

**GENESEE COUNTY ROAD COMMISSION**

**SPECIAL BOARD MEETING**

**October 29, 2018**

**MINUTES**

**CALL TO ORDER**

Chairperson Kautman-Jones called the Special Board Meeting of the Genesee County Board of Road Commissioners to order at 10:01 a.m. The meeting was held in the Board Room of the Genesee County Road Commission, 211 W. Oakley, Flint, Michigan 48503-3995.

**ROLL CALL**

Present: Shirley Kautman-Jones, Chairperson  
John Mandelaris, Vice Chairperson  
David M. Arceo, Commissioner  
Cloyce Dickerson, Commissioner  
Robert Johnson, Commissioner

Others Present: Fred Peivandi, Coetta Adams, Donna Poplar, (Genesee County Road Commission staff), Attorney Cliff Hammond (Foster, Swift, Collins & Smith), Attorney Devin Sullivan, Attorney Andrea Johnson (ZAC Law Firm), Attorney Tom Derderian (Michael Kluck & Associates), Linda Kossak, Secretary of the Board of County Road Commissioners

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chairperson Kautman-Jones.

**MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION**

Monday, October 29, 2018

10:00 a.m. – Special Board Meeting – Presentation by Attorney Cliff Hammond, (Foster Swift Collins & Smith) – To discuss the employee concerns confidential survey.

**PUBLIC ADDRESS THE BOARD**

(None)

## **BOARD OF COMMISSIONERS DECISION**

Chairperson Kautman-Jones requested a motion be made to go into closed session to discuss the employee concerns confidential survey with legal counsel pursuant to MCL 15.268(h) and MCL 15.243(1) (g) with Attorney Cliff Hammond of Foster, Swift, Collins & Smith.

**ACTION TAKEN** - Motion by John Mandelaris, seconded by Commissioner Arceo, to go into closed session to discuss the employee concerns confidential survey pursuant to MCL 15.268(h) and MCL 15.243(1) (g) with Attorney Cliff Hammond of Foster, Swift, Collins & Smith.

Commissioner Dickerson asked why Human Resource Director, Donna Poplar is not to be included in this closed session meeting.

Attorney Andrea Johnson stated that the purpose for this meeting is just to inform the Board of the results of the confidential employee concern surveys with legal counsel. This allows the Board to ask all of their questions in closed session with legal counsel.

Vice Chairperson Mandelaris asked Attorney Cliff Hammond whether or not the Human Resource Director and Finance Director should be included in the closed session. Attorney Hammond stated that is up to the discretion of the Board and his role here is to simply report his findings to the Board and let the Board make an educated opinion from the findings of the employee surveys.

Attorney Tom Derderian stated that he has serious questions whether the Board can go into closed session to review this document and discuss this matter. Attorney Derderian said he was not part of the confidential employee concern surveys.

Vice Chairperson Mandelaris said that in his opinion the Human Resource Director and Finance Director should be omitted from the closed session and pursuant to MCL 15.268(h) and MCL 15.243(1) (g), the Board can legally go into closed session to discuss this matter, [information subject to attorney-client privilege].

Attorney Devin Sullivan stated that if the Board did not retain Attorney Hammond's law firm to conduct the employee concerns confidential survey, there may be a question whether the Board can go into closed session to hear Attorney Hammond's recommendations. Vice Chairperson Mandelaris said the Manager Director has the authority from the Board to enter into contracts for the Road Commission.

Chairperson Kautman Jones asked for a vote on the motion to go into closed session pursuant to MCL 15.268(h) and MCL 15.243(1) (g) with Attorney Cliff Hammond of Foster, Swift, Collins & Smith, to discuss with legal counsel the employee concerns confidential survey [information subject to attorney-client privilege].

**VOTE ON MOTION:**

Yes: Kautman-Jones, Mandelaris, Arceo

No: Johnson, Dickerson

**MOTION CARRIED.**

**CLOSED SESSION**

Closed session called to order at 10:16 a.m.

At 11:53 a.m. the Board reconvened into open session.

**ADJOURNMENT**

Chairperson Kautman-Jones, without objection, adjourned the meeting at 11:53 a.m.

JOHN J. GLEASON

Clerk/Register

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Linda B. Kossak,  
Secretary of the Board of Road Commissioners  
/lbk

10/29/18