

GENESEE COUNTY ROAD COMMISSION

BOARD MEETING

September 20, 2022

MINUTES

CALL TO ORDER

Chairperson Elkins called the meeting of the Genesee County Board of Road Commissioners to order at 10:02 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: Tim Elkins, Chairperson
Cathy Lane, Vice Chairperson
John Mandelaris, Commissioner
David Arceo, Commissioner
Cloyce Dickerson, Commissioner

Others Present: Fred Peivandi, Randy Dellaposta, Eric Johnston, Anthony Branch, Kylie Dontje, Kendra Love-Brezzell, Genesee County Road Commission Staff; Attorney Andrew Cascini, (Henn Lesperance PC), Attorney Robert Carollo, (Kirk, Huth, Lange & Badalamenti, PLC), James O'Shelley, Paul Arceo, Linda Kossak, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Elkins.

APPROVAL OF AGENDA

September 20, 2022 – Agenda

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the amended agenda for September 20, 2022 with the addition of VIII. Correspondence Items C-1 and C-2 and IX. Discussion Item A-11- Ratification of the IUOE Collective Bargaining Agreement.

VOTE ON MOTION

Yes: Lane, Mandelaris, Arceo, Dickerson, Elkins

No: None.

MOTION CARRIED.

APPROVAL OF MINUTES

September 07, 2022 - Board Meeting Minutes

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Ms. Lane, to approve the amended minutes of the September 07, 2022 Board Meeting.

VOTE ON MOTION

Yes: Mandelaris, Arceo, Dickerson, Elkins, Lane

No: None.

MOTION CARRIED.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

A. Tuesday, September 20, 2022

1. Closed Session to consult with legal counsel regarding trial or settlement strategy in specific pending litigation (specifically *Jackson v Genesee County Road Commission*) assigned Case No. 2:2018-cv-11199 in the Eastern District of Michigan Federal Court) pursuant to MCL 15.268(i)(e) for which discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Road Commission. (Will be held after Commissioner’s Concerns.)
2. Closed Session pursuant to MCL 15.268(i)(a) to consider the annual personnel evaluation of Managing Director Fred Peivandi, subject to Director Peivandi’s request. (Will be held after Commissioner’s Concerns.)

B. Tuesday, October 04, 2022

10:00 a.m. – Board Meeting

PUBLIC ADDRESS THE BOARD

None.

CORRESPONDENCE

INCOMING

None.

OUTGOING

None.

INTERNAL

Letter Correspondence from Mr. Jeremy Tripp, Executive Director, regarding SEIU Representation for the Genesee County Road Commission Employees – In a letter dated September 14, 2022, Mr. Jeremy Tripp notified staff that effective immediately, SEIU Local 517M disclaims interest and will no longer represent employees working for the Genesee County Road Commission. (Copy filed with official minutes.)

Letter Correspondence from Mr. Ed Jacques, Director of Technical, Professional and Officeworkers Association of Michigan (TPOAM) – In letter dated September 15, 2022, Mr. Ed Jacques, Director, of the Technical, Professional and Officeworkers Association of Michigan notified Mr. Peivandi that official certification of TPOAM as the exclusive representative for GCRC non-supervisory employees will be issued next week. TPOAM will abide by the current contract formerly held with SEIU (expiration 12-31-2022) until a new agreement is negotiated. (Copy filed with official minutes.)

Vice Chairperson Lane commented in response to the two letters in correspondence, that the employees that are represented at the Road Commission by SEIU, voted last week to change their union representation which is the reason why Mr. Tripp and Mr. Jacques sent their letters to the Managing Director.

Attorney Cascini added that this is considered an ‘RC Petition’, which states that the employees decided within their bargaining unit to change their union representation. The Road Commission took no position as to this and said our employees have the right to choose their own representation. Attorney Cascini added that we look forward to working with Mr. Jacques and the TPOAM organization.

INFORMATION

None.

BOARD OF ROAD COMMISSIONERS’ DECISIONS

DISCUSSION

Local Road Agreement for Roadway Rehabilitation, Brittwood Acres (Partial) and Brittwood Acres #1, Mundy Charter Township – In a memorandum dated September 13, 2022, staff requested the Board approve the local road agreement for roadway rehabilitation of Brittwood Acres (partial) and Brittwood Acres #1, Mundy Charter Township. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Arceo, to approve the local road agreement for roadway rehabilitation of Brittwood Acres (partial) and Brittwood Acres #1 and further, authorize the Chairperson and Vice Chairperson to sign the construction agreement on behalf of the Board of County Road Commissioners.

VOTE ON MOTION

Yes: Mandelaris, Arceo, Dickerson, Elkins, Lane

No: None.

MOTION CARRIED.

Selection of Consultant for Design Services for Saginaw Road (McCandlish Road to Charing Cross Road, Grand Blanc Township) – In a memorandum dated September 13, 2022, staff requested the Board approve assignment of Fleis & Vandenbrink to prepare construction plans for the proposed Saginaw Road design project, Grand Blanc Township. (Copy filed with official minutes.)

Commissioner Mandelaris asked if the City of Grand Blanc shares in the costs for this project. Staff stated that they do not because the GCRC has jurisdiction over this portion of the roadway.

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Ms. Lane, to approve assignment of Fleis & Vandenbrink, a consultant in Group ‘A’ category, to prepare construction plans for the proposed Saginaw Road (McCandlish Road to Charing Cross Road design project in Grand Blanc Township and further, authorize the Chairperson to sign the consultant agreement on behalf of the Board of County Road Commissioners when returned.

VOTE ON MOTION

Yes: Arceo, Dickerson, Elkins, Lane, Mandelaris

No: None

MOTION CARRIED.

Local Road Agreement for Roadway Rehabilitation, Cook Road from Embury Road to Holly Road, Grand Blanc Township– In a memorandum dated September 14, 2022, staff requested the Board approve the local road agreement for roadway rehabilitation of Cook Road from Embury Road to Holly Road, Grand Blanc Township. (Copy filed with official minutes.)

Commissioner Lane asked staff if this would include a bike path as a continuation of the Dort Highway Extension. Staff stated no, the bike path would go up Embury Road.

Federal STP Funds	\$1,140,000
Grand Blanc Charter Township	\$ 180,000
GCRC (GB Township Allocation)	<u>\$ 180,000</u>

Total Project Cost \$1,500,000

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Arceo, to approve the local road agreement for roadway rehabilitation of Cook Road from Embury Road to Holly Road in Grand Blanc Township and further, authorizes the Chairperson and Vice Chairperson to sign the construction agreement on behalf of the Board of County Road Commissioners. Funding is budgeted in the 2021/2022 fiscal year budget.

VOTE ON MOTION

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

MOTION CARRIED.

Issuance of a Purchase Order for Item #93 – Synology Storage System – In a memorandum dated August 15, 2022, staff requested the Board approve the issuance of a Purchase Order to PC Net Techs for Item #93 – Synology Storage System. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Ms. Lane, to approve the issuance of a Purchase Order for Item #93 to PC Net Techs for Item #93, Synology Storage System in an amount of \$23,339.96. Funds are budgeted in the 2021/2022 fiscal year.

VOTE ON MOTION

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

MOTION CARRIED.

Issuance of a Blanket Purchase Order to AIS Construction Equipment for Gradall Repair. Services and Parts - In a memorandum dated September 1, 2022, staff requested the Board approve the issuance of a Blanket Purchase Order to AIS Construction Equipment for Gradall Repair, Services and Parts. (Copy filed with official minutes.)

Vice Chairperson Lane asked staff about the functions of a Gradall. Mr. Dellaposta replied that the Gradall is used at every district garage for ditching as well as for other road maintenance operations. Gradalls have a bucket with an arm that allows them to ditch and articulate. It is also drivable and has two cabs. The Road Commission has seven (7) Gradalls, one for each district and one (1) spare. Commissioner Mandelaris commented that he has seen them lift objects up and Mr. Dellaposta answered that we do use them for lifting cross-tubes and placing them in the roadway.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Arceo, to approve the issuance of a Blanket Purchase Order for Gradall Repair Services and Parts to be purchased on an as needed basis in an amount of \$60,000. Funds will be available in the 2022/2023 fiscal year budget.

VOTE ON MOTION

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

MOTION CARRIED.

Issuance of Blanket Purchase Orders for Materials & Services for Item #28 and Lubricants & Antifreeze – In a memorandum dated September 1, 2022, staff requested the Board approve the issuance of Blanket Purchase Orders for materials and services on an as needed basis to the following companies:

- Item #28 - Birks Works Environmental for Transportation & Disposal of Non-hazardous materials in an amount of \$30,000
- Safety Kleen for Lubricants and Antifreeze in an amount of \$70,000
- Shrader Tire & Oil for Lubricants and Antifreeze in an amount of \$30,000

(Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Mr. Dickerson, to approve the issuance of Blanket Purchase Orders for materials & services on an as needed basis. Funds are budgeted in the 2022/2023 fiscal year.

VOTE ON MOTION

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

MOTION CARRIED.

Issuance of a Purchase Order for 12 monthly payments to BCS Towers, Inc. for Digital Radio Services for the Fleet Maintenance & Facilities Department – In a memorandum dated September 12, 2022, staff requested the Board approve the issuance of a Purchase Order for 12 monthly payments to BCS Towers, Inc. for digital radio services. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Ms. Lane, to approve the issuance of a Purchase Order for 12 monthly payments to BCS Towers, Inc., in the total amount not to exceed \$45,738.00. Funds are budgeted in the 2022/2023 fiscal year.

VOTE ON MOTION:

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

MOTION CARRIED.

Issuance of a Blanket Purchase Order to Sonitrol Tri-County for Security and Fire Protection – In a memorandum dated September 12, 2022, staff requested the Board approve the

issuance of a Blanket Purchase Order to Sonitrol Tri-County for security and fire protection monitoring. (Copy filed with official minutes.)

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Ms. Lane, to approve the issuance of a Blanket Purchase Order to Sonitrol Tri-County for security and fire protection monitoring in the amount not to exceed \$42,170.40. Funds are budgeted in the 2022/2023 fiscal year.

VOTE ON MOTION:

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

MOTION CARRIED.

Ratification of Voucher Nos. 40841, 40842 and 40843 totaling \$2,353,419.76 – (Copies filed with official minutes.)

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Mr. Mandelaris, to ratify the following Vouchers totaling \$2,353,419.76:

Voucher #40841 in the amount of \$548,743.74
Voucher #40842 in the amount of \$437,626.45
Voucher #40843 in the amount of \$1,367,049.57

VOTE ON MOTION:

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

MOTION CARRIED

Fiscal Year 2022 Year End Budget Transfers – In a memorandum dated September 15, 2022, staff requested the Board approve the fiscal year-end budget transfers to prevent actual expenditures from exceeding those provided for in the budget. (Copy filed with official minutes.)

Commissioner Mandelaris asked why Department 10 - Commissioners had expenditures exceeding those budgeted. Mr. Dellaposta stated that based on actual expenditures to the budgeted amount, it was very close that the Department 10 budget was going to exceed 100%. It could have been from office supplies or travel & training and added that the Commissioners have a very small budget.

	<u>Increase/(Decrease)</u>
Department 10 – Commissioners	\$ 2,000
Department 60 – Human Resources	(\$ 10,000)
Department 70 - Finance Department	(\$ 2,000)

Department 81 – Administration Dept.	<u>\$ 10,000</u>
Net Increase/Decrease to Fund Balance	\$ 0

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the year-end budget transfers in an effort to prevent actual expenditures from exceeding those provided for in the budget and further, authorize the Chairperson to sign the transfer authorization form on behalf of the Board of Road Commissioners. These transfers have zero impact on Fund Balance.

VOTE ON MOTION:

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

MOTION CARRIED

Ratification of the International Union of Operating Engineers, Local 324 Collective Bargaining Agreement – In a memorandum dated September 20, 2022, staff requested that the Genesee County Board of Road Commissioners ratify the Collective Bargaining Agreement between the Genesee County Road Commission and the International Union of Operating Engineers (IUOE), Local 324. (Copy filed with official minutes.)

Vice Chairperson Lane thanked staff and the union for finalizing the collective bargaining agreement. Mr. Peivandi asked if the 4.5% rate increase starts now and continues until the end of the year. Mr. Dellaposta answered that they will receive the increase of 4.5% effective the first pay period following the ratification of the Agreement. Then effective the first pay period after January 1, 2023, they will receive a 2.5% increase over then-current wages.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to ratify the Collective Bargaining Agreement between the Genesee County Road Commission and the International Union of Operating Engineers, Local 324, effective today, September 20, 2022 until December 31, 2024.

VOTE ON MOTION:

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

MOTION CARRIED

CONSENT

None.

MANAGING DIRECTOR REPORT

Commissioner's Conference, Frankenmuth, MI - Mr. Peivandi reminded the Board of the Commissioner's Seminar/Conference that will be held in Frankenmuth, MI this year (October 9 thru 11, 2022). Staff has signed up four commissioners for this conference.

Request for Proposal for the Metro District Garage – Mr. Peivandi said that the Road Commission received nine 'request for proposal' for the Metro District Garage project. He added that we would be screening those proposals to narrow down the candidates.

COMMISSIONER'S CONCERNS

Commissioner David Arceo Resignation - Commissioner David Arceo announced his resignation to the GCRC Board and staff adding that his last day will be September 30, 2022. Mr. Arceo thanked everyone for the opportunity to serve on this Board and said he appreciated all of the support he has received while serving and it has been a source of pride to serve on this board. Mr. Arceo added that he presented his resignation to the County Board Administrator, Mr. Josh Freeman because he provides administrative support to the county board. Mr. Arceo said the Genesee County Board of Commissioners, Department of Public Works Committee appoints the Road Commissioners for a six-year term. He thanked the Board members and staff and stated it was an honor serving on this board at the Road Commission.

Chairperson Elkins, Vice Chairperson Lane, Commissioner Mandelaris and Commissioner Dickerson thanked Commissioner David Arceo for his commitment, service and guidance that he has provided to the Road Commission during his term.

Managing Director Peivandi extended his appreciation to Commissioner Arceo for his dedication and service to the Genesee County Road Commission.

County Road Association Conference, Traverse City, MI – Vice Chairperson Lane commented that the CRA Highway Conference that was held September 13th thru the 16th in Traverse City, was very informative and added that she attended a session she would like to share the information with to other organizations regarding drugs legally bought at gas stations. Ms. Lane said she feels this information should be shared with law enforcement agencies.

Chairperson Elkins said he also attended the CRA Conference and stated that the information he received at the conference was very enlightening and beneficial and he had the opportunity to meet many other individuals from other road commissions while at the conference.

GCRC County Maps - Commissioner Mandelaris inquired about the status of the GCRC County Road Maps that are being updated. Eric Johnston answered that the second proof has been submitted to the printing company so we should be getting that back for one last review

and once we give our approval, they can print them.

Commissioner Mandelaris commented that he has enjoyed serving with David Arceo for many years and added that they use to go to lunch together and share military stories. He stated that it has been a pleasure serving with him over the years. Chairperson Elkins added that it has been a privilege serving with David Arceo on this board.

Chairperson Elkins requested a motion to go into closed session.

ACTION TAKEN - Motion by Mr. Dickerson, seconded by Ms. Lane, to enter into closed session to consult with legal counsel regarding trial or settlement strategy in specific pending litigation (specifically *Jackson v Genesee County Road Commission*) assigned Case No. 2:2018-cv-11199 in the Eastern District of Michigan Federal Court) pursuant to MCL 15.268(i)(e) for which discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Road Commission.

VOTE ON MOTION:

Yes: Elkins, Lane, Mandelaris, Arceo, Dickerson

No: None

MOTION CARRIED

(At 10:45 a.m., the Board went into closed session.)

(At 11:16 a.m., the Board reconvened into open session.)

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Dickerson, to appoint Chairperson Elkins to attend the Eastern District of Michigan Federal Court pre-trial hearing in Detroit on September 27, 2022 at 1:30 p.m. (*Jackson v Genesee County Road Commission*) assigned Case No. 2:2018-cv-11199.

VOTE ON MOTION:

Yes: Mandelaris, Arceo, Dickerson, Elkins, Lane

No: None

MOTION CARRIED

Chairperson Elkins asked for a motion to go into the second closed session.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to enter into closed session pursuant to MCL 15.268(i)(a) to consider the annual personnel evaluation of Managing Director Fred Peivandi, subject to Director Peivandi’s request.

VOTE ON MOTION:

Yes: Arceo, Elkins, Dickerson, Lane, Mandelaris

No: None

MOTION CARRIED

(At 11:21 a.m., the Board entered into closed session.)
(At 11:24 a.m., the Board reconvened into open session.)

ADJOURNMENT

Chairperson Elkins, without objection, adjourned the meeting at 11:25 a.m.

JOHN J. GLEASON
Clerk/Register

Linda B. Kossak, Secretary of the
Board of County Road Commissioners
/lbk 09/20/22