

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
TUESDAY, OCTOBER 15, 2019  
9:00 AM REGULAR SESSION**

**Commissioners met in regular session. Paula Gentry was not present.**

**1. Invocation and Pledges**

Prayer said by Judge Tefteller  
Pledges led by Dustin Nicholson

**2. Consider and take action on approval of:**

- A. The minutes of previous meeting:**
- B. Payroll changes:**
- C. Payroll:**
- D. Budget amendments:**
- E. Accounts payable:  
Expense Approval Report:**
- F. Accept for recording: Auditor reports; Treasurer reports; Bonds;  
Oaths; Deputations; Certificates; refund of overpayment or  
erroneous tax payments in excess of \$2500.00; Government  
Obligation Contract between Upshur County and Isuzu Finance  
of America, Inc. (dump trucks); Interlocal Cooperation  
Agreement between Wood County and Upshur County (house  
inmates); Certificate of Liability Insurance for Wood County  
Asphalt, Ltd.; and applications for use of Upshur County roads  
and rights-of-way and permit requests.**

Motion to approve and record items A-F made by Dustin Nicholson

Second by Jay Miller

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

Copies attached.

- 3. Discuss and take action to terminate the burn ban, allow it to continue as it is presently issued to end October 16, 2019 at 6 p.m. or to extend the burn ban due to the continued need of the unincorporated areas of the County for protection from outdoor burning.**

Motion to lift the burn ban immediately made by Frank Berka

Second by Jay Miller

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

Copy attached.

- 4. Discuss and take action to approve the request from the Yulefest Committee to use the Courthouse lawn for the annual Yulefest celebration on December 7, 2019.**

Motion to allow the Yulefest Committee to use the Courthouse lawn for the annual Yulefest on December 7, 2019 made by Frank Berka

Second by Dustin Nicholson

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

- 5. Discuss and take action to approve a corrected Donation Agreement between Mr. and Mrs. Hartnett and Friends of Upshur County Library.**

Motion to approve the corrected agreement made by Dustin Nicholson

Second by Jay Miller

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

- 6. Discuss and take action to approve and accept a donation from the Friends of Upshur County Library of the following items:**
- A. 12 LED 2' x 4' drop ceiling lights to be installed over the teen area and study rooms at the Library;**
  - B. Two (2) ceiling fans for the teen area; and**
  - C. Installation services for the above items.**

Motion to approve the donation from the Friends of the Upshur County Library for the items listed above made by Jay Miller

Second by Dustin Nicholson

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

- 7. Discuss and take action to approve the purchase of a 2-drawer filing cabinet for JP3 from JP Technology Fund.**

Motion to approve the purchase of a 2-drawer filing cabinet for JP3 made by Frank Berka

Second by Dustin Nicholson

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

- 8. Discuss and take action to approve the use of the Upshur County Library for the November 5, 2019 Constitutional Amendment Election and all 2020 elections.**

Motion to approve the use of the Library for the Constitutional Amendment Election on November 5, 2019 and all 2020 elections made by Frank Berka

Second by Jay Miller

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

- 9. Discuss and take action to approve the increase of election worker pay.**

Motion to increase the election worker pay to \$9.00 for Clerk's and Alternate Judges and to \$10.00 for Judges made by Dustin Nicholson

Second by Jay Miller

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

**10. Discuss and take action to approve the purchase a copy machine for the Elections Office with payment to be issued out of the Office Machines and Equipment line.**

Motion to approve the purchase of a copy machine for the Elections Office and trade in the old machine made by Jay Miller

Second by Dustin Nicholson

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

**11. Discuss and take action to receive Certification of Additional Revenue from the Auditor for Fund 271 and to approve the increase of the FY 2020 Fund 271 Budget by \$99,908.85.**

Motion to receive Certification of Additional Revenue from the Auditor for Fund 271 and increase the FY 2020 Budget by \$99,908.85 made by Dustin Nicholson

Second by Frank Berka

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

Copy attached.

**12. Discuss and take action to approve the installation of NO TRUCK signs on Bluebird Road.**

Motion to approve NO TRUCK signs between Hwy 300 and Hwy 271 on Bluebird Road made by Jay Miller

Second by Dustin Nicholson

Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.

Motion approved.

**13. Discuss and take action to establish the length of Sandpiper Road.**

Motion to declare all of Sandpiper Road to be County Road made by Dustin Nicholson  
Second by Jay Miller  
Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.  
Motion approved.

**14. Discuss and take action to approve the 2020 Upshur County Resolution on Indigent Defense Grant Program.**

Motion to approve the 2020 Upshur County Resolution on Indigent Defense Grant Program made by Jay Miller  
Second by Dustin Nicholson  
Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.  
Motion approved.  
Copy attached.

**15. Discuss and take action to made nominations to the Upshur County Appraisal District Board of Directors by the October 15 deadline.**

Motion to nominate Jay Miller and Huey Mitchell to the Upshur County Appraisal District Board of Directors made by Frank Berka  
Second by Dustin Nicholson  
Dustin Nicholson, Frank Berka, Jay Miller and Judge Tefteller voted for.  
Motion approved.

**16. Discuss and take action to accept the resignation of Constable Ronnie Mitchell and to move forward on appointment of a Constable for Precinct 3.**

Table accepting the resignation of Constable Ronnie Mitchell and reconsider the matter on November 15<sup>th</sup> Commissioners Court Meeting.

Motion to request applications until November 14, 2019 at 5:00pm to fill the position of Constable for Precinct 3 made by Frank Berka  
Second by Dustin Nicholson  
Motion approved.

**18. The Court will go into CLOSED/EXECUTIVE SESSION to discuss personnel matters pertaining to awarding an IT contract and/or discuss hiring an IT manager pursuant to V.T.C.A. 551.074(a)(1) et. Seq.**

**19. Discuss and take action creating an IT Department and/or awarding an IT contract to one of the proposals submitted to the County Commissioners Court on September 16, 2019.**

Motion to award the IT contract to GeekyourPC made by Jay Miller

Second by Dustin Nicholson

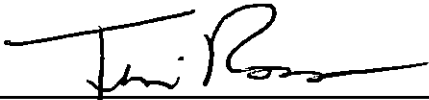
Dustin Nicholson and Jay Miller voted for.

Judge Tefteller and Frank Berka voted against.

Motion failed due to tie 2-2.

This item will be put back on the agenda for October 31, 2019.

**20. Adjourn.**



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.

