

LAPEER COUNTY ROAD COMMISSION
REGULAR BOARD MEETING
Tuesday, March 6, 2012
5:00 p.m.

Present: Mr. Joseph Suma, Vice Chairman; Mr. Dale Duckert, Member

Absent: Mr. Douglas Hodge, Chairman

In Attendance: Mr. William Meinz, County Highway Engineer; Mr. Ryan Doyle, Assistant Engineer; Ms. Tami Erickson, Chief Financial Officer/Acting Board Secretary; Mr. Erick Pearson, Managing Director
Mr. Suma called the meeting to order at 5:00 p.m.

Approve Agenda:

030612-027

Motion by Mr. Duckert, seconded by Mr. Suma to approve the agenda. Roll Call: Suma, aye; Duckert, aye
Hodge, absent. Two ayes. Motion carried.

Financial Report Review:

The Board reviewed the accounts payable, accounts receivable, payroll check register, and cash statement.

Consent Agenda:

030612-028

Motion by Mr. Duckert, seconded by Mr. Suma to approve the Consent Agenda consisting of the following,

Approve Minutes For: Regular Meeting 02/22/2012

Approve Payment of Bills: \$470,237.42

North Branch Township:

504-016-124500 Brush Mowing All Local Roads \$20,000.00

Roll Call: Duckert, aye; Suma, aye; Hodge, absent. Two ayes. Motion carried.

Meetings Attended:

No other meetings attended.

Manager's Report:

Mr. Pearson requested the Board adopt a resolution to accept the MERS Uniform 457 Supplemental Retirement Program in order to make this plan available to the employees. Mr. Pearson stated this plan would allow employees to place either pre-tax or after tax dollars into a relatively safe investment fund which would supplement their retirement.

030612-029

Motion by Mr. Duckert, second by Mr. Suma to adopt the MERS Uniform 457 Supplemental Retirement Program Resolution as written.

WHEREAS, the Municipal Employees Retirement Act of 1984, Section 36(2)(a), MCL 38.1536(2)(a) (MERS Plan Document (Section 36(2)(a)) authorizes the Municipal Employees' Retirement Board (the "Board") to "establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs," and on November 8, 2011, the Municipal Employees' Retirement Board adopted the MERS 457 Deferred Compensation Plan.

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of Section 36(2)(a), and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

WHEREAS, the Participating Employer, a participating "municipality" (as defined in Section 2b(2) in the Municipal Employees Retirement Act of 1984; MCL 38.1502b(2); Plan Document Section 2b(4)) or participating "court" (circuit, district or probate court as defined in Section 2a(4) – (6) of the Act, MCL 38.1502a(4) – (6); Plan Document Section 2a(4) – (6)) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

WHEREAS, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer. In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below.

- I. The Participating Employer adopts the Plan for its Employees.
- II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.
- III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.
- IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.
- V. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.

- VII. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.
- VIII. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.
- IX. This Resolution and the Participation Agreement shall be submitted to the Board for its

approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

BE IT FINALLY RESOLVED: This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the Participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer.

In the event an amendatory Resolution or other action by the municipality is required, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred by this Governing Body and MERS (and a third-party administrator, if applicable and necessary). The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

Roll Call: Duckert, aye; Suma, aye; Hodge, absent. Two ayes. Motion carried.

Mr. Pearson requested a motion to approve the bids received for the Eighteen Foot V-Box and award the bids in the best interest of the County. Mr. Pearson stated that looking at the bid tabulation, it appears that Knapheide Truck Equipment would clearly be the lowest bidder. However, Mr. Pearson explained that this price does not include the Y-Chute which is an additional \$2,381.00, nor the Pre-Wetting System which is an additional \$5,797.00. Mr. Pearson stated that installation would also be extra, and when the specs submitted are reviewed, the Knapheide box is 2 cubic yards smaller, and actually doesn't meet specs. Mr. Pearson stated that he would like Mr. VanDenBerg to review both and make a recommendation prior to a final decision.

030612-030

Motion by Mr. Duckert, second by Mr. Suma to accept the Eighteen Foot V-Box bid tabulations and award them in the best interest of the County.

Roll Call: Duckert, aye; Suma, aye; Hodge, absent. Two ayes. Motion carried.

Mr. Pearson requested a motion to approve the bids received for Sealcoat and award them in the best interest of the county. Mr. Pearson stated that the bids had just been opened this afternoon and the prices will have to be reviewed to decide the best way to go. Mr. Pearson stated that Alternate 1 bid was to deliver and place the product, all by the contractor. Mr. Pearson stated that Alternate 2 bid called for LCRC to provide the material, while the contractor would spread and place. Mr. Pearson stated that there is probably no cost savings in doing the Sealcoat in this manner. Mr. Pearson reported that the final tabulation was done on behalf of the Village of Dryden. Mr. Pearson stated that we put this project out to bid for the Village to hopefully save the Village of Dryden some costs. Mr. Pearson stated that the Village will go direct with the winning bidder.

030612-031

Motion by Mr. Duckert, second by Mr. Suma to accept the sealcoat bids and award them in the best interest of the County.

Roll Call: Duckert, aye; Suma, aye; Hodge, absent. Two ayes. Motion carried.

Mr. Pearson reported that he is currently putting together pavement bids, and he will be sending them out next week. Mr. Pearson stated that the paving bid will include not only our paving projects, but also bids for the Townships and the State, which have expressed interest. Mr. Suma inquired if they are going to specify the specific locations for paving. Mr. Pearson stated that all of the specifications will be included.

Mr. Pearson reported that he and Mr. Doyle attended a Crumb Rubber Pavement Seminar. Mr. Pearson stated that the product would be very interesting to try, if the manufacturer can figure out a way to make it more affordable. Discussion ensued.

Mr. Pearson reported that he met with the County Administrator, Mr. John Biscoe; Chief Financial Officer, Mr. Craig Horton; Undersheriff Rapson and a member of Mr. Biscoe's staff regarding the billing problem with the contracted police officer. Mr. Pearson stated that the meeting was very productive and the issue of the billing should be resolved very soon. Mr. Pearson stated that he will be reviewing the costs of maintaining the police officer and the benefits of having him on board so that the Board can analyze and decide if they want to continue this program or not. Mr. Doyle reported that other counties in the State are contracting with the State Police for coverage. Mr. Doyle reported that their contracts are for a number of hours annually, and the State Police work with them when and where coverage is needed.

Engineering Report:

Mr. Mainz reported that the Rural Task Force for Region V met on February 28th. Mr. Mainz reported that while the meeting was held at the Lapeer County Road Commission, Genesee County was in charge of the meeting. Mr. Mainz reported that they showed up with the wrong agenda, and they had sent out notices, as required, to the local Townships and Villages with the incorrect time. Mr. Mainz stated that this was very unproductive and unprofessional.

Mr. Mainz reported that the M-53 Incident Management Plan Meeting will be held on March 15th at 1:00 at the Goodland Township Hall.

Mr. Mainz reported that the Imlay City Road project is out to bid, and the bids are due on April 6th.

Public Comment:

No public was present for comment.

Board Discussion:

Mr. Duckert stated that he has seen all of the crews out working on the roads, getting them back into shape after the winter.

Mr. Suma inquired regarding Weight Restrictions. Mr. Mainz stated that there is no date to lift them as of this time.

Mr. Suma declared the meeting adjourned at 5:54 p.m.

Douglas Hodge, Chairman

Linette Daily, Board Secretary