

Van Buren County Board of Road Commissioners

October 7, 2021 - Regular Meeting

BE IT REMEMBERED: That on the 7th day of October, 2021 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session in person and via teleconference pursuant to the local state of emergency declared by the Van Buren County Board of Commissioners on January 26, 2021 in an effort to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, as well as the Road Commissioners and Road Commission staff.

PRESENT:

Road Commissioners Askew, Boze, Burleson, Hackenberg and Kinney
Managing Director Dan Bishop
Finance and Human Resources Director Linnea Rader
Administrative Assistant-Board Secretary Jill Brien

GUESTS PRESENT:

Robert Atkins, Kingscott
Dustin Vidmar, Kalleward Group
Kurt Doroh, County Commissioner
Mike Chappell, County Commissioner
Kristina Longcore, Safety Coordinator-Assistant to Operations Department
Chris Serdel, Bloomingdale Fire Chief
Attorney Craig W. Lange

Chairman Burleson called the meeting to order at 5:00 PM. Roll call:

Askew: (Not present for Roll Call). Arrived at 5:30 PM - Attending remotely; traveling in his vehicle.
Boze: PRESENT - Attending remotely from Lawrence Township, Van Buren County, MI.
Hackenberg: PRESENT - Attending in person.
Kinney: PRESENT - Attending remotely from the Village of Decatur, Van Buren County, MI.
Burleson: PRESENT - Attending in person.

Chairman Burleson read the Special Rules for Remote Meeting: All participating Road Commissioners can vote by phone; all votes must be roll call with Chairman always voting last. All people should identify themselves before they speak. Any participant or listener may record the meeting.

Managing Director Dan Bishop requested that Agenda item 9C, Master Facility Plan - Interim Draft Report by Kingscott, be moved to item 9A.

Motion by Boze seconded by Hackenberg to approve the Agenda, as amended.

Roll call vote:

Askew: ABSENT
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Motion by Hackenberg, seconded by Boze to approve the minutes of the September 1, 2021 meeting, as presented by the Board Secretary.

Roll call vote:

Askew: ABSENT
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlson: AYE
MOTION CARRIED.

The Chairman opened the meeting to first public comment. Chris Serdel, Fire Chief in Bloomingdale, introduced himself to the Board. He relayed that there were, in his opinion, a “high number of accidents” on CR390 at CR665. He requested that the intersection be reviewed for Cross Traffic Does Not Stop signs, rumble strips and or a flashing stop sign.

Serdel also stated that the Township used to receive notice of road closures, but did not receive notification that CR388 West of Bloomingdale would be closed for road reconstruction, or of the closure on this section last week at 45th Street. Rader will look into these situations and address, as necessary.

Bishop provided a Staff Report as follows:

1. At the September 1, 2021 Road Commission meeting, we introduced a procedure for evaluating a test site project for a prime and double sealcoat treatment on a gravel road. No action was required as this was just an introduction of a procedure. However, it was pointed out that in our procedure we stated the process was “solely at the discretion of the Operations Director and Highway Engineer”. This conflicts with our organization’s chain of command and structure. It should read “upon the recommendation of the Operations Director and Highway Engineer with final approval of the Managing Director.”
2. Marshall Street in Keeler Township is not a certified road. The actual road does not lie where it is shown on the plat map. The township owns two lots that have been the actual “Marshall Street.” Keeler Township recently deeded the two lots to the Road Commission. We need to publish notices, record deeds for the lots, etc. which is estimated to cost about \$590. Historically and per board policy, the developer and/or township pays this fee at the time of development because the road(s) is NOT yet certified. Keeler Township feels they should not have to pay the fee in this instance. How does the Road Commission wish me to proceed?

Further questions were asked by the Board and additional discussions were held. Motion by Boze, seconded by Hackenberg to waive the fees and costs in this instance due to the unique circumstances, as may be approved by the Auditor as this is currently an uncertified segment of roadway.

Roll call vote:

Askew: ABSENT
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlson: AYE
MOTION CARRIED.

3. I have been working with the County Administrator and County Commissioner Mike Chappell on possibly improving the kayak/canoe launch on CR 687 and 54th Ave. We straightened CR 687 and improved the bridge in 1980. This is a permitted use under the McNitt (Act 51) act as it is “non-motorized transportation.” The County desires to apply for grant funding to make this site more accessible. The Road Commission is not grant eligible so the County will apply for the grant funds. We will have to “lease” the excess ROW to the County with the understanding that if any road/bridge work needs to be done we will have access to this ROW.
4. Gravel and Cedar Lake Subdivision-Porter Township. At the last Road Commission meeting, the RC authorized me to award bids for work to be performed in Gravel and Cedar Lake subdivisions. Bids were received as indicated on the attached bid comparison form and I approved the lowest qualified bid from Michigan Paving and

Materials in the amount of \$330,491.00 in the best interest of the Van Buren County Road Commission.

Bishop provided the following Voucher update and relayed that Shawna Kelley is doing a “wonderful job” identifying vendor payments.

Voucher #2217	\$585,468.42
Voucher #2218	\$136,662.49
Voucher #2219	\$596,874.07
Voucher #2220	\$122,698.46
Voucher #2221	\$1,035,568.25

(Commissioner Askew arrived during the presentation by Kingscott at approximately 5:30 PM).

Rob Atkins, Project Director for Kingscott, introduced himself and Dustin Vidmar, Kalleward Group. He provided details regarding the Interim Draft of the Master Facility Plan to the Board, including a high level overview of the assessment process, and a review of the Master Plan recommendations for the Board and those present. Mr. Atkins opened the presentation to questions and other discussions by the Board. Robert Atkins and Dustin Vidmar exited the meeting at 6:05 PM following their presentation.

Chairman Burlison opened a Public Hearing at 6:05 PM to consider the adoption of amended Rules and Requirements for working within the county road right-of-way. Managing Director Bishop reviewed the proposed changes to the Rules and Requirements for the Board and those present. No public comment was heard. The Public Hearing was closed at 6:10 PM.

Motion by Hackenberg, seconded by Boze to adopt the Rules and Requirements for Working Within the County Road Right-of-Way as follows:

RULES & REQUIREMENTS FOR WORKING WITHIN THE COUNTY ROAD RIGHT-OF-WAY

1. The statutory authority of the Van Buren County Road Commission (a/k/a VBCRC) to ensure compliance with permit rules and requirements is predicated upon its jurisdictional authority and is set forth in various statutes including, without limitation and in no particular order, MCL 247.321 et seq, MCL 224.19b, MCL 560.101 et seq, and MCL 247.171 et seq., and as amended.
2. All work performed under this permit must be done in accordance with the application, plans, specifications, maps, and statements filed with the VBCRC and must comply with the VBCRC's Procedures and Regulations on file at its offices, as amended, and the current Michigan Department of Transportation (MDOT) Standard Specifications for Construction, if applicable.
3. No agent or employee of the Permit Applicant shall be deemed to be an employee or agent of the Board of County Road Commissioners of the County of Van Buren (a/k/a the Van Buren County Road Commission or VBCRC) for any reason. The Permit Applicant is solely and entirely responsible for their own acts and the acts of its agents and employees, during the performance of the activities authorized by this permit.
4. The Permit Applicant shall indemnify, defend, and hold harmless the VBCRC and its agents or employees from liability, including all claims and losses, and all related costs and expenses (including reasonable attorneys' fees and costs of investigation, litigation, settlement, judgments, interest, and penalties), accruing or resulting to any person or entity that may be injured arising from the permitted activity.
5. The VBCRC may require the Permit Holder to provide a cash deposit, letter of credit or bond in a form and amount acceptable to the VBCRC at the time the permit is issued.
6. The VBCRC requires that at the time of Application, **Applicant provide proof of insurance as follows:**

\$2,000,000 General Liability, each occurrence
-OR-
\$1,000,000 General Liability, each occurrence
\$1,000,000 Umbrella Coverage, each occurrence

Insurance as set forth herein shall be in effect for a period of not less than the term of any permit and shall provide evidence that it cannot be canceled without 10 days advance written notice by certified mail with return receipt requested to the Managing Director of the VBCRC.

For good cause shown, this requirement may be waived at the discretion of the Managing Director of the VBCRC, or his or her designee.

7. For any work performed within the county road right-of-way (ROW) **under contract** with the VBCRC, the following language must appear in the "Additional Insured" area of the Insurance Certificate, without any changes or deviations from this specific language:

"The Board of County Commissioners of Van Buren County, The Board of County Road Commissioners of Van Buren County (a/k/a the Van Buren County Road Commission) and their officers and employees for claims arising out of, under, or by reason of operations covered by the permit issued to the permittee, as their interests may appear."

and/or the Applicant must provide the Additional Insured Endorsement of the current policy and provide a Form CG 20 37 for Additional Insured Completed Operations.

8. Qualified **Annual Permit** Applicants for working within the county road ROW are as follows, but not necessarily limited to utility maintenance and monitoring, surveying, tree removal/trimming, dust control, well monitoring, maintenance of sidewalk or pathway, installation of new driveway and/or placing concrete or asphalt of a permitted driveway and/or driveway culvert installation. Maintenance and repair of isolated locations for existing facilities and emergency work will be covered under an Annual Permit. An Annual Permit for Working within the County Road ROW shall be obtained by:
 - A. Private or public utility company's owning poles, cables, gas lines, etc. within the county road ROW to maintain those items.
 - B. Contractors installing commercial and/or residential driveways on a regular basis in Van Buren County.
9. An Annual Permit Applicant is required to give a **24 hour notification** of each site whereat maintenance of work is being performed under the Annual Permit by providing a **Site Notification** containing specific information regarding the location and the work being performed. *Surveyors must complete a Site Notification if they will be occupying any point in the ROW longer than 30 minutes.
10. All other work performed within the county road ROW must be permitted through a **Single Site Permit**. Construction of new installations requires plans and a separate permit for each project. Examples are as follows, but not necessarily limited to aerial cable/overhead installation/removal, utility poles and anchor installation/removal, buried cable, conduit, gas main, and/or fiber installation/removal, oil, gas, and/or fuel pipeline installation/removal, well, water, and/or sewer main installation/removal, roadway crossing bore/jack, open cut, lateral hookups, soil boring, seismic testing, sign installation, ditching, storm water discharge, sidewalk or pathway installation/removal, etc. Permission from the property owner is a responsibility of the permit applicant, if applicable.
11. All above ground structures (poles, guy wires, etc.) should be placed at 31 to 33 feet from the centerline of the roadway. A Plan Detail Sheet showing the proposed structure(s) must be submitted with the permit application.

12. Utilities or other installations placed on private easements or acquired ROW and work related to the use of the public ROW will require plans and a permit for working within the public ROW.
13. Permits may be revoked when the utility or contractor does not display proper traffic control devices and/or flag persons when necessary and as determined by the VBCRC's Inspector.
14. Open cuts will require plans, specifications, and a separate review and authorization by the VBCRC's Engineer. The Permit Holder must notify the VBCRC of open cuts on any roadway a minimum of 48 hours in advance of commencement of the project, and when the work has been completed. Open cuts will not be allowed during the winter season; specifically, during seasonal weight restrictions when Frost Laws are enforced, unless under an emergency circumstance.
15. Construction drawings/prints as well as a traffic control plan and detour routes, if applicable, must accompany the permit application. At a minimum, prints will show location of all permanent structures (poles, cables, gas lines, stations, valves, etc.) in relation to centerline, edge of metal, or section line. Other data or dimensions as may be required by the VBCRC's Engineer will be submitted by the Applicant.
16. When trees are removed, stumps within eight (8) feet of the traveled roadway must be ground out and the area restored.
17. It is the responsibility of the Utilities to assure that the Contractors/Subcontractors who work under their permits have sufficient equipment to handle large trees, stumps, wood, etc., and remove them from the ROW at the time the work is done. Overnight hazards will be properly marked with lighted devices.
18. The Permit Holder shall be responsible for all costs incurred by the VBCRC in connection with this permit and shall deposit estimated fees and costs as may be determined by the VBCRC. In the alternative, and at the VBCRC's sole discretion, the VBCRC may invoice the Applicant at the time the permit is issued.
19. Soil Erosion and Sediment Control (SESC) requirements must be followed. Silt fencing must be installed along the ROW line between the construction site and the roadway. This is to prevent any excavated material from eroding into the drainage area and will also serve to discourage any construction vehicles from accessing the site or roadway through the ROW area.
20. The Permit Holder must comply with the requirements of Act 53 of Public Acts of 1974, as amended. **Call Miss Dig at 811 or (800) 482-7171** at least three (3) working days, but no more than 21 calendar days before you start work. The Permit Holder assumes all responsibility for damage to, or interruption of underground utilities.
21. The Permit Holder must notify the VBCRC at least **48 hours** before starting work, **24 hours** before placing concrete or asphalt and must notify the VBCRC when the work is completed. For work that requires lane closures or full road closures, Applicant must contact the Sheriff's Department / Van Buren County Central Dispatch, at (269) 657-3101, the local Township in which the project takes place, the local school system to notify the transportation department of interrupted bus routes, and the local United States Postal Service, in addition to notifying the VBCRC at (269) 674-8011.
22. All work shall be performed Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., unless written approval is obtained from the VBCRC.
23. The Permit Holder agrees to work under this permit in a safe manner and to keep the area affected by this permit in a safe condition until the work is completed. All work site conditions must comply with the Michigan Manual of Uniform Traffic Control Devices (MMUTCD), including, but not limited to Part 6, Temporary Traffic Control.

24. The Permit Holder agrees to restore the road and ROW to a condition equal to or better than its condition before work began and to repair any damage to the road ROW which is the result of the permitted work whenever it occurs or appears.
25. The granting of this Permit does not relieve the Permit Holder from meeting other applicable laws, regulations, and ordinances of other agencies. The Permit Holder is responsible for obtaining additional permits or releases which may be required in connection with this work from other Federal, State, and local governmental agencies, public utilities, corporations, and individuals, including property owners. Permission may be required to find an acceptable alternative.
26. This Permit may be suspended or revoked at will of the VBCRC, and the Permit Holder shall halt any activity until such time that adequate compliance is made. In addition, if any work has occurred that is not according to specification, the VBCRC may require (a) the work to be removed; (b) restoration of the area to its previous condition; and/or (c) the Permit Holder to work with VBCRC to find an acceptable alternative.
27. This Permit may not be assigned without the prior written approval of the VBCRC. If approval is granted, the assignor shall remain liable, and the assignee shall be bound by all the terms of this Permit.
28. If the Applicant or Contractor(s) are found to be in violation of the Rules and Requirements for Working within the County Road ROW, or are found to be working without proper permits, the VBCRC may require immediate removal of the facilities, or the VBCRC may remove them without notice at the property owner, contractor and/or applicant's expense.

In addition, the VBCRC may suspend or revoke any issued permit, or halt such activity until such time that adequate compliance is made, including, but not limited to:

- Obtain the necessary permit(s);
- Pay all associated permit fees; and,
- Pay a \$100 penalty fee.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Bishop presented proposed revisions to Policy No. 2014-01, Collective Bargaining Policy. Motion by Boze, seconded by Askew to amend Policy No. 2014-01 as follows:

COLLECTIVE BARGAINING POLICY
Policy No. 2014-01

The Board of County Road Commissioners of Van Buren County ("Commission") adopts the following procedures for negotiations with its bargaining unit represented by the American Federation of State, County, Municipal Employees (A.F.S.C.M.E.).

The Commission's "bargaining team" shall be composed of the Commission's Labor Attorney, Managing Director, Finance and HR Director, and Operations Director. The Managing Director, or their designee, shall be the Chief Spokesperson for the Commission and its bargaining team. The bargaining team shall provide the Chief Spokesperson with the operational and financial information to support bargaining positions to advance the interests of the Commission.

The bargaining team shall have the full authority to negotiate on behalf of the Commission for a bargaining agreement with A.F.S.C.M.E. on behalf of the bargaining unit employees, subject to final approval by the Commission.

The negotiations shall be conducted in accordance with such ground rules as the bargaining team shall determine in conjunction with the A.F.S.C.M.E. bargaining team. The Commission's bargaining team will negotiate in accordance with the requirements of the Public Employment Relations Act, MCL 423.201, *et seq.*, including bargaining as requested over all mandatory subjects of bargaining, bargaining in good faith and committing any final agreement to writing to be ratified by the Commission and the bargaining unit employees.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Bishop requested authority from the Board to re-open the Collective Bargaining Agreement relating to both economic and non-economic issues. The current Agreement expires on 12/31/2022. Motion by Hackenberg, seconded by Boze to authorize the Managing Director to re-open the existing Agreement with A.F.S.C.M.E.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Bishop presented the proposed Asset Management Plan to the Board. Road Commission staff, including Engineering and Finance, together with Alyssa McAndrew, have drafted the Plan in a straight forward and easy-to-understand format that meets the requirements of the Act. Motion by Boze, seconded by Hackenberg to adopt the Asset Management Plan of the Van Buren County Road Commission for submission to the TAMC, as presented, and to authorize the Managing Director to update the draft Plan, as may be necessary and/or required by TAMC.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

(The Asset Management Plan is on file and available for review at the Administrative Office of the Van Buren County Road Commission, 325 W. James Street, Lawrence, MI 49064).

Managing Director Bishop discussed the County Commission's Guidelines for Effective Communications effective October 9, 2018. The Guidelines call for the Board of County Road Commissioners to review their effectiveness a "minimum of once per year and to make suggestions for improvements". Motion by Askew, seconded by Hackenberg to authorize the Managing Director to prepare and sign a letter on behalf of the Board stating that the Guidelines continue to be effective.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Policy 2020-04, Van Buren County Road Commission Guidelines for Attendance/Communication were reviewed by the Board. Motion by Hackenberg, seconded by Askew to re-affirm Policy 2020-04.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burleson: AYE
MOTION CARRIED.

Rader discussed the history of the Rules of Conduct, and the development of the proposed Progressive Discipline Policy. She shared that while both are Board policies, the Union President has been involved in the revision of the Rules of Conduct, as well as the development of the Progressive Discipline Policy, and he supports the revisions and the new policy. Motion by Boze, seconded by Hackenberg to amend Policy No. 2021-04, Rules of Conduct, and to adopt Policy No. 2021-05, Progressive Discipline Policy as follows:

VAN BUREN COUNTY ROAD COMMISSION
Rules of Conduct
Policy No. 2021-04

All Van Buren County Road Commission employees are expected to adhere to the following Rules of Conduct. The violation of any Rule shall result in disciplinary action as set forth in the Board's Progressive Discipline Policy.

1. Falsifying, misrepresenting, and/or intentionally giving false information, verbally or in writing, in regard to VBCRC business, including but not limited to VBCRC investigations, documents, timecards, workplace issues, etc.
2. Immoral, indecent, offensive, or unprofessional conduct.
3. Conviction for criminal behavior (Felony or Misdemeanor) that impacts negatively upon the employee's position and/or employment.
4. Conviction of a civil infraction or a misdemeanor while in a VBCRC vehicle wherein the employee is determined to be the primary cause.
5. Use/possession or being under the influence of alcohol, marijuana, and/or other illegal drugs or use of prescription drugs not used in accordance with the doctor's prescription order, while in/on VBCRC property or while on duty.
6. Chargeable accident while on duty as a Road Commission employee and/or involving VBCRC equipment. Chargeable means that the VBCRC employee is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems will be taken into consideration.
7. Possession or use of a weapon while on duty or in/on VBCRC property. Carrying a Concealed Weapons permit does not exclude employees from this rule of conduct. Weapons prohibited include, but are not limited to firearms, edged

weapons, pepper spray carrying more than 10% oleoresin capsicum, martial arts devices, stun guns or taser guns, or devices made or crafted to disable or injure.

8. Threatening, intimidating, coercing, or assaulting VBCRC employees, visitors, residents, or contractors.
9. Verbally abusing or using abusive or profane language or gestures directed at a VBCRC employee, visitors, residents, or contractors.
10. Insubordinate behavior, such as the intentional refusal or failure to accept and perform the Employer's lawful job assignment or carry out instructions as directed by the supervisor or other designated representative from management.
11. Sleeping or assuming the posture or appearance of sleeping during working hours.
12. Failure to comply with established VBCRC safety rules and regulations.
13. Solicitation of a fee, gift, or other thing of value from any person, in connection with an employee's work.
14. Inattentiveness to work or the negligent performance of duties and responsibilities which causes damage or injury to work product, equipment, facilities, property, or other persons.
15. Failing to start work at the designated time, quitting before proper time, or leaving assigned work area, building or project during working hours without authorization from the employer.
16. Failure to immediately report and document a job-related injury/illness to a supervisor. Failure to immediately report and document property damage to a supervisor.
17. Disruptive workplace behavior that interferes with the function and flow of the workplace, such as yelling, tantrums, horseplay, threatening behavior, etc.
18. Repeated tardiness, absence, or patterned absence.
19. Absence from work for more than two (2) consecutive work days without a reason acceptable to the employer.
20. Failure to report to work without providing notice to the office voicemail prior to start of shift when unable to report for work; failure to report for work on a scheduled workday without reporting the absence.
21. Failure to report for emergency duty within one hour after being directed to report without a reason that is acceptable to the employer.
22. Engaging in any form of harassment.
23. Unauthorized possession, use of, or willful damage to equipment or materials belonging to VBCRC.
24. Permitting any person who is not an employee to enter or ride in a VBCRC vehicle without authorization from the employer.
25. Failure to attend scheduled meetings or trainings scheduled during working hours by the employer without a reason acceptable to the employer.
26. Failure to maintain a valid driver's license and/or DOT physical, if applicable for employment as detailed in employee's job description.

27. Posting, removing or defacing notices, signs or written or printed material of any type on VBCRC property, including bulletin boards, without authorization from the employer.
28. Careless or reckless operation of employer's equipment.
29. Failure to report mechanically defective vehicles or equipment or vehicles or equipment breakdowns in a timely fashion.
30. Violating other VBCRC, Federal or State rules, policies, and procedures, not specifically set forth herein.
31. Engaging in any other misconduct of an equal magnitude to those referenced herein.

These Rules of Conduct are not intended to be all-inclusive, but rather provide examples of types of behavior which are not acceptable to VBCRC. The Rules of Conduct may be altered or amended at VBCRC's discretion.

Progressive Discipline Policy

Policy No. 2021-05

INTENT

It is the intent of the Van Buren County Board of County Road Commissioners to provide an equitable and consistent system of discipline to afford an opportunity for successful employee behavior and conduct. This process is designed to develop behavior consistently throughout the Van Buren County Road Commission (VBCRC) by focusing on helping employees achieve acceptable behavior through a series of progressive levels, should corrective action be required. Any corrective action, where deemed appropriate, shall not alter the at-will employment status of any employee.

GENERAL PROVISIONS

- A. VBCRC values its employees and is committed to delivering fair and equitable treatment, including trying to find the best solutions to problems that arise within the employer/employee relationship.
- B. Progressive discipline, to the extent deemed appropriate by the employer, may be applied when an employee fails to comply with the policies, procedures, rules, and protocols that have been adopted for VBCRC employees.
- C. VBCRC retains the right to terminate an at-will employee with or without cause. Progressive discipline will not be applied when it is determined the employee's conduct or job performance warrants immediate termination.

RESPONSIBILITIES

- A. Employees are expected to behave in a professional and respectful manner at all times. Employees are responsible for maintaining behavior, standards of conduct and work performance acceptable to VBCRC. All employees are responsible for knowing the consequences of not meeting such expectations.
- B. Supervisors are responsible for providing leadership that creates an opportunity for employees to achieve professional standards of performance and conduct in addition to holding employees accountable for their actions. Supervisors will be held accountable for managing the behavior and performance of all employees they supervise. This includes providing the appropriate support to the employees to assist them in correcting a behavior problem or performance issue.
- C. Human resources staff are responsible for providing administrative support for the progressive discipline procedure. This includes maintaining an official record

of all disciplinary related data for each employee as well as providing consultative services to supervisors on discipline issues.

PROGRESSIVE LEVELS

- A. **Verbal Caution** – An employee will be given a verbal caution from supervisory staff when he or she engages in problematic behavior. As the first step in the Progressive Discipline Policy, a verbal caution is meant to alert the employee that a problem may exist, or that one has been identified, which must be addressed. Verbal cautions will remain effective for a period of three months.
- B. **Informational Meeting** – An employee will attend an informational meeting with his or her supervisor, Human Resources, and Union Representation (if applicable/desired) when the problematic behavior continues beyond the time period of the verbal caution. This meeting will serve to fully assess the situation, determine the root cause of the issue, and develop a plan for behavior improvement that is agreeable to the employer at said meeting. A documented account of this discussion shall be placed in the employee's personnel file.
- C. **Written Reprimand** – When it has been determined that an employee has failed to respond to the verbal caution and/or informational meeting, or has committed an infraction of sufficient severity to warrant more severe disciplinary action than verbal counseling, a written reprimand shall be prepared and issued to the employee. A copy of this written reprimand shall be placed in the employee's personnel file.
- D. **Suspension** – An employee may be suspended, without pay, as a disciplinary measure for those occurrences that require more severe action than a written reprimand, but are not considered sufficient on their own to warrant termination of employment; or, when it has been determined that the employee has not responded to verbal counseling and/or written reprimand. Such suspensions may also be appropriate if the action of the employee would normally be cause for termination, but mitigating circumstances are present which indicate that it is highly unlikely the employee would repeat the behavior. A copy of the letter of suspension shall be placed in the employee's personnel file.
- E. **Termination** – An employee may be terminated when lesser forms of discipline have not corrected an employee's conduct, or when an occurrence is serious so as to warrant the employee's termination. No employee shall be terminated without the review and endorsement by the Managing Director. A copy of the letter of termination shall be placed in the employee's personnel file.

APPLYING THE PROGRESSIVE LEVELS

- A. Appropriate discipline for misconduct or poor performance cannot be reduced to rigid standards automatically applied in all circumstances. In determining the level of progressive discipline to be applied for specific instances of misconduct or poor work performance, the supervisor and/or Human Resources staff shall investigate and consider the following:
 - a. Nature and seriousness of the misconduct, including actual or potential impact upon VBCRC.
 - b. Overall work record, including past references to behavior.
 - c. Length of employment.
 - d. Disciplinary record, including time that has elapsed since any past disciplinary action and previous discipline for repeated or related conduct.
 - e. Consistency and uniformity in the enforcement of standards.
 - f. Extenuating or mitigating circumstances related to the misconduct.
 - g. Reliance on circumstantial, hearsay, or unsubstantiated evidence.

- h. Past efforts of the employee to correct/or not correct unacceptable behavior.

EMPLOYEE REPRESENTATION

- A. Union employees have the right to union consultation or representation at any meeting of a disciplinary nature.

- B. Non-union employees may have a co-worker present at any meeting of a disciplinary nature.

DOCUMENTATION

- A. A copy of all investigation documentation regarding the Progressive Discipline Policy shall be forwarded to the Finance & Human Resources Director.

- B. All disciplinary letters and/or notices shall be developed by the Finance & Human Resources Director with assistance from the employee's supervisor.

- C. All disciplinary letters and/or notices will be maintained in the employee's personnel file.

APPEALS OF DISCIPLINARY ACTION

- A. Union employees may appeal disciplinary actions through the grievance process outlined in their collective bargaining agreement.

- B. Non-union employees may appeal disciplinary actions through the provisions of the Non-Union Personnel Policy

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Bishop relayed to the Board all progress to date on Airpark Lane in Antwerp Township, including that the developer has satisfactorily met the road development requirements, and that a Resolution supporting certification of the roadway has been adopted by Antwerp Township. Motion by Hackenberg, seconded by Askew to adopt the following Resolution:

RESOLUTION CERTIFYING AIRPARK LANE

2021-56

At a regular meeting of the Board of County Road Commissioners for the County of Van Buren, Michigan, held on Thursday, October 7, 2021 it was moved by Commissioner Hackenberg and seconded by Commissioner Askew to adopt the following Resolution:

WHEREAS, Mattawan Airpark Estates is situated in the Township of Antwerp, County of Van Buren, State of Michigan as further set forth on the attached Exhibit A; and,

WHEREAS, Airpark Lane lies within Mattawan Airpark Estates; and,

WHEREAS, Airpark Lane meets the requirements and provisions as set forth in the Van Buren County Road Commission's Road Development Policy, including standards for road right-of-way; and,

WHEREAS, it is in the best interest of the residents of Mattawan Airpark Estates, the motoring public, Antwerp Township, and the Van Buren County Road Commission to certify the roadway, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED that the following roadway located within Mattawan Airpark Estates is hereby certified as a county local road: **Airpark Lane from 60th Avenue South 1,825 feet (0.35 mi.).**

IT IS FURTHER RESOLVED that a copy of this Resolution shall be recorded in the office of the Register of Deeds for the County of Van Buren.

IT IS FURTHER RESOLVED that a copy of this Resolution shall be published once each week for three (3) successive weeks in the *Kalamazoo Gazette*, a newspaper printed and circulated in the County, and the Affidavit of Publication shall be filed with the Clerk of Van Buren County and the Clerk of Antwerp Township.

Roll call vote:

Askew: AYE

Boze: AYE

Hackenberg: AYE

Kinney: AYE

Burleson: AYE

RESOLUTION ADOPTED.

The Managing Director reported that the Road Commission received zero (0) timely bids, and one (1) late bid submission for the October 4, 2021 letting for Lubricants and Fluids. Boze indicated that the market is currently volatile; especially anti-freeze. Staff will re-let for bid at a future date.

Managing Director Bishop reported that bids for Slag and Fine Aggregate were opened publicly on October 4, 2021 at 11:00 AM. Due to the low bidders' past performance and the material quality from a few years ago, as well as other surrounding counties experiencing the same issues with them this season, it was the recommendation of the Operations Director to award the Slag and Fine Aggregate Modified bid to Yellow Rose Transport for all of their quoted materials, as listed, and to Carr Brothers & Sons for their alternate of 28B-M material. Motion by Boze, seconded by Hackenberg.

Roll call vote:

Askew: AYE

Boze: AYE

Hackenberg: AYE

Kinney: AYE

Burleson: AYE

MOTION CARRIED.

Bishop reviewed the proposed Dust Control Policy to the Board in follow-up to the Board's request at their September 1, 2021 regular meeting. Motion by Hackenberg, seconded by Askew to approve the following Policy to be effective September 1, 2021:

Dust Control Policy
Policy No: 2021-06

The purpose of this Policy is to establish criteria and procedures for application of dust control chemicals on aggregate surfaced roadways under the jurisdiction of the Van Buren County Road Commission.

It can be difficult to justify the use of any product for dust control alone; however, the added benefit of a stabilized surface that controls the loss of “fines” through dust control is a great economic benefit. When the “fines” are lost from a gravel surface, the stone and sand-sized particles that remain will tend to remain loose on the surface leading to distress pocketing, like wash-boarding, etc. In addition, roadways that do not receive proper dust control will:

- Become very hard to maintain requiring extra blading, shaping, patching or other repairs which increases maintenance costs borne by the Van Buren County Road Commission; and,
- Increase intervals between the need to resurface and/or add new gravel.

Requests for Dust Control

1. All requests for dust control shall be made through the Van Buren County Road Commission.
2. Townships may choose to fund a dust control program by signing a Program Sheet stating the selected contractor from the list of bidders approved by the Road Commission, the number of applications they wish to receive over the season, including bag chloride, if offered by the Township to its residents. The Road Commission grades the gravel roads prior to the application and supervises the dustlayer application process at no cost to the townships.
3. No “spot” applications of dust control will be permitted. The application must be a “continuous” application over all aggregate surfaces in the Township certified by the Van Buren County Road Commission.
4. Should individuals want to apply bag chloride to further control the dust in front of their property, the property owner must receive an Authorization Slip from the township in which they reside allowing them to schedule an appointment to pick up the bag chloride at the Road Commission’s Administrative Office in Lawrence.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Bishop discussed Road Commissioner Talking Points which have been provided over the past few months to assist Commissioners in presenting a “Big Picture Level” at township meetings. The Commissioners agreed that the Talking Points are helpful and are being used, and that staff should continue providing them.

Commissioner Updates and Reports:

Askew: No report.

Boze: Pleased to see the base coat down on CR374.

Burlison: Attended Pine Grove Township’s meeting last night. VBCRC office staff are working on a question from the township regarding a billing statement.

Hackenberg: No report.

Kinney: Attended Waverly Township on 9/2. Attended Decatur Township on 9/9. Attended Paw Paw Township on 9/13. Attended Arlington Township on 9/15. Remote attended KATS Policy Meeting on 9/29.

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

Motion by Hackenberg, seconded by Boze to recess the Regular Meeting at 6:42 PM to open a Closed Session for the purpose of considering written material subject to the attorney-client privilege.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Motion by Hackenberg, seconded by Askew to reconvene the Regular Meeting at 7:13 PM with all Board Members present.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Motion by Boze, seconded by Hackenberg to prepare a letter for the Chairman's signature to Kinney that the behavior exhibited by him in a Road Commissioner capacity is not acceptable and, should it happen again in the future, it will be referred to the County Commission.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: NAY
Burlison: NAY
MOTION CARRIED.

Motion by Hackenberg, seconded by Boze to adjourn the Call of the Chair at 7:23 PM.

Roll call vote:

Askew: AYE
Boze: AYE
Hackenberg: AYE
Kinney: AYE
Burlison: AYE
MOTION CARRIED.

Board Secretary

Board Chairman