

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

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Tuesday, January 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 10:03 a.m.

1. Invocation and Pledges

Prayer was led by Gene Dolle.

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

2. 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 reports; Treasurer reports; Bonds; Oaths; Deputations; Certificates; State and County Taxes Summary; refund of overpayment or erroneous tax payments in excess of \$2500.00; Racial Profiling Report for Constable Pct. 1; Racial Profiling Report for Constable Pct. 4; Racial Profile Report for Sheriff's Office; and applications for use of Upshur County roads and rights-of way and permit requests.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve items A-F.

Motion carried 5-0. Unanimous vote in favor.

(SEE ATTACHED)

3. DISCUSSION ITEM: Discuss whether or not to adopt a policy prohibiting the discharge of weapons within any platted subdivisions.

Michael Wilson was present to address the Court regarding this item. He expressed that there is plenty of state law that addresses this issue and his personal opinion is that he doesn't feel that the county should take upon trying to regulate any additional restrictions

for only parts of the county. He suggested that perhaps this individual who brought this before the Court, would get all or the majority of the residents where he lives, to petition the county to make it a regulation for just their subdivision. He further stated that he doesn't feel that the county should have a blanket regulation that every platted subdivision of the county can't use a firearm. Sherri Heckendorn was also present to address the court regarding this issue. She also believes that there are laws that address this issue and since Upshur County is a 2nd amendment county, she doesn't feel that the court should limit 2nd amendment rights.

Each member of the Court shared their opinion of this matter and each member indicated that they were not for the Court to try to regulate gun control.

Sheriff Webb was present and also informed the Court that these complaints were investigated and if there were any charges to be filed, he would file with the District Attorney.

4. DISCUSSION ITEM: Discuss oil, gas or surveying companies putting survey stakes on the Upshur County School Land.

Jay W. Miller informed the Court that the oil and gas company had abandoned their lease on the Upshur County School land about three years ago and just left their equipment. Jay W. Miller is suggesting that the Court notify the company to either come get their equipment or allow the Court to auction it off or to do whatever legally can be done. He also informed the Court that someone has surveyed the property. Dustin Nicholson commented that when a well is abandoned, the equipment goes back to the Railroad Commission. His comment was confirmed by Richard Ridgeway who was also present at the meeting. Dustin Nicholson suggested that the county reach out to the Railroad Commission and provide them with the well names to see if they are active or not. Judge Tefteller commented that he had been in touch with the John L. Clark Company. Judge Tefteller was informed that the well was abandoned and that the county is free to enter into a new lease with another company. The tenant on the property informed Judge Tefteller that he would do more investigation as to the survey stakes and get back to the Court.

5. Discuss and take action to approve the certification of additional revenue for the sale of scrap metal.

Motion by Jay W. Miller with a second by Dustin Nicholson to approve the certification of additional revenue for the sale of scrap metal by the Road and Bridge Department. Motion carried 5-0. Unanimous vote in favor.

6. Discuss and take action to set the early voting times and locations for the March 5, 2024 Primary Elections.

Lory Harle, Elections Administrator, suggested that the early voting times be set as follows:

February 20 – 23, 2024 from 8:00 a.m. – 5:00 p.m.
February 24, 2024 from 7:00 a.m. – 7:00 p.m.
February 25, 2024 from 9:00 a.m. – 3:00 p.m.
February 26 – March 1, 2024 from 7:00 a.m. – 7:00 p.m.

Motion by Mike Ashley with a second by Gene Dolle to approve and set the early voting times and locations for the March 5, 2024 Primary Elections as stated and shown on the attached list. Motion carried 5-0. Unanimous vote in favor.

7. Discuss and take action to set the Election day polling locations for the March 5, 2024 Primary Elections.

Lory Harle, Elections Administrator, read to the Court the election day polling locations for the March 5, 2024 Primary Elections for recording purposes. The locations are as follows:

Indian Rock Baptist Church
East Mountain Community Center
Glenwood Water Department
Ashland Masonic Lodge #1138
Assembly of God Church (n/k/a Redemption Worship Center)
Walnut Creek Baptist Church
Ore City Community Center
Frontier Cowboy Church
Big Sandy Civic Center
Pritchett Community Center
St. James Baptist Church
Enon Community Center
Oak Hill Baptist Church
Rosewood Baptist Church
Upshur County Library

Motion by Dustin Nicholson with a second by Gene Dolle to approve the Election day polling locations for the March 5, 2024 Primary Elections as stated and as shown on the attached list. Motion carried 5-0. Unanimous vote in favor.

8. Discuss and take action authorizing Road & Bridge Department to make needed repairs to private property to correct drainage and other deficiencies on Cardinal Road.

Gene Dolle and Phil Stegall, Road and Bridge Administrator, informed the Court that beavers have caused drainage issues resulting in needed repairs to private property on Cardinal Road. Phil Stegall informed the Court that he received an email from the property owner, Janie Gavin, giving permission for the Upshur County Road and Bridge Department to enter onto her property to hunt or trap the beavers. Billy Byrd, Upshur County District Attorney, was present and informed the Court that they enter onto private property since it is effecting the drainage of the ditch to navigate that water sufficiently into a natural flow or

body of water to naturally drain. He further advised the Court to send proper notice to the land owner by certified mail as set out in the Transportation Code and that 20 days have to pass before entering onto that property. Motion by Gene Dolle with a second by Jay W. Miller to authorize the Upshur County Road and Bridge Department to enter onto the private property on Cardinal Road to fix the drainage problem caused by beavers conditioned upon the landowner receiving certified mail notice of what the county is going to do 20 days in advance of any time any action is taken. Motion carried 5-0. Unanimous vote in favor.

9. Discuss and take action to approve the proposal/contract with ESA Consulting Services LLC to oversee and direct dirt and soil excavation from the County Central Barn facility under EPA Directives.

Motion by Gene Dolle with a second by Mike Ashley to approve the proposal/contract with ESA Consulting Services LLC to oversee and direct dirt and soil excavation from the County Central Barn facility under EPA Directives. Motion carried 5-0. Unanimous vote in favor.

10. 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 Tefteller updated to those present that there has already been work started at the courthouse even though the official date is scheduled for January 22, 2024.

No need for the Court to go into closed session.

11. 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);

 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 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, if necessary.

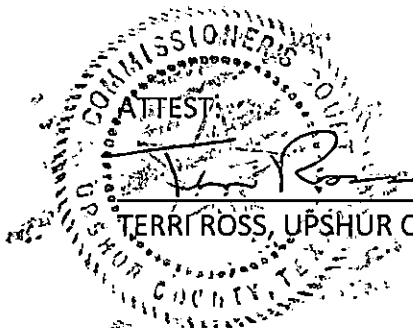
11. The Court will re-convene into open session and take any action necessary as a result of Executive Session.

The Court did not convene into closed session.


12. Adjourn.

Motion by Mike Ashley with a second by Gene Dolle to adjourn the meeting.

Motion carried 5-0. Unanimous vote in favor. Meeting adjourned at 11:13 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.