

## Van Buren County Board of Road Commissioners

May 6, 2020  
Regular Meeting - Teleconference

BE IT REMEMBERED: That on the 6<sup>th</sup> day of May, 2020 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session via teleconference pursuant to the Governor's Executive Order in an effort to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents.

### PRESENT VIA TELECONFERENCE:

Road Commissioners Askew, Boze, Burleson, Kinney, and Moffat  
Managing Director Dan Bishop  
Finance Director Linnea Rader  
Highway Engineer Barry Anttila  
Operations Director Greg Brucks  
Administrative Assistant-Board Secretary Jill Brien

### GUESTS PRESENT VIA TELECONFERENCE:

None

Chairman Kinney called the meeting to order at 5:07 PM. Roll call:

Askew: ABSENT (technical difficulties)  
Boze: PRESENT  
Burleson: PRESENT  
Moffat: PRESENT  
Kinney: PRESENT

Chairman Kinney 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.

No additions/deletions to the Agenda.

Motion by Boze, seconded by Burleson to approve the Agenda.

Roll call vote:

Askew: ABSENT (technical difficulties)  
Boze: AYE  
Burleson: AYE  
Moffat: AYE  
Kinney: AYE  
MOTION CARRIED.

Moved by Burleson and seconded by Boze to approve the minutes of the April 15, 2020 meeting as presented by Board Secretary Brien.

Roll call vote:

Askew: ABSENT (technical difficulties)  
Boze: AYE  
Burleson: AYE  
Moffat: ABSTAIN (unable to review draft minutes)  
Kinney: AYE  
MOTION CARRIED.

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

## Staff Reports

Managing Director Bishop:

- Continuing to review COVID data as it becomes available. Operations are ramping up while maintaining responsible social distancing and safety precautions.
- Update on culvert replacement on the Natural Beauty Road (Silver Lake Road) in Columbia Township.
- Met with Columbia Township Supervisor to review CR388 and discuss project options. Columbia Township approved a contribution of \$250,000.00 towards the project.
- Columbia Township also approved a sealcoat project on CR215 North of the Village of Breedsville. The Road Commission plans to sealcoat CR215 South of the Village of Breedsville to the Village of Lawrence, pending any budget revisions.
- Hope to start the drainage work on CR380 between 47<sup>th</sup> Street to the East Village limits of Breedsville as soon as the season is up and running.
- In follow up to the last Board meeting, the State has not approved shoreline improvement projects as yet.
- Engineering staff continues to plan for work on Red Arrow Highway from 28<sup>th</sup> Street to the East Village limits of Paw Paw, Antwerp Township.
- Red Arrow Highway from 26<sup>th</sup> Street to 28<sup>th</sup> Street, Antwerp Township, project is currently underway.
- We are reviewing scenarios for reduced MTF funding as we know people are driving less and not buying vehicles. Current estimates are a 8-12% reduction of monthly revenue.
- Update regarding the discussions held with several Township Supervisors regarding maintenance of uncertified roads, and board decisions to be made once regular board meetings resume.

Several Board members had questions which were responded to by staff.

Finance and Human Resource Director Rader:

- Discussion regarding MTF funds and projections due to Stay Home Order. CRA Legislative Update was provided in this regard.
- The Road Commission office remains closed until the Stay Home Order is lifted. Office staff continues to work remotely which has proven to be productive and efficient.
- Road Maintenance and Fleet staff continue to work in a revised manner by reporting directly to job sites, staggering shift times, and by modifying work processes to provide for social distancing.
- All Road Commission staff are thankful for the efforts to keep them safe and healthy.
- Administrative office flooring project is complete.
- The State of Michigan approved our request to delay submission of the Act 51 report to July 31, 2020. The Auditor plans to be on site once the Stay Home Order is lifted to complete the audit.
- The Annual Report format is being redesigned in an effort to provide an easier to understand format.
- Permit Officer Andy Abbot has resigned to take a position with the Sheriff's Department. We cannot thank Andy enough for his efforts to share his knowledge and assist with a smooth transition. The position will be posted internally and externally.

Boze questioned whether the Road Commission qualified for any federal subsidies. Discussion held that municipalities have so far been excluded.

Fleet and Facilities Superintendent by Bishop:

- As of April 27<sup>th</sup> there are two new technicians.
- Two new loaders, two new tandem axle trucks, and two of the three tri-axle trucks are on site. Should see the third and final tri-axle truck delivered this week.
- Staff is juggling between repairs and outfitting new units with logos, etc.
- Road Commission is sitting well regarding safety gear pertaining to the virus.

Highway Engineer Anttila:

- Work began last week on CR653 from Red Arrow Highway to I-94, Antwerp Township.
- CR388 bridge work started last week in South Haven Township.
- Work on 71.50th Street bridge, South Haven Township also started on Monday.
- 27<sup>th</sup> Street culvert project in Almena Township, road closure began today.
- Red Arrow Highway from 26<sup>th</sup> Street to 28<sup>th</sup> Street, Antwerp Township, work continues. Pouring curbs at intersections on Monday. Milling asphalt next week.
- Bids will be opened on May 20 for approval at June board meeting as follows:
  - 64<sup>th</sup> Street culvert, Geneva Township.
  - Silver Lake Road (Natural Beauty Road) culvert in Columbia Township.
  - CR388 from railroad tracks in Grand Junction to CR384, and 46<sup>th</sup> Street from CR388 to CR390, Bloomingdale and Columbia Townships; mill and re-pave, including intersections.
- Taking care of permits in the absence of a Permit Officer as best as can be done with the office closed.

Operations Director Brucks:

- Plan to begin de-berming operations next week.
- Preparing for sealcoat patching operations next week with the opening of hot mix asphalt plants.
- Monday maintenance operations will be back to 100% staff with staggered start/stop times and near full-time operations.

The Board asked questions regarding pothole patching and dust control on CR380. Discussion held regarding difference between various liquid dustlayer applications.

Managing Director provided an update regarding Vouchers as follows:

Voucher #2146	\$126,644.06
Voucher #2147	\$1,287,283.49
Voucher #2148	\$124,790.93

Bishop provided pertinent details regarding invoices paid in Voucher #2147, including the loaders, cold patch, cab and chassis, and slag. Question asked regarding Wightman invoice which was responded to by Anttila.

Anttila provided bid results to the Board regarding heavy maintenance work which were publicly opened by Staff on Wednesday, April 29, 2020 at 11:00 AM as follows:

- 46<sup>th</sup> Street from CR390 to Baseline Road, Bloomingdale Township; overlay with HMA 4E1 (1.5") with gravel shoulders.
 

Michigan Paving and Materials Co.	\$109,018.00
Rieth-Riley Construction Co., Inc.	\$133,019.00

Recommendation to award to the as-read low bidding contractor, Michigan Paving & Materials.

- 44<sup>th</sup> Street from CR390 to Baseline Road, Bloomingdale Township; overlay with HMA 4E1 (1.5") with gravel shoulders.
 

Michigan Paving and Materials Co.	\$95,653.00
Rieth-Riley Construction Co., Inc.	\$104,360.00

Recommendation to award to the as-read low bidding contractor, Michigan Paving & Materials.

- 80<sup>th</sup> Avenue between M40 and 29<sup>th</sup> Street, Porter Township; trench, widen, cut and fill 1,300' of roadway.

Brad Thomas Excavating \$82,660.01

Recommendation to award to the as-read low bidding contractor, and only bidding contractor, Brad Thomas Excavating.

Motion by Moffat, seconded by Askew to award the bids for heavy maintenance work on 46<sup>th</sup> Street, 44<sup>th</sup> Street and 80<sup>th</sup> Avenue as per the recommendations of staff, in the best interest of the Van Buren County Road Commission and the respective townships.

Roll call vote:

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

Brucks provided bid results to the Board regarding Plant Mixed Hot Mix Asphalt Patching Material which were opened publicly on April 29, 2020 at 11:00 AM as follows:

Contractor	MDOT 13A per ton	MDOT 36A per ton	LVSP per ton	Alt.	Price per ton	Alt.	Price per ton	Alt.	Price per ton
Wyoming	\$52.00*	\$52.00*	\$55.00*	Comm. Top 20AA	\$48.00**	IR-Top	\$49.00**	Comm Base 20A	\$42.00**
Rieth-Riley	No Bid	\$50.00☆	No Bid						
MI Paving & Materials	\$47.00○	\$49.00○	47.00○	4E1	\$54.00○	5E1	\$54.00○		

\*Plainwell only.  
 \*\*Both Lawrence and Plainwell.  
 ☆Kalamazoo or Benton Harbor Plants.  
 ○FOB

Brucks provided his recommendation to award as follows: Award to all bidders, with Michigan Paving & Materials being the primary supplier. Reith-Riley will be a good backup in an emergency, but because of plant proximity, it is not a cost effective option for us. Wyoming (Plainwell) is \$3 a ton more expensive, but due primarily to trucking distance, will offset that cost, while servicing some of our northern most townships. Wyoming (Lawrence) did not bid any of our specified material; however, did bid a few alternates. I have reached out to them for their mix designs and/or test results on these alternates as they could prove to be very viable options in specific situations.

Motion by Boze, seconded by Moffat to award the bid for Plant Mixed Hot Mix Asphalt Patching Materials, as recommended by staff, in the best interest of the Van Buren County Road Commission.

Roll call vote:

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

Bishop presented the proposed amended Drug-Free Workplace Policy to the Board. He relayed his discussions with Attorney Leigh Schultz to the Board and reviewed many noticeable proposed changes to the policy. Board Members asked questions, which were

answered to their satisfaction. Motion by Boze, seconded by Burleson to adopt Policy 2020-01, Drug-Free Workplace Policy, as revised:

## VAN BUREN COUNTY ROAD COMMISSION

### Drug-Free Workplace Policy Policy No. 2020 - 01

#### Policy Statement

Not only can the use and/or abuse of drugs or alcohol jeopardize the health, safety and well-being of the individual user and all of our employees, it can also endanger the safety of the general public, undermine public confidence in our agency, jeopardize the safety of our roads and highways and cause serious accidents and casualties. In view of these problems, Van Buren County Road Commission (VBCRC) wants to clearly state its policy to accurately detect and deter the use of drugs and alcohol in our transportation and work environment, either through testing, cessation of use, or termination of employment. This Policy is intended to comply with the United States Department of Transportation (DOT) regulations regarding drug and alcohol testing.

#### I. DEFINITIONS

A. **“Alcohol”** means any alcohol or intoxicating liquid containing alcohol or other fermented or distilled liquors.

B. **“Commercial Vehicle”** means any self-propelled or towed vehicle used on public highways to transport passengers or property, in which the vehicle has a gross vehicle weight rating or gross combination weight rating of twenty six thousand one (26,001) or more pounds, the vehicle is designed to transport more than sixteen (16) passengers, including the driver, or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued under the Hazardous Materials Transportation Act, or any Employer vehicle or equipment.

C. **“Driver”** means an employee who is required to maintain a Commercial Drivers License (CDL) by the VBCRC whether the law or their position requires a Commercial Drives License (CDL) or not.

E. **“Premises”** includes, but is not limited to, all property, whether owned or leased or used by VBCRC. This policy also includes any other locations, modes of work, or transportation to and from those locations and/or while in the course and scope of employment.

F. **“Prohibited Substances”** means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the Federal, State, and local laws and regulations in the United States, including those listed in Schedule I (21 CFR Part 1308) or identified in Appendix D of the Federal Motor Carrier Safety Regulations. Examples include street drugs such as cocaine, heroin, and phencyclidine and controlled substances such as amphetamine, methamphetamine, and barbiturates. Marijuana also qualifies as a prohibited substance under this policy as it is illegal under federal law, even if opined by a physician or if the employee has a medical marijuana registration card. Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are also considered to be “prohibited substances.”

G. **“Reasonable Suspicion”** is the observation of unusual on-duty behavior of an individual employee which:

a. is observed on-duty by the employee’s immediate supervisor or higher ranking employee who, through training or experience, is able to recognize the symptoms of prohibited substance and/or alcohol use, abuse, impairment or intoxication (which observations shall be documented by the observers); and

b. is the type of behavior which is a recognized and accepted symptom of intoxication or impairment caused by prohibited substances or alcohol or addiction of or dependence upon said substances; and

c. is not reasonably explained as resulting from causes other than the use of prohibited substances and/or alcohol (such as, but not by way of limitation, fatigue, lack of sleep, side effect of prescription or over-the-counter medications, reactions to noxious fumes or smoke, etc.).

H. **“Reportable Accident or Incident”** means a job-related accident which results in personal injury requiring off-site medical care or treatment or a job-related incident which causes property damage exceeding \$500.00 or requires a vehicle to be towed from the scene.

I. **“Under the Influence”** means that the worker is impaired in his/her ability to safely, efficiently, or competently perform the duties of his/her job due to use of or having in their bodily system alcohol, or prohibited substances. A determination of impairment may be made by analysis of breath, blood, or by personal observation and assessment.

J. **“Safety Sensitive Functions”** include all time spent at the operations / driving controls of commercial vehicles, motor vehicles and/or equipment while on duty, while on VBCRC premises, or while operating for VBCRC business.

## II. DRUG/ALCOHOL USE PROHIBITIONS

### No Employee of Van Buren County Road Commission shall:

A. Possess, be under the influence of, have in their bodily system, or use, any prohibited substance, narcotic drug, any derivative thereof, or any other substance to a degree which renders the employee incapable of safely performing his or her tasks, while on duty, while on VBCRC Premises, or while operating a motor vehicle or equipment for VBCRC business.

B. Consume an intoxicating beverage regardless of its alcoholic content or be under the influence of an intoxicating beverage, within four (4) hours prior to going on duty, or operating, or having physical control of a motor vehicle or other vehicle or equipment.

C. Consume any amount of alcohol, be under the influence of alcohol, or have any measured alcohol in their bodily system while on duty, while on VBCRC premises, or while operating, or having physical control of a motor vehicle or other vehicle or equipment.

D. Refuse to sign a consent and release form authorizing the prohibited substance and/or alcohol test, the collection of the specimen, analysis of the specimen, and release of the results to VBCRC.

E. Refuse to cooperate with the collection site personnel, VBCRC personnel, or in any way refuse to provide a specimen when required under this policy.

F. Fail to inform appropriate VBCRC officials of a reportable accident or incident as soon as possible.

G. Use alcohol or other prohibited substances within eight (8) hours of a reportable accident or incident, or until;

a. the employee has been drug and alcohol tested, or

b. the employee conduct has been eliminated as a contributing factor in the accident, and will not be required to provide a specimen.

H. Distribute prohibited substances to any other employee while on VBCRC's Premises.

I. Use a prescribed prohibited substance for purposes other than those for which the prohibited substance was prescribed or not in the prescribed manner while on VBCRC time or property or while operating VBCRC's vehicles or equipment.

### III. MANDATORY TESTING AND POLICY ENFORCEMENT

Employees are informed, advised and reminded that VBCRC employees perform safety sensitive functions. This Policy is for the protection of the entire work force. Therefore, employees should have no expectation of privacy while on VBCRC's time, when operating a motor vehicle or other vehicle or equipment for VBCRC business, while representing or conducting business on behalf of VBCRC and/or on VBCRC's Premises.

The following procedures will be employed to assure compliance with this policy.

**A. Testing.** Employees are required to submit to drug and alcohol testing under the following circumstances:

- a. After receiving a conditional offer of employment;
- b. Where VBCRC has reasonable suspicion to believe that an employee is under the influence of or impaired by a prohibited substance or alcohol while on duty, while on VBCRC's Premises or while operating a VBCRC vehicle or other equipment;
- c. As part of biennial physical where required by law;
- d. As part of a transfer/promotion to a position which requires possession of a Commercial Driver's License;
- e. As part of a random selection process;
- f. Follow-up testing as required by the rules of the Department of Transportation (the employee is responsible for the cost of follow-up testing);
- g. Following a reportable accident or incident; and
- h. Upon returning to work after an absence of thirty (30) calendar days or more due to a layoff or leave of absence related to substance abuse (other than FMLA leave unless the cause of the FMLA leave was related to substance abuse).

**B. Post-Accident & Incident Testing.** Alcohol testing shall be done as soon as possible but not later than eight (8) hours following a "reportable accident or incident". The drug specimen will be collected as soon as possible, not to exceed thirty-two (32) hours after the accident. Testing of this nature will occur whenever:

- a. a driver is issued a citation as a result of an accident or incident;
- b. accidents occur where off-site medical treatment is necessary; and
- c. accidents or incidents occur requiring a vehicle to be towed from the scene or where damages in excess of \$500 occur.

**C. Searches.** Employees, while on the VBCRC's time and/or premises, are required to submit to reasonable cause searches of their persons, such as the search of an employee's pockets or garments, excluding body searches. Searches may include vehicles, lunch boxes, brief cases, purses, bags, personal effects or any VBCRC owned property, provided VBCRC's representative has reasonable cause to believe that:

- a. the employee possesses alcohol or a prohibited substance or has otherwise engaged in conduct violating a VBCRC rule (e.g., theft); or
- b. the employee has ingested a prohibited substance or alcohol.

Searches of an individual's personal vehicle shall be limited to examination of that portion of the vehicle observed by the Supervisor (or other qualified staff) that resulted in "reasonable suspicion".

**D. Testing Procedure.** All tests will be conducted in accordance with applicable regulations published by the Department of Transportation in a manner allowing individual privacy unless there is a reason to believe that a particular individual

may/or has altered or substituted the specimen provided. All tests will be collected at designated collection sites under the supervision of trained collectors. To ensure the safety of all employees and the public, VBCRC reserves the right to send an employee home after a drug and/or alcohol test until the results are known. Time spent at home during regular working hours will be paid, unless the result comes back positive.

**E. Test Results.** The results of any drug test and records connected with the testing procedure will be made available to the individual tested upon written request. The results of the tests themselves are reviewed by a licensed physician who has the knowledge of substance abuse disorders (MRO). If the tests are positive, the individual tested will be advised of the results and the type of drug or drugs discovered. The individual tested will be given the opportunity to discuss the test results with the licensed physician prior to the time the test results are made available to VBCRC. After notification of the MRO's final positive determination, the employee has seventy-two (72) hours to request a test of the "split specimen" at another DHHS certified laboratory designated by VBCRC.

a. The documentation of results of the test will not be made available to other parties except upon the written request of the individual, or when an applicable DOT regulation requires such disclosure, or if in the MRO's reasonable judgement the information could result in the employee being medically unqualified to perform their duties, or if the information would cause a safety risk.

**F. Re-testing of Original Split Specimen.** The employee may request of the MRO in writing, to have the "split specimen" of a positive test re-tested at another DHHS certified laboratory selected by VBCRC. The employee will be required to pay the laboratory fee for the retest, in advance. In the event an employee requested "split specimen" test is determined to be negative by the independent laboratory test; the employee shall be reimbursed for their advance payment of laboratory fees.

**G. Refusal to Submit to Testing.** Refusing to submit to a test will be considered insubordination, will be deemed a positive test, and will result in immediate discharge. The following actions constitute a refusal to submit to a drug/alcohol test:

- a. Failing to appear at a collection/testing site when directed to report;
- b. Failing to remain at the collection/testing site;
- c. Failing to provide a sufficient urine, saliva or breath specimen;
- d. Failing to permit a monitored or observed urine collection or otherwise refusing to follow instructions during the monitored or observed collection/testing process;
- e. Failing or declining to take an additional drug test that VBCRC or the collector/tester has directed;
- f. Failing to undergo a medical examination or evaluation the MRO or VBCRC has directed;
- g. Failing to cooperate with any part of the collection/testing process;
- h. Possessing or wearing a prosthetic or other device that could interfere with the collection/testing process; and
- i. Having an adulterated or substituted specimen.

#### **IV. PRESCRIPTION AND NON-PRESCRIPTION MEDICINE**

Testing procedures will report the significant presence of all prescription and non-prescription drugs. Employees (or prospective employees) shall promptly notify VBCRC if they are currently using medications which their physician has advised the employee (or prospective employee) the use of may affect the ability to safely operate a motor vehicle or otherwise perform the duties of their position.



The presence in the body of over-the-counter or prescribed drugs lawfully obtained with a prescription and taken in the appropriate manner, **other than marijuana**, will not be grounds for disciplinary action, so long as the employee discloses the lawful use of the drugs to the collector/facility before a drug test is administered and the use of the drugs does not impair the employee's judgment, ability, or performance while at work. Prescribed drugs, "taken in the appropriate manner" means that a physician prescribed the drug for the employee and that the employee used the drug according to the prescribed dosage and frequency of use. **Employees are strictly prohibited from using, having in their bodily system or being under the influence of marijuana while on duty, while on VBCRC's Premises or while operating a vehicle or other equipment for VBCRC business.**

## **V. SELF-REFERRAL FOR TREATMENT**

VBCRC recognizes that an employee who is unfit for duty due to drug or alcohol abuse is a safety risk to themselves, their fellow employees and the motoring public. Consequently, VBCRC believes strongly in the concept of zero tolerance regarding substance abuse in the workplace. To this end, VBCRC seeks to deter substance abuse through the implementation of this Policy. VBCRC encourages its employees, who may have substance abuse problems, to voluntarily refer themselves to treatment programs. This self-referral must occur prior to selection for testing or identification of a positive result.

An employee who initiates their own treatment shall be exempt from the penalties of this Policy, subject to the terms and conditions set forth herein.

In order to be exempt, the employee's self-referral must occur prior to any VBCRC initiated testing or any violation of this policy. The Self-Referral declaration by an employee at the time of testing shall not be allowed as an exemption from the implementation of discipline under this Policy.

An employee who has referred themselves for treatment shall be required to successfully complete a substance abuse rehabilitation program that includes a return to work drug and alcohol test prior to their return to work. In the event an employee tests negative s/he will be allowed to return to work. If s/he tests positive, the employee must successfully complete a VBCRC-approved substance abuse rehabilitation program including execution of a medical information waiver which gives the rehabilitation provider(s) the authorization to share confidential medical information so that VBCRC can monitor the employee's progress in the treatment program.

## **VI. PENALTIES FOR POLICY VIOLATIONS**

**A. Employee Violations.** Any employee who violates any provision of this Policy or who tests positive to any drug or alcohol test required by this Policy shall be subject to discipline up to and including immediate discharge and, if applicable;

In lieu of discharge, VBCRC may, at its discretion, enter into a Last Chance Agreement with the employee under which the employee must:

- a. Successfully complete treatment in a program approved by VBCRC at the employee's expense;
- b. Submit to periodic unannounced drug/alcohol testing for a duration suitable to VBCRC;
- c. Agree that any further violation of this policy, failure to complete the rehabilitation program and post-program treatment, relapse, or non-compliance with any of the conditions of the Last Chance Agreement, including refusal to submit to a test at VBCRC's request, or a positive test, will result in immediate termination, which cannot be grieved.

## **VII. ESTABLISHMENT OF EMPLOYEE ASSISTANCE PROGRAM**

The VBCRC has established an employee assistance program to help employees solve substance abuse problems. The program includes the following:

- A. The training of supervisors to understand the effects and consequences of drug and alcohol use on personal health and safety in the work environment, as well as to train such personnel regarding the recognition of behavior which may indicate

drug or alcohol use and abuse.

B. Documentation of training given to drivers and supervisory personnel.

C. Information regarding Employer assistance for employees who have a substance abuse problem is available upon request.

### **VIII. FITNESS FOR DUTY / CALL-IN**

It shall be the Policy of VBCRC that any employees called to report for duty, during emergency or unscheduled operations shall be personally asked and shall personally respond to VBCRC's question(s) regarding their fitness for duty with respect to the consumption of drugs and/or alcohol. Further, the employee shall be required to notify the VBCRC's representatives if at any time the employee is not fit to perform their duties in a safe manner as such fitness may relate to the consumption of drugs and/or alcohol (regardless of supervisor questioning or not).

### **IX. DOT DRUG AND ALCOHOL CLEARINGHOUSE**

The United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) has created a "Drug and Alcohol Clearinghouse," which is a secure online database that will contain - for all CDL holders - records of violations of drug and alcohol rules contained in the federal regulations, including positive drug and alcohol tests and test refusals.

Employers of CDL holders, including VBCRC, are required by DOT regulations to do all of the following:

A. Query the Clearinghouse before allowing a newly-hired driver (or current employee who transfers into such a position) to begin operating a commercial motor vehicle;

B. Query the Clearinghouse at least once per year for each driver they currently employ;

C. Report drivers' drug and alcohol program violations to the Clearinghouse within 3 business days after the employer learns of the information, including all of the following:

a. A verified positive, adulterated, or substituted drug test result;

b. An alcohol confirmation test with a concentration of 0.04 or higher;

c. A refusal to submit to a drug or alcohol test;

d. On duty alcohol use;

e. Pre-duty alcohol use;

f. Alcohol use following an accident;

g. Controlled substance use pre-duty (including use of marijuana and cannabis);

h. A Substance Abuse Professional's report of the successful completion of the return-to-duty process;

i. A negative return-to-duty test; and

j. A report of completion of follow-up testing.

D. Prohibit drivers who have violated FMCSA's drug and alcohol program regulations from performing safety-sensitive duties unless the driver has complied with the return-to-duty process set forth in agency regulations.

These requirements are set forth in federal law and if VBCRC fails to comply it will be subject to civil and criminal penalties.

Drivers must consent to VBCRC conducting a query of the Clearinghouse, whenever such query is required by FMCSA regulations during their employment with VBCRC, to determine if drug or alcohol information exists about them in the Clearinghouse. If drivers refuse to provide consent to VBCRC to conduct queries of the Clearinghouse, they will be unable to continue employment with VBCRC as VBCRC would be required to prohibit them from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA drug and alcohol program regulations.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlison: AYE  
Moffat: AYE  
Kinney: AYE  
POLICY ADOPTED.

Bishop presented the proposed Cell Phone Policy to the Board. Discussions were held regarding the advantages of cell phones, and the dangers of being distracted. Bishop proposed that the Board adopt the policy to limit the use of cell phones while working. Motion by Moffat, seconded by Boze to adopt Policy 2020-02, Cell Phone Policy as follows:

Cell Phone Policy  
Policy No. 2020-02

**Policy Overview:**

The Van Buren County Road Commission cell phone policy offers general guidelines for using personal and company cell phones during work hours.

The purpose of this policy is to help us all get the most out of the advantages cell phones offer our organization while minimizing the distractions, accidents, and frustrations improper cell phone usage can cause.

This policy applies to all Van Buren County Road Commission employees.

**Cell Phone Use Guidelines:**

The following are Van Buren County Road Commission's basic guidelines for proper employee cell phone use during work hours. In general, cell phones should not be used when they could pose a security or safety risk or when they distract from work tasks.

- Never use a cell phone while driving a commercial vehicle unless a hands-free device is utilized.
- Never use a cell phone while operating equipment.
- Only utilize a cell phone for personal use during work hours on an infrequent or emergency basis.
- Do not use cell phones for surfing the internet, gaming, or taking photos during work hours.
- Do not use cell phones during meetings.
- Do not use cell phones to voice-record confidential information.

We realize cell phones can be great tools for employees. We encourage employees to use cell phones in the appropriate places and situations such as:

- When making or receiving work calls.
- When other work-related communication is necessary, such as text messaging or emailing.
- To carry out work-related research (i.e. maps or GPS)
- To keep track of work-related issues (i.e. reporting illegal mailboxes or encroachments, service request activity or similar concerns).
- To keep track of work contacts.
- To use Remind101 as necessary for organization-wide notifications.

**Disciplinary Action:**

Continued use of cell phones at inappropriate times or in ways that distract from work may lead to having cell phone privileges revoked. Cell phone usage for illegal or

dangerous activity, for purposes of harassment, or in ways that violate the Road Commission's policy may result in disciplinary action up to and including termination.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlison: AYE  
Moffat: AYE  
Kinney: AYE  
POLICY ADOPTED.

Highway Engineer Anttila provided discussion regarding proposed Resolutions for Local Bridge Funding for 12 structures throughout the County. Two structures will be submitted requesting replacement, and the remaining 10 structures will be submitted in three groups requesting preventative maintenance. Further discussions were held outlining funding for structures both on local roads, and on primary roads. Motion by Boze, seconded by Burlison, to adopt the following twelve (12) Resolutions:

#### **RESOLUTION 2020-03**

WHEREAS: The Board has reviewed the application for Local Bridge Funding for the replacement of the bridge in 2023 that carries 2<sup>nd</sup> Avenue over the Mentha Drain in Pine Grove Township; and,

WHEREAS: The bridge does not meet present day standards for shoulder clearance or traffic lane widths, and the bridge does not provide the safety margins now required by present day design standards; and,

WHEREAS: Because of the deterioration of the present structure a complete replacement would be in the best interest of the traveling public.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the replacement of this structure and urges approval of the application for Local Bridge Funding for the structure that carries 2<sup>nd</sup> Avenue over the Mentha Drain in Pine Grove Township.

IT IS FURTHER RESOLVED: That plans for said replacement can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-04**

WHEREAS: The Board has reviewed the application for Local Bridge Funding for the replacement of the structure in 2023 that carries 40th Street over the Paw Paw River, in Waverly Township; and,

WHEREAS: The bridge does not meet present day standards for shoulder clearance or traffic lane widths, and the bridge does not provide the safety margins now required by present day design standards; and,

WHEREAS: Because of the deterioration of the present structure, a full replacement of the superstructure would be in the best interest of the traveling public.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the replacement of this structure and urges approval of the application for Local Bridge Funding for the structure that carries 40th Street over the Paw Paw River in Waverly Township.

IT IS FURTHER RESOLVED: That plans for said replacement can be ready within 60 days after notification of a successful application.

#### **RESOLUTION 2020-05**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries CR358 over the West Branch of the Paw Paw River in Paw Paw Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, and resealing of the joints; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-06**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries CR215 over the Dowagioc Drain in Hamilton Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, resealing of the joints, guardrail, and rip rap repairs; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-07**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries 13<sup>th</sup> Avenue over Deerlick Creek, South Haven Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, wingwall and pile repair, and guardrail work; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-08**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries Baseline Road over the Black River in South Haven Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, joint resealing, and guardrail work; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-09**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries Butcher Road over the Paw Paw River in Hartford Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, joint repairs, joint sealing, and guardrail work; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-10**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries 72<sup>nd</sup> Avenue over the West Branch of the Paw Paw River in Paw Paw Township; and,

WHEREAS: The bridge is in need of a railing replacement, joint resealing, and rip rap repairs; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-11**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries 60<sup>th</sup> Avenue over the West Branch of the Paw Paw River in Paw Paw Township; and,

WHEREAS: The bridge is in need of a railing replacement, joint resealing, and rip rap repairs; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-12**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries 45<sup>th</sup> Street over the Paw Paw River in Paw Paw Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, joint repairs, and joint seal; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-13**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries CR665 over the West Branch of the Paw Paw River in Waverly Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, guardrail replacement and rip rap repairs; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

#### **RESOLUTION 2020-14**

WHEREAS: The Board has reviewed the application for Local Bridge Funding in 2023 for preventative maintenance to the bridge that carries CR665 over the Paw Paw River in Waverly Township; and,

WHEREAS: The bridge is in need of a mill and fill HMA surface, guardrail repairs, slope repairs, and rip rap repairs; and,

WHEREAS: Preventative maintenance work on the structure would be in the best interest of the traveling public as it would prolong the life of the structure.

NOW, THEREFORE BE IT RESOLVED: That the Board concurs in the importance of the preventative maintenance on this structure and urges approval of the application for Local Bridge Funding.

IT IS FURTHER RESOLVED: That plans for said preventative maintenance can be ready within 120 days after notification of a successful application.

Roll call vote:

Askew: AYE

Boze: AYE

Burleson: AYE

Moffat: AYE

Kinney: AYE

RESOLUTIONS ADOPTED.

Discussion held by Bishop regarding two segments of roadway in Keeler Township which appear on our Certification Maps, but are not construction to Road Commission standards and, as such, cannot be maintained. The de-certification of these segments has been discussed with the Supervisor of Keeler Township, Bill Kays, and the Township does not oppose the de-certification. Aerial photographs and maps were also reviewed by the Board. Motion by Boze, seconded by Askew to adopt the following Resolution:

**RESOLUTION 2020-15**

WHEREAS, 68<sup>th</sup> Street from 80<sup>th</sup> Avenue North 0.24 mi. in Keeler Township appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Is not constructed to Road Commission standards;
2. Is not used, worked on or maintained by public authorities;
3. Does not exist, and is not currently open to traffic.

NOW, THEREFORE, BE IT RESOLVED that 68<sup>th</sup> Street from 80<sup>th</sup> Avenue North 0.24 mi. in Keeler Township, Van Buren County, Michigan, as described above, is deleted for Act 51 Transportation funds, as recommended by Staff.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners does not herein relinquish, or in any way abandon, the public right of way on 68<sup>th</sup> Street in Keeler Township, as described above.

Roll call vote:

Askew: AYE  
Boze: AYE  
Burlison: AYE  
Moffat: AYE  
Kinney: AYE

RESOLUTION ADOPTED.

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

**RESOLUTION 2020-16**

WHEREAS, 69.50th Street from Highway M-152 North 0.41 mi. in Keeler Township appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Is not constructed to Road Commission standards;
2. Is not used, worked on or maintained by public authorities;
3. Does not exist, and is not currently open to traffic.

NOW, THEREFORE, BE IT RESOLVED that 69.50th Street from Highway M-152 North 0.41 mi. in Keeler Township, Van Buren County, Michigan, as described above, is deleted for Act 51 Transportation funds, as recommended by Staff.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners does not herein relinquish, or in any way abandon, the public right of way on 69.50th Street in Keeler Township, as described above.

Roll call vote:

Askew: Aye  
Boze: Aye  
Burlison: Aye  
Moffat: Aye  
Kinney: Aye

RESOLUTION ADOPTED.

Managing Director Bishop outlined his inspection of the proposed de-certification of a segment of 52<sup>nd</sup> Street in Columbia Township with the Supervisor, Linda Norton. The Township does not oppose the decertification of this segment of roadway. The Board also reviewed aerial photographs and maps which depict that the segment has not been built to Road Commission standards and, therefore, cannot be maintained by the Road Commission. Recommended by Bishop to remove from certification. Motion by Moffat, seconded by Boze to adopt the following Resolution:



**RESOLUTION 2020-17**

WHEREAS, 52<sup>nd</sup> Street from 15<sup>th</sup> Avenue South 0.24 mi. in Columbia Township appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Is not constructed to Road Commission standards;
2. Is not used, worked on or maintained by public authorities;
3. Does not exist, and is not currently open to traffic.

NOW, THEREFORE, BE IT RESOLVED that 52<sup>nd</sup> Street, in Columbia Township, Van Buren County, Michigan, as described above, is deleted for Act 51 Transportation funds, as recommended by Staff.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners does not herein relinquish, or in any way abandon, the public right of way on 52<sup>nd</sup> Street, in Columbia Township, as described above.

Roll call vote:

Askew: Aye  
Boze: Aye  
Burlison: Aye  
Moffat: Aye  
Kinney: Aye

RESOLUTION ADOPTED.

Discussion held regarding 8<sup>th</sup> Avenue between 57<sup>th</sup> Street and CR682, Columbia Township. The Board review aerial maps and photographs of the segment which is not constructed to Road Commission standards and, therefore, it is unable to be maintained. Bishop has inspected this segment with the Supervisor of Columbia Township and the Township does not oppose the de-certification of this segment. Motion by Askew, seconded by Moffat to adopt the following Resolution:

**RESOLUTION 2020-18**

WHEREAS, 8<sup>th</sup> Avenue from 57<sup>th</sup> Street West 0.44 mi. to CR681 in Columbia Township appears on the Certification Maps of the Van Buren County Road Commission; however, the roadway:

1. Is not constructed to Road Commission standards;
2. Is not used, worked on or maintained by public authorities;
3. Does not exist, and is not currently open to traffic.

NOW, THEREFORE, BE IT RESOLVED that 8<sup>th</sup> Avenue, in Columbia Township, Van Buren County, Michigan, as described above, is deleted for Act 51 Transportation funds, as recommended by Staff.

IT IS FURTHER RESOLVED that the Board of County Road Commissioners does not herein relinquish, or in any way abandon, the public right of way on 8<sup>th</sup> Avenue, in Columbia Township, as described above.

Roll call vote:

Askew: Aye  
Boze: Aye  
Burlison: Aye  
Moffat: Aye  
Kinney: Aye

RESOLUTION ADOPTED.

Update by Brucks on the award of the Liquid Dustlayer bid to Southwest Michigan Dust Control, and to Great Lakes Chloride, in the best interest of the Van Buren County Road Commission and the Townships.

## Commissioner Updates and Reports

W.C. Askew, Sr., no report.

Rick Boze, contacted his Township Supervisors by phone. They are having short meetings due to the pandemic.

Doug Burleson, no report.

Greg Kinney, no report.

Geoff Moffat, no report.

The Chairman opened the meeting to Second Public Comment. None was presented.

Anttila provided an update for the Board regarding the traffic counters installed at various locations which were discussed at the last meeting of the Board. He reached out to the Southwest Michigan Planning Commission, and the traffic counters were not theirs. He also reached out to MDOT, and it is believed that the counters belong to them.

Motion by Moffat, seconded by Askew to adjourn the Call of the Chair at 6:18 PM.

Roll call vote:

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

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Board Secretary

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Board Chairman