

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
MONDAY, OCTOBER 16, 2023  
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Monday, October 16, 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 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 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 Longview Bridge & Road, LTD; Resolution of the Upshur County Commissioner's Court #2023-11; 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)

**3. Discuss and take action to approve the 2024 Upshur County Resolution on Indigent Defense Grant Program (#2023-12).**

Motion by Mike Ashley with a second by Dustin Nicholson to approve the 2024 Upshur County Resolution on Indigent Defense Grant Program (#2023-12). Motion carried 5-0. Unanimous vote in favor.

**4. Discuss and take action to approve a Resolution authorizing a County grant to Meals on Wheels Ministry (#2023-13).**

Motion by Dustin Nicholson with a second by Jay W. Miller to approve a Resolution authorizing a County grant to Meals on Wheels Ministry (#2023-13) in the amount of \$2,590.00. Motion carried 5-0. Unanimous vote in favor.

**5. Discuss and take action to relocate the Upshur County Law Library.**

Judge Anthony Betterton updated the Court regarding the relocation of the Upshur County Law Library. He informed the Court that out of the four options that they looked at, three of the options will not work and the fourth option was being negotiated with the County Judge. The only options he sees would be to store the books until they can be moved back into the courthouse or to relocate the books to the Upshur County Library. Dustin Nicholson wants to see the books available to the citizens and attorneys. Dustin Nicholson made a motion with a second by Jay W. Miller to relocate the law library books to the Upshur County Library as long as there is room to house the law library books and does not hinder the flow of the Upshur County Library. Motion carried 5-0. Unanimous vote in favor.

**6. Discuss and take action to approve and accept for recording the Interlocal Agreement for Assessment and Collection of Taxes between Upshur County and the City of Gladewater.**

Motion by Dustin Nicholson 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 City of Gladewater. Motion carried 5-0. Unanimous vote in favor.

**7. Discuss and take action on proposed changes to the existing Interlocal Agreements between Upshur County and Local School Districts regarding the Assessment and Collection of School Taxes, i.e., whether the County or the School districts will have the right to retain legal counsel for collection of delinquent taxes.**

Judge Tefteller informed the Court that there are several identical Interlocal Agreements from 1991 with all of the taxing entities and County Judge Everett Dean that explicitly state that if Upshur County is going to collect the entity's taxes, then the County has the unilateral right to designate who the lawyers will be to collect those taxes. When Luana Howell, Upshur County Tax Assessor Collector, sent out new Interlocal Agreements to the entities, the entities struck through the language in the Agreements giving them the right to select counsel to collect their delinquent taxes. The existing Interlocal Agreements state that they must give the County notice by July 1<sup>st</sup> if they choose to change lawyers for tax collections. The Judge further informed the Court that the question before the Court is whether or not to go ahead and let some of the districts use a new firm for this tax season

or make everybody who wants to change, wait for the next tax season since the County was not given notice. Luana Howell, Upshur County Tax Assessor Collector informed the Court that she will do what the Court decides to do but it will create an extra burden on her office. Mr. Patrick Woods, Managing Partner of the Tyler office of Perdue Brandon, was present with three of the Superintendents from Big Sandy, Union Grove, and Harmony ISD. Mr. Woods asked that the Court approve the changes to the Interlocal Agreement and let them move forward. Ms. Killingsworth with the Linebarger firm was present. Mr. Lambert with the Linebarger firm briefed the Court on the history of the creation of the Appraisal District and the consolidation of collections.

Further action on this matter will be considered after CLOSED SESSION.

**8. Discuss and take action to set COBRA rates.**

Motion by Dustin Nicholson with a second by Mike Ashley to approve the COBRA rates as presented by the Upshur County Treasurer, Brandy Vick. Motion carried 5-0. Unanimous vote in favor.

**9. Discuss and take action to approve a Resolution Amending Authorized Representatives for Upshur County with TexPool (#2023-14).**

Motion by Mike Ashley with a second by Jay W. Miller to approve a Resolution Amending Authorized Representatives for Upshur County with TexPool (#2023-14). Motion carried 5-0. Unanimous vote in favor.

**10. Discuss and take action to adopt an Order for Disbursement of Approved Insurance Claims.**

Motion by Jay W. Miller with a second by Dustin Nicholson to approve and adopt an Order for Disbursement of Approved Insurance Claims. Motion carried 5-0. Unanimous vote in favor.

**11. Discuss and take action to approve certification pay for Jail Certified and Working Inmate for qualified employees in the Building Maintenance Department at \$1,200 per year.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve certification pay retroactive to October 1, 2023 for Jail Certified and Working Inmate for qualified employees in the Building Maintenance Department at \$1,200 per year. Motion carried 5-0. Unanimous vote in favor.

**12. Discuss and take action to approve and accept for recording the Jury Selection Plan of Upshur County.**

Motion by Mike Ashley with a second by Gene Dolle to approve the Jury Selection Plan of Upshur County. Motion carried 5-0. Unanimous vote in favor.

- 13. 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.**

No action.

- 14. 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 LeFleur was present to update the Court regarding the status of the Courthouse Grant Renovation. He informed the Court that they are waiting on the subcontractors to get their bids in. The cut off was October 14<sup>th</sup>. J.C. Stoddard will then review the bids and they will compose the next step of our contract with them and present to the Commissioners Court. We will then ask the Texas Historical Commission for a notice to proceed. The Commissioners Court will then issue the Notice to Proceed to J.C. Stoddard.

Ron Cook addressed the Court regarding Phil Stegall, Upshur County Road Administrator, complimenting him on the work that he is doing.

- 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));

\_\_\_\_\_ Section 551.072 (deliberation regarding real property);

A,B,C,D,E 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.
  - E. Consideration of the terms of the interlocal agreements concerning the assessment and collection of taxes for local school districts.

The Court entered into CLOSED SESSION at 10:49 a.m.  
The Court ended CLOSED SESSION at 11:03 a.m.

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

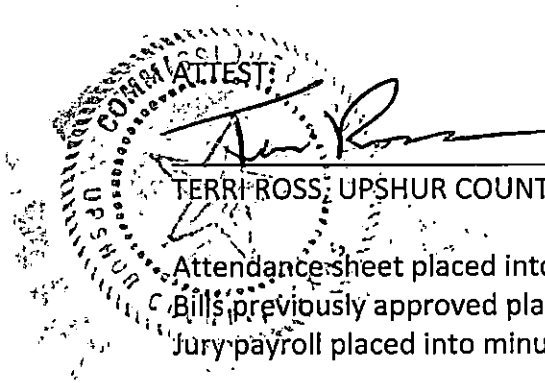
The Court re-convened into OPEN SESSION at 11:08 a.m.

**Discuss and take action on proposed changes to the existing Interlocal Agreements between Upshur County and Local School Districts regarding the Assessment and Collection of School Taxes, i.e., whether the County or the School districts will have the right to retain legal counsel for collection of delinquent taxes.**

Motion by Dustin Nicholson with a second by Jay W. Miller to stand on the 1991 Interlocal Agreements and not change from them until someone gives us notice to terminate by the date mandated in the existing Interlocal Agreements. Motion carried 5-0. Unanimous vote in favor.

**17. Adjourn.**

Motion by Mike Ashley with a second by Jay W. Miller to adjourn the meeting.  
Meeting adjourned at 11:21 a.m. Motion carried 5-0. Unanimous vote in favor.



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.