

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
MONDAY, SEPTEMBER 16, 2024
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Monday, September 16, 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
 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. Citizen comments.

Joan Skinner thanked the Court for listening to her prior presentation at a previous meeting regarding election integrity. She expressed her gratitude to the Commissioners Court for working with the citizens and thanked them for their service.

Kakie McCracken addressed the Court in regards to her opposition of the property tax increase and her concerns about the increase in the budget and fund balances through the years.

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; Appointment of Upshur County District Clerk; and, applications for use of Upshur County roads and rights-of way and permit requests.**

Dustin Nicholson made a motion with a second by Gene Dolle to approve items 3A-F.

Motion carried 5-0. Unanimous vote in favor.
(SEE ATTACHED)

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

Terri Ross, Upshur County Clerk, presented the Court with her Records Archive Plan for the 2024-2025 Fiscal Year. After presenting her Plan, she asked the Court to approve the Plan and allow her to continue to collect the \$10.00 fee collected from filings in the Official Public Records in her office.

PUBLIC HEARING ON THE COUNTY CLERK'S RECORDS ARCHIVE PLAN

Judge Tefteller opened the Public Hearing @ 10:20 a.m.

Judge Tefteller commended the County Clerk for the work done with the records in her office. No discussion.

Judge Tefteller closed the Public Hearing at 10:23 a.m.

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

6. Discuss and take action to approve County Holidays and Commissioner Court meeting dates for 2025.

Motion by Jay W. Miller with a second by Mike Ashley to approve the County Holidays and Commissioner Court meeting dates for 2025 as presented. Motion carried 5-0. Unanimous vote in favor.

7. Discuss and take action to approve the repair of the doors/door facings at the Upshur County Sub-courthouse (Gladewater) as well as the replacement of and addition of storm doors for the JP#3 and Constable entryways.

No action.

8. Discuss and take action to approve a Resolution (#2024-07) authorizing a County grant to Meals on Wheels Ministry.

Motion by Mike Ashley with a second by Dustin Nicholson to approve Resolution #2024-07 authorizing a County grant to Meals on Wheels Ministry. Motion carried 5-0. Unanimous vote in favor.

9. Discuss and take action to approve the transfer of \$22,000.00 from Courthouse Contingency to Inmate Food.

Motion by Gene Dolle with a second by Mike Ashley to approve the transfer of \$22,000.00

from Courthouse Contingency to Inmate Food. Motion carried 5-0. Unanimous vote in favor.

10. Discuss and take action to approve an Interlocal Agreement for Mobile CAD access between the Upshur County Sheriff's Office and Emergency Services District (ESD #1).

Motion by Mike Ashley with a second by Jay W. Miller to approve the Interlocal Agreement for Mobile CAD access between the Upshur County Sheriff's Office and Emergency Services District (ESD #1). Motion carried 5-0. Unanimous vote in favor.

11. Discuss and take action to approve the purchase of a desk chair for the Security Officer at the Courthouse with payment to be made from Courthouse Security Office Machines & Equipment (200-409-5400).

Motion by Gene Dolle with a second by Jay W. Miller to approve the purchase of a desk chair for the Security Officer at the Courthouse with payment to be made from Courthouse Security Office Machines & Equipment (200-409-5400). Motion carried 5-0. Unanimous vote in favor.

12. Discuss and take action establishing and/or modifying the purchase and servicing policies/procedures between the County and the IT Consultant Gilmer Computer Tech.

This matter will be discussed in CLOSED SESSION.

13. Discuss and take action to accept Gorman Oaks Rd. into the County Road Inventory (This road is West of Big Sandy and runs parallel with U.S. Hwy. 80. This is the road Union Pacific Railroad has built to facilitate their passing track and railroad crossing closures.); to authorize the County Judge to execute the Special Warranty Deed accepting it on behalf of the County; and, to approve a Resolution Authorizing the Acceptance and Public Dedication of Road Rights-of-Way and Improvements (#2024-08) with a record vote.

Motion by Mike Ashley with a second by Gene Dolle to table this matter. Motion carried 5-0. Unanimous vote in favor.

15. Discuss and take action to approve the Resolution (#2024-09) authorizing the filing of a Grant Application with the East Texas Council of Governments for a Regional Solid Waste Grants Program Grant for the County to host a tire pickup day for the citizens of Upshur County (not businesses) to dispose of their used tires that they have legally and properly.

Gene Dolle announced that he has been working on getting this grant through ETCOG and he will have to have this Resolution to go along with his application. Motion by Dustin Nicholson with a second by Mike Ashley to approve the Resolution (#2024-09) authorizing the filing of a Grant Application with the East Texas Council of Governments for a Regional Solid Waste Grants Program Grant for the County. Motion carried 5-0. Unanimous vote

in favor.

4. 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 on the Round XII Courthouse Grant Renovation. He informed the Court that the geo-thermal drilling is 75% complete and is expected to be complete in approximately 4 weeks. The whole renovation project is approximately 33% complete. He further advised the Court that there has been a change order issued to move around some piping under the elevator shaft. The change order will come out of contingency. He further stated that bricking is being looked at on all floors. He stated that there are some fluted panels and limestone dressing that will probably have to be replaced. He further stated that they are doing lead abatement on some of the door panels. He advised the Court that everything is going fine and ahead of schedule.

PUBLIC HEARING

Judge Tefteller opened the Public Hearing @ 10:52 a.m.

16. Discuss and take action to ratify the property tax increase reflected in the FY25 Budget which raises \$828,428 or 5.07% more from property taxes than last year's budget by record vote.

Motion by Gene Dolle with a second by Mike Ashley to discuss the property tax increase reflected in the FY25 Budget which raises \$828,428 or 5.07% more from property taxes than last year's budget.

Connie Williams, Upshur County Auditor, announced that the current tax rate is \$0.496 and the County is proposing a rate of \$0.499 which is an increase of \$.003 which translates an increase of \$3.00 on a \$100,000.00 value home. Judge Tefteller addressed the concerns of Ms. McCracken. He explained the mandates that the State Legislature imposes on the Counties of which the County has to abide. Connie Williams explained the County's fund balance currently and in the past. She further stated that the County has been able to do the courthouse renovation from savings rather than going into debt. In response to Ms. McCracken's comment regarding the surplus, Connie Williams indicated that at this time the County needs the surplus and that it is not wasted. She also expressed that the County has no choice on the State mandates. Connie Williams further stated that Upshur County is below in salaries and also below in the tax levy compared to other counties of comparable size. Connie Williams expressed to Ms. McCracken that she would be available to answer any additional questions or concerns. Ms. McCracken stated her opposition to providing indigent defense on civil cases. Judge Tefteller responded to her concerns and also offered to answer any other questions or concerns she might have after Court.

Gene Dolle moved to ratify the property tax increase reflected in the FY25 Budget which

raises \$828,428 or 5.07% more from property taxes than last year's budget. Mike Ashley made a second to the motion.

Vote as follows:

Judge Todd Tefteller	Aye
Commissioner Gene Dolle	Aye
Commissioner Dustin Nicholson	Aye
Commissioner Mike Ashley	Aye
Commissioner Jay W. Miller	Aye

Present and Not Voting: None

Motion passed by record vote 5-0. Unanimous vote in favor.

17. Discuss and take action to adopt the Fiscal Year 2025 Maintenance and Operations tax rate of \$0.499 for Upshur County by record vote.

Mike Ashley moved that the property tax rate be increased by the adoption of the tax rate of \$0.499, which is effectively a 6.28% increase in the tax rate. Jay W. Miller made a second to the motion.

Vote as follows:

Judge Todd Tefteller	Aye
Commissioner Gene Dolle	Aye
Commissioner Dustin Nicholson	Aye
Commissioner Mike Ashley	Aye
Commissioner Jay W. Miller	Aye

Present and Not Voting: None

Motion passed by record vote 5-0. Unanimous vote in favor.

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

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

 A,B 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);

 D 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 contract to replace the three (3) fuel tanks at the County Road and Bridge Department.**
- D. Consideration of the Information Technology consultant purchasing and services policy between the County and Gilmer Computer Tech.**

The Court went into **CLOSED SESSION** at 11:19 a.m.

- 19. 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 1:23 p.m.

- 14. Discuss and take action to replace the three (3) fuel tanks at Road & Bridge with two (2) new double wall fuel tanks that are in compliance with TCEQ requirements. This cost would be \$120,377.00 to be from R&B equipment line item 325-703-7003.**

Motion by Mike Ashley with a second by Dustin Nicholson to seek bids for the purchase and installation of two (2) new double wall fuel tanks that are in compliance with TCEQ requirements to replace the three (3) fuel tanks at Road & Bridge. Motion carried 5-0. Unanimous vote in favor.

Adoption of budget of \$22,261,219.00 (General and Insurance Fund).

Motion by Dustin Nicholson with a second by Gene Dolle to adopt the budget as stated and publicly published of \$22,261,219.00.

Vote as follows:

Judge Todd Tefteller	Aye
Commissioner Gene Dolle	Aye
Commissioner Dustin Nicholson	Aye
Commissioner Mike Ashley	Aye
Commissioner Jay W. Miller	Aye

Present and Not Voting: None

Motion passed by record vote 5-0. Unanimous vote in favor.

16. Discuss and take action to ratify the property tax increase reflected in the FY25 Budget which raises \$828,428 or 5.07% more from property taxes than last year's budget by record vote.

Gene Dolle made a motion to ratify the property tax increase reflected in the FY25 Budget which raises \$828,428 or 5.07% more from property taxes than last year's budget. Mike Ashley made a second to the motion.

Vote as follows:

Judge Todd Tefteller	Aye
Commissioner Gene Dolle	Aye
Commissioner Dustin Nicholson	Aye
Commissioner Mike Ashley	Aye
Commissioner Jay W. Miller	Aye

Present and Not Voting: None

Motion passed by record vote 5-0. Unanimous vote in favor.

17. Discuss and take action to adopt the Fiscal Year 2025 Maintenance and Operations tax rate of \$0.499 for Upshur County by record vote.

Mike Ashley moved that the property tax rate be increased by the adoption of the tax rate of \$0.499, which is effectively a 6.28% increase in the tax rate. Jay W. Miller made a second to the motion.

Vote as follows:

Judge Todd Tefteller	Aye
Commissioner Gene Dolle	Aye
Commissioner Dustin Nicholson	Aye
Commissioner Mike Ashley	Aye
Commissioner Jay W. Miller	Aye

Present and Not Voting: None

Motion passed by record vote 5-0. Unanimous vote in favor.

22. 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 1:32 p.m.



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.