

Van Buren County Board of Road Commissioners

December 5, 2019

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 5th day of December, 2019 at 5:00 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, Burleson, Kinney, and Moffat
Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Fleet & Facilities Superintendent Gary Rohacs
Administrative Assistant-Board Secretary Jill Brien

GUESTS: Attorney Gary Stewart
Linda Norton, Columbia Township
Steven Rogusta, Village of Breedsville
Mike Chappell, County Commissioner
Daniel Faulkner, Village of Lawrence

Chairman Boze called the meeting to order at 5:00 PM.

Motion by Kinney that Item #10, Board decision on procedure for Interim Managing Directors' bonus award and evaluation for 2019 as set forth in Policy Committee's recommendation, be moved to Item #9, and that Item #9, Evaluation of Managers, be moved to Item #10. Motion was seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Kinney to move Item #21, Legal Issues, to Item #4A. Motion was seconded by Moffat.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Kinney, seconded by Burleson to approve the Agenda, as revised.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney and seconded by Burleson to approve the minutes of the November 21, 2019 meeting as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

Legal Issues:

Attorney Stewart had no legal issues to present for the Board. The Board asked for a status update on the cell tower lease, which was provided. Attorney Stewart left the meeting.

The Chairman opened the meeting to public comment. None was received.

Finance Director's Update:

- Public Hearing for 2020 proposed budget will be held at the next regular meeting of the Board.
- Current Budget was presented to the Board for review.

Motion by Askew to approve the following Vouchers:

Voucher #2126	\$116,076.99
Voucher #2127	\$127,892.36

AYES: 5
NAYS: 0
MOTION CARRIED.

Moffat requested that a more detailed explanation be provided by Rader regarding investments at Arbor Financial Credit Union. Rader advised that this will be brought to a future meeting.

The Board reviewed recommendations of the Policy Committee as follows:

- Proposed revisions to Policy 2016-08, Budget Appropriation Act Policy. Rader explained that, upon further review, additional changes have been recommended as set forth in the Uniform Accounting Procedures Manual for County Road Commissions beyond those revisions recommended by the Policy Committee. The proposed revised Policy will be brought to the Board at a future meeting.
- Proposed revisions to Policy 2016-01, Building Code/Environmental Compliance Policy. Motion by Moffat, seconded by Kinney to amend Policy 2016-01 as follows:

**Van Buren County Road Commission
Building Code/Environmental Compliance Policy**

Policy No. 2016-01

The purpose of this Policy is to provide proper guidelines to ensure Federal, State and local environmental requirements are met.

1. Regarding the design, construction, demolition or maintenance of any Road Commission facility, the Van Buren County Road Commission's **Managing Director, Engineer-Manager, his or** designee, or its contractor will comply with federal, state and local codes and laws as required. These include but are not limited to building, plumbing, electrical, mechanical, Americans with Disabilities Act, fire & life, safety and environmental.
2. Facilities constructed prior to current laws and/or codes will be upgraded as appropriate and feasible.
3. Road Commission employees, and its contractors, will be good stewards for the environment. Practices that will positively affect the environment during design, construction, expansion, demolition and/or maintenance are encouraged.

AYES: 5
NAYS: 0
MOTION CARRIED.

- Proposed amendments to Policy 2018-04, Road Commissioners' Code of Conduct. Discussions held, in particular, regarding #7. Motion by Moffat, seconded by Kinney to amend Policy 2018-04 as follows:

Board of County Road Commissioners
of Van Buren County

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~~ **Managing Director, or designee**, of any impending absences.

2. Shall exercise ~~his or her~~ **their** 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~~ **Managing Director**.
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,~~ **or conflict of interest.**
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: 5
 NAYS: 0
 MOTION CARRIED.

- Policy on Controlled Access Corridors. Moffat provided discussion relating to the Policy Committee's recommendations that "practice and criteria" be put in place to define the corridors within Van Buren County. Anttila provided the history of the policy, and future plans and proposed revisions. Motion by Moffat, seconded by Kinney to authorize the Engineering Department to: 1) identify controlled access corridors; 2) define proposed access management criteria; 3) prepare proposed permit and review procedures, and bring these all back to the Board for further review and discussions.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Kinney provided discussion regarding his proposed procedure for Interim Managing Directors' bonus award and evaluation for 2019. Motion by Kinney to adopt the following procedures to evaluate the Interim Managing Directors for 2019 only:

Notwithstanding any other policy to the contrary, current Interim-Managing Directors of the Road Commission shall be eligible to earn an annual performance based bonus of 0-6% of their base annual 2019 salary before any increase to same approved at the Board's 11-21-19 regular meeting.

Such bonus shall be considered earned upon the Board's acceptance by majority vote of each individual Interim-Managing Director's self-evaluation and the corresponding percentage annual increase related thereto.

But, if any Interim-Managing Director's self-evaluation percentage increase is not accepted by majority vote of the Board, then vote(s) of the Board shall be taken until a majority vote of the Board agrees to said bonus between 0-6%.

Motion was seconded by Moffat.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Job Specific Self-Appraisal Forms from each of the four Managers (Highway Engineer, Finance Director, Operations Director, and Fleet & Facilities Superintendent), were distributed to the Board for review. It was the general discussion of the Board that more

time was needed to make a thorough review as the information contained within each Self-Appraisal Form was sizable. Motion by Kinney, seconded by Moffat to evaluate the Managers at the next regular meeting of the Board on December 19, 2019. Discussion ensued regarding the timing of any award in relation to the pay period in which it would be received. Also discussions held regarding the self-evaluations provided by the Managers wherein clarification was provided as to each Managers' self-rating. Kinney withdrew his Motion and stated that in view of the discussion, if the Board so desired, a decision could be made presently. Motion by Askew to approve a 4% performance based bonus of each Manager's base annual 2019 salary before any increase to same approved at the Board's 11-21-19 regular meeting. Motion was seconded by Boze.

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion held regarding the four Interim Managing Directors' stipend for 2019 in light of the duties and responsibilities taken on by each of them. A motion was made by Boze for a \$1,000.00 stipend to each of the four Interim Managing Directors for 2019. Kinney suggested a friendly amendment to the Motion to provide a stipend to each of the four Interim Managing Directors of 2.5% of the total stipends they have received to date. Discussions were held regarding a member's perception that the four Interim Managing Directors had not taken on any more responsibility than they previously held. Rader provided a brief history of stipends provided to staff and the circumstances surrounding those stipends. The Board consensus was that it was ready to vote on the amended Motion on the table. Roll call vote:

Burleson: Nay
Moffat: Aye
Kinney: Aye
Boze: Nay
Askew: Nay
MOTION FAILED.

The Board consensus was that it was ready to vote on the original Motion on the table. Roll call vote:

Moffat: Nay
Kinney: Nay
Boze: Aye
Askew: Aye
Burleson: Nay
MOTION FAILED.

Motion by Moffat to postpone further discussion until the next regular meeting on December 19, 2019. Motion seconded by Kinney.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Board signed the coversheet for work on CR653 from the I94 Bridge to Red Arrow Highway, trench, widen, crush and shape, HMA paving, pavement markings, permanent signage, restoration and storm sewer. Anttila provided discussion regarding the job for the Board's information.

Discussion continued regarding past staff stipends awarded by the Board. Kinney requested that Rader provide proof of past staff stipends at the next regular meeting as examples. In addition, the Board requested that the four Interim Managing Directors provide a record of the tasks that they do as an Interim Managing Director on a daily basis so that the Board has an objective basis upon which to evaluate their extra work, meetings attended, etc.

Discussion regarding the scheduling of 2020 Regular Meetings of the Board. Motion by Moffat, seconded by Kinney to schedule Regular Meetings of the Board of County Road Commissioners of Van Buren County at 5:00 PM, unless noticed otherwise, as follows:

January 9 **at 4:00 PM**

January 23

February 6 and 20

March 5 and 19

April 2 and 16

May 6 and 20

June 3 and 17

July 8 and 22

August 5 and 19

September 2 and 16

October 1 and 15

November 5 and 19

December 3 and 17

AYES: 5

NAYS: 0

MOTION CARRIED.

Boze provided discussion and updates regarding the hiring process for the Managing Director. Brien will contact Dr. Lewis Bender to request hard copies of his interpretations of the DISC profile screenings prior to the December 10, 2019 Special Board Session.

Operations Director's Update:

- Update provided by Brucks and Rader regarding the County-Wide Road Millage Renewal which was approved by the County Commission to be placed on the March 10, 2020 Presidential Primary Ballot; however, the County's Resolution contained a typo, so it will have to go back before the County Commission on December 10, 2019.
- The County Commission also discussed at their 11/26 meeting the requirement that the County Commission consent to appointment of a board secretary by the Road Commission Board as without the consent, the board secretary position would be held by the County Clerk.

Fleet & Facilities Superintendent's Update:

- New units are up and running.
- Focus now is on spring. During any down time, staff will be preparing for sealcoat operations.
- Discussion regarding disposal of old tandem axle trucks. It would be Rohacs preference to wait until after winter to dispose of any old units.
- Discussion regarding locating parts for older units.

Highway Engineer's Update:

- KATS Technical Committee today.
- RTF meeting and Sub-Task Force meeting today. Provided an update for the Board regarding Federal Aid that had been awarded through 2023.
- Awarded critical bridge funds for FY 2022 for preventative maintenance project on CR384 over the Black River, Geneva Township.
- Bid documents for tree work on CR374, and CR653 to go out soon.
- Bid documents for culvert jobs in Almena Township to go out soon. Start date for projects due to EGLE permit is not until after May 1, 2020.

Discussion regarding snow plowing uncertified roads and draft agreement that is currently being reviewed by counsel which will allow for maintenance where there is a special assessment district in place. Brucks stated that the Road Commission will continue to provide winter maintenance on these roadways through the winter of 2019-20 so as to be fair to residents. However, notice will be provided that maintenance will be ending so that residents can either create a special assessment district, or hire a private contractor before the winter of 2020.

Interim Directors' Update:

- Update regarding upcoming trainings/conferences.
- 2019 Christmas Party.

Motion by Moffat, seconded by Kinney to recess the regular meeting at 6:26 PM to open a regular meeting of the Board of Public Works. Roll call vote:

Kinney: Aye
Boze: Aye
Askew: Aye
Burleson: Aye
Moffat: Aye
MOTION CARRIED.

Motion by Moffat, seconded by Burleson to reconvene the regular meeting at 6:29 PM with all Members being present.

AYES: 5
NAYS: 0
MOTION CARRIED.

Commissioner Update and Reports:

- Askew: No update.
- Boze: Keeler Township board meeting on Tuesday.
- Burleson: No update.
- Kinney: No update. Noted as a point of information that had he recalled previously awarded stipends by the Board he would not have been so conservative when the Motion was brought for a \$1,000.00 stipend today.
- Moffat: Attended a CRA of MI seminar in Mt. Pleasant on Tuesday with Barry, Andy and Jill. Training details were shared with the Board regarding small cell installations in the right of way.

Motion by Kinney, seconded by Burleson to approve Moffat's and Boze's requests for a special per diem for attendance at the Policy Committee meeting on November 27, 2019.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Chairman opened the meeting to Public Comment. Linda Norton asked about bridge inspections, and Anttila provided responses. Norton also asked if raises and bonuses were budgeted, and Rader provided responses.

Dan Faulkner stated that he would like to learn more about the Department of Public Works, and Rader provided discussion and responses. Discussion ensued regarding the Board of County Park Trustees.

Brien also discussed with the Board that she had attended the CRA of MI training on Tuesday. Details regarding the training, and handouts were shared with the Board.

Kinney discussed concerns regarding one of the candidates' background screening report as the report seems to be incomplete. Brien will discuss with Kristina Longcore the process by which screening reports are requested, and provide more information to the Board at a future meeting.

Motion by Kinney to adjourn the Call of the Chair at 6:50 PM. Motion was seconded by Askew.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman