

IONIA COUNTY ROAD DEPARTMENT BOARD

BY-LAWS AND RULES OF PROCEDURE

1. AUTHORITY

These By-Laws and Rules of Procedure are adopted by the Ionia County Board of Commissioners pursuant to Public Acts 14 and 15 of 2012, to establish a County Road Department Board for the management and improvement of public roads in the County of Ionia.

2. DEFINITIONS

Road Department Board: The Ionia County Road Department Board that manages the business of the Ionia County Road Department.

Board of Commissioners: The Ionia County Board of Commissioners who establish general policies and have approval authority as outlined in the by-laws.

3. MEMBERSHIP

3.1 Voting membership. The Board shall consist of the following members who shall each have one vote:

1. Five citizens at large who will serve for a term of three years. Their appointment by the County Board of Commissioners shall be made with an effort to appoint five citizens who will represent separate geographical areas of the County.
2. Three members of the County Board of Commissioners who will serve two-year terms that begin on the date of the first advisory board meeting of the calendar year.
3. Three representatives from Ionia County cities and/or villages including city managers, village presidents, and/or members of governing boards.
4. Two township representatives including township supervisors and/or members of township boards.

4. OFFICERS

4.1 Selection. At the first meeting of each calendar year, the Board shall select from its membership a chairperson and a vice-chairperson, who shall serve for a 12-month period.

4.2 A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in capacity of the chairperson when the chairperson is not available. In the event of a vacancy in that office, the vice-chairman will become the chairman, and the Board shall select a successor to the office of the vice-chairperson at the earliest practicable time.

4.3 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected to assume office.

5. MEETINGS

5.1 Meeting Notices. All meetings shall be posted at the offices of the Ionia County Road Department and the Ionia County Courthouse according to the Open Meetings Act. The notice shall include the date, time and location of the meeting.

5.2 Regular Meetings. Regular meetings of the Road Department Board shall be held at least monthly on dates established by the Road Department Board at its organizational meeting in January of each year. The dates and times shall be posted and a notice should be published in accordance with the Open Meetings Act. Any changes in the date, time or location of regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Road Department Board may select suitable alternate dates in the same month, in accordance with the Open Meetings Act.

5.3 Special Meetings. A special meeting may be called by four members of the Road Department Board upon written request to the Chairperson or by the Chairperson. The business that the Road Department Board may perform shall be conducted at a public meeting of the Road Department Board held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Chairperson or his/her representative shall notify board members not less than 48 hours in advance of the meeting.

5.4 Quorum. In order for the Road Department Board to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Road Department Board shall be present. When a quorum is not present, no official action, except for closing of the meeting, may take place. The members of the Road Department Board may discuss matters of interest, but can take no action until the next regular or special meeting.

5.5 Motions. The Chairperson shall restate motions before a vote is taken, the name of the maker and supporters of the motions shall be recorded.

5.6 Voting. An affirmative vote of the majority of the Road Department Board in attendance shall be required for approval of any requested action or motion placed before the Road Department Board. Voting shall ordinarily be by voice vote; provided, however, that a roll call vote shall be required if requested by any Road Department Board member or directed by the Chairperson. All members of the Road Department Board including the chairperson shall vote on all matters, but the Chairperson shall vote last. Any member may be excused from voting only if that person has a bonafide conflict of interest as recognized by the majority of the remaining members of the Road Department Board. Any member abstaining from a vote shall not participate in the discussion of that item.

5.7 The regular agenda will include time for public comment. Persons wishing to address the Road Department Board should state their name and purpose for comment. Persons who speak during public comment are limited to a maximum of five minutes. The Chairperson may, at their discretion, allow public comment at other times during the meeting by specifically recognizing a person and asking them to speak.

5.8 Items presented to the Road Department Board for a decision should be submitted to the Road Department office at least 10 days prior to the regularly scheduled Road Department Board meeting in order to allow for adequate review by Road Department Board members. If items are not submitted within this time frame, action may not be taken by the Road Department Board until the next regularly scheduled meeting.

5.9 Order of Business. A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:

- Call to order
- Pledge of Allegiance
- Approval of Agenda
- Approval of Minutes
- Public Comment (five-minute limit)
- Review and Approval of Bills and Vouchers
- New Business
- Old Business
- Management Reports/Discussion Items
- Affirm the Date and Time of the Next Meeting.

A written agenda for special meetings shall be prepared and followed, but the above order of business can be varied to fit the circumstances.

5.10 Meeting Minutes. An employee of the road department, or any other person appointed by the Road Department Board to perform such duties, shall prepare meeting minutes. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of the votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be annually deposited with the County Clerk.

5.11 All minutes of meetings of the Road Department Board are public records open to public inspection and are available at the office of the Ionia County Road Department at 169 East Riverside Drive, Ionia, MI. Proposed minutes will be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes will be available for public inspection no later than 5 business days after the meeting at which the minutes are approved.

5.12 Rules of Order. All meetings of the Road Department Board shall be conducted in accordance with generally accepted parliamentary procedures, as governed by Robert's Rules of Order.

5.13 Conflict of Interest. Members shall adhere to provisions of statute relating to conflict of interest.

6. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

6.1 All meetings of the Road Department Board shall be open to the public and held in a place available to the general public.

6.2 All deliberations and decisions of the Road Department Board shall be made at a meeting open to the public.

6.3 A person shall be permitted to address the Road Department Board under the rules established in these by-laws.

6.4 A person shall not be excluded from a meeting of the Road Department Board except for breach of the peace, committed at the meeting.

6.5 All records, files, publications, correspondence, and other materials available to the public for reading, copying, and other purposes are governed by the Freedom of Information Act.

7. DUTIES OF THE ROAD DEPARTMENT BOARD

7.1 The Road Department Board shall be responsible for establishing general policies for the Ionia County Road Department. Such policies shall not contravene general policies adopted by the Board of Commissioners.

7.2 The Road Department Board shall be responsible for providing leadership on countywide road and highway improvement and maintenance. The Board shall develop a three-year plan which will be updated each year and presented to the Board of Commissioners.

7.3 The Road Department board shall be responsible for reviewing and approving claims for expenditures from the funds of the Ionia County Road Department in accordance with the budget approved by the Ionia County Board of Commissioners. An annual capital equipment and improvement plan will be developed by the Road Department Board for approval by the Board of Commissioners. The Road Department Board shall approve budget amendments that are needed throughout the fiscal year, provided that total annual budget amendments that exceed 15% of the revenue and/or expenditure budgets for the year must also be approved by the Board of Commissioners.

7.4 The Road Department Board may authorize the hiring of any replacement managerial personnel, except for the position of Managing Director. The Managing Director may hire any replacement non-managerial personnel. Newly created

managerial and non-managerial positions must be approved by the Board of Commissioners.

7.5 The Road Department Board may provide advice and input to the Board of Commissioners on all issues under which the Commissioners maintain control and responsibility.

The Board of Commissioners will maintain operational control and responsibility in the following areas:

- Adopting an annual operating budget and capital improvement plans
- Union negotiations and union contract approval
- Changes in personnel policies, staffing levels, wage scales, and benefits
- Risk management including actual or threatened litigation

7.6 The Road Department Board shall participate in filling a vacancy in the position of Director in accordance with policy established by the Board of Commissioners. The interview committee shall consist of at least two members of the Road Department Board.

8. COMMITTEES

8.1 Personnel Committee. The personnel committee is responsible for reviewing the personnel needs of the Ionia County Road Department, developing personnel rules and procedures, interviewing and hiring management personnel, holding grievance procedures, and negotiating union contracts. Final approval of the director's position and approval of union contracts rests with the Board of Commissioners.

8.2 Budget and Pension Committee. The budget and pension committee assist in developing the annual budget and monitoring its progress throughout the year, reviews the pension and health care benefits, and makes recommendations to improve the pension's funding status. Final approval of the annual budget rests with the Board of Commissioners.

8.3 Infrastructure Committee. The infrastructure committee reviews the equipment used to maintain county roads and recommends purchases of new equipment, reviews major contracts with the road department's vendors, and reviews the annual road maintenance plan.

9. MANAGING DIRECTOR

9.1 The Managing Director shall be appointed by the Board of Commissioners and serve at the pleasure of the Commissioners in accordance with a job description and policies established by the Road Department Board. Road Department Board members shall serve on an interview committee and provide input to the Board of Commissioners regarding the candidates for the Managing Director position.

9. AMENDMENTS

These by-laws may be amended by the Board of Commissioners during any regular or special meeting, provided that all members have received an advanced copy of the proposed amendments at least three days prior to the meeting at which such amendments are to be considered.

Memo

To: Stephanie Fox, County Administrator
From: Paul Spitzley, P.E. County Highway Engineer
Date: November 22nd, 2019
Re: Equipment Purchasing Recommendation



At the November 18th, 2019 road department advisory board meeting, the advisory board approved the recommendation for five equipment purchases. Those purchases were as follows:

2018 Caterpillar 140M Motor Grader from Michigan Cat

- Includes an extended warranty and service agreement
- \$242,984 purchase price which includes a \$40,000 trade in for our old grader

2018 John Deere 6120M Boom Mower Tractor from Bader and Sons

- Includes manufacturer's warranty. There will be no trade in. Current boom mower will be used to pull new mowing decks
- \$136,730 purchase price

2018 John Deere 5090E Tractor from Bader and Sons

- Includes manufacturer's warranty. We will auction off 2 old New Holland cab tractors. Both need approximately \$5,000 in repairs
- \$50,997 purchase price

2018 Woods 10-foot batwing mowers from Farm Depot

- Includes manufacturer's warranty. We will auction off 1 of the old bat wings and still use the other one
- \$27,570 purchase price (for both mowers combined)

These purchases are consistent with and represented in the road department's 5-year capital outlay plan.

Due to cash flow projections in the 2020 season, in large part from the county road millage plan, the recommendation to this board is to seek financing these purchases no more than 5 years with an interest rate of no higher than 3% annually. If approved, the equipment will be ordered now and anticipated delivery would be in the spring of 2020. Approval of financing and payment will be made at the time of equipment delivery.

It is my recommendation that the Board of Commissioners approve these 5 purchases.

Gravel Agreement

This agreement made this ____ day of _____ 2019 by and between Judith Reynolds of 2458 Fox Ridge Lyons, MI and the Board of County Commissioners of Ionia County, Michigan. Judith Reynolds hereby grants and gives to the Ionia County Road Department, the right to mine, process and stockpile, (no screening) the gravel removed from and on the following described property belonging to the Reynold's, described as follows:

NW 1/4 of Section 33, T7N, R5W, Lyons Township, Ionia County, State of Michigan

for a period of one and one-quarter (1 ¼) years, beginning with the date hereof and ending on December 31, 2020, for the purpose of the removal of earth materials by the Ionia County Road Department. This agreement shall continue in full force and effect from year to year, unless either party hereto shall notify the other party in writing not less than thirty (30) days prior to the expiration of the term or any extensions of this agreement, of an intention to modify or terminate this agreement.

The Ionia County Road Department promises to pay the Reynolds on the following basis: Seventy five (\$0.75) cents per cubic yard for all earth materials removed from the above described premises. The Ionia County Road Department intends to process an unlimited amount of gravel in each year when the materials in such pit meets the MDOT Standard Specifications. The Ionia County Road Department will pay the Reynolds at the completion of each stockpile. The Ionia County Road Department shall determine the quantity of gravel removed from the premises by any one of the following methods: Truck measurement, weight where 3,000 pounds equal one cubic yard, or production records from the producer.

As part of this agreement the Reynolds agree that the Ionia County Road Department and/or their contractor may erect, place and operate on and over said land, such structures, machinery and equipment as it may deem necessary for the processing, stockpiling, and removal of said material, and may remove such structures, machinery and equipment from said premises at any time it may desire.

The Ionia County Road Department shall have the exclusive rights to remove said earth materials during the term of this agreement and the right to stockpile processed material upon said premises and the Reynolds shall grant the Road Department right- of- way for ingress and egress to and from said premises. The Ionia County Road Department may grant others permission to remove materials from said premises.

The Ionia County Road Department, should they have processed gravel remaining in the stockpile at the termination of this agreement shall have the right to remove said gravel beyond the expiration date of this agreement or any extended agreement for a period of two (2) years.

It is also agreed that in addition to the Ionia County Road Department, the pit management plan and producer shall be approved by both the Reynolds and the Ionia County Road Department. It is further understood that at the completion of all gravel production and hauling the Road Department shall slope the pit banks at a rate of one foot vertical to two foot horizontal to one foot vertical to two and one half foot horizontal minimum.

The Ionia County Road Department having erected a post, cable and chain gate at the entrance to the principal pit access road to maintain pit security, shall continue to maintain this equipment for as long as the Ionia County Road Department continues to mine and processes earth material at this site, either covered by this or subsequent agreements.

Further, the Ionia County Road Department will at the completion of the final agreement and completion of the pit slope restoration, **remove the aforementioned gate construction and roadway and close the pit entrance.**

Judith Reynold does hereby certify that she is the sole owner of the above described real estate and fully qualified and is authorized to enter into this agreement.

The considerations, terms and conditions of this agreement shall run with the land and in all respects be binding and operative under the undersigned, their heirs, executors and assigns as the case may be.

This agreement shall be binding upon the parties hereto, their heirs, assigns, successors and administrators.

 11-22-19

Witness

 11-22-19

Judith Reynolds

Witness

Board of County Commissioners