

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

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Friday, December 29, 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 10:01 a.m.

**1. Invocation and Pledges**

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Dustin Nicholson.

**Public Comment:** Debra Brinkley with the Bethlehem Community Center was present to update the Court regarding the Bethlehem Colored School Historical Monument. She advised the Court that it might take nine to ten more months before receiving the monument. She also advised the Court that she plans to have a domestic violence awareness program January 20, 2024 at the Gilmer Civic Center pending approval of the City of Gilmer for the use of the building.

**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; Endorsement Changes for Commercial General Liability for Clarksville Oil & Gas Company LTD; AIA Document G902-2017 Amendment to the Professional Services Agreement; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Dustin Nicholson with a second by Jay W. Miller to approve items A-F.  
Motion carried 5-0. Unanimous vote in favor.  
(SEE ATTACHED)

- 3. Discuss and take action to approve accepting a donation from Keeter Foundation in the amount of \$20,000 to the Sheriff's Office. The funds will be used to purchase Officer equipment.**

Chief Hazel with the Upshur County Sheriff's Office was present to advise the Court as to how these funds were acquired from the Keeter Foundation and donated to the Sheriff's Office. Motion by Mike Ashley with a second by Gene Dolle to approve accepting a donation from the Keeter Foundation in the amount of \$20,000 to the Sheriff's Office to be used to purchase Officer equipment. Motion carried 5-0. Unanimous vote in favor.

- 4. Discuss and take action to approve the issuance of a Commitment Letter in Support of the East Texas Economic Development District for use in their applying for the EDA's Partnership Planning Program FY24.**

Motion by Mike Ashley with a second by Jay W. Miller to approve the issuance of a Commitment Letter in Support of the East Texas Economic Development District for use in their applying for the EDA's Partnership Planning Program FY24. Motion carried 5-0. Unanimous vote in favor.

- 5. Discuss and take action to seek bids for Road and Bridge materials: Gas & Diesel, Plant Mixed Asphalt, Refined Road Oil, Polymer Modified Emulsion, Pug Milling, Limestone Base and Rip Rap/Rock.**

Motion by Gene Dolle with a second by Jay W. Miller to take action to seek bids for Road and Bridge materials: Gas & Diesel, Plant Mixed Asphalt, Refined Road Oil, Polymer Modified Emulsion, Pug Milling, Limestone Base and Rip Rap/Rock. Motion carried 5-0. Unanimous vote in favor.

- 6. Discuss and take action to appoint one or more members to the Emergency Services District Board #2.**

Gaston (Bubba) DeBerry, III and Tommie Whitaker were present as current members to the Emergency Services District #2. The Court was advised that Gregg Price is currently serving on the Emergency Services District #2 and his term is up for re-appointment and that he does want to be re-appointed to his position. Trevor Larrington had resigned in October from the Board and his term is up for new appointment. The two names that have surfaced as interested in appointment are Rita Criswell from the New Mountain area and Dale Maines from the Diana area. Gaston DeBerry suggested to the Court that they appoint a member to represent the New Mountain area. Motion by Dustin Nicholson with a second by Mike Ashley to appoint Gregg Price and Rita Criswell to the Emergency Services District Board #2 to two year terms. 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.**

This item was combined with #8 below.

8. **Discuss and take action to accept notices from Big Sandy ISD, Union Grove ISD and Harmony ISD that the interlocal agreements in existence for the collection of school taxes is cancelled and terminate effective 12/31/2023.**

Judge Tefteller gave a brief update regarding these matters. He informed those present that there are currently interlocal agreements with all taxing entities. Three school districts have indicated that they want to change legal counsel for the collection of delinquent taxes. He further stated that the law is that if the County collects taxes for a taxing unit, the County gets to charge the taxing unit for the actual costs incurred by the County in collecting said taxes. This language is incorporated in the existing interlocal agreements. He further informed those present that the County does not own its own software to bill and do all the tax collection stuff. In 2011, the Commissioners Court entered into a contract with the Appraisal and Collection Technology, LLC to use their software. In that contract it said that the value of the contract is \$149,068.50 annually. The Linebarger firm has agreed to only charge the County \$30,000.00 a year and pay the remainder of the \$149,068.50 to the Appraisal and Collection Technology, LLC for the use of the software. Connie Williams, County Auditor, presented the figures that it would potentially cost these three school districts to use this software based on the number of tax accounts. Patrick Woods with the Perdue firm was present and indicated that he believed that there was not a legal basis to charge the districts and that the agreement is between the County and ACT, LLC. Staci Killingsworth was present with the Linebarger firm. Michael Alphin, Superintendent with Harmony ISD, was also present.

After lengthy discussion, the Court entered into **CLOSED SESSION** at 11:25 a.m.

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

   D    Section 551.071 (consultation with attorney(s));

   A    Section 551.072 (deliberation regarding real property);

A,B,C,D Section 551.0725 (deliberation and discussion of contracts being negotiated);

           Section 551.073 (deliberation about gifts and donations);

E     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. Consideration of contracts being negotiated in connection with the Round XII Courthouse Renovation.**
- C. Consideration of terms and conditions of the proposed contract between Upshur County and J.C. Stoddard Const. Co. relative to the Round XII Courthouse Renovation.**
- D. Discussion of Interlocal agreements between Upshur County and Local School Districts regarding the assessment and collection of school taxes, i.e., whether the County or School Districts will select the legal counsel for collection of delinquent taxes.**
- E. Discussion of candidates to be appointed to the ESD Board No. 2.**

**11. 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 12:03 p.m.

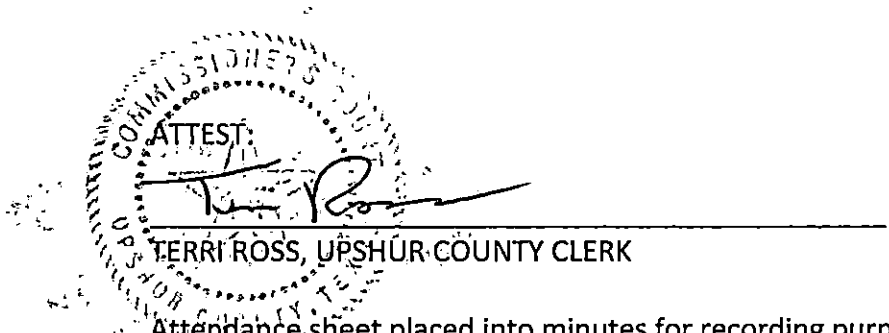
Judge Tefteller informed those present that in connection with discussing the proposed changes to the existing interlocal agreements, and to accept the notices from the school districts, the Court is not going to accept those at this time. He further stated that the Court has a proposed two tiered policy drawn up which sets out the expenses to be charged to taxing entities for collection of taxes should they choose to use a law firm other than that used by the County for collection of delinquent taxes. Judge Tefteller briefly stated what was incorporated in said policy. Said policy is attached hereto. Dustin Nicholson made a motion with a second by Gene Dolle to adopt the policy as discussed by Judge Tefteller. Motion carried 5-0. Unanimous vote in favor.

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

Judge Tefteller gave an update that there will be a general construction meeting of the sub-contractors on January 11, 2024.

**12. Adjourn.**

Motion by Mike Ashley with a second by Dustin Nicholson to adjourn the meeting. Meeting adjourned at 12:11 p.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.