

CLARE COUNTY ROAD COMMISSION

Minutes of the regular meeting of the Board of County Road Commissioners of Clare County, Michigan, hereinafter referred to as the Board, held at its office at 3900 East Mannsiding Road, Harrison, Michigan on November 22, 2019.

The meeting was called to order at 9:00 a.m. by Commissioner Richard Haynak.
Commissioners present: Timothy Haskin, Richard Haynak and Karen Hulliberger.
Commissioners absent: none.

Staff present: Kimberly Jones, Finance Director/Board Secretary; Al Leonard, Engineer-Tech/Co-Manager; Aric McNeilly, Road Maintenance Foreman/Co-Manager and David Bondie, Asst. Road Maintenance Foreman.

Guests present: Ginnie and Terry Collins, Hayes Township residents; Gil Lyons, Arthur Township resident; John Lyons, Arthur Township resident; Lavonn Mahar, Hayes Township resident; Mike Haley, Hayes Township Trustee.

Pledge of Allegiance.

The minutes of the November 6, 2019 meeting were read and approved as read.

The fund balance report was presented and discussed. On a motion by Commissioner Haskin, seconded by Commissioner Hulliberger and approved unanimously, it was moved to approve payments for: Payroll, PE 11/3, 11/7 sick payout, 11/20, 11/21 sick roll-over (53109-53130, void 53100-53108); MERS and HRA totaling \$248,677.67.

Mike Haley, Hayes Township Trustee; discussed the following: Thanked Al Leonard and Jason Montney for attending the Hayes Township workshop. He also asked the following questions: Time frame for township match: Calendar year. Township match carryover: Projects that were contracted between Hayes and CCRC in 2019 and not completed will be carried to 2020 (including match money, if applicable). Is 2020 township match going to be available: Yes.

Moved Old Business #2 (Township Match) as discussion was relevant. The following was discussed: Board agreed to look into the possibility of contracting out entire gravel projects. Al Leonard, Engineer-Tech will discuss with new Manager and start checking prices (sub-contracting v/s in-house). Mike Haley, Hayes Township Trustee, stated that he and Terry Acton, Hayes Township Supervisor, attended a "Gravel Basic" session at Roscommon Road Commission and said it was very informative. Aric McNeilly, Road Maintenance Foreman, stated that our gravel project program was changed approximately 3 years ago. Mike Haley said thank you to the CCRC staff for all of the gravel work.

Lavonn Mahar, Hayes Township resident; discussed the following: Loved the article in last weeks paper about Commissioner Haynak; Mining Directory; and a letter dated April of 2019 from Vance Johnson, Fisher Transportation regarding Mostetler gravel pit; discussed new awareness and gravel suppliers along with Fisher.

Gil Lyons and John Lyons, Arthur Township residents; discussed the following: Hoover Rd. project concerns; asked about our new Manager, Dewayne Rogers. It was stated that Dewayne's background has been in project management, MDOT, and previous road commission, etc. Gil also discussed concerns regarding unsafe roads and CCRC's procedures; discussed gravel details on Hoover and if project started to be built in 2019, why didn't CCRC finish and place the gravel? John Lyons agrees and confirms all of Gil's concerns and statements and is glad to hear that CCRC will be checking into sub-contracting gravel projects.

Commissioner Haynak stated that he is hoping that our internal issues will soon be improving and with the gas tax from prior increase, we will do the best we can do with what we have.

Road Foremen Dave Bondie and Aric McNeilly stated the following: Dave stated that he has received many calls on road issues and concerns and he continually tries to make changes and he has put down different types of material to see what will work best with different types of issues/concerns. He also stated that Arthur Township received extra heavy maintenance due to the lack of maintenance over the past few years. Both Dave and Aric confirmed they are trying to make changes and to know that change is slow; it isn't an overnight fix, but it is happening.

Gil Lyons, Arthur Township resident; discussed Fisher gravel or gravel from other sources or other suppliers.

Ginnie Collins, Hayes Township resident; discussed the following: gravel is a bigger issue. Commissioner Haskin replied: Hoover is under water, the weather didn't help, that we know. On a township local road, 50% match money is needed from another source. We are trying to discuss and correct the issue with the township and also balance maintenance as much as possible. Commissioner Haynak replied: we have 16 townships and a lot of miles of gravel roads.

Dave Bondie, Road Foreman; stated it is impossible to make everyone happy. We are doing are best. Commissioner Haskin; we are working with our budget and the priority of the needs. Commissioner Haynak stated that CCRC has great staff. Gil Lyons said thank you to CCRC staff.

Gravel and asphalt bidding/contracting was discussed and what CCRC can proactively do for positive change for the future.

Commissioners discussed Managing Director position and draft agreement. On a motion by Commissioner Haynak, seconded by Commissioner Hulliberger and carried unanimously, it was approved to accept and sign the Agreement of Employment that will be entered into on November 25th, 2019; along with Appendix "A" and CCRC Managing Director Job Description. Dewayne Rogers has approved draft agreement and will sign agreement on Monday, November 25th, 2019. A copy of the Agreement of Employment, Appendix "A" and the Job Description may be found following these minutes.

Ginnie and Terry Collins, Hayes Township residents, discussed the Investigative Audit Report from the Office of the Auditor General. The report was a study regarding MDOT - gravel, gravel mining and/or gravel pits. The question was raised if CCRC could run a pit. Terry Collins discussed other gravel sources: Gamble pit, Holliday, or a source making gravel at a pit CCRC owns.

Dave Bondie, Road Foreman; stated that they have been working steadily. The rain, combatting with gravel roads has been difficult. They are hoping to get all roads in the best condition and then hoping for a freeze.

Commissioner Haskin attending Frost Township meeting and said he wanted to pass along a thank you from residents on Polk and Wilson.


There being no further business to come before the Board, the meeting was adjourned at 10:19 a.m.

AGREEMENT OF EMPLOYMENT

This Employment Agreement is entered into this 25th day of November, 2019 between the CLARE COUNTY ROAD COMMISSION, hereinafter "Commission", and MR. DEWAYNE ROGERS, hereinafter "Mr. Rogers". This Agreement shall supercede and render null and void any previous agreements between the parties. The parties hereby agree to the following terms and conditions:

1. For all services as performed as Manager for the Road Commission Mr. Rogers shall be paid an annual salary of \$87,000.00. Mr. Rogers salary will be payable periodically at the same payroll schedule as for other employees of the Road Commission. Mr. Rogers salary rate for future years of employment will be considered in conjunction with annual performance reviews by the Commission and at the same time the Commission reviews the salaries of other Road Commission management employees. Mr. Rogers will be a FLSA exempt employee and will not be eligible for overtime compensation. Mr. Rogers understands and agrees that the duties of his position may require him to work more than 40 hours in a work week.
2. This Employment Agreement shall commence on November 25, 2019 and shall terminate at 11:59 p.m. on November 24, 2020, unless terminated earlier by the Board or Mr. Rogers pursuant to the provisions of Paragraph 4.
3. The Commission will establish performance goals and objectives for Mr. Rogers and will evaluate his performance at least annually. Pay increases during Mr. Rogers tenure with the Road Commission will be based upon formal performance reviews as conducted by the Commission. The method of evaluation will be formulated by the Commission.
4. The Commission may terminate this Agreement and Mr. Rogers employment with the Road Commission at any time with or without cause. In the event of a termination all salary and employment benefits shall end with the effective date of Mr. Rogers termination. Mr. Rogers may voluntarily resign from his position and employment with the Road Commission at any time during the term of this Agreement. In the event he elects to so resign, he agrees to provide the Board of Road Commissioners at least sixty (60) days advance written notice.
5. The Commission will provide Mr. Rogers pension benefits, sick leave benefits, vacation benefits, holiday, floating holiday, funeral leave benefits, health insurance, dental insurance, life insurance, short term disability insurance and accidental death and disability insurance. The benefits provided will be determined by the Commission. A brief summary of the benefits initially provided to Mr. Rogers is attached hereto as Appendix "A". These benefits may be modified at any time by the Commission.

6. The Commission will provide Mr. Rogers the use of a Commission vehicle for Commission business only. The Commission and Mr. Rogers will comply with IRS regulations relating to such use.
7. The Commission will reimburse Mr. Rogers for any monies he will pay to continue his health care benefits from his previous employer pursuant to COBRA, up to a maximum of 90 days.
8. The Commission will indemnify and hold harmless Mr. Rogers from liability for any claims or demands arising out of an act or omission occurring in the performance of his duties as Manager, except as to any act or omission deemed to constitute gross negligence, deliberate misconduct, intentional discrimination or criminal acts.
9. Mr. Rogers, as Manager, will perform those duties described in Michigan Statutes regarding roads and their funding, the job description adopted by the Commission, see Appendix "B", and other such duties as the Commission may direct.


Richard Haynak, Chairman
Clare County Road Commission

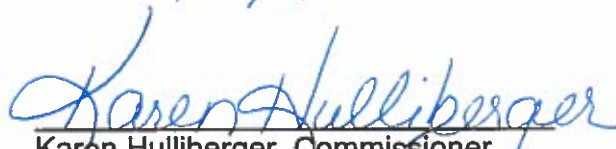
Dated: 11-22-19


Dewayne Rogers

Dated: 11-25-19


Timothy Haskin, Vice Chairman
Clare County Road Commission

Dated: 11/22/19


Karen Hulliberger, Commissioner
Clare County Road Commission

Dated: 11-22-19

APPENDIX "A"

Health Insurance:	90 days after hire
BCBS Purchased Plan w/\$5000/\$10,000 Deductible & Funded w/HRA \$0 Deduct * Includes Blues Vision Coverage	
Dental Insurance:	90 days after hire
Delta Dental Plan with \$1,000 Max/Person in calendar year	
Life Insurance:	90 days after hire
Policy with \$10,000 benefit	
Short Term Disability Insurance:	90 days after hire
Policy with \$300 benefit/week (26 weeks)	
Accidental Death & Disability Insurance:	90 days after hire
Policy with \$10,000 benefit	
MERS Defined Benefit Pension:	6 Months after hire
Plan B-2 2% multiplier, V-10, FAC 5 years, Employee contribution rate 5%	
MERS	
457 plans	6 Months after hire (Optional employee contribution)
Health Care Savings Plan	6 Months after hire (Optional employee contribution)
Sick Leave Award Benefit:	
8 Hours/Month	
Vacation Leave Award Benefit:	
136 Hours/Year	
Holiday Award Benefit:	
(9) Holidays throughout calendar year	
Floating Holiday Award Benefit:	
32/40 Hours Awarded September 1st to be used by August 31st following year	
Funeral Leave Benefit:	
(3) Consecutive Days Paid Leave	

**CLARE COUNTY ROAD COMMISSION
JOB DESCRIPTION**

JOB TITLE: Managing Director
FLSA: Exempt
BARGAINING UNIT: N/A
REPORTS TO: Works under the supervision of the Clare County Board of Road Commissioners
SUPERVISES: Foremen, Engineer-Technician, Finance Director, Human Resources/Payroll Clerk

General Summary

Serves as the chief administrative officer to manage all activities and departments of the Road Commission. Make recommendations concerning policy, assist in the development and implementation of procedures for all departments. Provide general leadership and direction to the Board of Road Commissioners. Develop long term and short term goals, objectives, and strategies by utilizing comprehensive planning and procedures. Serve as spokesperson for the Board of Road Commissioners on matters of established policy or preliminary program development. Serve as liaison with local, state, and federal agencies. Responsible for carrying out all activities of the office in a manner that fulfills the Board's mission, policies, and procedures.

Essential Job Functions

1. Implement the policies of the Board and the laws of the Federal, State, and Local agencies pertaining to roads.
2. Plan, implement, and monitor the day to day operations of the Road Commission to ensure the effective deployment of resources and personnel.
3. Coordinate the development of long-range road and bridge construction and maintenance programs for the primary and local road system with applicable parties.
4. Provide the Board with pertinent data related to Road Commission operations to aid the Board in decision-making and the establishment of policy.
5. Collaborate with administrative staff to create, implement, and monitor an annual budget approved by the Board to ensure the efficient and effective allocation of resources.
6. Review and approve Road Commission contracting and purchasing documents, including but not limited to bid submissions, project contracts, and administrative staff requests to

purchase equipment, material, parts, and supplies in compliance with the annual budget approved by the Board.

7. Propose strategies, negotiation parameters, and working arrangements to serve all stakeholders.
8. Design, implement, and monitor the Road Commission system of internal controls to mitigate risk to the Road Commission's objectives.
9. Professionally represent the Board at meetings with township, county, and state officials.
10. Conduct field inspections of maintenance operations and construction projects.
11. Coordinate the Road Commission's media and public relations efforts, including but not limited to, speaking to community groups, maintaining a relationship with media representatives, responding to stakeholder concerns, and writing and speaking on subjects relating to roads as directed by the Board.
12. Provide leadership to the Road Commission employees and foster employee development and team cohesion.
13. Perform annual performance evaluations and recommend compensation and benefits for administrative staff.
14. Participate in labor negotiations and work with labor and employment counsel on all personnel issues, including but not limited to employee complaints, grievances, arbitration proceedings, or other legal matters.
15. Consult with attorneys regarding personnel management decisions, liability, and legal matters concerning Road Commission operations.
16. Extend offers of employment, communicate and consult with supervisors regarding personnel matters, and consult labor and employment counsel prior to employee discipline or discharge.
17. Effectively manage internal and external conflict on Road Commission matters, maintain open communication with employees of the Road Commission.
18. Implement and apply strong organizational management skills throughout all requisite job functions, including but not limited to: ongoing internal and external communication, stakeholder engagement, conflict resolution, and employee training and development.

19. Perform other duties as assigned by the Board of Road Commissioners

Desired Qualifications for Employment

1. Knowledge of the laws and regulations affecting road commissions.
2. Knowledge of the policies and procedures relating to road commission operations.
3. Ability to establish and maintain effective working relationships with employees, public officials, news media, and the public.
4. Professional engineering background or experience preferred.
5. Proven track record of effective leadership and management of people, development of high-performance teams, and achievement of goals.
6. Ability to communicate passion and excitement for the road commission's mission in public messages.
7. Ability to maintain professional temperament in confrontational situations.
8. Advanced skills in the preparation and administration of budgets.
9. Advanced ability to prepare and analyze comprehensive reports.
10. Strong organizational skills with the ability to multi-task, work under pressure, coordinate multiple projects simultaneously, and meet deadlines.
11. Strong analytic and communication skills necessary to interact with a diverse group of internal and external stakeholders.
12. Commitment to maintain confidentiality, integrity, and honesty.
13. Ability to assess priorities and operate in a flexible manner to meet the dynamic needs of the team.
14. Excellent interpersonal skills and ability to work independently and in a team.
15. Bachelor's degree desired in business, accounting, management, or public/business administration or related field or commensurate experience.
16. Must possess a valid Michigan driver's license.

Position Type

This is a full-time salaried position and requires whatever working hours are required to complete the essential functions of the job. Evening, night, and weekend work may be required as duties demand. This is an "FLSA Exempt" position not eligible for overtime compensation.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Candidates whose disabilities make them unable to meet these requirements will still be considered qualified if they can

perform the essential functions of the job with a reasonable accommodation. To perform the duties of the job the employee:

- Frequently moves about inside the office to access file cabinets and office equipment and occasionally traverses extended distances to access work-related field locations and facilities.
- Occasionally ascends/descends stairs to access work-related field locations and facilities.
- Frequently communicates and converses with employees, the public, and other stakeholders and must be able to exchange accurate information in these situations.
- Constantly operates a computer or other office productivity machinery, such as a calculator, copy machine, and computer printer.
- Ability to lift, push, pull, and manipulate tools, equipment, and supplies and other objects weighing up to 50 pounds.
- Ability to learn technical material such as instructions, directions, letters, memoranda, forms and other documents.
- Frequently remain in a stationary position for an extended period of time to enter or review data.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing essential functions of this job. Candidates whose disabilities make them unable to work in such an environment may still be considered qualified if they can perform the essential functions of the job with a reasonable accommodation.

While performing the duties of this job, the employee frequently works in an office environment, normal levels of sound in the workplace, natural and artificial lighting. This position occasionally operates in an outdoor setting where exposure to weather elements, dirt, dust, unpleasant smells, and/or loud noise is possible. Work may be conducted during anytime during the year and the employee may encounter all weather elements.

Hazards

The employee in this position may be exposed to certain hazards as part of the duties and responsibilities of the position when on the job site reviewing road maintenance and construction operations which may occasionally include exposure to dust, fumes, toxic, or caustic chemicals, construction, heavy machinery, and driving in adverse weather conditions.

EEO Statement

It is the policy of the Clare County Road Commission to pursue equal opportunity regardless of age, color, disability, height, weight, genetic information, marital status, national origin, partisan consideration, race, religion, sex, and sexual orientation as defined by federal and state laws and regulations in our relationship with employees, stakeholders, contractors, and vendors.

Disclaimer

Disclaimer

The above statements are intended to describe the general nature and level of work being performed by the employee assigned to this position. They are not to be construed as an exhaustive list of all job duties performed by personnel so assigned, nor a guarantee that the duties as described will only be performed by the personnel assigned to this job description. The employer reserves the right to revise the duties and responsibilities of this position at any time in its sole discretion.