

Van Buren County Board of Road Commissioners
Wednesday, September 5, 2018
Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 5th day of September, 2018 at 7:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session in the offices in Lawrence, Michigan.

PRESENT: Road Commissioners Askew, Boze, Kinney, and Svilpe
Engineer-Manager Lawrence B. Hummel, P.E.
Board Secretary-Finance Director Linnea Rader
Operations Director Greg Brucks
Administrative Assistant Jill Brien

GUESTS: County Commissioner Freestone
County Commissioner Doroh

ABSENT: Road Commissioner Burleson

Chairman Svilpe called the meeting to order at 7:00 PM.

Kinney requested that Item #23 (Kinney's Request for a different written legal opinion from our retained lawyer, Attorney Kelly Page, with specific citations to his opinion of controlling authority) and Item #17(a) (Kinney's Service Requests dated 8/23/18 regarding missing and existing street name signs) be deleted. In addition, Kinney withdrew his first request for a written legal opinion on missing street name signs.

Kinney's requested revisions to the summary minutes were reviewed. Corrections/deletions were made to the Official Minutes. Motion by Kinney, seconded by Boze to approve the minutes, as revised.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

The meeting was open to public comment. None was received.

Board Secretary-Finance Director Rader provided a review of the operating budgets and operating fund. Motion by Kinney to amend the budget to transfer approximately \$56,000 from Capital Expenditures to Maintenance to replace missing street name signs. Roll call vote:

Askew: No
Boze: No
Svilpe: No
Kinney: Yes

AYES: 1
NAYS: 3
ABSENT: 1
MOTION DEFEATED.

The following bids were opened at 7:30 PM:

HMA base crushing and shaping segments on the following roads: CR380, CR376, and CR374:

Caporossi Construction	\$301,360.60
Langlois & Sons Excavating	\$507,646.00
Brad Thomas Excavating	\$266,593.00
Krohn Excavating	\$227,710.00
Brenner Excavating	\$305,280.80
Kalin Construction	\$352,045.00
Ten Mile Creek Excavating	\$400,941.00

Motion by Boze, seconded by Askew to authorize the Engineer-Manager to award, in the best interest of the Van Buren County Road Commission, upon tabulation and review by Engineering staff.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Moved by Boze, seconded by Askew to approve the following Road Commission Vouchers:

Voucher #2050	\$108,983.79
Voucher #2051	\$584,381.01

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Engineer-Manager updated the Board on the award of bids as follows, in the best interest of the Van Buren County Road Commission:

- 47.50th Street over Melvin Creek, Columbia Township, Brad Thomas Excavating
- Underbody Scraper Blades, all bidders with Michigan CAT as primary supplier, and St. Regis Culvert as secondary supplier.

Engineer-Manager reviewed the Anti-Nepotism Policy presented at the last regular meeting. No revisions/additions were recommended. Motion by Boze, seconded by Askew to adopt the Policy as follows:

Anti-Nepotism Policy
Policy No. 2018-03

Policy Statement

The Van Buren County Road Commission permits the employment of qualified individuals who are related to current employees, and appointed officials, as long as such employment in the same department does not create an indirect, or direct supervisor-subordinate relationship, and/or does not create a conflict of interest, or the appearance of a conflict of interest.

General

Employees related to one another are not eligible for employment in the same department, or related departments, where potential problems of supervision may exist, as determined by the Engineer-Manager. This Policy also applies to close personal relationships.

If two employees become related, or establish a close personal relationship where the potential problems noted above may exist, both may remain until the potential, or actual conflict of interest can be eliminated. Unless one employee wishes to voluntarily leave the department, the decision as to which employee will remain in the department will be made by the Engineer-Manager within 90 days.

Definitions

Relative, Family Member, Close Relationship	Includes, but is not limited to parent, child, spouse, brother, sister, step relation, in-law relation, foster relation, grandparent, aunt, uncle, niece, nephew, significant other or a person living in the same household.
Supervisor-Subordinate	Manage, direct, lead, or evaluate an employee.
Household	Those sharing a common dwelling.

Direct Supervisor	One who assigns work, trains, evaluates the performance of, counsels, or has regular and routine control over another employee's performance and the success of his or her work effort.
Indirect Supervisor	An employee is in a position to routinely have the ability to influence a direct relationship between an employee and his or her supervisor or the perceived success of the employee's work effort.
Department	Engineering, Field Operations, Fleet Services, Administration, and Board.
Conflict of Interest	Vested interest in performance of individual, financial gain, or lack thereof, based on an employee's performance, or from any business or enterprise relationships.

Application

This Policy applies to all full-time, permanent positions. It applies not only to initial hiring, but must be considered when assigning, transferring, or promoting an employee.

Exemptions

All employees in the above-described situation prior to the adoption of this Policy shall be allowed to continue in their current positions. This Policy does not apply to seasonal employees, temporary, or other non full-time positions.

AYES: 4
NAYS: 0
ABSENT: 1
POLICY ADOPTED.

Hummel presented information to the Board regarding Knight Watch proposals' for key card access and security to Road Commission facilities, and why the quote was sought. Motion by Askew, seconded by Boze to approve Knight Watch's proposal for access and security in the amount of \$17,351.00.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Motion by Boze, seconded by Askew to approve the following Resolution:

RESOLUTION 2018-18 **IMPOSING 80/20 HEALTH CARE RULE**

WHEREAS: Public Act 152 of 2011 sets a "hard cap" limiting the amount public employers can contribute towards the cost of employees' health care benefits; and,

WHEREAS: By a majority vote of its governing body, a local government can opt to comply with an alternate 80/20 provision in the law and cap its costs at 80%; and,

WHEREAS: By a two-thirds vote taken annually, a local government can exempt itself entirely from the law for the next year.

NOW, THEREFORE, BE IT RESOLVED: That the Board of County Road Commissioners of Van Buren County, by a majority vote, hereby opts to comply with the alternate 80/20 provision in the law and cap the Road Commission's costs at 80%, and its employees' costs at 20% for the year 2019.

IT IS FURTHER RESOLVED: That the above alternate provision shall apply to all Road Commission employees.

AYES: 4
NAYS: 0
ABSENT: 1
RESOLUTION ADOPTED.

Motion by Boze, seconded by Askew to approve MDOT Form 2067, Annual Certificate of Employee-related Conditions, which certifies that medical benefits are offered to employees in compliance with the publically funded health insurance contribution act, 2011 PA 152.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Engineer-Manager Hummel lead discussion regarding a draft failed condition road policy. Kalamazoo County is the only known county utilizing such a Policy, and it is a failed local road policy, whereas the draft policy we see today does not differentiate between local roads and primary roads. Administration will re-work several items, contact the Kalamazoo County Road Commission for clarification as to certain items, and will bring the draft policy back to the Board at a future regular meeting.

Discussion held regarding Road Commissioners' Code of Conduct, which was recommended by the County Road Association of Michigan. Recommended by Hummel to take action if no further thoughts, comments or suggestions. Motion by Askew, seconded by Boze to adopt the Code of Conduct as follows:

ROAD COMMISSIONERS' CODE OF CONDUCT Policy 2018-04

The Road Commissioners of Van Buren County will conduct themselves lawfully, with integrity and high ethical standards. In addition, a Road Commissioner:

1. Will attend as many Board meetings as possible, informed of concerning issues. He or she will inform the Engineer-Manager of any impending absences.
2. Shall exercise his or her obligation to vote upon issues at hand, unless a conflict of interest is present.
3. Will not personally direct any part of the operational organization.
4. Will work with other Road Commissioners to establish effective policy, and delegate authority for administration to the Engineer-Manager.
5. Will participate in strategic planning for the Road Commission, which will collectively assist administration in setting an overall direction for the Road Commission.
6. Shall support the employment of those individuals best qualified to serve as employees, and support the managing staff, as may be necessary, with regard to regular, impartial evaluations of employees.
7. Shall avoid being placed in a position of a conflict of interest, and refrain from using the Board position for personal or partisan gain.
8. Will maintain confidentiality appropriate to sensitive issues and information that otherwise may tend to compromise the integrity or legal standing of the organization; especially those matters discussed in a closed session that is privileged under applicable law.

AYES: 4
NAYS: 0
ABSENT: 1
POLICY ADOPTED.

Motion by Svilpe, seconded by Askew to authorize Hummel and Rader to serve as Officer and Alternate Delegates at the 2018 MERS Annual Conference.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Kinney provided information regarding his Service Request to replace the missing stop sign at 40th Street south of 80th Avenue, and regarding damaged yield sign near 44th Street and Stapleton Road intersection. Rader relayed that a stop sign had been placed, and Brien reported that the damaged yield sign had been repaired, per staff.

Road Commissioner's Township Meeting Attendance Report

From August 22nd to present:

Askew: No meetings.

Boze: No meetings.

Kinney: KATS on 29th.

Svilpe: Received call from Supervisor Chris Oxley. Received call from Roger Flammang.

Operations Director Greg Brucks reported as follows:

- Canceled sealcoat for tomorrow due to weather.
- Mowing is complete on local roads. All primary roads in the southern half of the county have been mowed, and contractor is now working on the northern half of the county.
- Contractor has one more cross-pipe road patch to pave.

Engineer-Manager reported on the following:

- CR376, Bangor Township is base paved and shouldered. Waiting for pavement marking.
- 48th Avenue, Covert Township, pipe is in and open to traffic. Waiting on HMA.
- 34th Avenue, Covert Township – both crosspipe replacements – pipe will not be delivered until beginning of October.
- Waverly Township has signed the project sheet for 36th Avenue.
- 22nd Avenue, Geneva Township, work began today. Trench, widen, aggregate surface.
- Pre-Construction meeting on Monday, September 10th for Federal Aid Projects on CR687, and on CR665.

Engineer-Manager Update(s):

- Administrative Affairs Committee Meeting, September 11th at 2:00 PM.
- 2018 County Road Association Public Relations Workshop.
- Van Buren Youth Fair Association's "Thank You" letter read by Engineer-Manager.
- Service Request Monthly Activity Report for month of August.

Legal Issues:

Legal Opinion from MCRC SIP regarding Placement or Replacement of Street Signs was discussed. Kinney stated that Attorney Henn's opinion addressed his request for a written legal opinion only as a matter of law, and not as an abuse of discretion. Kinney stated that he was still withdrawing his requests for written legal opinions.

Motion by Boze, seconded by Askew to adjourn the regular meeting at 8:41 PM to open a Regular Meeting of the Board of Public Works.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Motion by Boze, seconded by Kinney to reconvene the regular Road Commission meeting at 8:44 PM with all members being present.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

A motion was made by Askew and seconded by Boze to adjourn the Call of the Chair at 8:45 PM.

AYES: 4
NAYS: 0
ABSENT: 1
MOTION CARRIED.

Secretary

Chairman