

Van Buren County Board of Road Commissioners

February 6, 2020

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 6th day of February, 2020 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 Boze, Burleson, Kinney, and Moffat
Managing Director Dan Bishop
Finance Director Linnea Rader
Operations Director Greg Brucks
Administrative Assistant-Board Secretary Jill Brien

GUESTS: Attorney Leigh Schultz
Steven Rogusta, Village of Breedsville
Linda Norton, Columbia Township
Mike Chappell, County Commissioner

ABSENT: Road Commissioner Askew

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

Moffat requested that 13A, Certified and Private Road Policy, be added to the Agenda. Kinney requested 5A, Closed Session for the purpose of considering material exempt from discussion or disclosure by state or federal statute, be added to the Agenda. Seconded by Burleson.

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

Motion by Boze, seconded by Moffat to approve the revised Agenda.

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

Motion by Moffat, seconded by Boze to revise the minutes of the January 23, 2020 meeting.

VanTassel explained that Rose Lane is an uncertified road on which whereat a special assessment district has been created.

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

Motion by Boze, seconded by Moffat to approve the minutes of the January 23, 2020 meeting, as revised.

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

The Chairman opened the meeting to Public Comment. Steven Rogusta thanked Greg Brucks for patching the roads in the Village of Breedsville under contract on such short notice.

Motion by Boze to recess the Regular Meeting at 5:07 PM to open a Closed Session for the purpose of considering material exempt from discussion or disclosure by state or federal statute. Roll Call vote:

Moffat: Aye
Boze: Aye
Burlison: Aye
Kinney: Aye
MOTION CARRIED.

Motion by Boze, seconded by Moffat to reconvene the Regular Meeting at 5:12 PM with all Members present.

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

Attorney Schultz exited the meeting.

Budget review and Finance Director's update was provided. Discussion regarding the final MTF check received for 2019, which was substantially higher than what was anticipated.

Motion by Boze to approve the following Vouchers:

Voucher #2135	\$127,171.36
Voucher #2136	\$814,513.98

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

Rader brought discussion regarding the Department Heads' per diem for attending meetings outside of the regular work day. Motion by Boze to provide the Department Heads with the same per diem received by the Commissioners for the Department Heads to attend meetings outside of the normal work day, as deemed appropriate by the Managing Director. Motion was seconded by Moffat.

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

Brucks updated the Board on the award of bids as follows:

- CR380 from CR681 to Breedsville Village Limits, Columbia Township; Michigan Paving & Materials, the as-read low bidding contractor.
- Box culvert installation on 27th Street between 44th Avenue and 48th Avenue, Almena Township; Brad Thomas Excavating, the as-read low bidding contractor.
- Ten (10) preventative maintenance bridge projects (Federal/State Aid); Millbocker & Sons Construction.

Discussion by Moffat regarding the Policy Committee. Motion by Moffat to do away with the Policy Committee in deference to Bishop taking the job and presenting recommendations with regard to existing policies, as time permits. Motion was supported by Boze.

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

Brucks provided information to the Board regarding The Dalton's offer to extend 2019 pricing in the 2020 season for roadside brush spraying, and Right Way Control Services offer to extend 2019 pricing in the 2020 season for roadside invasive species brush spraying. Motion by Moffat, seconded by Boze to approve both offers to extend, in the best interest of the Van Buren County Road Commission.

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

Motion by Boze, seconded by Moffat to appoint the following as authorized signers for all Road Commission authorized financial institutions: Trisha M. Nesbitt, County Treasurer; Tania Sheeley, County Deputy Treasurer; Daniel F. Bishop, Managing Director; Linnea Rader, Finance and Human Resources Director; Jill K. Brien, Administrative Assistant.

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

The following bids were opened at 5:30 PM:

80th Avenue from M40 to 29th Street, Porter Township; clearing, restoration and final grading:

Brad Thomas Excavating	\$47,954.40
Kalin Construction Co.	\$152,689.03
Tree Works, Inc.	\$185,197.00
Krohn Excavating	\$74,000.00

Motion by Boze, seconded by Burleson to authorize the award of the bid by the Managing Director upon review and tabulation by Engineering Staff, in the best interest of the Van Buren County Road Commission.

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

Upon recommendation by Bishop it was moved by Moffat, seconded by Boze to publish to receive bids on any project at a public meeting within this office, reviewed by staff, vetted properly, and then brought to the Board for award upon recommendation by staff.

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

Discussion held regarding proposed Amendment to Policy 2012-01, Rules for Conducting Meetings of the Board of County Road Commissioners. The recommended changes were explained by Rader and Bishop. Motion by Boze to approve amendments to Policy 2012-01 as presented:

**RULES FOR CONDUCTING MEETINGS OF THE
BOARD OF COUNTY ROAD COMMISSIONERS, AND ACTING IN THE CAPACITY
OF THE BOARD OF PUBLIC WORKS, AND THE
BOARD OF COUNTY PARK TRUSTEES FOR VAN BUREN COUNTY**

Policy No. 2012-01

I. Meetings.

The business which the Board of County Road Commissioners may perform in its capacity, and/or in the capacity of the Board of Public Works and the Board of County Park Trustees for Van Buren County (the "Board") shall be conducted at a public meeting held in compliance with the Michigan Open Meetings Act, Act No. 267 of the Public Acts of 1976.

Each respective Board may meet in a closed session only as set forth in Section 15.268, Closed Sessions; permissible purposes, of the Open Meetings Act, Act 267 of 1976.

- A. Board of County Road Commissioners.
 - 1. Except as otherwise required by law, regular meetings of the Board shall be held on the first and third Thursdays of each month at 5:00 PM, or as otherwise noticed.
 - 2. All regular meetings of the Board shall be held in the Board of County Road Commissioners' Room at 325 West James Street, Lawrence, MI, unless otherwise specified.
 - 3. The Board shall hold an annual meeting on the first Thursday of January, or as otherwise noticed, to nominate and elect a Chairperson, Vice-Chairperson, Chief Fiscal Officer, Board Secretary, and Board Attorney.

- B. The Board of County Road Commissioners, acting in its capacity as the County Board of Public Works under the provisions of Act 185 of the Public Acts of 1957, as amended.
 - 1. Except as otherwise required by law, regular meetings of the Board of Public Works shall be held on the first Thursday of March, June, September and December at 5:00 PM, or as otherwise noticed.
 - 2. The Board shall hold an annual meeting on the first Thursday of March, or as otherwise noticed.

- C. The Board of County Road Commissioners, acting in its capacity as the County Board of Park Trustees.
 - 1. There is currently no county park/open space property being managed by Parks – only Buildings and Grounds Department.
 - 2. The Board of Park Trustees shall meet as necessary, and as required by the Open Meetings Act.

II. Order of Business for Regular Meetings.

The order of business will generally follow Robert's Rules of Order, order by rule. Each agenda will be reviewed, revised as necessary, and approved at the beginning of each Board meeting.

~~— The order of business, unless otherwise approved, shall be as follows:~~

- ~~— A. Call to Order~~
- ~~— B. Additions/Deletions to the Agenda~~
- ~~— C. Approval of Agenda~~
- ~~— D. Approval of Minutes~~
- ~~— E. (First) Public Comment~~
- ~~— F. Legal Issues~~
- ~~— G. Budget Review and Finance Director's Update~~
- ~~— H. Items for Consideration/Discussion~~
- ~~— I. Staff Updates~~
- ~~— J. Commissioner Updates and Reports~~
- ~~— K. Executive Session~~
- ~~— L. (Second) Public Comment~~
- ~~— M. Adjournment~~

III. Rules for General Conduct and Procedure.

- A. All meetings shall be conducted in accordance with Robert's Rules of Order; specifically as set forth in "Procedure in Small Boards", which state: In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects:

- Members may raise a hand instead of standing when seeking to obtain the floor, and may remain seated while making motions or speaking.
- Motions need not be seconded.
- There is no limit to the number of times a member can speak to a debatable question. *Appeals, however, are debatable under the regular rules – that is, each member (except the chair) can speak only once in debate on them, while the chair may speak twice.
- Informal discussion of a subject is permitted while no motion is pending.
- When a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by unanimous consent, however, all proposed actions must be approved by vote under the same rules as in larger meetings, except that a vote can be taken initially by a show of hands, which is often a better method in small meetings.
- The chairman need not rise while putting questions to a vote.
- If the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.**
- Allow all members to vote on any issue, even if a member was not present during the discussion of said issue at a previous meeting.

* However, motions to close or limit debate, including motions to limit the number of times a member can speak to a question, are in order even in meetings of a small board (but not in meetings of a committee) although occasions where they are necessary or appropriate may be rarer than in larger assemblies.

** Informal discussions may be initiated by the chairman himself, which, in effect, enables the chairman to submit his own proposals without formally making a motion (although he has the right to make a motion if he wishes).

B. Citizen Participation.

1. Any citizen may comment upon agenda items prior to the taking of a vote thereon, or during Public Comment.
2. Speakers other than Commissioners shall limit their presentation to three (3) minutes; or, if an individual is representing a group, to no more than five (5) minutes of speaking time.
3. Any Commissioner is authorized to require individuals to identify themselves if they wish to speak at a meeting.
4. These rules limiting the period of Public Comment may not be applied in a manner that denies a person the right to address the Board, such as by limiting all Public Comment to a half-hour period.
5. The Chairman is authorized to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comment.
6. No one may be required to register or otherwise provide their name or other information, or otherwise fulfill a condition precedent to attend a public meeting.
7. No one may be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

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

Moffat brought discussion regarding certified road and private road maintenance. Motion by Boze, seconded by Moffat to request that Attorney Schultz review the proposed policy.

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

A short recess was called by the Chairman at 6:17 PM.

The meeting was called to order by Chairman Kinney at 6:20 PM with all Members present.

Managing Director's update:

- County Commission's Resolution increasing Road Board Chairman's annual salary \$500 for additional roles to be taken on by him.
- Southwest Council Meeting location changed to Allegan County Road Commission on Monday, February 10th.
- Update regarding upcoming trainings/conferences.
- Good Governance Training.
- Update from first week at the Road Commission.

Motion by Moffat, seconded by Boze to appoint Dan Bishop as Chief Fiscal Officer of the Van Buren County Road Commission.

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

Operations Director's Update:

- Permit Department Report, January 2020
- Grant funds received from Van Buren Conservation District for mapping and locating invasives.

Fleet & Facilities Superintendent's Update by Managing Director Bishop.

Highway Engineer's Update by Operations Director Brucks.

Commissioner Updates and Reports:

Boze: Keeler Township meeting on 2/4. Public Information Meeting on 1/30.
Burluson: Public Information Meeting on 1/30.
Kinney: KATS Policy Committee Meeting on 1/29. Public Information Meeting on 1/30.
Moffat: No meetings.

The Chairman opened the meeting for second Public Comment. None was received.

Motion by Boze, seconded by Moffat to adjourn the Call of the Chair at 6:38 PM.

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

Secretary

Chairman