

GENESEE COUNTY ROAD COMMISSION

SPECIAL BOARD MEETING

October 13, 2021

MINUTES

CALL TO ORDER

Chairperson Dickerson called the meeting of the Genesee County Board of Road Commissioners to order at 1:07 p.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: Cloyce Dickerson, Chairperson
John Mandelaris, Vice Chairperson
David Arceo, Commissioner
Timothy Elkins, Commissioner
Cathy Lane, Commissioner

Absent: None

Others Present: Fred Peivandi, Donna Poplar, (Genesee County Road Commission Staff), Attorney Cha'Ris Lee, (Lee Legal Group PLLC), Attorney Andrew Cascini (Henn Lesperance PLC), Attorney Devin Sullivan (Zausmer, PC), Linda Kossak, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Dickerson.

APPROVAL OF AGENDA

October 13, 2021 – Agenda

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Arceo, to approve the October 13, 2021 agenda as presented.

VOTE ON MOTION:

Yes: Mandelaris, Arceo, Elkins, Lane, Dickerson
No: None

MOTION CARRIED.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

Tuesday, October 19, 2021

9:00 am – Roads & Bridges Advisory Committee Meeting

10:00 am – Board Meeting

PUBLIC ADDRESS THE BOARD

None.

BOARD OF COMMISSIONERS' DECISIONS

DISCUSSION

Chairperson Dickerson requested a motion to go into two closed sessions with legal counsel to discuss trial or settlement strategy in the Branch v GCRC lawsuit and the suspension [complaint] of Human Resource Director, Ms. Donna Poplar.

Commissioner Lane asked that the proposed closed sessions for the purpose to discuss with legal counsel the suspension [complaint] as requested by Human Resource Director, Ms. Donna Poplar be moved to VII. Discussion A-1 and the Trial and Settlement Strategy for Branch v GCRC lawsuit be moved to VII. Discussion A-2 to accommodate Attorney Lee and Ms. Poplar's schedules.

Chairperson Dickerson asked who would be in attendance in the closed session meetings. Attorney Devin Sullivan stated that is up to the Board to decide who attends the closed session meetings. Attorney Lee stated that it might not be wise to include Mr. Peivandi in the meeting regarding the suspension [complaint] of Donna Poplar because it is directed to him. Mr. Dickerson said if Ms. Poplar feels comfortable with Managing Director, Fred Peivandi being in the closed session meeting when they discuss her suspension, than Mr. Peivandi could stay. Attorney Lee stated that Ms. Poplar does not feel comfortable with Mr. Peivandi staying. Mr. Peivandi asked that the Board make a motion on whether he should stay in the closed session or not.

Attorney Cascini commented that he concurs with Attorney Sullivan's opinion. The Board definitely has the decision who attends the closed session and who does not. Mr. Dickerson stated that Ms. Poplar requested this closed session and he does not see any reason why not to honor her request. Attorney Cascini suggested the Board might compromise and have Mr. Peivandi stay out for part of the meeting and join the closed session later to answer any questions the Board may have for him.

Ms. Poplar commented that she has already been subjected to two weeks suspension because of her sharing information with this Board that was within her right as GCRC Human Resource Director. Because of this [suspension], she filed a complaint against the Managing Director and then she was placed on administrative leave. Ms. Poplar added, in compliance with the GCRC policy the Chairperson is to direct who will investigate her complaint.

Commissioner Arceo said he is concerned that we are already starting to have open comments, so he is suggesting we end this discussion and go into closed session. Mr. Dickerson said as Chairperson he recommends they do not allow Fred Peivandi into closed session to discuss the suspension of Ms. Donna Poplar. Mr. Elkins said he feels it would be wise to dismiss Mr. Peivandi at this time so we can discuss the suspension [complaint]. Mr. Peivandi asked if he would be allowed to attend the second closed session meeting (trial and settlement strategy with legal counsel regarding Branch v GCRC lawsuit). The Board stated yes, he would be called back in for that closed session meeting.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to go into closed session with legal counsel to discuss Human Resource Director, Ms. Donna Poplar’s suspension, per MCL 15.268(a); MCL 15.267(1).

VOTE ON MOTION

Yes: Arceo, Lane, Elkins, Dickerson, Mandelaris
No: None.

MOTION CARRIED.

(At 1:21 p.m. the Board of Road Commissioners entered into closed session to discuss Human Resource Director, Ms. Donna Poplar’s suspension [complaint])

(At 3:32 p.m., the Board of Road Commissioners reconvened into open session).

Commissioner Elkins asked if we need to take action by contacting Attorney Lee to inquire what kind of solution they are asking for towards a resolution. Attorney Cascini stated we still do not know what Ms. Poplar and Attorney Lee are proposing towards a resolution. Attorney Cascini said if the Board wishes to appoint him to communicate with Attorney Lee on how to address a resolution of their concerns he would be willing to communicate with her.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Mandelaris, to authorize Attorney Andrew Cascini to communicate with Attorney Cha’Ris Lee on how to address a resolution of their [Donna Poplar and Attorney Lee’s] concerns.

VOTE ON MOTION

Yes: Elkins, Dickerson, Mandelaris, Arceo, Lane
No:

MOTION CARRIED.

Motion by Mr. Dickerson, seconded by Ms. Lane, to go into closed session with legal counsel to discuss the Settlement{Strategy}in the Branch v GCRC lawsuit, per MCL 15.268(a); MCL 15.268(e).

(At 3:37 p.m., the Board of Road Commissioners entered into closed session to discuss the Trial or Settlement {Strategy} in the Branch v GCRC lawsuit.)

(At 3:54 p.m., the Board of Road Commissioners reconvened into open session).

Mr. Mandelaris commented that Ms. Poplar is still on administrative leave. Mr. Mandelaris asked would it be inappropriate to ask the Managing Director to bring her back to work at this time. Attorney Cascini stated that [in his legal opinion] it was a good idea to place Ms. Poplar on paid administrative leave as opposed to unpaid leave. Attorney Cascini said that bringing Donna Poplar back is up to the Board to decide and agreed that this is taxpayer money and we currently have a vacant Human Resource position. However, considering we have an aggressive time frame to get in touch with her, from a liability {legal} opinion he does not think that we should bring Ms. Poplar back at this time until we get this resolved.

MANAGER DIRECTOR REPORT

None

COMMISSIONERS' CONCERNS

None

Commissioner Lane made a motion to adjourn the meeting, seconded by Mr. Mandelaris.

VOTE ON MOTION

Yes: Mandelaris, Arceo, Lane, Elkins, Dickerson

No: None

MOTION CARRIED.

ADJOURNMENT

Chairperson Dickerson, without objection, adjourned the meeting at 3:59 pm.

JOHN J. GLEASON

Clerk/Register

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

10/13/21