

GENESEE COUNTY ROAD COMMISSION

BOARD MEETING

JANUARY 3, 2023

MINUTES

CALL TO ORDER

Chairperson Elkins called the 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 Street, Flint, Michigan 48503-3995.

ROLL CALL

Present: Tim Elkins, Chairperson
Cathy Lane, Vice Chairperson
Cloyce Dickerson, Commissioner
John Mandelaris, Commissioner
David Arceo, Commissioner

Others Present: Fred Peivandi, Randy Dellaposta, Tracy Khan, Anthony Branch, Eric Johnston, Kylie Dontje, Kendra Love-Brezzell, Genesee County Road Commission Staff; Attorney Andrew Cascini, (Henn Lesperance PC), Gayle Cummings (MCRCSIP Administration) Donna Arden, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Elkins.

APPROVAL OF AGENDA

January 3, 2023 – Agenda

ACTION TAKEN – Motion by Mr. Arceo, seconded by Ms. Lane, to approve the amended agenda for January 3, 2023 with the postponement of X. Board of Commissioners’ Discussion Item A-6 Amendment of Land Lease Agreement with American Tower Corporation Site #412756.

VOTE ON MOTION:

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

MOTION CARRIED.

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Mr. Dickerson, to approve the amended agenda for January 3, 2023 with the removal of VI. Election & Appointments for the Board of County Road Commissioners Items A, B, & C and X. Board of Commissioners’ Decisions Items A-8 through A-10.

Mr. Mandelaris stated that items under VI. Election & Appointments for the Board of County Road Commissioners should be postponed until the County Board appoints replacements for the Commissioners whose terms have ended. Mr. Mandelaris also feels items under X. Board of Commissioners’ Decisions Items A-8 through A-10 should be postponed until the new Board of Road Commissioners have been seated.

Mr. Dickerson agreed with Mr. Mandelaris and stated the reason of waiting until the completion of pending lawsuits, which include the Managing Director. He added that the contract for Managing Director only benefits the current Managing Director and not future candidates. Mr. Dickerson also requested a future closed session with Attorney Cascini to discuss this matter.

Ms. Lane added that at least the election of the officers should take place at the present meeting.

Mr. Elkins stated that this was a similar situation to 2021 when several Commissioners were up for reappointment and elections were still held.

Attorney Cascini addressed Mr. Dickerson’s concerns regarding a new contract for the Managing Director and offered to respond with a written legal opinion.

VOTE ON MOTION:

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

MOTION DECLINED.

APPROVAL OF MINUTES

December 14, 2022 Board Meeting
December 20, 2022 Board Meeting

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Ms. Lane, to approve the minutes of the December 14, 2022 and December 20, 2022 Board Meetings.

VOTE ON MOTION:

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

MOTION CARRIED.

ELECTION & APPOINTMENTS FOR THE BOARD OF COUNTY ROAD COMMISSIONERS

NOMINATION FOR CHAIRPERSON

ACTION TAKEN – Motion by Mr. Arceo, seconded by Ms. Lane to nominate Mr. Elkins for the position of Chairperson of the Board of Genesee County Road Commission.

VOTE ON MOTION:

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

Mr. Elkins asked Attorney Cascini if a Commissioner could abstain from voting on an item. Attorney Cascini stated he does not believe that there is any reason a Commissioner cannot abstain from voting. Attorney Cascini stated he would review the Board bylaws to verify abstaining is a valid vote. Attorney Cascini offered to give a written option to the Board if requested.

Mr. Mandelaris changed his vote to No on this matter. Mr. Mandelaris also questioned the validity of a Chairperson being held over to the new calendar year. Mr. Dickerson also stated that he disagreed with the voting at this Board Meeting.

Ms. Cummings added that the County Road Law is very clear on matters of seats on County Road Boards and handling of elections and filling vacancies.

MOTION CARRIED.

NOMINATION FOR VICE CHAIRPERSON

ACTION TAKEN – Motion by Mr. Elkins, seconded by Mr. Arceo to nominate Ms. Lane for the position of Vice Chairperson of the Board of Genesee County Road Commission.

VOTE ON MOTION:

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

MOTION CARRIED.

Appointments to Parks Commission, Retirement Commission, Transportation Advisory Committee (TAC), Water & Waste Committee, and Genesee-Lapeer-Shiawassee Region V Planning & Development Commission

Chairperson Elkins stated to postpone the elections to these committees until the new

Commissioners are seated at the Board of Road Commissioners. Chairperson Elkins also added that the members would remain on their current committees until the new Commissioners are seated.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

- A. Tuesday, January 3, 2023 – (Closed session will be held after Commissioners’ Concerns) Closed Session to discuss a privileged written legal opinion pursuant to MCL 15.268(1)(h) concerning pending litigation in *Jaeger v. Genesee County Road Commission*, Genesee County Circuit Court – Case No. 22-117498-CK, and to consult with legal counsel regarding trial or settlement strategy in specific pending litigation pursuant to MCL 15.268(1)(e) for which discussion in an open meeting would have a detrimental financial effect on the litigating or settlement position of the Road Commission.

- B. Monday, January 16, 2023
GCRC closed (non-essential operations) in observance of the Martin Luther King Jr. Day

- C. Tuesday, January 17, 2023
9:00 a.m. – Roads & Bridges Advisory Committee Meeting
10:00 a.m. – Board Meeting

PUBLIC ADDRESS THE BOARD

None.

CORRESPONDENCE

INCOMING

None.

OUTGOING

None.

INTERNAL

None.

INFORMATION

None.

BOARD OF ROAD COMMISSIONERS’ DECISIONS

DISCUSSION

MDOT Contract No. 22-5520 for Reconstruction of the Torrey Road Bridge over the Swartz Creek, Structure 2743, Mundy Charter Township – In a memorandum dated December 20, 2022, staff requested the Board approves MDOT Contract No. 22-5520 for the reconstruction of the Torrey Road Bridge over the Swartz Creek, Mundy Charter Township.
(Copy of memorandum and contract filed with official minutes.)

Federal & State Local Bridge Funds	\$ 1,615,000.00
GCRC Local Share	<u>\$ 86,000.00</u>
Total Project Cost	\$ 1,701,000.00

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Arceo, to approve MDOT Contract No. 22-5520 for reconstruction of the Torrey Road Bridge over the Swartz Creek, Structure 2743, Mundy Charter Township.

VOTE ON MOTION:

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

MOTION CARRIED.

MDOT Contract No. 22-5543 for Reconstruction of the Hogan Road Bridge over the Shiawassee River, Structure 2780, Fenton Charter Township – In a memorandum dated December 20, 2022, staff requested the Board approve MDOT Contract No. 22-5543 for reconstruction of the Hogan Road Bridge over the Shiawassee River, Structure 2780, Fenton Charter Township.
(Copy of memorandum and contract filed with official minutes.)

State Local Bridge Funds	\$ 1,242,125.00
GCRC Local Share	<u>\$ 66,375.00</u>
Total Project Cost	\$ 1,308,500.00

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve MDOT Contract No. 22-5543 for reconstruction of the Hogan Road Bridge over the Shiawassee River, Structure 2780, Fenton Charter Township with the Chairperson and Vice Chairperson electronically signing the contract.

Ms. Lane questioned why the absence of Federal Funds in this contract. Mr. Johnston responded noting MDOT has the choice of using State and/or Federal Funds and in this case chose to utilize State Funds possibly due to the age of the structure. Mr. Peivandi also added it is a local road system and that may have been the reason for MDOT’s decision to use State Funding.

VOTE ON MOTION:

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

MOTION CARRIED.

Local Road Agreement for Roadway Rehabilitation, Concord Green Subdivision, Grand Blanc Charter Township – In a memorandum dated December 27, 2022, staff requested the Board approve the local road agreement for roadway rehabilitation of the Concord Green Subdivision, Grand Blanc Township.

(Copy of memorandum and contract filed with official minutes.)

Grand Blanc Charter Twp (90% Road Construction)	\$ 468,000.00
GCRC (10% Road Construction, Eng. & Inspection)	<u>\$ 104,000.00</u>
Total Project Cost	\$ 572,000.00

ACTION TAKEN – Motion by Mr. Mandelaris, seconded by Mr. Arceo, to approve the local road agreement for roadway rehabilitation of the Concord Green Subdivision, Grand Blanc Township.

Ms. Lane asked Attorney Cascini if she needed to abstain from voting since she is a resident of Concord Green Subdivision. Attorney Cascini replied that it is not necessary to abstain from voting.

VOTE ON MOTION:

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

MOTION CARRIED.

Local Road Agreement for Roadway Rehabilitation, Kings Points Subdivision, Grand Blanc Charter Township – In a memorandum dated December 27, 2022, staff requested the Board approve the local road agreement for roadway rehabilitation of the Hills of Kings Pointe No.’s 1 through 7, Grand Blanc Charter Township.

(Copy of memorandum filed with official minutes.)

Grand Blanc Charter Twp (90% Construction)	\$ 882,000.00
Grand Blanc Charter Twp (Sump Collector System)	\$ 900,000.00
GCRC (10% Construction, Eng. & Inspection)	<u>\$ 343,000.00</u>
Total Project Cost	\$ 2,125,000.00

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the local road agreement for roadway rehabilitation, Kings Pointe Subdivision, Grand Blanc Charter Township.

Mr. Elkins asked the amount of the 10% allocation for this project. Mr. Johnston stated amount is \$98,000 and only includes the construction and not the sump collector system. Mr. Elkins then asked Mr. Peivandi about the cap that was placed on Townships for utilizing allocation funds for subdivision projects. Mr. Peivandi replied there is a cap and if there are funds leftover at the beginning of the year, a Township can go over their cap and utilize the remaining available

funds not used by other Townships.

VOTE ON MOTION:

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

MOTION CARRIED.

Local Road Agreement for Watermain Relocation, Torrey Road Bridge over the Swartz Creek, Mundy Charter Township – In a memorandum dated January 3, 2023, staff requested the Board approve the local road agreement for watermain relocation on the Torrey Road Bridge over the Swartz Creek, Mundy Charter Township.
(Copy of memorandum filed with official minutes.)

Genesee County Drain Commissioner’s Office	\$ 100,000.00
Genesee County Road Commission	\$ 0.00
Total Relocation Cost	\$ 100,000.00

ACTION TAKEN – Motion by Mr. Arceo, seconded by Mr. Mandelaris, to approve the local road agreement for watermain relocation, Torrey Road Bridge over the Swartz Creek, Mundy Charter Township.

Mr. Arceo asked for a better explanation of the breakdown of the funding for this project. Mr. Johnston explained it is 100% a cost of the Drain Commissioner’s office and Mr. Peivandi added that 95% of the participation would come from MDOT with the Drain Commissioner’s office incurring 5% of the project cost.

VOTE ON MOTION:

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

MOTION CARRIED.

Ratification of Vouchers Nos. 40882, 40883, 40884, and 40885 totaling \$1,100,277.68 - (Copies filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to ratify the following Vouchers totaling \$1,100,277.68:

- Voucher #40882 in the amount of \$16,349.24
- Voucher #40883 in the amount of \$258,969.35
- Voucher #40884 in the amount of \$517,421.28
- Voucher #40885 in the amount of \$307,537.81

Ms. Lane questioned check number 115881 on Voucher 40883 made payable to Genesee County Parks & Recreation. Ms. Kahn responded that the Parks had money on deposit for several

projects involving the Road Commission. These were the funds left after the completion of the projects.

Mr. Elkins added that he had a reimbursement check on the same voucher for travel expenses.

VOTE ON MOTION:

Yes: Dickerson, Mandelaris, Elkins, Lane, Arceo

No: None

MOTION CARRIED.

Managing Director Job Description – In a memorandum dated December 28, 2022, staff requested the Board approve the revised job description for the Genesee County Road Commission Managing Director position. (Copy of memorandum filed with official minutes.)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Arceo, to approve the amended revised job description changing requiring the listed education **or** experience instead of both requirements, and change the bullet points to numbering in the education or experience portion of the description.

Mr. Elkins stated that the current Board of Road Commissioner’s is better qualified to make the decision on the job description because of the amount of experience of the current members. Ms. Lane agreed and added that the job description is not for a particular person but for a particular position.

Mr. Mandelaris would like to see some of the changes that he suggested be implemented into the Managing Director job description. He gave an example of changes the education **and** experience to read: education **or** experience. Mr. Mandelaris would also like the new Board to approve this document. Attorney Cascini responded requesting clarification from Mr. Mandelaris to ensure his suggestions are incorporated into future re visions.

Mr. Dickerson stated that the current proposed job description prohibits current employees with extensive experience from being considered in the future because they may not meet the college experience requirement.

Ms. Lane added that the knowledge of Civil Engineering is important in this type of position.

Mr. Peivandi questioned if the education and experience should be changed to read education or experience. Attorney Cascini replied stating the current document has four qualifications that need to be met. He added that the wording is the Board’s preference.

Ms. Lane pointed out that the document has bullet points under the education and experience section and it should be numbers instead of bullets.

Ms. Cummings also agreed that the job description should match the type of individual that would fit that qualifications needed not a specific person.

Mr. Elkins also commented that the Road Commission is pro education and does offer some education reimbursement to employees provided the education is relative to Road Commission work. Mr. Mandelaris added that the reimbursement is for one course a year.

VOTE ON MOTION:

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

MOTION CARRIED.

Deputy Managing Director Employment Agreement and Managing Director Employment Agreement – After discussion, these two items have been postponed to be moved to a future closed session to allow the Road Commission Board of Road Commissioners to discuss the agreements with Attorney Cascini.

CONSENT

Removal of Equipment #5678 from Genesee County Road Commission records – In a memorandum dated December 21, 2022, staff requested the Board authorize the removal of unrepairable equipment #5678 from all Genesee County Road Commission records.
(Copy filed with official minutes)

ACTION TAKEN – Motion by Mr. Lane, seconded by Mr. Arceo, to authorize the removal of unrepairable equipment #5678 from all Genesee County Road Commission records.

VOTE ON MOTION:

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

MOTION CARRIED.

Resolution for Outstanding Service to the Genesee County Road Commission for Road Commissioner David Arceo – In honor of his notable service to the Genesee County Road Commission, a Resolution was presented at the January 3, 2023 Board Meeting.
(Copy filed with official minutes)

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Mandelaris, to approve the Resolution for Outstanding Service to the Genesee County Road Commission for Road Commissioner David Arceo.

Mr. Arceo served over 9 years as a Road Commissioner of the Genesee County Road Commission. He served 1 year as Chairperson and 1 year as Vice Chairperson during his time on the Board. Mr. Arceo has earned the admiration and respect of his fellow board members and employees of the Road Commission. Mr. Arceo was commended for his years of service to the organization and will be missed. Mr. Arceo was presented with a clock by Mr. Peivandi on behalf of the Genesee County Road Commission.

VOTE ON MOTION:

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

MOTION CARRIED.

MANAGING DIRECTOR REPORT

None.

COMMISSIONERS' CONCERNS

ACTION TAKEN – Motion by Mr. Dickerson, seconded by Ms. Lane, to enter into closed session to discuss a privileged written legal opinion pursuant to MCL 15.268(1)(h) concerning pending litigation in *Jaeger v. Genesee County Road Commission*, Genesee County Circuit Court – Case No. 22-117498-CK, and to consult with legal counsel regarding trial or settlement strategy in specific pending litigation pursuant to MCL 15.268(1)(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: Lane, Arceo, Dickerson, Mandelaris, Elkins
No: None

MOTION CARRIED.

(At 11:59 a.m., the Board entered into closed session.)
(At 12:23 p.m., the Board reconvened into open session.)

ADJOURNMENT

Chairperson Elkins, without objection, adjourned the meeting at 12:23 p.m.

Domonique Clemons
Clerk/Register

Donna Arden, Secretary of the
Board of County Road Commissioners

/da

1/03/2023