

A G E N D A
FOR THE BOARD OF COUNTY ROAD COMMISSIONERS OF
GRAND TRAVERSE COUNTY
WORK SESSION OF
THURSDAY, MAY 25, 2017 – 6:00 P.M.
1881 LAFRANIER ROAD, TRAVERSE CITY MI 49696

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF AGENDA

4. CONFLICT OF INTEREST

5. PUBLIC COMMENT

6. UNFINISHED BUSINESS

A. Board Rules - (All)

1. Review of Existing Rules

2. Consideration of Additions to the Board Rules

B. Road Commission Policy Review

Board will begin a review of its policies.

7. NEW BUSINESS

8. PUBLIC COMMENT

9. COMMISSIONERS' COMMENTS, QUESTIONS AND FUTURE AGENDA ITEMS

10. ADJOURNMENT

Policy Number Section III-6A	CODE OF ETHICS OF THE GRAND TRAVERSE COUNTY ROAD COMMISSION	Adopted: 11-29-12 Revised: 01-28-16
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The Grand Traverse County Road Commission shall:

- Respect the confidentiality of privileged information as follows:
- Confidential information shall be released only as allowed by law or as authorized by the Board after considering the consequences of the release to the effective and efficient operation of the Grand Traverse County Road Commission.

Confidential information is defined as:

1. Information that is exempt from discussion or disclosure by state or federal statute, including but not limited to the following information:
2. Attorney-client communications.
3. Minutes of or discussion in closed session. MCL 15.267(2).
4. Trade secrets or commercial, financial information provided to the Road Commission for use in developing policy if the Road Commission has promised confidentiality and has taken other steps required under the Freedom of Information Act. MCL 15.243(1)(f).
5. Social Security Numbers. MCL 15.243(1)(w).
6. Employee medical information.
7. Disciplinary actions and personal information contained within employee personnel files. Bullard-Plawecki Act. 423.501 et seq.

- When contacted by the media or others regarding information that is confidential and a release has not been authorized by law or the Board, a Board Member should refrain from commenting on the subject.
- The Board shall not take any action against any Board Member for disclosing confidential information nor shall the disclosure be considered a violation of this Policy, when the Board Member is:
 1. Making a confidential inquiry or complaint to a prosecuting attorney or other enforcing agency concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation in closed session.
 2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.
 3. Disclosing information that is not confidential.
 4. Disclosure has been required by court order.
- Recognize that an individual commissioner has no authority to speak or act for the Commission;
- Work with other commissioners to establish effective policies;
- Delegate authority for the running of the Commission to the manager and staff, to wit:
 1. Road Commissioners therefore shall not interfere with the administrative functions of the Road Commission or the professional duties of the Road Commission staff; nor shall they impair the ability of staff to implement Road Commission policy decisions.

2. Because Road Commissioner actions and comments contribute to the environment in which all Road Commission employees must work, in order to create and promote a positive work environment under no circumstances shall a Road Commissioner, either in public or private, intimidate, humiliate, or otherwise abuse a Road Commission employee.

- Encourage the free expression of opinion by all commission members;
- Seek systematic communications between commission, staff, and all elements of the community;
- Render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;
- Make every effort to attend all meetings;
- Become informed concerning the issues to be considered at each meeting;
- Avoid conflicts of interest or the appearance thereof;
- Refrain from using this position for personal benefit, nor for the benefit of family members or business associates;
- Use the same care and caution when using electronic media as would be exercised when speaking face to face or through written memoranda;
- Avoid use of derogatory or denigrating language.
- A violation of this code may be considered by the Board as grounds to file a charge of misconduct or neglect against the Board Member violating the policy with the Grand Traverse County Commission pursuant to MCL 46.11(n).

**Board of County Road Commissioners
of Grand Traverse County**

Carl Brown, Member

Jason Gillman, Member

Andy Marek, Member

Marc S. McKellar, Member

William D. Mouser, Member

Note: This Code is not intended to conflict with the Code of Ethics Policy for Grand Traverse County Employees and Officials.

Policy Number Section III-6	County Road Commissioners - Per Diem, Mileage, and Necessary Expenses for Meetings	Adopted: 07-26-12 Revised: 01-06-14 Revised: 01-06-15
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RESOLUTION 12-07-01
GRAND TRAVERSE COUNTY BOARD OF ROAD COMMISSIONERS
County Road Commissioners - Per Diem, Mileage, and Necessary Expenses for Meetings

Members of the County Board of Road Commissioners (the Board of County Road Commissioners is collectively referred to herein as the "Board" and the individual members of the Board are referred to herein as "Commissioner") and members of all sub-committees assigned by the Board shall be compensated for their attendance at meetings and conferences in accordance with the following policy:

1. PER DIEM, MILEAGE AND OTHER REIMBURSABLE EXPENSES

A. **Per Diem.** Commissioners are eligible for per diem for attending special Board meetings and subcommittee meetings. No per diem is allowed for regular monthly Board meetings.

Commissioners are eligible for per diem for attending meetings of local units of government (county, city, village, township, charter townships) within the county which have a direct relationship to Road Commission activities (Refer to Addendum A for complete list).

Commissioners are eligible for per diem for attending meetings that the Board has assigned or appointed Commissioners to attend with vendors, road commission employees, and representatives of professional services such as: engineering firms, auditing/accounting firms, legal firms, or insurance brokers with a direct relationship to Road Commission activities (Refer to Addendum A for complete list).

Commissioners are eligible for per diem for attending meetings, seminars, conferences, and tours of an informational or educational nature which have a direct relationship to Road Commission activities. (Refer to Addendum A for complete list).

County Road Commissioners are eligible for per diem for attending meetings with community stakeholders such as: TC-Talus, BATA, TART, Grand Vision, Northwest Michigan Council of Governments, Complete Streets, Local and State Economic Development Organizations which have a direct relationship to Road Commission activities. (Refer to Addendum A for complete list).

-The maximum allowable per diem in a 24 hour period is limited to three (3) meetings. -1st meeting \$35, 2nd Meeting \$35, Third Meeting \$20 -All day conferences will be \$70.00.

B. **Mileage & Conference Related Expenses.** Each Board Member is allowed a maximum of \$3,500 for all travel and conference related expenses each year. Eligible expenses include:

1. Mileage at IRS standard mileage rate for the use of a car.
2. Conferences:
 - a. One (1) conference permitted per calendar year. Conferences must have the approval of the majority of the board prior to attendance.
 - b. Eligible conference expenses include reasonable amounts for registration fees, airfare, lodging, meals, and ground transportation.

Any amount above \$3,500.00 will be the responsibility of the Commissioner unless the Board agrees to pay the additional expenses.

2. COMPENSATION PROCEDURE. The following process is established for payment of per diem, mileage and other reimbursable expenses under this Resolution ("Compensation") for the Board.

Commissioners eligible to receive Compensation must complete and submit a compensation request on a form approved by the Board to the Chairman, or Vice-Chairman in the absence of the Chairman, at the next regular meeting. The Chairman, or Vice-Chairman in the absence of the Chairman, shall be responsible for assuring that the meeting compensation form is complete and signed by the Commissioner requesting reimbursement.

a. Commissioners. The Chairman, or Vice-Chairman in the absence of the Chairman, shall approve or deny the requested Compensation, subject to the guidelines of this Resolution. Upon receipt of the approved form, the accounting department shall make payment to the requesting Commissioner subject to the guidelines of this Resolution.

b. Chairman. The Vice-Chairman shall approve or deny the requested Compensation, subject to the guidelines of this Resolution for the Chairman. If the Vice-Chairman is unavailable, the Accounting & Benefits Manager shall approve or deny the requested Compensation, subject to the guidelines of this Resolution for the Chairman. Upon receipt of the approved form, the accounting department shall make payment to the Chairman subject to the guidelines of this Resolution.

3. LIST OF MEETINGS ELIGIBLE FOR PER DIEM & MILEAGE

-Regular Meetings are not eligible for Per Diem.

Mileage at IRS standard mileage rate for the use of a car is allowed.

-Special Meetings are eligible for Per Diem.

Mileage at IRS standard mileage rate for the use of a car is allowed.

-A current list of meetings eligible for Per Diem and Mileage is attached as "Addendum A." The list is established by the Board and may be revised at any time by action of the Board consistent with the Grand Traverse County Board of Commissioners' then in effect Per Diem, Mileage, and Necessary Expenses for Meetings resolution or policy.

-Each Commissioner, the Board Clerk, and Accounting & Benefits Manager shall have a copy of the list of eligible meetings. The Board Clerk will be responsible for maintaining this Resolution and any changes in Per Diem and mileage rates.

4. OPT OUT

Any Commissioner may choose not to be reimbursed for per diem, mileage, or reimbursement of other expenses under this Resolution. The opting out Commissioner will continue to complete the approved meeting compensation form and report all meetings that the Commissioner attends that are on the eligible meetings list each month at the regular Board meeting.

5. APPLICATION OF POLICY

This policy is not intended to affect in any way the regular compensation (wages, health, and defined contribution retirement benefits) of the Board.

Addendum A
List of Meetings Eligible for Per Diem & Mileage

Special Road Commission Meetings	
Acme Township	Boardman River Dam Meetings
Blair Township	Complete Streets
City of Traverse City Commission	CRAM
East Bay Township	Grand Traverse County EDC
Fife Lake Township	Grand Traverse County Parks & Recreation
Garfield Township	Grand Vision
Grand Traverse County Commission	Legislative Affairs
Grant Township	MCRCSIP
Green Lake Township	Michigan Department of Transportation
Long Lake Township	Michigan Land Use Institute
Mayfield Township	Michigan Township Association
Paradise Township	Networks Northwest
Peninsula Township	Paul Bunyan Council of Road Commissions
Union Township	Professional Services if appointed or assigned by the Board.
Village of Fife Lake	Rural Task Force
Village of Kingsley	Scenic Heritage
Whitewater Township	Teamsters
American Federation of State, County and Municipal Employees, AFL-CIO	Traverse Area Chamber of Commerce
Traverse Bay EDC TC-TALUS	
Urban Task Force	

Vendors if appointed or assigned by the Board.

Other meetings with a direct relationship to Road Commission activities.

Policy Number Section II-16	Electronic Communications By The Grand Traverse County Road Commission Board Of Commissioners	Adopted: 05/29/2014
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“Electronic Communication” means communications using an electronic device to transmit text. This Policy does not apply to voice communications.

“Official Road Commission Communication” means communication that is in furtherance of an official function of the Road Commission and includes, but is not limited to, emergency notifications, educational dialogue, research, and general Road Commission business correspondence. For reference purposes, Official Road Commission Communications include the type of emails identified in the Computer, Email, and Internet Policy, as a Public Record Emails, Work-Related Appointments, Tasks, and Notes Emails, and Transitory Emails.

Establishment of Official Road Commission Communication Email Account. The Road Commission will establish and assign an Email Account for each Board member. Board members shall use the GTCRC issued email address for all Electronic Communications of Official Road Commission Communications. GTCRC Board member shall forward any Official Road Commission Communication received or sent on any outside email account address directly to the GTCRC assigned email address promptly.

Retention of Emails. An Official Road Commission Communication sent or received via email shall be retained according to the Michigan Road Commission Record Retention Schedule #9. Non-public email records may be deleted immediately. The user is responsible for determining the nature and content of the e-mail, and determining whether the email is an Official Road Commission Communication or a Non-Public Record.

Use of Email by Members of the Board. There are circumstances under which it is appropriate for Board members to send emails to each other. However it is important for the Board to avoid engaging in deliberation of GTCRC business through email. Emails sent between and among Board members should not serve as a method of discussing, deliberating, or analyzing GTCRC issues.

If a Board member expects to engage in discussion of any GTCRC issue with another Board member, the Board member should engage only less than a quorum of the Board to avoid discussion among a quorum of Board members. (Round Robin)

When a Board member has discussed the matter with other Board members less than a quorum, the Board member may not discuss it with any more Board members such that a Board member shall have engaged a quorum of the Board in discussion except at a properly noticed meeting pursuant to the Open Meetings Act. (Virtual Meeting)

Conveying Information to Board Members through Email. If a Board member wants to convey information to more than a quorum of the Board, the Board may do so, provided the communication provides information, not opinion or advice, and provided there is no response

from the other Board members, except to acknowledge receipt of the information or communication.

A GTCRC employee may email more than a quorum of the Board with information, communications, advice, and recommendations or other Official Road Commission Communications. Board members may reply directly to the GTCRC employee regarding the information, advice, recommendation, or communication. However, a Board member should not “reply all” to more than a quorum of the Board. GTCRC employees receiving email communications from a Board member where more than a quorum of the Board has been copied on the email communication should also refrain from “replying all” to avoid the appearance of deliberation and discussion.

Email Subject to Freedom of Information Act. Board members should consider that any email that they send or receive containing Official Road Commission Communications may be available to the public pursuant to the Freedom of Information Act. This means that any email sent or received may later be disclosed to the public or published. Any emails should be composed with this in mind. This policy does not waive any exemption that may be available under the Freedom of Information Act.

Upon receipt of an email request for public records that could be located within Board members/ GTCRC issued email account, the FOIA Coordinator shall contact the Board member. The Board member may authorize the FOIA Coordinator or the FOIA Coordinator’s designee to review the Board members’ email in order to respond to the FOIA request or the Board member shall review all emails and provide the FOIA Coordinator with emails responsive to the request within the timeframe provided by the FOIA Coordinator.

Email during Meetings. Board members shall not send emails to anyone other than GTCRC employees during public meetings of the Board; provided however, that members may send draft motions, resolutions, and amendments to all members. Members shall not respond to distributed draft language via emails. All draft language sent by email during public meetings shall be read into the record prior to discussion by the Board. Email sent and received by a member during a public meeting shall be included in the minutes of such meeting, provided that the minutes shall not include emails received by a member that clearly do not relate to the subject matter of the meeting.

Training. Annually, Board members shall receive training on this policy and the use of the GTCRC email account for Official Road Commission Communications. Any newly appointed or elected Board member that has not received the annual training shall receive training on the use of the GTCRC email account for Official Road Commission Communications within 90 days of appointment.

Computer and Internet Use. The Board shall comply with the Grand Traverse County Road Commission Computer, Email, and Internet Policy to the extent applicable and not otherwise in conflict with this Policy.

Policy Number III-8	CONFLICT OF INTEREST POLICY	Date Adopted: 8-19-2014 Revised:
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Conflict of Interest

The state law that governs conflicts of interests with respect to contracts is the Contracts of Public Servants with Public Entities Act, MCL 15.321 et seq, (the "Act"). The Act generally prohibits a Road Commissioner from being a party, directly or indirectly, to any contract between himself or herself and the Road Commission. MCL 15.322. Subsection (2)(b) of the Act further prohibits a Road Commissioner from participating in any contract, including the approval of a contract, between the Road Commission and

- (a) Him or herself.
- (b) Any firm, meaning a co-partnership or other unincorporated association, of which he or she is a partner, member, or employee.
- (c) Any private corporation in which he or she is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which he or she is a director, officer, or employee.
- (d) Any trust of which he or she is a beneficiary or trustee.

A person who violates the act is guilty of a misdemeanor and the contract is voidable by the court. MCL 15.325 and MCL 15.327. Due to the potentially severe consequences for.

Policy Number Section II-7	PROFESSIONAL ENGINEERING SERVICES	Date Adopted: 05-05-91 Revised: 11-03-93
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The Board finds from past experience it is most cost effective in retaining professional engineering services to use consultants from the region and that advertisements for professional services should be placed in regional publications.

Policy Number Section II-1	BID OPENING AND BID EVALUATION	Date Adopted: 04-18-90 Revised: 11-03-93 Revised: 01-05-94 Revised: 02-26-15
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The Manager and Clerk are authorized to open all sealed bids at a public bid opening prior to the Board meeting. Bid tabulations and the County Highway Engineer and/or Manager's recommendation for the awarding of the bids will be presented to the Board for action.