur County Commissioners Court. Motion carried 5-0. Unanimous vote in favor.

**8. Discuss and take action to approve and accept for recording the Interlocal Agreement for Assessment and Collection of Taxes Between Upshur County and the Emergency Services District #2.**

Motion by Mike Ashley with a second by Gene Dolle to approve and accept for recording the Interlocal Agreement for Assessment and Collection of Taxes Between Upshur County and the Emergency Services District #2. Motion carried 5-0. Unanimous vote in favor.

**12. Discuss and take action to approve the request of Commissioner Gene Dolle to purchase a desk chair for his office, not to exceed \$300, with payment to be issued from Non-Departmental Furniture and Fixtures.**

Motion by Gene Dolle with a second by Mike Ashley to approve the request of Commissioner Gene Dolle to purchase a desk chair for his office, not to exceed \$300, with payment to be issued from Non-departmental Furniture and Fixtures. Motion carried 5-0. Unanimous vote in favor.

**13. Discuss and take action to approve Constable Pct. 1 request for \$800 to be moved from contingency fund 100-409-4955 to Constable Pct. 1 fuel allowance 100-551-3200.**

Tim Barnett, Upshur County Constable Pct. 1, presented the Court with his activity report and his request for additional funds in his fuel allowance. Motion by Gene Dolle with a

second by Jay W. Miller to approve Constable Pct. 1 request for \$800 to be moved from contingency fund 100-409-4955 to Constable Pct. 1 fuel allowance 100-551-3200. Motion carried 5-0. Unanimous vote in favor.

**15. Discuss and take action to approve the continuation of the imposition of the optional motor vehicle fees of County Road and Bridge Fee and Child Safety Fee for the Calendar Year 2024.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve the continuation of the imposition of the optional motor vehicle fees of County Road and Bridge Fee and Child Safety Fee for the Calendar Year 2024. Motion carried 5-0. Unanimous vote in favor.

**16. Discuss and take action to approve the FY 2024 PROPOSED tax rate BY RECORD VOTE. The Proposed Tax Rate is \$0.496 which is \$0.103 below the Current Tax Rate of \$0.599.**

Votes to approve the proposed tax rate of \$0.496 is as follows:

Gene Dolle, Commissioner Pct. 1	YEA
Dustin Nicholson, Commissioner Pct. 2	YEA
Mike Ashley, Commissioner Pct. 3	YEA
Jay W. Miller, Commissioner Pct. 4	YEA
Todd Tefteller, Upshur County Judge	YEA

**18. Discuss and take action to schedule the Public Hearing on the Proposed Budget for August 31, 2023.**

Motion by Mike Ashley with a second by Gene Dolle to schedule the Public Hearing on the Proposed Budget for August 31, 2023. Motion carried 5-0. Unanimous vote in favor.

**19. Discuss and take action to schedule the Public Hearing on the Tax Increase (any rate above the No-New Revenue rate) for September 15, 2023.**

Motion by Mike Ashley with a second by Gene Dolle to schedule the Public Hearing on the Tax Increase (any rate above the No-New Revenue rate) for September 15, 2023. Motion carried 5-0. Unanimous vote in favor.

**20. Discuss and take action designating the place where public notices will be posted and the place where foreclosure and tax sales of property will occur during the County XII Courthouse Renovation.**

For clarification purposes. Foreclosure and tax sales notices were voted at a previous meeting to be posted at the Upshur County Justice Center.

**21. 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 provide an update to the Court regarding the next step of the courthouse renovation. He advised the Court that the Court must enter into an agreement with J.C. Stoddard that they are going to be the Construction Manager at Risk. After such time, then J.C. Stoddard will come up with their bond and insurance specifically tailored around this project.

The Court recessed for LUNCH at 11:26 a.m.

The Court reconvened at 12:53 p.m.

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

- F     Section 551.071 (consultation with attorney(s);
- A,B,C   Section 551.072 (deliberation regarding real property);
- C,D    Section 551.0725 (deliberation and discussion of contracts being negotiated);
- E,F    Section 551.074 and 551.0745 (personnel matters);

**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 1) in connection with the relocation of County offices during Courthouse renovation or repairs and 1) in general for expansion purposes.**
- C. Consideration of contracts being negotiated in connection with the Round XII Courthouse Renovation.**
- D. Consideration of terms and condition of the proposed contract between Upshur County and J.C. Stoddard Construction Co. in reference to the recently awarded CMAC position.**
- E. Consider personnel matters (appointments, leaves, re-assignments, resignations,**

retirements, terminations, termination of temporary employee contracts, and contract extensions) including but not limited to, to-wit:

- iii) Road & Bridge Department, Tax Assessor-Collector, the Upshur County Auditor, and the Upshur County Library;
- iv) Any other personnel matters.

**F. Consult with District Attorney Billy Byrd about personnel and legal matters affecting Upshur County Departments, i.e. Road & Bridge and the Library.**

The Court went into CLOSED SESSION at 1:00 p.m.

The Court reconvened into OPEN SESSION at 2:20 p.m.

**2. Consider and take action on approval of:**

**B. Payroll changes;**

Motion by Jay W. Miller with a second by Mike Ashley to approve the new hire at the Library effective August 16, 2023. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to hire another mechanic for R & B and remodel the back bay to work on the Sheriff's vehicles.**

Motion by Dustin Nicholson with a second by Gene Dolle to hire another mechanic for Road & Bridge to be classified as DOT maintenance supervisor/light mechanic at the starting pay of \$35,600.00 effective October 1, 2023. Motion carried 5-0. Unanimous vote in favor.

**4. DISCUSSION ONLY: Making nominations to the Upshur County Appraisal District Board of Directors by the October 14 deadline.**

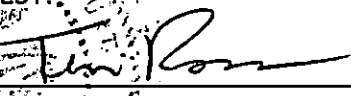
Gene Dolle nominates Stacy McMahon and Jay W. Miller nominates Brandon Dodd for a full position.

**22.D Discuss and take action to sign the contract between Upshur County and J.C. Stoddard Construction Co. in reference to the recently awarded CMAC position.**

Motion by Mike Ashley with a second by Gene Dolle to sign the contract between Upshur County and J.C. Stoddard Construction Co. in reference to the recently awarded CMAC position. Motion carried 5-0. Unanimous vote in favor.

**24. Adjourn.**

Motion by Mike Ashley with a second by Dustin Nicholson to adjourn the meeting. Meeting adjourned at 2:35 p.m. Motion carried 5-0. Unanimous vote in favor.

COMMISSIONER'S  
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.