

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

A regular and public meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, September 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 regular meeting to order at 10:00 a.m.

**1. Invocation and Pledges**

Prayer was led by Bro. George Willis of New Beginnings Baptist Church.  
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 meetings;
- 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; Certificate of Liability Insurance for SMK Construction, LLC; Certificate of Liability Insurance for SMK Construction; Place of Postings; Upshur County Position List with Base Pay- Revised 9/15/2023, Effective 10/1/2023; East Texas Council of Governments Interlocal Contract for County 9-1-1 Database Maintenance; Interlocal Agreement for E9-1-1 Public Safety Answering Point Services; and, applications for use of Upshur County roads and rights-of way and permit requests.

Motion by Gene Dolle with a second by Mike Ashley to approve items A-F.  
Motion carried 5-0. Unanimous vote in favor.  
(SEE ATTACHED)

**4. 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 Jay W. Miller to lift the burn ban. Motion carried 4-1.

**5. Discuss and take action to approve County Holidays and Commissioner Court meeting dates for 2024.**

Motion by Gene Dolle with a second by Mike Ashley to approve the County Holidays and Commissioner Court meeting dates for 2024 as presented. Motion carried 5-0. Unanimous vote in favor.

**6. Discuss and take action to set Sheriffs' and Constables' Fees for 2024.**

Motion by Mike Ashley with a second by Dustin Nicholson to set the Sheriffs' and Constables' Fees for 2024 with no increase. Motion carried 5-0. Unanimous vote in favor.

**7. Discuss and take action to approve acceptance of award from East Texas Council of Governments (ETCOG) in the amount of \$14,955 for the upgrade of the Public Answering Point (PSAP) recorder.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve acceptance of award from East Texas Council of Governments (ETCOG) in the amount of \$14,955 for the upgrade of the Public Answering Point (PSAP) recorder. Motion carried 5-0. Unanimous vote in favor.

**8. Discuss and take action to approve the Resolution authorizing the filing of a Grant Application with the East Texas Council of Governments for a Regional Solid Waste Grants Program Grant.**

Motion by Mike Ashley with a second by Gene Dolle to approve the Resolution authorizing the filing of a Grant Application with the East Texas Council of Governments for a Regional Solid Waste Grants Program Grant. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to approve the purchase of a radio interference harness for the County alarm system at the cost of \$560.00 with payment to be made from the Courthouse Security fund.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve the purchase of a radio interference harness for the County alarm system at the cost of \$560.00 with payment to be made from the Courthouse Security fund. Motion carried 5-0. Unanimous vote in favor.

**10. Hear from EBC about the Upshur County medical stop loss insurance renewal. Discuss and take necessary action.**

Rachel Means, Employee Benefits Consulting, gave a presentation to the Court regarding the medical stop loss insurance renewal.

Motion by Dustin Nicholson with a second by Gene Dolle to approve Great Midwest as Upshur County's medical stop loss insurance carrier. Motion carried 5-0. Unanimous vote in favor.

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

Judge Tefteller updated those present with the status of the renovation. He said that there was a first meeting of subcontractors on Wednesday, September 13, 2023. Judge Tefteller was present with the Komatsu architecture, J.C. Stoddard contractor, Judge Leward LeFleur, Mike Ashley, and Gene Dolle.

**PUBLIC HEARING**

Public hearing opened at 10:38 a.m. by Judge Todd Tefteller.

**1. Public Hearing on the Upshur County Clerk's Records Archive Plan and the Upshur County District Clerk's Records Archive Plan.**

Nicole Hernandez, Upshur County District Clerk, presented her Archive Plan to the Court. She gave a brief update as to what she is working on in her office. She is working with a company to upload her microfilm into a cloud based software. This project should be completed by the end of the year or the beginning of next year. This will make documents from the 1800s to mid 1970's available on digital format. Her office is also hand scanning old civil and criminal cases. Her goal is to go paperless.

Terri Ross, Upshur County Clerk, presented her Archive Plan to the Court. She informed the Court that this Archive Plan is submitted annually to the Court to request the Court to allow her office to continue to collect the \$10.00 archive fee on documents filed in her official public records. She informed the Court that since she took office in 2015, she has been able to index and digitize 333 Deed Records, Oil and Gas Records, and Plat Records. These records are made available to search and purchase online. She also advised the Court that she is in year two of a four year project that includes indexing and digitizing all of the Deed of Trust Records and Mechanics and Materialman's Lien Records.

**2. Public Hearing on the Proposed Tax Rate which is \$0.496 which is greater than the No-New Revenue Tax Rate of \$0.43666.**

Judge Tefteller explained to those present what the Court is proposing to do is to reduce the tax rate by approximately \$.10. Judge Tefteller went into detail what that would mean to the taxpayers. Judge Tefteller encouraged those present to ask questions should they have any concerns. There were several present that asked questions of the Court.

Public meeting closed at 11:15 a.m. by Judge Todd Tefteller.

**3. Discuss and take action to approve the Upshur County Clerk's Records Archive Plan and the Upshur County District Clerk's Records Archive Plan.**

Motion by Mike Ashley with a second by Gene Dolle to approve the Upshur County Clerk's Records Archive Plan and the Upshur County District Clerk's Records Archive Plan. Motion carried 5-0. Unanimous vote in favor.

**12. Discuss and take action to adopt the Fiscal Year 2024 budget by record vote.**

Motion by Dustin Nicholson with a second by Gene Dolle to adopt the Fiscal Year 2024 Budget.

Votes to adopt the Fiscal Year 2024 Budget are 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

**13. Discuss and take action to ratify the property tax increase reflected in the FY24 Budget which raises \$1,123,115 or 8.23% more from property taxes than last year's budget by record vote.**

Motion by Gene Dolle with a second by Jay Miller to ratify the property tax increase reflected in the FY24 Budget which raises \$1,123,115 or 8.23% more from property taxes than last year's budget.

Votes to ratify the property tax increase are 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

**14. Discuss and take action to adopt the Fiscal Year 2024 maintenance and operation tax rate of \$0.496 for Upshur County by record vote.**

Motion by Mike Ashley with a second by Jay W. Miller to adopt the Fiscal Year 2024 maintenance and operation tax rate of \$0.496 for Upshur County.

Votes to adopt the Fiscal Year 2024 maintenance and operation tax rate of \$0.496 for Upshur County are 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

**15. 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-D Section 551.072 (deliberation regarding real property);

A,B,C,B 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 1) in connection with the relocation of County offices during Courthouse renovation or repairs and 2) in general for expansion purposes.**
- C. Consideration of contracts being negotiated in connection with the Round XII Courthouse Renovation.**
- D. Consideration of terms and conditions of the proposed contract between Upshur County and J.C. Stoddard Const. Co. in reference to the recently awarded CMAC position.**

There was no need to enter into CLOSED SESSION.

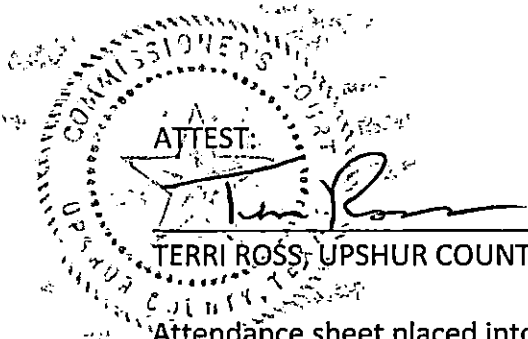
16. The Court will re-convene into open session and take any action necessary as a result of Executive Session.

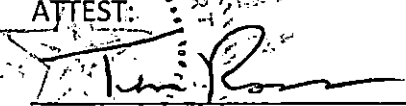
N/A

17. Adjourn.

Motion by Jay W. Miller with a second by Gene Dolle to adjourn the meeting.

Meeting adjourned at 11:21 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.