

Van Buren County Board of Road Commissioners

October 20, 2022 - Regular Meeting

BE IT REMEMBERED: That on the 20th day of October, 2022 at 5:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in regular session at the Road Commission Administrative Office in Lawrence, Michigan.

PRESENT:

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

GUESTS PRESENT:

Mike Chappell, County Commissioner
Kurt Doroh, County Commissioner

Vice-Chairman Askew called the meeting to order at 5:00 PM. He welcomed Road Commissioner Wayne Nelson to the Board. Commissioner Nelson expressed his gratitude and willingness to serve in his capacity as a Road Commissioner for Van Buren County.

Motion by Boze seconded by Burleson to add Agenda Item 8F, Adoption of Policy 2022-02, to the Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

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

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Kinney, seconded by Burleson to approve the Minutes of the October 6, 2022 regular meeting as presented by the Board Secretary.

AYES: 5
NAYS: 0
MOTION CARRIED.

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

Managing Director Bishop presented Staff Reports as follows:

1. Enclosed is an updated timeline for the Managing Director hiring process. Also enclosed is a letter from South Haven Township and Geneva Township both suggesting a broader net of community members participate in the process.
2. Spinners are being placed on the trucks in preparation for snow plowing. Scraper blades are stockpiled and salt barns full.
3. Our Annual Meeting(s) will take place on December 6 at 6:00 pm and December 7 at 1:00 pm in our back Maintenance Garage area.

County Commissioner Chappel advised that the County recently created a Parks Commission which requires a board member from the Road Board. Commissioner Nelson expressed a willingness to serve on the Parks Commission. Motion by Boze, seconded by Kinney to appoint Wayne Nelson as the Road Commission's representative to the Parks & Recreation Commission.

AYES: 5
NAYS: 0
MOTION CARRIED.

Commissioner Askew called attention to the correspondence provided by Geneva Township and South Haven Township requesting that the Board consider an interview panel in the process of hiring the new managing director. Discussion was held by the Board to notify all township supervisors when interviews are scheduled so that they can listen as the interview process itself is public.

A Voucher update was presented by Managing Director Bishop as follows:

Voucher #2276	\$160,629.19	Payroll
Voucher #2277	\$701,249.87	Accounts Payable

Motion by Boze, seconded by Kinney to approve the Vouchers, as presented.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Boze, seconded by Burleson to appoint Board Secretary Brien to act as Chairperson of the meeting for the purpose or reorganizing the Board.

AYES: 5
NAYS: 0
MOTION CARRIED.

Brien asked for nominations for the office of Chairman.

Kinney nominated Nelson for the office of Chairman, which was seconded by Burleson. The nomination was accepted by Nelson.

Boze nominated Askew for the office of Chairman. The nomination was accepted by Askew.

Discussion held regarding parliamentary law. After discussion Askew declined the nomination for the office of Chairman.

Motion by Kinney that nominations be closed, and that a unanimous ballot be cast for Nelson as Chairman for a 14-month term including the remainder of 2022 and all of 2023. Additional discussion held regarding parliamentary law. The motion was seconded by Burleson.

AYES: 4
NAYS: 1 (Nelson)
MOTION NOT CARRIED. (Not unanimous)

Motion by Burleson, seconded by Kinney that nominations be closed and that Nelson be appointed as Chairman for a 14-month term including the remainder of 2022 and all of 2023.

AYES: 5
NAYS: 0
MOTION CARRIED.

Brien requested nominations for the office of Vice-Chairman. Kinney nominated Askew for the office of Vice-Chairman, which was seconded by Nelson. The nomination was accepted by Askew. Motion by Burleson, seconded by Nelson that nominations be closed.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Nelson, seconded by Boze to appoint Askew as Vice-Chairman for a 14-month term including the remainder of 2022 and all of 2023.

AYES: 5
NAYS: 0
MOTION CARRIED.

Brien relinquished the Chair to the newly elected Chairman.

The Chairman requested that the Board designate a Secretary. Motion by Boze, seconded by Burleson to designate Jill Brien as the Board Secretary for a 14 month term including the remainder of 2022 and all of 2023.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Boze, seconded by Kinney to appoint Daniel Bishop as Chief Fiscal Officer for a term to include the remainder of 2022 and up to such time as the Board makes another appointment at the time of Bishop’s retirement.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Askew, seconded by Boze to appoint Varnum Law as Board Attorney for a 14 month term including the remainder of 2022 and all of 2023.

AYES: 5
NAYS: 0
MOTION CARRIED.

Rader presented an updated job description for the Managing Director which would require the next Managing Director to reside within 60 miles of Van Buren County based upon Public Act 212 of 1999, Section 2(2). Motion by Boze, seconded by Askew to approve the Updated Managing Director Job Description as presented by Finance and HR Director Rader as follows:

Van Buren County Road Commission Job Description

Title: Managing Director **Effective Date:** September 14, 2022
FLSA Classification: Exempt
Department: Administration
Pay Grade: Admin - 10

Job Summary: Serves as the chief administrator of the Van Buren County Road Commission. Performs a wide range of difficult-to-complex administrative activities that serve to support effective and efficient Road Commission operations both personally and through subordinate Directors. Advises and assists the Board in planning, policy, and budgeting matters, and directs and coordinates the administration of the Road Commission in accordance with policies and directives issued by the Board as a whole.

Supervisory Structure: Reports to the Board of County Road Commissioners and manages three subordinate Directors that supervise the Finance and Human Resources, Engineering, and Operations and Fleet Departments.

Essential Duties/Responsibilities:

- Works with the Board to understand their vision and strategic policy direction. Assists the Board in developing and managing public policy matters. Oversees staff implementation of Board goals and policies. Directs and oversees short and long-term planning: goal setting, prioritization, funding, monitoring, and reporting.
- Provides assistance to the Board to facilitate action on matters requiring their attention such as policy review, contract review, liaison with Township Partners and other boards and agencies. Investigates and researches various issues and projects assigned by the Board and reports the results with possible alternatives and recommended course of action.
- Supervises and remains accountable for the performance of the Finance and Human Resources Director, Highway Engineer, and Operations Director and their departments.
- Reviews operating results of the Road Commission, compares with established objectives, and takes steps to ensure that appropriate measures are in place to ensure success or improvement.
- Establishes and maintains an effective system of communications throughout the organization.
- Works with legal counsel and the Finance and Human Resources Director on litigated matters.

- Works with legal counsel, the Finance and Human Resources Director, and Operations Director on labor contracts.
- Works to locate and secure additional funding through federal, state, and local programs.
- Represents the Road Commission at various functions including planning commissions, federal and state aid task forces, as well as with other Transportation Partners.
- Collaborates and cooperates with various local, state, and federal agencies concerning road commission matters.

Qualifications and Experience:

- Bachelor’s degree in Public or Business Administration, Civil Engineering, or closely related discipline.
- Six to eight years’ experience in municipal, road commission, or county government administration.
- A thorough knowledge of the principals of local government administration, including organizational forms and structures and operating methods and procedures.
- Proven ability to lead large and diverse teams through complex and challenging situations or projects.
- Skill in the preparation and administration of budgets. Considerable experience and skill in planning, directing, and administering policies and programs.
- Excellent written and verbal communication skills.
- Excellent project management and time management skills.
- Proven ability to prepare and analyze comprehensive reports. Skill in organization and the ability to make decisions.
- Will consider equivalent combination of education and experience.

Special Requirements: Shall have a residence in, or within 60 miles of Van Buren County based on Public Act 212 of 1999, Section 2(2). Must have the ability to work remotely as needed. May need to travel and attend meetings outside of the regularly scheduled workday.

Physical Requirements:

Physical Mobility:	Ability to sit for extended periods.
Vision:	Ability to read instructions, directions and similar written information in letters, memos, engineering plans, forms, and other documents.
Hearing/Speaking:	Ability to converse orally via telephone, radio and personally to receive and communicate information to employees, local officials, the media, and the public.
Agility/Movement:	Ability to lift, push, pull and manipulate tools, equipment, supplies and other objects often weighing up to 30 pounds.

Disclaimer: This job description does not constitute an employment agreement between the Road Commission and employee and is subject to change by the Road Commission as its needs and requirements of the position change.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Rader provided recommendations for advertising for the Managing Director position. Discussion by Board regarding other potential advertisers as well as adding language that the successful candidate must reside within 60 miles of Van Buren County and that candidates respond to the Post Office Box. Bishop relayed that the Post Office Box had been secured together with two issued keys and a Board discussion was held regarding potential custodians. Motion by Askew, seconded by Boze to designate Nelson and Boze as custodians of the PO Box keys, and to utilize the recommended advertising options, to include the *South Haven Tribune*, *Courier-Leader*, MTA and MML, for the Managing Director hiring process with a posting date to be as soon as possible, required receipt by November 30th and the Board to review applications at the regular meeting on December 1st.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Rader presented information to the Board regarding the proposed 2023 wage increase of 5.6%, which is an average of the Social Security COLA, Federal Government wage increases, and the Road Commission’s projected MTF growth percentage. The Board requested and received information from the County Commission liaisons. Rader also discussed previous modifications to the Union Agreement as it relates to a cost of living

increase greater than 2%. Motion by Boze, seconded by Askew to approve the 2023 wage scale, as presented by Finance and HR Director Rader.

AYES: 5
NAYS: 0
MOTION CARRIED.

Bishop discussed results from the survey recently distributed to all township board members. Rader provided additional insight into survey results and details of the Road Commission's responses. The survey results show there is a lot of work to be done. The focus of the Road Commission in the coming months will be on improving communications, which is a two-way street. Additional discussion was held regarding upcoming revisions to the Transportation Partners Booklet.

Bishop discussed the proposed Policy on Right-of-Way Mowing, Brush Control & Spraying drafted by the Pool. Van Buren County will be a statewide model in its adoption of this Policy. Details within the proposed policy were discussed by Bishop. Motion by Kinney, seconded by Boze to adopt Policy 2022-02, Right-of-Way Mowing, Brush Control & Spraying Policy, as follows:

Right-of-Way Mowing, Brush Control & Spraying Policy

POLICY NO.: 2022-02

WHEREAS, the Board of County Road Commissioners of the County of Van Buren ("VBCRC") has a duty under MCL 224.21(2) to keep roads under its jurisdiction in reasonable repair; and,

WHEREAS, the VBCRC believes that controlling the growth of vegetation within highway right-of-ways through mowing, mechanical brush control and spraying benefits the public and helps to keep those highways in reasonable repair; and,

WHEREAS, MCL 247.665b(5) creates standards for right-of-way mowing, mechanical brush control and spraying that are intended to minimize the disruption of prime habitat for pheasants; and,

WHEREAS, the VBCRC desires to publish and implement a written policy for mowing, mechanical brush control and spraying that complies with the standards created in MCL 247.665b; and,

WHEREAS, this policy shall not apply to those areas within the limits of a city or village or those rights-of way within designated federal aid urban boundaries;

NOW, THEREFORE, the Board of County Road Commissioners of Van Buren County hereby adopts this Right-of-Way Mowing, Mechanical Brush Control and Spraying Policy:

1. Notwithstanding any standard contained herein or in MCL 247.665b, the VBCRC will mow any right-of-way as necessary to maintain public health and safety;
2. Subject to Paragraph 1, the VBCRC will adhere to the following standards:
 - a. Mowing shall be 12 feet from the shoulder edge or to the leading edge of the ditch, whichever is less, to any height at any time;
 - b. The area between the ditch bottom and the back slopes of the rights-of-way shall not be mowed between September 1 and the following July 15. Spraying of this area shall be limited to the control of noxious weeds and brush;
 - c. From July 16 through August 31, mowing may occur through the entire right-of-way, including through the ditch bottom, while maintaining not less than 12 inches of grass height from the back of the ditch to the back of the right-of-way and within the median;
 - d. Between July 16 and the following March 1, mechanical brush and woody stem control can be completed to whatever height is needed to provide control and safety;
 - e. Medians (strips of land between lanes of opposing traffic on a divided highway) 50 feet wide or more shall be maintained as brush-free as possible and with a grass height of at least 12 inches.

3. Subject to Paragraph 1, up to fifty percent (50 %) of the County Highway System shall be annually designated for brush control and may include herbicide treatment during the next growing season;
4. Subject to Paragraph 1, twenty-five percent (25%) of the medians (as defined in 2e)) within the County Highway System shall be annually designated for brush control;
5. Subject to Paragraph 1, mowing of the ditch back slope and areas beyond the 12-foot width from the shoulder edge shall be performed so that a minimum of 12 inches of grass remains by September 1 of each year, except in those zones designated for brush control pursuant to Paragraphs 3 and 4;
6. Areas of brush within the right-of-way shall be mowed back to prevent brush from becoming established within the right-of-way;
7. Brush or tree stumps shall be spot treated with herbicide, as needed, for long-term control.

AYES: 5
 NAYS: 0
 MOTION CARRIED.

Commissioner Updates and Reports:

- W.C. Askew, Sr. - Attended Covert Township, several issues were discussed. Attended South Haven Township, township board discussed desire for interview committee structure for Managing Director. Attended Bangor Township, Road Commission's proposed Transportation Asset Management Plan was discussed.
- Rick Boze - Attended Hamilton Township, solar project discussed which is a large scale project moving forward in both Decatur and Hamilton townships. Attended Lawrence Township, issues were discussed previously with Bishop. Attended Hartford Township, no complaints were received.
- Doug Burleson - Attended Columbia Township for a short time due to personal reasons. Attended Bloomingdale Township last night, discussions regarding gravel on 45th Street and trees on Baseline Road. Brucks provided additional details.
- Greg Kinney - Attended Paw Paw Township on the 10th, questions raised regarding pavement marking. Attended Decatur Township on the 13th.

As a point of information, Commissioner Kinney provided details regarding member absences. Askew feels that this information is a form of personal harassment. Chairman Nelson hopes to raise the level of civility during future meetings.

- Wayne Nelson - No report. Spoke to being honored to have the endorsement of the three supervisors in his liaison district and will endeavor to do his very best to represent the agency.

The Chairman opened the meeting to second public comment. County Commissioner Chappell voiced that it is his personal opinion that all road commissioners should have their own business email address. Explanations were provided by staff regarding FOIA concerns, together with various contact points for all road commissioners.

Anttila updated the Board regarding the Road Commission's pavement marking program currently in progress.

Commissioner Kinney stated that he believes that administration should get a copy of *Robert's Rules of Order, 12th Edition*, to be brought to each board meeting.

Motion by Boze, seconded by Burleson to adjourn the Call of the Chair at 6:42 PM.

AYES: 5
 NAYS: 0
 MOTION CARRIED.