

04/14/2022 Regular Session

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
THURSDAY, APRIL 14, 2022
10:00AM REGULAR SESSION**

Commissioners met in regular session with all members present.

1. Invocation and Pledges

Prayer said by Gene Dolle

Pledges said by Dustin Nicholson

2. Consider and take action on approval of:

A. The minutes of the 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; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; Certificate of Liability Insurance for Rite Construction & Roustabout Services, LLC; Certificate of Liability Insurance for 5 O'Clock Ranch Gilmer Texas LLC; Resolution of the Upshur County Commissioner's Court (RE: nominee to fill vacancy on Upshur County Appraisal District Board of Directors); and applications for use of Upshur County roads and rights-of-way and permit request.

Motion to approve and record items A-D & F made by Mike Ashley

Second by Jay W. Miller

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge

Tefteller voted for.

Motion approved.

Copies attached.

Motion to approve and record item E made by Gene Dolle
Second by Mike Ashley
Gene Dolle, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Dustin Nicholson abstained, due to conflict of interest.
Motion approved.
Copies attached.

3. Discuss and take action to approve use of the parking lot at the IT Building (GNB drive-thru) for the Juneteenth Car and Tractor Show on Saturday, June 18, 2022.

Motion to approve the use of the parking lot at the IT Building for the Juneteenth Car and Tractor Show on June 18, 2022 made by Mike Ashley
Second by Dustin Nicholson
Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.

4. Discuss and take action to approve use of the parking lot at the IT Building (GNB drive-thru) by the Coffee & Cars Car Club for their 1st Saturday Car Show on May 7, 2022. They are ordinarily on the Square but the Cherokee Rose Festival will be using their space that day.

Motion to approve use of the parking lot at the IT Building by the Coffee & Cars Car Club for their 1st Saturday Car Show on May 7, 2022 made by Gene Dolle
Second by Jay W. Miller
Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.

- 5. Discuss and take action to approve use of the Courthouse Square by Upshur County CPS, CASA, Child Welfare Board, BACA (Bikers Against Child Abuse) and Gilmer Area Chamber of Commerce on April 28, 2022 from 10 a.m. to 2 p.m. for Child Abuse Awareness.**

Motion to approve use of the Courthouse Square by Upshur County CPS, CASA, Child Welfare Board, BACA (Bikers Against Child Abuse) and Gilmer Area Chamber of Commerce on April 28, 2022 from 10 a.m. to 2 p.m. for Child Abuse Awareness made by Dustin Nicholson

Second by Gene Dolle

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

- 6. Discuss and take action to approve entering into a Modification of Intergovernmental Agreement between the US Marshals Service and Upshur County for housing of their prisoners.**

Motion to approve entering into a Modification of Intergovernmental Agreement between the US Marshals Service and Upshur County for housing their prisoners made by Jay W. Miller

Second by Mike Ashley

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

- 7. Discuss and take action to approve closing the library on all election days that it would be used as a polling place – National, State and County-wide election days.**

Motion to approve closing the library on all election days that it would be used as a polling location for National, State and County-wide elections made by Dustin Nicholson

Second by Jay W. Miller

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

8. Discuss and take action to appoint Upshur County Sick Leave Pool Board members.

Motion to appoint Brittany Bunn to a one year term on the Upshur County Sick Leave Pool Board made by Dustin Nicholson

Second by Gene Dolle

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

Copy attached.

9. Discuss and take action to approve the Upshur County Investment Policy for 2021-2022.

Motion to approve the Upshur County Investment Policy for 2021-2022 made by Mike Ashley

Second by Gene Dolle

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

Copy attached.

10. Discuss and take action to approve the signing of a Memorandum of Understanding between the Texas State Library and Archives Commission and Upshur County pertaining to the awarding of a training position at Family Place Training online for Kari Dunn.

Motion to approve the online training for Kari Dunn to be paid with a grant from the Texas State Library and Archives Commission made by Mike Ashley

Second by Jay W. Miller

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

Copies attached.

11. Discuss and take action to take into the County Road Inventory less than 0.3 tenths of a mile of Allen Road (Pct. 3 just off of Almond Road).

Motion to take into the County Road Inventory less than 0.3 tenths of a mile of Allen Road in Pct. 3 just off of Almond Road made by Mike Ashley
Second by Gene Dolle

Gene Dolle, Mike Ashley and Judge Tefteller voted for.

Jay W. Miller and Dustin Nicholson voted against.

Motion approved.

12. Discuss and take action:

- A. To establish or adopt a plan for the March 2022 storm debris remediation; to wit:**
 - i). at defined rates for same, to wit: FEMA rates or such other uniform rates for contractors and equipment use;**
 - ii). Create a method or a system for approval of contractors to remediate and/or remove storm debris, including requirements for doing the work such as bonds, w-9 and proof of insurance, etc.; and**
 - iii). Take any such other action as may be necessary to finance the costs of same, from the ARPA Grant funds or otherwise.**

Commissioner Dustin Nicholson left the Courtroom due to Conflict of Interest.

- A. Motion to adopt a plan to remediate the March 2022 storm debris:**
 - i). Based on the existing and established FEMA rates reimbursements with a 10 percent variance or with approval for anything over that amount.**
 - ii). Each contractor must provide a w-9, for each of their employees and proof of liability insurance for not less than \$1,000,000.00 and provide a general list of equipment they can utilize if called upon.**
 - iii). To fund all the storm debris clean-up, including what's already been done, out of the ARPA grant made by Gene Dolle**
- Second by Jay W. Miller
Gene Dolle, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.

13. Discuss and take action to approve a RESOLUTION IN SUPPORT OF UPSHUR COUNTY COURTHOUSE RENOVATION ROUND XII APPLICATION.

Motion to approve Resolution in Support of Upshur County Courthouse Renovation Round XII Application made by Jay W. Miller
Second by Dustin Nicholson
Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.

14. Discuss and take action to award the school land surface lease.

Motion to renew the lease with Rob Stewart (Calthan Cattle Company, LLC) made by Dustin Nicholson
Second by Jay W. Miller
Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.
Motion approved.

15. The Court will go into CLOSED SESSION under Texas Open Meetings Act, Texas Government Code, Chapter 551 Section 551.074(1) (Personnel Matters)

- A. Consider personnel matters (appointments, leaves, reassignments, resignations, retirements, termination, termination of probationary contracts, contract extensions); and**
- B. Consider Security issues as authorized under Texas Government Code, Chapter 551.074(a)(1) and 551.076.**

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

Court re-convened at 12:50 to open session with Item 15.
No action taken.

17. **Discuss and take action to appoint a new member to the Emergency Services District Board #1 created by the resignation of Mike Fennell.**

Motion to appoint Bobby Jenkins to the Emergency Services District Board #1 made by Gene Dolle

Second by Dustin Nicholson

Gene Dolle, Dustin Nicholson, Mike Ashley, Jay W. Miller and Judge Tefteller voted for.

Motion approved.

18. **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.

