

**COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS
WEDNESDAY, JANUARY 31, 2024
10:00 A.M. REGULAR SESSION**

A regular meeting of the Commissioners' Court of Upshur County, Texas was held on Wednesday, January 31, 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 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. Consider and take action on approval of:

- A. The minutes of the 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; 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. Discuss and take action to accept for recording the correction plat for Settles Stomp subdivision.

Motion by Jay W. Miller with a second by Dustin Nicholson to accept for recording the correction plat for Settles Stomp subdivision. Motion carried 5-0. Unanimous vote in favor.

- 4. Discuss and take action to accept for recording the plat for 3M Settles Subdivision. This action does not approve the roads of this plat. They are to be maintained by the property owner.**

Motion by Jay W. Miller with a second by Gene Dolle to accept for recording the plat for 3M Settles Subdivision. Motion carried 5-0. Unanimous vote in favor.

- 5. Discuss and take action to accept for recording the plat for Genesis Subdivision.**

Motion by Dustin Nicholson with a second by Jay W. Miller to accept for recording the plat for Genesis Subdivision. Motion carried 5-0. Unanimous vote in favor.

- 6. Discuss and take action to approve an Interlocal Agreement Between Upshur County and Texas Division of Emergency Management for the purpose of facilitating the provision of emergency services.**

Motion by Mike Ashley with a second by Dustin Nicholson to approve the Interlocal Agreement between Upshur County and Texas Division of Emergency Management for the purpose of facilitating the provision of emergency services. Motion carried 5-0. Unanimous vote in favor.

- 7. Discuss and take action to approve and accept for recording the Internal Audit Report for the Upshur County Jail Commissary FY 23.**

Motion by Gene Dolle with a second by Mike Ashley to approve and accept for recording the Internal Audit Report for the Upshur County Jail Commissary FY 23. Motion carried 5-0. Unanimous vote in favor.

- 8. Discuss and take action to approve the certification of \$10,922.40 additional revenue for the sale of scrap metal to be used by Road & Bridge Department for Road Equipment.**

Motion by Dustin Nicholson with a second by Gene Dolle to approve the certification of \$10,922.40 additional revenue for the sale of scrap metal to be used by Road & Bridge Department for Road Equipment. Motion carried 5-0. Unanimous vote in favor.

- 9. Discuss and take action to approve the certification of additional revenue from the Keeter Foundation in the amount of \$20,000.00.**

Motion by Mike Ashley with a second by Gene Dolle to approve the certification of additional revenue from the Keeter Foundation in the amount of \$20,000.00. Motion carried 5-0. Unanimous vote in favor.

- 10. Discuss and take action to approve the \$35 passport application fee to be collected by the District Clerk to be dedicated to the General Fund to the credit of the District Clerk fees**

account in the general fund.

Motion by Mike Ashley with a second by Dustin Nicholson to approve the \$35.00 passport application fee to be collected by the District Clerk to be dedicated to the General Fund to the credit of the District Clerk fees account in the general fund. Motion carried 5-0. Unanimous vote in favor.

- 11. Discuss and take action to approve the Resolution (#2024-01) for Grant Application #2052817 for the Upshur County Family Violence Intervention Program Project for the 2024-2025 grant year.**

Motion by Mike Ashley with a second by Gene Dolle to approve the Resolution (#2024-01) for Grant Application #2052817 for the Upshur County Family Violence Intervention Program Project for 2024-2025 grant year. Motion carried 5-0. Unanimous vote in favor.

- 12. Discuss and take action to approve the Resolution (#2024-02) for Grant Application #2912107 for the Upshur County Victim Services Project for the 2024-2025 grant year.**

Motion by Gene Dolle with a second by Dustin Nicholson to approve the Resolution (#2024-02) for Grant Application #2912107 for the Upshur County Victim Services Project for the 2024-2025 grant year. Motion carried 5-0. Unanimous vote in favor.

- 13. Discuss and take action on proposed changes to the existing interlocal agreements between Upshur County and Local School Districts regarding the Assessment and Collection of School Taxes.**

No action as this matter will be covered in item 14) below.

- 14. Discuss and take action to accept notices from Big Sandy ISD, Union Grove ISD and Harmony ISD that the interlocal agreements in existence for the collection of school taxes is cancelled.**

Judge Tefteller stated into the record that currently Upshur County is under interlocal agreements with all three school districts dated 1991. He further stated that the current interlocal agreements say Upshur County will collect the school districts' taxes and the County will select the law firm to collect those taxes. He further stated that those current agreements further say Upshur County is to pay the actual cost of collections at \$1.00 per tract cap. He stated that when the Upshur County Tax Assessor was going through her records, she proposed to update the interlocal agreements in 2023. Three districts sent back counter proposals indicating that they wanted to get to pick their lawyers for collection of taxes. Judge Tefteller also stated there was then discussion after discussion that Upshur County was cancelling those interlocal agreements.

Court recessed due to technical difficulties with the audio recording device. Mike Ashley was absent after recessing.

Court reconvened at 12:42 p.m. to continue discussion. Connie Williams, Upshur County Auditor, expressed concerns regarding the additional costs with the ACT software and that the County does not have the budget to pay these additional costs should the three school districts not pay these additional costs.

Judge Tefteller presented a new proposed interlocal agreement to the Court. Jay W. Miller made a motion with a second by Dustin Nicholson to cancel the existing interlocal agreement for the collection of taxes dated 1991 conditioned upon those three school districts, i.e., Harmony, Union Grove, and Big Sandy signing a new interlocal agreement wherein they agree to reimburse Upshur County the costs of collection. Motion carried 4-0. Unanimous vote in favor.

15. 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.

Dustin Nicholson announced that he had spoken with Judge Leward LeFleur and that an abatement company has been selected to get rid of the asbestos. He also announced that law library books, pews, and jury chairs are being removed.

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

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

_____ 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);

C,D Section 551.074 and 551.0745 (personnel matters);

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

TO WIT:

- A. Consideration of contracts being negotiated in connection with the Round XII Courthouse Renovation.**
- B. Consideration of terms and conditions of the contract between Upshur County and J.C.**

- Stoddard Const. Co. relative to the Round XII Courthouse Renovation.**
- C. Discussion of Interlocal agreements between Upshur County and Local School Districts regarding the assessment and collection of school taxes, i.e., the terms and conditions of any proposed new interlocal agreements which incorporate County Policy on collection of School taxes (the actual costs of collection).**
 - D. Discussion of payment of health care related costs due on behalf of Upshur County employees and dependents through the County 3rd Party Administrator.**


No need to go into CLOSED SESSION.

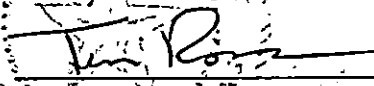
- 17. The Court will re-convene into open session and take any action necessary as a result of Executive Session.**

N/A

- 18. Adjourn.**

Motion by Dustin Nicholson with a second by Jay W. Miller to adjourn the meeting.
Motion carried 4-0. Unanimous vote in favor.



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.