

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
FRIDAY, SEPTEMBER 29, 2023
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, September 29, 2023 at 10:00 a.m., with the following members of the Court being present, to-wit:

Present: Dustin Nicholson – Commissioner Pct. #2 presiding,
 Gene Dolle – Commissioner Pct. #1,
 Mike Ashley – Commissioner Pct. #3,
 Jay W. Miller – Commissioner Pct. #4.

Judge Tefteller was absent. Dustin Nicholson 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 Jay W. Miller.

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; Gilmer Civic Center General Lease Agreement/Rules/Regulations; Upshur County Emergency Services District No. 2 Financial Statements and Independent Auditor's Report, September 30, 2022; 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 4-0. Unanimous vote in favor.

(SEE ATTACHED)

3. Discuss and take action to approve a Proclamation declaring October as National Domestic Violence Awareness Month.

Holly Bruce, CEO of the Women's Center of East Texas was present to read the Proclamation to the Court. Motion by Mike Ashley with a second by Gene Dolle to declare October as National Domestic Violence Awareness Month. Motion carried 4-0. Unanimous vote in

favor.

4. Discuss and take action concerning the burn ban for the continued need of the unincorporated areas of the County for protection from outdoor burning.

Motion by Mike Ashley with a second by Gene Dolle to put the burn ban back in affect. Dustin Nicholson discussed the option of a Provisional Burn Ban which allows the citizens to continue outdoor burning in the unincorporated areas of the County which must be monitored at all times with a water source available or tractor or equipment available at all times during the burning. Motion failed to reinstate the burn ban due to a tie vote of 2-2.

5. Discuss and take action to approve Fall Dump Days to be held October 28, 2023.

Mike Ashley made a motion with a second by Gene Dolle to approve the Fall Dump Day to be held October 28, 2023. Motion carried 4-0. Unanimous vote in favor.

6. Discuss and take action to approve and accept for recording the final plat for the Indian Rock Subdivision.

Motion by Gene Dolle with a second by Mike Ashley to accept for recording the final plat of the Indian Rock Subdivision. Motion carried 4-0. Unanimous vote in favor.

7. Discuss and take action to make nominations to the Upshur County Appraisal District Board of Directors.

Motion by Mike Ashley with a second by Gene Dolle to nominate Jackie Oliver and Stacy McMahon to the Upshur County Appraisal District Board of Directors. Motion carried 4-0. Unanimous vote in favor.

8. Discuss and take action to perform work at the Yamboree grounds for the week of October 9, 2023 under the interlocal agreement with the City of Gilmer.

Motion by Mike Ashley with a second by Jay W. Miller to approve the County to perform work at the Yamboree grounds for the week of October 9, 2023 under the interlocal agreement with the City of Gilmer. Motion carried 4-0. Unanimous vote in favor.

9. Discuss and take action for ALL Departments to run any software or program updates through our contracted IT/Gilmer Computer Tech for expert feedback.

Motion by Jay W. Miller with a second by Mike Ashley to have all departments run any software or program updates through our contracted IT/Gilmer Computer Tech for expert feedback. Motion carried 4-0. Unanimous vote in favor.

10. Discuss and take action to adopt a policy requiring the Upshur County Road and Bridge

Dept. to give any updates concerning wrecks, employee hiring/firing, road work, etc. to all County Commissioners.

Motion by Jay W. Miller to table this matter at this time.

- 11. Discuss and take action to approve using the Building Maintenance Dept. to provide maintenance and services to the Road and Bridge Dept. buildings and related equipment; and, in connection therefore approve transferring the amount of \$10,000 from Road and Bridge Dept. to the Building Maintenance Dept.**

Motion by Mike Ashley with a second by Gene Dolle to approve using the Building Maintenance Dept. to provide maintenance and services to the Road and Bridge Dept. buildings and related equipment; and, in connection therefore approve transferring the amount of \$10,000 from Road and Bridge Dept. to the Building Maintenance Dept. Motion carried 4-0. Unanimous vote in favor.

- 12. Discuss and take action to approve changes to the Upshur County Employee Health Benefit Plan as follows, to-wit:**
- A). Approve SAGE as the new Third Party Administrator (TPA) for payment of Upshur County Health Insurance claims;**
 - B). Approve VERUS Rx as the new pharmaceutical vendor.**

Motion by Gene Dolle with a second by Mike Ashley to approve SAGE as the new Third Party Administrator (TPA) for payment of Upshur County Health Insurance claims and approve VERUS Rx as the new pharmaceutical vendor. Motion carried 4-0. Unanimous vote in favor.

- 13. 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 in regards to the Round XII Courthouse Grant Renovation. He informed the Court that they are currently receiving subcontractor bids through October 20, 2023.

- 14. 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);

 C 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 in connection with the Round XII Courthouse Renovation and the Upshur County Employee Health Benefit Plan.
- D. 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, interview Road and Bridge applicants;
 - ii) Any other personnel matters.

It was determined that there was no need to go into CLOSED SESSION.

15. Take any action resulting from closed session.

N/A

16. Adjourn.

Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting.

Motion carried 4-0. Unanimous vote in favor. Meeting adjourned at 10:29 a.m.

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.