

Van Buren County Board of Road Commissioners

December 19, 2019

Regular Meeting - Administrative Office, Lawrence, Michigan

BE IT REMEMBERED: That on the 19th day of December, 2019 at 5:03 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
Administrative Assistant-Board Secretary Jill Brien

GUESTS: Dan Faulkner, Village of Lawrence
Linda Norton, Columbia Township
Steven Rogusta, Village of Breedsville
Kelly Page, Board Attorney
Mike Chappell, County Commissioner
Donna Spenner, Lawrence Township
Phil Rinaldi, Gravel Lake Association
Craig DeSimone, Gravel Lake Association
Brian Dykstra

Chairman Boze called the meeting to order at 5:03 PM.

Moffat requested to add Item 13A to the Agenda, Extra Stipend for the Chairman of the Board.

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

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Kinney and seconded by Moffat to approve the minutes of the December 5, 2019 Regular Meeting of the Board as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moved by Burleson and seconded by Moffat to approve the minutes of the December 10, 2019 Special Session of the Board as presented by Board Secretary Brien.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Chairman opened the meeting to Public Comment. Phil Rinaldi introduced himself to the Board as a resident of Lawton on Gravel Lake in Porter Township. He requested that the Road Commission review Shaw Road from Entrance Drive to Dugan Court for pedestrian safety in the "blind spot". Suggestions were made by Mr. Rinaldi and Craig DeSimone, the President of the Gravel Lake Association, such as additional signage, striping, a speed study and a traffic study. Road Commission engineering staff will review the area to see if it meets warrants for additional signage or striping. Discussions were held regarding the process for a Township to request that the Road Commission perform a speed study and/or a traffic study.

Brian Dykstra introduced himself to the Board and refreshed the Board as to his situation on Hemenway in Alma Township whereat he requested a driveway at the end of the dead-end stub. He advised that he obtained a zoning board variance, as was requested, and has submitted that to engineering staff; however, he has now had discussions with Anttila regarding the possible requirement that he place a cul-de-sac at the end of the stub. Mr. Dykstra voiced his frustration regarding the situation, and asked that a decision be made by the Road Commission regarding his driveway permit request sooner, rather than later, taking everything he had accomplished into consideration.

Finance Director Budget Review and Finance Director's Update:

- Cash Summary sheet explanation provided by Rader. Interest, and account insurance provided by Arbor Financial was reviewed and discussed.
- 2019 proposed budget adjustments were reviewed by Rader with the Board. Revenue and Expenditure adjustments being proposed were reviewed, questions were asked and responded to by Rader and Brucks. Motion by Askew, seconded by Moffat to approve 2019 Budget Adjustments as follows:

Revenue

	December 19, 2019	November 21, 2019	Adjustment
AOF - January 1st, 2019	\$9,859,842.85	\$9,859,842.85	\$ -
Michigan Transportation Fund (MTF)			
Engineering	\$10,000.00	\$10,000.00	\$ -
Primary	\$5,610,970.75	\$5,528,050.00	\$82,920.75
Local	\$3,636,780.53	\$3,583,035.00	\$53,745.52
Primary Urban	\$449,107.05	\$442,470.00	\$6,637.05
Local Urban	\$187,382.04	\$184,612.85	\$2,769.19
Total MTF	<u>\$9,894,240.37</u>	<u>\$9,748,167.85</u>	<u>\$146,072.52</u>
Other State Revenue			
State Aid - Snow Funds	\$79,000.00	\$84,000.00	(\$5,000.00)
State Aid - Economic Development	\$64,000.00	\$64,000.00	\$ -
State Aid - Bridges	\$-	\$-	\$ -
State Aid - Supplemental Road Funding	\$-	\$-	\$ -
State Aid - Other (Safety, Grants, etc)	\$14,000.00	\$12,910.00	\$1,090.00
Total Other State Funding	<u>\$157,000.00</u>	<u>\$160,910.00</u>	<u>(\$3,910.00)</u>
Federal Funds			
Federal Aid - Secondary	\$-	\$-	\$ -
Federal Aid - Safety HRRR	\$-	\$-	\$ -
Federal Aid - Bridges	\$-	\$-	\$ -
Federal Aid - STP	\$603,000.00	\$683,200.00	(\$80,200.00)
Federal Aid - CMAQ/Other	\$124,000.00	\$124,000.00	\$ -
Total Federal Aid	<u>\$727,000.00</u>	<u>\$807,200.00</u>	<u>(\$80,200.00)</u>
Property Taxes			
County Wide Millage	\$2,600,000.00	\$2,600,000.00	\$ -
County Appropriation	\$-	\$-	\$ -
Township Contributions	\$4,050,000.00	\$4,050,000.00	\$ -
Other Revenues (Interest, Gain on Equip, etc.)	\$301,900.00	\$280,200.00	\$21,700.00
Total Revenue including AOF	<u><u>\$27,589,983.22</u></u>	<u><u>\$27,506,320.70</u></u>	<u><u>\$83,662.52</u></u>

Expenditures

	December 19, 2019	November 21, 2019	Adjustment
Heavy Maintenance			
Primary Roads	\$1,678,000.00	\$1,678,000.00	\$ -
Primary Structures	\$25,000.00	\$25,000.00	\$ -
Local Roads	\$2,421,000.00	\$2,421,000.00	\$ -
Local Structures	\$425,000.00	\$450,000.00	(\$25,000.00)

Total Heavy Maintenance	\$4,549,000.00	\$4,574,000.00		(\$25,000.00)
Maintenance				
Primary Roads				
General Maintenance	\$725,000.00	\$850,000.00		(\$125,000.00)
Traffic Services	\$50,000.00	\$100,000.00		(\$50,000.00)
Snow & Ice Control	\$725,000.00	\$750,000.00		(\$25,000.00)
Special Maintenance	\$1,700,000.00	\$1,700,000.00	\$	-
Projects				
Routine Structure	\$5,000.00	\$5,000.00	\$	-
Maintenance				
Local Roads			\$	-
General Maintenance	\$1,175,000.00	\$1,300,000.00		(\$125,000.00)
Traffic Services	\$90,000.00	\$200,000.00		(\$110,000.00)
Snow & Ice Control	\$975,000.00	\$1,200,000.00		(\$225,000.00)
Special Maintenance	\$2,850,000.00	\$2,900,000.00		(\$50,000.00)
Projects				
Routine Structure	\$20,000.00	\$15,000.00		\$5,000.00
Maintenance				
Disaster Contingency	\$5,000.00	\$5,000.00	\$	-
Total Maintenance	\$8,320,000.00	\$9,025,000.00		(\$705,000.00)
Other Expenses				
Administration	\$875,000.00	\$850,000.00		\$25,000.00
Long Term Debt Interest Expense	\$19,000.00	\$19,000.00	\$	-
Long-Term Debt Payments	\$395,000.00	\$395,000.00	\$	-
Net Capital Outlay	\$1,500,000.00	\$1,620,700.00		(\$120,700.00)
Net Equipment Expense	\$200,000.00	\$200,000.00	\$	-
Non-Road Improvement (Evergreen Bluff)	\$ -	\$ -	\$	-
Distributive Expense	\$2,750,000.00	\$2,850,000.00		(\$100,000.00)
Adjustments to Fund Balance	\$ -	\$ -	\$	-
Total Other Expenses	\$5,739,000.00	\$5,934,700.00		(\$195,700.00)
Total Expenditures	\$18,608,000.00	\$19,533,700.00		(\$925,700.00)
Operating Fund Balance	\$8,981,983.22	\$7,972,620.70		\$1,009,362.52
Total Expenditures & Fund Balance	\$27,589,983.22	\$27,506,320.70		\$83,662.52

AYES: 5
 NAYS: 0
 MOTION CARRIED.

- The 2020 Narrative Budget was discussed and reviewed by Rader and the Board. Kinney recommended the addition of a section "Michigan Transportation Fund" under "Revenue" wherein the increased MTF funds received for the 2020 budget year are reserved to be used as matching funds for requests by townships for improvements on the Primary Road system for 2021. Rader provided discussion regarding her recommendation not to restrict funds, but to leave in fund balance similar to other Road Commission participation "programs". Further discussion and questions were asked/answered. Kinney additionally requested that Page 2 of the 2020 Operating Budget include a reserve amount for the operating fund of approximately \$400,000.00 to be used as matching funds for requests for improvements on the Primary Road System for 2021, leaving the fund balance "unreserved" for transparency and clarity.

Motion by Kinney, seconded by Moffat to amend the 2020 Narrative Budget, and the 2020 Operating Budget format on Page 2, as discussed. Roll Call vote:

Burleson: Nay
Moffat: Aye
Kinney: Aye
Boze: Nay
Askew: Nay

MOTION NOT CARRIED.

- Rader provided discussions regarding the proposed 2020 Operating Budget. She relayed discussions with the Deputy Treasurer regarding anticipated county-wide road millage funds. Suggestions were made for formatting revisions.
- The 2020 Budget Supplement was reviewed by Rader with the Board in depth.
- 2020-2024 Planning Budget.
- Budget clarity and format discussion was held emphasizing the need for Rader to be included in any discussions that are held in this regard.

A Public Hearing was opened at 6:08 PM by Chairman Boze. Comments were taken from Linda Norton, Supervisor of Columbia Township, regarding flooring replacement in the proposed Budget, which were answered by Rader. Hearing no further comments the Public Hearing was closed.

Motion by Askew, seconded by Burleson to approve the 2020 Budget as follows:

Revenue	January 1, 2020
AOF - January 1st, 2020	\$8,981,983.22
Michigan Transportation Fund (MTF)	
Engineering	\$10,000.00
Primary	\$6,040,000.00
Local	\$3,970,000.00
Primary Urban	\$480,000.00
Local Urban	\$200,000.00
Total MTF	<u>\$10,700,000.00</u>
Other State Revenue	
State Aid - Snow Funds	\$79,000.00
State Aid - Economic Development	\$105,000.00
State Aid - Bridges	\$ -
State Aid - Supplemental Road Funding	\$ -
State Aid - Other (Safety, Grants, etc)	\$ -
Total Other State Funding	<u>\$184,000.00</u>
Federal Funds	
Federal Aid - Secondary	
Federal Aid - Safety HRRR	\$ -
Federal Aid - Bridges	\$626,054.75
Federal Aid - STP	\$898,000.00
Federal Aid - CMAQ/Other	\$260,000.00
Total Federal Aid	<u>\$1,784,054.75</u>
Property Taxes	
County Wide Millage	\$2,550,000.00
County Appropriation	\$ -
Township Contributions	\$3,725,088.75
Other Revenues (Interest, Gain on Equip, etc.)	\$285,000.00
Total Revenue including AOF	<u><u>\$28,210,126.72</u></u>

Expenditure

January 1, 2020

Heavy Maintenance

Primary Roads	\$3,884,838.00
Primary Structures	\$319,455.00
Local Roads	\$2,100,000.00
Local Structures	\$448,550.00
Total Heavy Maintenance	<u>\$6,752,843.00</u>

Maintenance

Primary Roads	
General Maintenance	\$850,000.00
Traffic Services	\$200,000.00
Snow & Ice Control	\$700,000.00
Special Maintenance Projects	\$2,837,000.00
Routine Structure Maintenance	\$5,000.00
Local Roads	
General Maintenance	\$1,300,000.00
Traffic Services	\$200,000.00
Snow & Ice Control	\$1,100,000.00
Special Maintenance Projects	\$2,500,000.00
Routine Structure Maintenance	\$10,000.00
Disaster Contingency	\$5,000.00
Total Maintenance	<u>\$9,707,000.00</u>

Other Expenses

Administration	\$850,000.00
Interest Expense	\$12,000.00
Long-Term Debt Payments	\$405,000.00
Net Capital Outlay	\$1,690,860.00
Net Equipment Expense	\$200,000.00
Non-Road Improvement (Evergreen Bluff)	\$ -
Distributive Expense	\$2,800,000.00
Adjustments to Fund Balance	\$ -
Total Other Expenses	<u>\$5,957,860.00</u>

Total Expenditures \$22,417,703.00

Operating Fund Balance \$5,792,423.72

Total Expenditures & Fund Balance \$28,210,126.72

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Kinney, seconded by Moffat to approve the following Vouchers:

Voucher #2128	\$143,059.88
Voucher #2129	\$326,200.86

AYES: 5
NAYS: 0
MOTION CARRIED.

Antwerp Township's letter to the Board was reviewed and discussed. A response letter was discussed and outlined by the Board for preparation by Road Commission staff. Motion by Kinney, seconded by Moffat to prepare the correspondence to all Antwerp Township Board members.

AYES: 4
NAYS: 1 (Askew)
MOTION CARRIED.

Proposed county-wide road millage allocations to the Townships were reviewed by the Board with a recommendation for an increase made by Rader. Motion by Burleson, seconded by Askew to approve the Township allocations as follows:

2020 Revenues/2019 Collections	Local Miles	Primary Miles	Census (2010)	Township Allocation
Townships				
Almena	65.48	15.43	4992	\$ 70,529
Antwerp	66.77	22.46	8200	\$ 87,602
Arlington	54.53	17.91	2073	\$ 49,764
Bangor	62.78	18.5	2121	\$ 54,424
Bloomington	57.14	22.35	2649	\$ 54,102
Columbia	63.12	28.65	2389	\$ 55,974
Covert	52.01	19.05	2888	\$ 52,578
Decatur	49.12	15.88	1943	\$ 46,205
Geneva	54.33	24.71	3573	\$ 57,317
Hamilton	41.69	20.23	1489	\$ 39,911
Hartford	48.69	15.66	3274	\$ 52,772
Keeler	54.57	18.48	2169	\$ 50,276
Lawrence	51.34	26.56	2263	\$ 49,027
Paw Paw	60.36	22.16	3596	\$ 60,661
Pine Grove	56.57	15.81	2773	\$ 54,430
Porter	51.91	19.86	2406	\$ 50,063
South Haven	33.66	15.44	4046	\$ 48,672
Waverly	56.24	8.53	2467	\$ 52,691
Subtotal	980.31	347.67	55311	\$ <u>986,998.00</u>

Roll call vote:

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

Motion by Moffat, seconded by Kinney to adopt the following Resolution:

RESOLUTION 2019-27

WHEREAS: The provisions of the rules and regulations of the Michigan Department of Treasury requires that the Van Buren County Board of Road Commissioners and the Michigan Department of Transportation annually determine uniform equipment rental rates, referred to as "Schedule C", representing charges to be made by the Road Commission for the use of County Road Commission equipment against force account construction and maintenance projects; and,

WHEREAS: The Michigan Department of Treasury has provided that individual County Road Commissions may adjust the published rates in "Schedule C" to reflect either the increase or decrease in equipment costs in their particular county; and,

WHEREAS: In the opinion of the Van Buren County Board of Road Commissioners, the rental rates as set forth in "Schedule C" are insufficient to meet actual equipment expense.

NOW, THEREFORE BE IT RESOLVED: That the equipment rental rate charged by the Board of County Road Commissioners of the County of Van Buren, Michigan, for the equipment owned by said Road Commission shall be set at 110% of the published rates as shown on "Schedule C" for the year 2020.

AYES: 5
 NAYS: 0
 RESOLUTION ADOPTED.

Interim Managing Director Stipend was reviewed and some history provided by Rader. Interim Managing Director Team responsibilities were also reviewed and discussed. Motion by Moffat to provide a \$1,200.00 Stipend for the extra duties performed by each of the four Managers in the absence of a Managing Director in 2019 as follows: Barry Anttila, Greg Brucks, Linnea Rader and Gary Rohacs. Roll call vote:

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

Discussion held regarding county-wide road millage renewal on the March 10, 2020 Presidential Primary ballot. Educational presentations were discussed by the Board and staff.

Rader discussed an option with the Board to hold one Road Commission Board Meeting per month as opposed to two, and the efficiencies of doing so. This would also alleviate the conflict with Township Board meetings. Discussion regarding the new Managing Director and his needs as a new staff member. Motion by Moffat to postpone further consideration until the second meeting in April.

AYES: 5
NAYS: 0
MOTION CARRIED.

Moffat discussed the idea of an extra stipend for the Chairman of the Board as he believes that the Chairman should take on additional roles on behalf of the Board, such as serving as a liaison to other boards, a role in public discussions, and spokesperson on behalf of the Board. Discussion regarding per diem currently received when attending meetings outside the regular Board meeting schedule. Motion by Moffat to request that the Road Commission seek the approval of an extra salary provision for the Chairman of the Road Commission Board of \$1,000, for the term of office, for the extra duties, as assigned. Roll Call vote:

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

Discussion held regarding the Policy Committee. The next meeting was re-scheduled for January 22nd to accommodate Board Secretary's schedule. The proposed Narrative of Duties was reviewed, and revisions were suggested and discussed. Motion by Kinney, seconded by Moffat to approve the draft Policy Committee's Narrative of Duties, with revisions as discussed, to be effective on February 1, 2020:

Policy Committee
Narrative of Duties

The general responsibility of the Policy Committee is to:

1. Review current Board Policies.
2. Develop recommendations for revisions utilizing Road Commission staff, legal counsel and/or MCRCSIP.
3. Summarize recommended revisions of the Committee to the Board at a regular meeting.
4. Make the Motion to approve any Committee recommended revisions to the Policy.

The Policy Committee shall consist of the following Members:

- Two Members of the Board, one of which shall serve as the Chairman of the Committee, to be appointed annually at the first meeting in February.

- Board Secretary.
- Staff, as necessary.

Points of conversation:

- In order for the Policy Committee to be successful, all Members of the Board should consider the recommendations of the Committee made in the best interest of the Board of County Road Commissioners of Van Buren County.
- Road Commission staff should be part of the Committee in order to provide the appropriate history, answer questions, and make suggestions, as necessary.
- The point of any Committee is to have the conversations and discussions in the Committee meeting. Then the Committee Chairman needs only to summarize the Committee recommendations, and make the Motion in the Board meeting.
- Recommendations of the County Road Association of Michigan shall be considered.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Discussion held regarding the requested amendment to Policy 2012-02, Post-issuance Tax Compliance Policy and Procedures for Tax Exempt Bonds. Motion by Moffat, seconded by Burleson to approve the amended Policy as follows, subject to review by bond counsel.

**Post-issuance Tax Compliance Policy and Procedures
 for Tax-Exempt Bonds**

1. Purpose. The purpose of this policy is to ensure that the Road Commission takes necessary steps to continually monitor the expenditure of, and investment earnings on, the proceeds of Tax-exempt Bonds issued by the Road Commission, and the use of the Project financed by the issuance of the Bonds so that the Bonds will continue to be deemed “tax exempt” pursuant to the Code and to further specify records retention requirements for documents relating to the issuance of the Bonds and post-issuance tax compliance monitoring of the Bonds.

2. Definitions. The terms, as used in this policy, have the following meanings:

a. “Bond Compliance Officer” shall mean the person designated by the Road Commission for overseeing compliance with this Policy.

b. “Bond Counsel” shall mean the law firm primarily responsible for providing bond counsel services for the Road Commission with respect to the issuance of the Road Commission’s Bonds.

c. “Bond Transcript” shall mean the resolution or ordinance authorizing the issuance of the Bonds, all certificates issued as of the date of closing on the Bonds, and all other documents, resolutions, agreements, etc., evidencing the issuance of the Bonds.

d. “Code” shall mean the Internal Revenue Code, as amended, and any regulations promulgated thereunder.

e. “Financial Advisor” shall mean the organization primarily responsible for providing financial advisor services to the Road Commission.

f. “Paying Agent” shall mean the person, organization, or municipal officer primarily responsible for providing paying agent services for the Road Commission.

g. “Tax-exempt Bonds” or “Bonds” shall mean any debt obligation issued by the Road Commission, the interest on which is exempt from taxation pursuant to the Code. The term bond includes installment purchase agreements.

h. “Private Business Use” shall mean use of the Project financed using bond proceeds other than governmental use or use of the Project as a member of the general public.

3. Designated Official. The ~~Engineer-Manager~~ **Chief Fiscal Officer** is hereby designated as the Road Commission’s Bond Compliance Officer who is responsible for monitoring post-issuance tax compliance for the Road Commission’s outstanding Bonds. The Bond Compliance Officer will also be assisted in carrying out post-issuance compliance requirements by the following:

- a. Bond Counsel;
- b. Financial Advisor, if any; and
- c. Paying Agent.

4. Post-Issuance Tax Compliance Procedures.

a. Upon the receipt of bond proceeds following the closing on the Bonds, the Bond Compliance Officer, or the Bond Compliance Officer's designee, shall complete the "Post-issuance Bond Tax Compliance Form." The completed form shall be maintained with the Bond transcript for the bond issue. The Post-issuance Bond Tax Compliance Form shall be completed for each of the Road Commission's outstanding tax-exempt Bonds.

b. At the end of each fiscal year, the Bond Compliance Officer, or the Bond Compliance Officer's designee, shall review the Post-issuance Bond Tax Compliance Form and shall update the form with current information regarding the expenditure of the bond proceeds, use of the property financed using the bond proceeds (the "Project"), status of the accounts established for the expenditure of the bond proceeds and receipt of funds for the payment of debt service on the Bonds, and interest earnings, if any on those accounts. An updated Post-issuance Bond Tax Compliance Form shall be maintained with the transcript of proceedings for each bond issue.

i. Expenditure of bond proceeds. From the date of the issuance of the Bonds through and including the date that the final payments for the Project financed with the Bonds is made (i.e., close out of the Project's "construction fund"), the Bond Compliance Officer shall monitor the expenditure of the proceeds of the Bonds to insure that the proceeds of the Bonds are spent for allowable Project costs and in accordance with the ordinance or resolution authorizing the issuance of the Bonds. Costs unrelated to the Project shall not be paid using bond proceeds. Further and to the extent that the Road Commission has issued more than \$5,000,000 in tax exempt Bonds in that particular fiscal year, the Bond Compliance Officer shall ascertain and verify that the bond proceeds are spent in accordance with the spending schedule set forth in the Certificate as to Arbitrage included in the Bond Transcript. The Bond Compliance Officer shall consult with Bond Counsel to ascertain the applicable spending schedule for that particular bond issue and Project.

ii. Interest earnings on bond proceeds. The Bond Compliance Officer shall identify, on an annual basis, the amount of all interest earnings on bond proceeds prior to expenditure of bond proceeds for the Project. The Bond Compliance Officer shall calculate the interest rate as a percentage and compare such rate to the average rate of interest borne on the Bonds and as stated in the Certificate as to Arbitrage included in the Bond Transcript. In the event that the percentage of interest earned on bond proceeds exceeds the average rate of interest borne on the Bonds, as stated in the Certificate as to Arbitrage, the Bond Compliance Officer shall consult with Bond Counsel as to whether the Road Commission is within the Code's arbitrage provisions and regulations and whether rebate is required.

iii. Use of the project funded with tax-exempt bond proceeds. The Bond Compliance Officer shall annually determine whether there has been any private business use of the project financed using the proceeds of the Bonds (other than governmental use or use of the Project as a member of the general public). The Bond Compliance Officer shall consult with Bond Counsel in the determination of "private business use" of the Project.

5. Records Retention. Notwithstanding any other municipal policy to the contrary, the Bond Compliance Officer shall maintain copies of the following documents for a period of not less than three years following the date that the principal and interest on the Bonds is paid in full and the Bonds are no longer outstanding:

- a. all documents relating to the issuance of the Bonds included in the transcript of proceedings for the Bonds;
- b. records regarding interest earnings, if any, on bond proceeds;
- c. records regarding any payment of rebate to the United States Government, if any; and
- d. copies of the completed annual Post-issuance Bond Tax Compliance Forms;
- e. copies of Paying Agent statements regarding payment of principal and interest on the Bonds;
- f. copies of invoices, bills, draw schedules, cancelled checks with respect to expenditures of proceeds of the Bonds for the Project;
- g. description of the Project and property acquired using proceeds of the Bonds;

- h. records of any sales or leases of the Project (or any portion thereof);
- i. records of private business use of the Project (including copies of leases or subleases, licenses, management contracts or other arrangements that provide special legal entitlements to nongovernmental persons).

6. Violations of Policy. In the event that the Bond Compliance Officer identifies a violation of this Policy and the procedures set forth herein, the Bond Compliance Officer shall notify the Board of County Road Commissioners in writing. Violations of this policy shall be remedied within 30 days of a determination of such violation.

Remedies. In consultation with Bond Counsel, the Bond Compliance Officer shall become acquainted with remedial actions under the Code to be utilized with respect to arbitrage, rebate and private business use of the Project. Further, in consultation with Bond Counsel, the Bond Compliance Officer shall become acquainted with the Tax Exempt Bonds Voluntary Closing Agreement Program described in Internal Revenue Service Notice 2008-31, 2008-31 and I.R.B. 592, which can be utilized as a means for an issuer to correct any post-issuance violations of the Code with respect to outstanding tax-exempt Bonds.

AYES: 5
NAYS: 0
MOTION CARRIED.

The Managing Director hiring process was discussed among the Board Members. A Special Session of the Board was scheduled for December 30, 2019 at 4:00 PM for the purpose of selecting a candidate for the Managing Director position, discussing the terms of employment, etc.

Highway Engineer's Update:

- Bids discussed.
- Discussion regarding Almena Township's proposal for work on 30th Street.
- CR681 at Red Arrow Highway. Handout provided by Anttila from Gail Morton at Michiana Land Services. Current project plans were reviewed. Commissioners would like to review right of way acquisitions that have taken place to date. Anttila recommended changing the scope of the project and, in the meantime, continuing to acquire the necessary right of way. Motion by Moffat, seconded by Burleson to authorize the Highway Engineer to notify MDOT that the Van Buren County Road Commission cannot proceed with the current project.

AYES: 5
NAYS: 0
MOTION CARRIED.

Interim Directors' Update:

- Update regarding upcoming trainings/conferences.
- 2020 CRA Highway Conference, March 10-12, 2020.
- Christmas party.
- Next Regular Meeting on January 9, 2020 at 4:00 PM (Annual Meeting).

Commissioner Updates and Reports:

- Askew: Special Board Session on December 10th. Covert Township, Geneva Township, and Bangor Township on December 10th. South Haven Township on December 11th.
- Boze: Special Board Session on December 10th. Hamilton Township on December 10th. Lawrence Township and Hartford Township on December 12th.
- Burleson: Special Board Session on December 10th. Columbia Township, and Bloomingdale Township.
- Kinney: Special Board Session on December 10th. KATS Policy Committee Meeting. Decatur Township on December 12th.
- Moffat: December 10th Special Board Session. Antwerp Township and Almena Township on December 10th. Special Board Session today at 4 PM.

The Chairman opened the meeting to Public Comment. None was received.

Motion by Moffat to adjourn the Call of the Chair at 7:50 PM.

AYES: 5

NAYS: 0

MOTION CARRIED.

Secretary

Chairman