

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
THURSDAY, AUGUST 15, 2024
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Thursday, August 15, 2024 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
Mike Ashley – Commissioner Pct. #3
Jay W. Miller – Commissioner Pct. #4

Absent: Dustin Nicholson – Commissioner Pct. #2
(Note: Dustin Nicholson was present via telephone for vote on item 5)

Judge Tefteller called the regular meeting to order at 10:02 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

Pledges to the U.S. & Texas flags led by Mike Ashley.

2. Citizen comments. None

3. Consider and take action on approval of:

- A. The minutes of previous meetings;
- B. Payroll changes;
- C. Payroll;
- D. Budget amendments;
- E. Accounts Payable;
- F. Accept for recording: Auditor report; Treasurer report; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; Order Setting Salaries of the Upshur County Auditor and Assistant Auditors; CORRECTED Texas Realtors Commercial Lease between Cook Brothers Rentals and Upshur County; and applications for use of Upshur County roads and rights-of way and permit requests.

Gene Dolle made a motion with a second by Mike Ashley to approve items 3A-F.
Motion carried 4-0. Unanimous vote in favor.
(SEE ATTACHED)

4. Discuss and take action on the FY25 Proposed Budget.

Connie Williams advised the Court that there was only one action that needs to be taken on the proposed budget and that is the addition of one resource officer for Big Sandy ISD which would require that salary to be included in the budget in the Sheriff's salary budget.

Gene Dolle made a motion to authorize the Auditor to change the budget to reflect the addition of the resource officer for Big Sandy ISD. Jay W. Miller made a second to the motion. Motion carried 4-0. Unanimous vote in favor.

5. Discuss and take action to approve the FY 2025 PROPOSED tax rate BY RECORD VOTE. The Proposed Tax Rate is \$0.499 which is \$0.003 above the Current Tax rate of \$0.496.

Commissioner Dustin Nicholson was present via telephone to vote on this item.

Mike Ashley made a motion with a second by Gene Dolle to set the FY 2025 PROPOSED tax rate at \$0.499 which is \$0.003 above the current tax rate of \$0.496.

Vote as follows:

| | |
|---------------------------------------|-----|
| Todd Tefteller, Judge | Yay |
| Gene Dolle, Commissioner Pct. 1 | Yay |
| Dustin Nicholson, Commissioner Pct. 2 | Yay |
| Mike Ashley, Commissioner Pct. 3 | Yay |
| Jay W. Miller, Commissioner Pct. 4 | Yay |

Motion carried 5-0. Unanimous vote in favor.

6. Discuss and take action to schedule the Public Hearing on the Proposed Budget for August 30, 2024.

Gene Dolle made a motion with a second by Mike Ashley to schedule the Public Hearing on the Proposed Budget for August 30, 2024 at 10:00 a.m. Motion carried 4-0. Unanimous vote in favor.

7. Discuss and take action to schedule the Public Hearing on the Tax increase (any rate above the No-New Revenue rate) for September 16, 2024.

Motion by Mike Ashley with a second by Gene Dolle to schedule the Public Hearing on the tax increase for September 16, 2024 at 10:00 a.m. Motion carried 4-0. Unanimous vote in favor.

9. Hear from Employee Benefits Consulting – EBC concerning the October 1 renewal options. Discuss and take necessary action.

Rachel Means and Paige Mendez with EBC presented an overview of the work and savings

that is being done for the Upshur County Plan. They went over the financials, claims, pharmacy, stop loss renewal, direct primary care clinic, cash pay reimbursement options, raising the Medicare reimbursement to employees, and employee wellness program. Rachel Means recommended to the Court that they decrease the deductible for all facilities from \$750.00 to \$250.00. Motion by Jay W. Miller with a second by Mike Ashley to authorize EBC to decrease the deductible for all facilities to \$250.00. Motion carried 4-0. Unanimous vote in favor.

8. 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 renovation of the Courthouse. He informed the Court that the restoration is going fairly smooth. He further stated that they had located a few items on the façade of the courthouse that was installed improperly and are looking at ways to reinstall properly. He stated that this would be an additional cost to the County.

10. Discuss and take action to approve and accept for recording the plat for Blue Bird Estates 2.

Gene Dolle made a motion with a second by Mike Ashley to accept for recording the plat for Blue Bird Estates 2. Motion carried 4-0. Unanimous vote in favor.

11. Discuss and take action to approve retaining Eide Bailly as the accounting firm to provide assistance in applying for the geothermal tax credit under the Inflation Reduction Act 2022.

Connie Williams informed the Court that this is an energy credit that the Treasury offers for geothermal heat pumps. She further stated that the process to apply for it is very lengthy and requires expertise that this company has. This firm would apply for the credit. She further informed the Court that she had spoken with the firm and they estimated the credit would be anywhere between \$600,000.00 - \$1,000,000.00. Their estimated charge for their service will be anywhere between \$60,000.00-\$80,000.00 plus travel, if necessary. She further indicated that they will require a \$5,000.00 down payment to begin work.

Gene Dolle made a motion with a second by Jay W. Miller to retain Eide Bailly as the accounting firm to provide assistance in applying for the geothermal tax credit under the Inflation Reduction Act 2022. Motion carried 4-0. Unanimous vote in favor.

Judge LeFleur also informed the Court that there are other energy credits available for the lighting, plumbing, etc. that will potentially be more savings moving forward.

12. Discuss and take action to accept a donation from Upshur County Crime Stoppers to the

Upshur County Constables as follows: 3-evidence lockers (Pct. 1, Pct. 3, Pct. 4) and 1-office chair (Pct. 3).

Motion by Mike Ashley with a second by Gene Dolle to accept a donation from Upshur County Crime Stoppers to the Upshur County Constables as follows: 3-evidence lockers (Pct. 1, Pct. 3, Pct. 4) and 1-office chair (Pct. 3). Motion carried 4-0. Unanimous vote in favor.

13. Discuss and take action to authorize the County Judge to sign the agreement with Republic Services to receive the waste products from Road & Bridge at their Pleasant Oaks Landfill in Titus County.

Gene Dolle informed the Court that this issue is a result of oil that was mistakenly buried over the years at the Road & Bridge site. He further stated that the waste products must be disposed of and that there are a couple of places across the state and this landfill is the closest. Road and Bridge can do the hauling. The charge to dispose of the contaminated material will run \$67.00 a ton. Connie Williams indicated that the cost will come out of courthouse contingency fund. Engineers with ESA, Clint Tevebaugh and Keith Starek, who have been assisting the County with this disposal, were present to answer any questions: There was discussion regarding the time frame of moving the waste. Keith Starek suggested that they work one area at a time as resources are available.

Motion by Gene Dolle with a second by Mike Ashley to authorize the County Judge to sign the agreement with Republic Services to receive the waste products from Road & Bridge at their Pleasant Oaks Landfill in Titus County. Motion carried 4-0. Unanimous vote in favor.

14. Discuss and take action to set the early voting times and locations for the November 5, 2024 General Election.

Motion by Jay W. Miller with a second by Mike Ashley to set the early voting times and locations for the November 5, 2024 General Election as set out on the attached sheet provided by Lory Harle, Elections Administrator. Motion carried 4-0. Unanimous vote in favor.

15. Discuss and take action to set the Election Day polling locations for the November 5, 2024 General Election.

Motion by Mike Ashley with a second by Gene Dolle to set the Election Day polling locations for the November 5, 2024 General Election as set out on the attached sheet provided by Lory Harle, Elections Administrator. Motion carried 4-0. Unanimous vote in favor.

16. Discuss and take action to approve the Order of Election for the November 5, 2024 General Election for County Officers.

Motion by Mike Ashley with a second by Jay W. Miller to approve the Order of Election for

the November 5, 2024 General Election for County Officers. Motion carried 4-0.
Unanimous vote in favor.

17. Discuss and take action to appoint the election judges and alternate election judges for the 2024-2026 term beginning September 1, 2024.

Motion by Mike Ashley with a second by Gene Dolle to appoint the election judges and alternate election judges for the 2024-2026 term beginning September 1, 2024 as set out on the attached sheet provided by Lory Harle, Elections Administrator. Motion carried 4-0.
Unanimous vote in favor.

18. Discuss and take action to set Sheriffs' and Constables' Fees for 2025.

Chief David Hazel informed the Court that the only fee that they would ask to change in regards to the Sheriffs' fees would be an increase for the Writs of Attachment from \$150.00 to \$200.00. Constable Tim Barnett was present to request the Court to increase the hourly rate for service on Writs over 2 hours from \$40.00/hour to \$60.00/hour.

Gene Dolle made a motion to set Sheriffs' and Constables' Fees for 2025 at the current fees with the exception of the fees for the service of Writs to increase to \$200.00 and to increase the hourly rate over 2 hours to \$60.00/hour. Motion carried 4-0. Unanimous vote in favor.

19. Discuss and take action to reappoint Sheriff Larry Webb to the Board of Trustees of Community Healthcore, ex-Officio member as per SB 632, Sheriffs on Local Boards, to serve a two-year term from September 1, 2024-August 31, 2026.

Motion by Mike Ashley with a second by Gene Dolle to reappoint Sheriff Larry Webb to the Board of Trustees of Community Healthcore to serve a two-year term from September 1, 2024-August 31, 2026. Motion carried 4-0. Unanimous vote in favor.

20. Discuss and take action to approve the purchase and installation of new carpet and vinyl flooring for the Sub-Courthouse Justice of the Peace #3 building (1,260 sq. ft.). The total cost is \$5,709.78. \$4,686.75 is to be paid from the Dedicated Fund 234-Justice Court Support Fund. The remaining balance of \$1,023.03 is to be paid from the JP3 Office Supply line item.

Motion by Mike Ashley with a second by Gene Dolle to approve the purchase and installation of new carpet and vinyl flooring for the Sub-Courthouse Justice of the Peace #3 building at a cost of \$5,709.78 with \$4,686.75 to be paid from the Dedicated Fund 234 and the remaining balance of \$1,023.03 to be paid from the JP3 Office Supply line item. Motion carried 4-0.
Unanimous vote in favor.

22. Discuss and take action approving mitigation and monitoring contracts with Environmental

Consulting Services (ESA) in connection with the Road & Bridge Department at a cost of \$39,200 for monitoring for one (1) year, a cost of \$20,900 for drilling two (2) core samples, and at a cost of \$39,900 for the recovery system.

Gene Dolle informed the Court that this is for the recovery of the gasoline that has seeped into the ground at Road & Bridge that needs to be extracted. Clint Tevebaugh and Keith Starek, Engineers with ESA, were present and informed the Court that they will need to drill two core samples for the recovery system.

Motion by Gene Dolle with a second by Mike Ashley to approve the mitigation and monitoring contracts with Environmental Consulting Services (ESA) in connection with the Road & Bridge Department at a cost of \$39,200.00 for monitoring for one (1) year, at a cost of \$20,900.00 for drilling two (2) core samples, and at a cost of \$39,900.00 for the recovery system. Motion carried 4-0. Unanimous vote in favor.

23. Discuss and take action to authorize the County Judge to sign the Remediation Assessment Report prepared by Environmental Consulting Services LLC (ESA).

Motion by Gene Dolle with a second by Mike Ashley to authorize the County Judge to sign the Remediation Assessment Report prepared by Environmental Consulting Services LLC (ESA). Motion carried 4-0. Unanimous vote in favor.

24. Discuss and take action entering into contracts with ETEX Communications as follows:

- A. A contract for engineering and installation of ethernet and fiber optic cables and associated hardware for telecommunication services to the Upshur County Courthouse in connection with the Round XII Courthouse Grant Renovation in the amount of \$345,556.56, with the initial payment in the amount of \$120,944.78.**

Larry Montgomery and Summer Putt were present with ETEX Communications to explain the contract and to answer any questions of the Court. Judge Leward LeFleur informed the Court that they had negotiated the contract from the original \$345,556.56 to the \$120,944.78 with ETEX reducing its charge significantly. He further informed the Court that ETEX will also waive their hourly rate of \$100/hour. Commissioners Court expressed their appreciation to ETEX with negotiating these fees at a reduced rate.

Gene Dolle made a motion with a second by Mike Ashley to approve the contract for engineering and installation of ethernet and fiber optic cables and associated hardware for telecommunication services to the Upshur County Courthouse in connection with the Round XII Courthouse Grant Renovation in the amount of \$120,944.78. Motion carried 4-0. Unanimous vote in favor.

- B. A contract for the provision of Courthouse WIFI for a period of 60 months at the rate of \$399.95 per month.**

Judge LeFleur informed the Court that this WIFI rate will begin at the time of relocating back to the courthouse.

Motion by Gene Dolle to approve the contract for the provision of the Courthouse WIFI for a period of 60 months at the rate of \$399.95 per month.

There was discussion regarding the upgrade of the internet services of county offices including the JP#3 as they were having issues and would require an upgrade. To do the upgrade now would be an additional cost of \$1,800.00 a month.

Gene Dolle withdrew his motion. This matter will be tabled until a later date.

21. Discuss and take possible action on the 2024-2025 Appraisal District's budget, by resolving that Upshur County Appraisal District calculate a new budget.

Gene Dolle voiced his frustration with the Upshur County Appraisal District's budget and questions regarding the Appraisal District's carryover fund balance. Gene Dolle is requesting the County Judge to draw up a resolution that other counties have adopted. He further stated that the taxing entities can reject their budget by a majority of the taxing entities of Upshur County within 30 days after they adopt their budget. No action on this matter as to allow the Auditor and Commissioner Dolle to meet with the Appraiser and talk with other taxing entities to answer questions of concern.

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

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

A,B,D,E 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);

A,B Section 551.074 and 551.0745 (personnel matters);

_____ Section 551.076 (deliberation about security audits or security devices).

TO WIT:

- A. Consideration of the Round XII Project administration in reference to the Courthouse Renovation.**
- B. Consideration of Round XII Renovation Funding and ARPA Grant requirements consistent therewith.**

- C. Consideration of progress, contracts for services and future action relative to the gasoline infrastructure failure at the Road and Bridge Department.
- D. Consideration of ETEX contracts specified in #24 above.
- E. Consideration of EBC renewal options specified in #9 above.


There was no need for the Court to go into CLOSED SESSION.

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

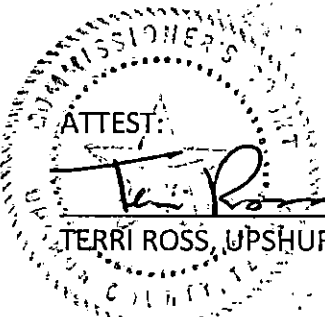
N/A

27. Adjourn.

Motion by Gene Dolle with a second by Dustin Nicholson to adjourn the meeting.
Motion carried 5-0. Unanimous vote in favor. Meeting adjourned at 11:38 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.