

The meeting of the Board of Road Commissioners of the County of Calhoun was held Wednesday, February 7, 2007 at 9:00 a.m. in their office located at 13300 Fifteen Mile Road, Marshall, Michigan.

Present: Commissioner Chester E. Travis, Chairman
Commissioner Charles E. Monaweck, Vice-Chairman
Commissioner Scott Brown, Member
Dennis Randolph, Managing Director
Joanna Johnson, Assistant Managing Director
Kevin Henning, Finance Director
Pixie Coats, Human Resource Director
Angela Kline, Assistant County Highway Engineer
Also Present: Eusebio Solis Jr., Calhoun County Commissioner
Tom Frank, Albion Township Supervisor
Frank Manke, Clarendon Township Supervisor
Richard Harvey, Bedford Township Trustee
Sharon Drumhiller, Tekonsha Township Supervisor
Mark Warner, Tekonsha Township Resident
Al Lutz, Tekonsha Township Resident
Jack Sheppard, Tekonsha Township Resident
Linda Sheppard, Tekonsha Township Clerk
David Veramay, Clarence Township Resident
Joe Bramble, Convis Township Resident
Clarence Millard, Newton Township Resident
Gardy Berezonsky, Marengo Township Resident
Carol Swafford, Newton Township Resident
Denny Smock, Fredonia Township Resident
Jim Russell, Sheridan Township Resident
Nelson Shedd, Village of Tekonsha Resident
Steve Ball, Calhoun County Road Commission
Hershel Stacy, Calhoun County Road Commission
Robert Volkmer, Calhoun County Road Commission
Paul Adams, Calhoun County Road Commission

Chairman Chester Travis called the regular meeting of the Board of County Road Commissioners to order at 9:00 a.m.

Commissioner Brown stated that the minutes of the meeting are an official public document and are subject to the Freedom of Information Act and can also be used in legal proceedings. Commissioner Brown stated that it is his humble request that the minutes be adopted by voice vote.

Commissioner Travis stated that according to Robert's Rules of Order they don't have to be adopted by voice vote, but it didn't matter to him either way.

Commissioner Brown stated Robert's Rules notes minutes should be adopted by voice vote. Commissioner Travis asked for someone to make a motion.

Moved by Commissioner Brown and supported by Commissioner Travis to approve the regular meeting minutes of January 17, 2007. Voice vote: Motion carried.

COMMUNICATIONS AND RESOLUTIONS

Received a memo from Battle Creek Area Transportation Study (BCATS) requesting that CCRC designate the week of February 11th – 17th as “Child Passenger Safety Awareness Week”.

Received a letter from Rehmann Robson confirming the understanding of services being provided to the Calhoun County Road Commission.

Received MDOT Contract No. 06-5551, for the clearing and signing of intersections along B Drive South from 9 ½ Mile Road to 12 Mile Road, N Drive North from 16 Mile Road to 20 ½ Mile Road and along Union City Road from R Drive South to H Drive South.

Received a letter from Marshall Township requesting a traffic light at the intersection of Old 27 North and a new road being built by Cecil Farmer, north of Avery Leasing.

Received a memo from Angela Kline, Assistant County Highway Engineer, requesting the approval of Resolution 2007-005, accepting Lancaster Lane and Countryside Lane in Leroy Township into the county local road system.

Received a memo from Joanna Johnson, Assistant Managing Director regarding the Operations Manager position.

Received employment agreement for Steven L. Ball, Operations Manager.

NEW BUSINESS

Commissioner Brown questioned check number 40633, payable to Western Michigan University. Mr. Henning, Finance Director, stated that the check to Western Michigan University was a contract agreement to provide design and research information for our Custer Road Bridge project.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve the January 25, 2007 accounts payable for \$230,482.11. Voice vote: Motion carried.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve the January 17, 2007 payroll for \$133,821.82. Voice vote: Motion carried.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve the January 31, 2007 payroll for \$133,109.52. Voice vote: Motion carried.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve the January 17, 2007 payroll for \$6,703.58. Voice vote: Motion carried.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve Resolution 2007-03 designating the week of February 11th – 17th as “Child Passenger Safety Awareness Week”. Voice vote: Motion carried.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve Resolution 2007-04, for the clearing and signing of intersections along B Drive South from 9 ½ Mile Road to 12 Mile Road, N Drive North from 16 Mile Road to 20 ½ Mile Road and along Union City Road from R Drive South to H Drive South. Voice vote: Motion carried.

Commissioner Monaweck asked if Resolution 2007-04 was part of the grant money we received last fall. Mr. Randolph said that it was the same money.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve the letter from Rehmann Robson confirming the understanding of services being provided to the Calhoun County Road Commission. Voice vote: Motion carried.

Moved by Commissioner Monaweck and supported by Commissioner Brown to approve Resolution 2007-005, accepting Lancaster Lane and Countryside Lane in Leroy Township into the county local road system. Voice vote: Motion carried.

Commissioner Brown stated that he understood if the owner does not complete the soil erosion issues by a certain date then we have the authority to deny his permits. Mrs. Kline said he was correct and that it is an ongoing project with fixes needed, but we are confident that the owner will take care of the issue.

Commissioner Travis asked for a motion to approve the employment agreement with Steven L. Ball, Operations Manager.

Commissioner Brown stated that he has some concerns over an employment agreement that transfers authority of the Board to any other authority except the Board. Commissioner Brown also has a question on an employment agreement that exceeds current policy that is set by the Board without the Board authority. Those two items along with several others are the main reasons he intends to vote no on this employment agreement today. He stated that in no way is his vote reflective of the gentleman that is related to this agreement. Thank you.

Mr. Randolph said that he isn't sure what authority Commissioner Brown is talking about in the agreement.

Commissioner Brown read the following portion of the employment agreement. "Section 1: Authority. The Board and Managing Director recognizes their responsibility for the delegation of responsibility to the Operations Manager relative to the execution of policies, plans, and programs, and delegation of commensurate authority for their execution will be granted through the Assistant Managing Director unless expressly reserved to the Board at the time of their enactment. The Operations Manager shall have such authority and responsibility as deemed necessary by the Assistant Managing Director to carry out the duties assigned by the Assistant Managing Director in a timely, efficient, and economical manner."

Commissioner Brown stated he feels that anything that relates to policy should remain with the Board at all times. Additionally, the termination clause lists the authority to the Assistant Managing Director and the Managing Director. Commissioner Brown stated that this is his point of view. If the employment agreement requires the Board to enact it, then it should also require the Board to terminate it, upon the appropriate recommendation of the Managing Director. Commissioner Brown commented that he found some other items in the agreement that were questionable. Section 6: Performance Bonus. A bonus for superior performance may be awarded to the Operations Manager upon the recommendation of the Assistant Managing Director. The bonus may be up to one thousand (\$1,000) for each year of this Agreement. The basis of the award will be entirely within the discretion of the Assistant Managing Director and the Managing Director. Wherever money is concerned that is outside the normal budgetary process of operations, the Board should be involved.

Commissioner Brown reiterated that this has nothing to do with the person involved with this agreement.

Mrs. Johnson commented on her interpretation. After working with our attorney, it is her understanding that the Board is to be the policy makers for this organization and those policies are put into effect via the Assistant Managing Director to the Operations Manager. In regards to termination, she believes to understand Commissioner Brown's point. In regards to the performance bonus, this is consistent with the SEIU Labor Agreements and the bonus for non-union staff.

Commissioner Monaweck commented that this is an opportunity for this Board to set a new tone for our organization for years to come. It's a very critical change in the way we hopefully will operate. Hopefully it will bring much more accountability all the way down with in the person that would occupy this position. He has had many discussions with the Assistant Managing Director in regards to this and long before this position came open. Commissioner Monaweck noted that personally he tried to think in the long term down the road, as we should, and as if we were a private corporation to make profit. He has expressed his views of promoting from within and going outside to seek someone for this position. It's a big step in our organization and it's a very critical step for the future. We need to make sure that who we choose is going to be the best person that we can possibly find for the position. He has personal questions that only a personal conversation with Mr. Ball can resolve and satisfy his questions. Through the process, good or bad, he was not able to have that opportunity, and maybe he should have taken it upon himself to take that responsibility

but he didn't. Commissioner Monaweck stated that he didn't want to over-step the administrations authority to make a decision and then present it to us. Based on his deep concern for this position he has to be satisfied in his own mind since the three of us are the final decision makers. When he votes yes or no, the citizens of Calhoun County can hold him accountable and he wants to be able to back his decision. Right now, he will have to vote no because of the uncertainties that he has within himself and with good conscience he cannot vote for this agreement.

Commissioner Travis stated that he trusted the administration to make the right choices. He said he didn't feel they are here to judge who got the position.

Moved by Commissioner Brown and supported by Commissioner Travis to approve the employment agreement for Steven L. Ball, Operations Manager. Voice Vote: One Yes, Two No: Motion Failed.

MANAGING DIRECTOR'S REPORT

Mr. Randolph provided the Board with the following information:

Maintenance update is as follows:

- Snow Removal
- Ice Removal
- De-icing
- Pot Hole Patching
- Trees

Mr. Randolph noted we have been out doing clean up from the storm and thought overall we did quite well. He commented on the opinion in the Enquirer that showed that we knew what we were doing.

Mr. Randolph stated that we received a notification from the Highway Department that we were awarded a small urban grant to cover the reserve work on Verona Road from West Drive to I-94. This is the first urban grant we have been able to receive.

Mr. Randolph noted that he has been working on a safety grant application that is due March 1st. We are processing all the current grants. The grants require a lot of prep work and expense. We also have three major sewer projects that are getting ready to start.

Mr. Randolph stated that Calhoun County is an urban county and we can receive some urban money.

Mr. Randolph presented the following presentation on funding:

Mr. Randolph noted that we hear complaints about our roads and in many cases people think we are so well funded that we shouldn't have to worry about our funding. Some people think we are stupid and incompetent and that is why there are holes in our

roads. That is not the case. Many people think that since we have adequate funding and the roads are still bad, then it is because the Road Commission has problems on how we they take care of their roads. This is not the case either. The reason there are holes in the roads is because there is not adequate funding.

Mr. Randolph did a comparison from 1992 to 2000. The average increase in the gasoline tax was about 6.7% and a 3% average inflation. Our net was about 3.7% of buying power. During this time we were able to work on 200 miles a year and made significant progress. We have received the same revenue level as we did in 2000. Our buying power today is the same as we had in 1993.

Over the last 6 years, the County's budget has increased to 39 million, which is a 2.8% increase compared to our .6% a year increase. Like every other level of government, we are experiencing problems in our funding. We have a significant reduction in revenue even compared to the County.

Mr. Randolph noted that we have had to cut back on our road programs and on our staff since 2000 to account for the revenue shortfalls we are experiencing.

Mr. Randolph said that the majority of our roads around the county were not designed for future traffic. This is the reason why our roads deteriorate so quickly. When comparing our roads to counties with less traffic and less population, our roads are bound to deteriorate at a faster rate. The reason is not that we aren't efficiency, effectiveness, competence, or we are not fixing our roads right. The fact is we don't get as much money to take care of our roads.

Mr. Randolph discussed the amount of money received by other counties and did a comparison to Calhoun County. Calhoun County does not get as much funding compared to other counties.

Mr. Randolph stated that we received highway funds and the money must be used on federal aid projects.

Mr. Randolph stated that he has a report if anyone would like a copy of it. He noted that he would try to get it on our web site.

Mr. Randolph mentioned the cash balance report that the Board received from Kevin Henning, Finance Director.

COMMISSIONER'S COMMENTS

Commissioner Monaweck said the roads in the southwestern side of the county have been very well taken care of and he has heard many positive comments about them. He commented on a person who stopped him at a restaurant in Athens to complain about an intersection and wanted him to take care of it for him. He told them he would rather have them call the 1-800 number and take care of it themselves. They did just that and he

received a call about 4 or 5 hours later and the person was very happy that someone went right out there and took care of his concern.

Commissioner Brown stated that he wanted to reinforce that his vote on the employment agreement is not reflective of Mr. Ball. It has more to do with policy and authority of the Board. Commissioner Brown commented that the Board approved 4 payrolls and 3 resolutions and disapproved an employment agreement, all without comment from the public before we took those actions. He feels we should give some serious consideration in allowing the public to speak before we vote.

SUPERVISOR'S & PUBLIC OFFICIAL'S TIME

Mr. Frank stated that everyone seemed very happy with the snow removal.

CITIZEN'S TIME

Mrs. Swafford asked if the Road Commission received a report that the 100-mile marker at Beadle Lake Road is broken. Mrs. Johnson stated that she was aware of it and the state will be taking care of it. She asked if we were going to mark the trees at the 8 Mile Road intersection. Mrs. Johnson stated that we had a note on this and will be taking a look at the trees. Mrs. Swafford asked if a tree was over the road do we call the Road Commission or 911. Mrs. Johnson stated that 911 are contacted if it is blocking the road and then 911 contacts the Road Commission. Mrs. Swafford stated that she thought it was our job, but their 911 operators call the fire department and they are very expensive. Mr. Randolph stated that we prefer 911 to call us because 66 feet is the Road Commission's responsibility and liability. Mrs. Swafford noted that she was going to take that back to the township. Mr. Randolph said it is an educational item and if she wants to tell dispatch to call the Road Commission, feel free. Dispatch has our numbers so they can call us.

Mrs. Drumhiller stated that one of the things on her list is the fire department. Every time there is a tree down, 911 calls the fire department and it is a big expense. She also wanted to thank Mrs. Johnson and let the Road Commission know that there was a part of Jackson Drive that did not get chip and sealed in 2006 and that it will be done this year.

Mr. Warner stated that one of his concerns is the crushed concrete and that they have been cut off from it. Mrs. Johnson said that she would be happy to discuss this with him. Mr. Randolph stated that one of the problems is how much is in our piles and tracking where it is going. Mr. Henning has done a nice job trying to keep track of it. Mr. Randolph stated that he would like for us to measure what we have in the pile and then track it. Mr. Warner said that they have a record for anything they have gotten. Mr. Randolph said that they have a laser that can measure the pile and we are planning on going through all our stockpiles and measuring them. Mr. Randolph asked Mr. Warner to stay after the meeting because we did make that agreement. Mr. Warner said he would be happy to do that.

Commissioner Travis said that he thought it would be a good idea to get the townships together along with the fire chief and someone from the Road Commission to

discuss the issue.

Mr. Shedd asked if he could have the Act 51 maps for the Village of Tekonsha so that they don't run into the same problem like they did with Jackson Drive.

Mr. Harvey noted that public safety is the reason that the fire department goes on these calls. He asked Mr. Randolph what was happening with the Custer Road Bridge. Mr. Randolph said that we made a special grant application. He made a call a week ago to find out if anyone knew about that money, but the bridge is still going ahead. Mr. Randolph feels we can still get that money but nothing is official. He stated that we are still going to go ahead with that bridge. Mr. Harvey said that he is very unhappy with the Road Commissioners and the way we have handled the Operations Manager position. He feels the Board should have worked out the problems before it came to a vote.

Commissioner Travis stated that he didn't know there was any problem until it was brought up here.

Mr. Millard said that he liked the idea of having audience influence before things go to a vote. Unfortunately, we have to get the meeting to an end and if we do that, we will never end the meeting. Mr. Millard said that there are some trees on the south side of B Drive South at 8 Mile Road that need to be removed. He mentioned that there was another tree at the end of Binder Park by 6 ½ Mile Road; it's very close to the end of the road.

Mr. Bramble said that if you have ever been to a County Commission meeting then you know that public comment has very little to do with anything. The comments that were made there were disregarded completely and just thrown out the window. The final decision was made prior to the meeting and was cut and dry. It was a political give away of some sort. He commented to Commissioner Brown that he didn't know what he did to deserve the Road Commission appointment but he must have done something.

Mr. Veramay asked Mr. Randolph if there were any weight limit signs on 28 Mile Road. Mr. Randolph said no, not right now. Mr. Veramay asked if we could get the Sheriff's Department to keep an eye on it. Mr. Veramay stated that he has served on many Boards and if we are going to ask for public comment before making a decision then we had better plan on the whole day. Mr. Veramay suggested that if you wanted to set a public comment time prior to the meeting like they do at the County Board meeting, then that might be acceptable. Mr. Veramay noted that he was disappointed at the way the Board handled the decision the staff made here. Mr. Veramay reminded the Board that they are policy makers and you hire people to make this kind of decision. He personally feels that the Board stepped out of their role.

Mr. Berezonsky thanked the Road Commission for filling in the holes on B Drive North behind the fairground to the city limits. Mr. Berezonsky asked if the grants were matching funds. Mr. Randolph said that it varies and depends on the program. Mr. Randolph said that generally, if the grant has to do with safety, then there is no match. If it has to do with bridges then it's 5% and for general road re-surfacing projects the match is

20 %. We do our best to plan for these projects in our yearly budget planning.

Mr. Randolph stated that he asked for parks money from the County and in December he was notified that an upgrade to the parks recreation plan was needed. He met with Mr. Purcell a month ago and Mr. Purcell indicated that if we had grants we wanted for the parks, to get them together and come to him so that he could bring it to the Board.

Mr. Russell asked if he was hearing that from now on the Road Commissioners would be doing the hiring. Commissioner Brown stated again that his feelings have nothing to do with the person involved. Commissioner Brown stated that he feels that management should consult with Board members individually to see what kind of a contract they are willing to sign off on before they consult attorneys to draw them up. Quite frequently in the United States every day and in every courtroom, half of the attorney's lose. Commissioner Brown stated that he feels that there should be some input from the Board as far as what we are willing to sign. Mr. Russell noted that most contracts have a probationary period, which gives the organization time to see if the person will work out. Mr. Russell said that we have a person here that has been stonewalled and is wondering what he has done wrong. This should have never taken place at this time or this location.

Commissioner Brown stated that our packets are ready to pick up on Friday before the Board meeting. The language in this agreement is such that it took him some time to get through this and he works in an environment where contract language is used daily. In his opinion, he was not given appropriate notice of this being on the agenda other than the normal procedure that is in place.

Mrs. Johnson stated that first she would like to thank Commissioner Travis for his support and certainly Commissioner Monaweck for how many times they have met regarding this issue prior to today's meeting. Mrs. Johnson said that she certainly appreciates Commissioner Brown's thoughts; however, she is very disappointed in them. Again, our legal counsel prepares these contracts and Mrs. Johnson personally stands committed to our selection process. If our Operations Manager or any employee fails, then she has failed as well. She sincerely respects and appreciates the communication upfront verses behind the scenes in order to move this organization forward. Mrs. Johnson is disappointed at the message sent here today; however, she hopes to have clear upfront dialog from the Board, so that the management staff can be entrusted to handle the day-to-day operations. To think that management does not have the best interest of the Road Commission in all of its' decisions is truly unfortunate. She seriously is trying to respect their opinions and decision here today, but this employment agreement and others have been through this process over the last few years and have been scrutinized. She feels it is

unfortunate that we can't seem to have the dialog upfront. Mrs. Johnson commented to Commissioner Monaweck that she does respect the past conversations and she appreciates his opinion, but this is just unfortunate.

The next meeting of the Board of Road Commissioners of the County of Calhoun will be Wednesday, February 21, 2007 at 9:00 a.m. There being no additional business before the Board, Chairman Travis adjourned the meeting at 10:42 a.m.

Chester E. Travis, Chairman

Pixie Ann Coats, Deputy Clerk