

**THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY, MICHIGAN RECOMMENDS THE ADOPTION OF THE FOLLOWING:**

**R E S O L U T I O N**

**WHEREAS** Section 6 of Public Act 283 of 1909 (MCL 224.6(7)) authorizes a county board of commissioners, of a county with an appointed board of county road commissioners, to transfer the powers, duties, and functions that are otherwise provided by law (collectively referred to herein as "powers") of that appointed board of county road commissioners to the county board of commissioners if a resolution of such transfer is approved by a majority vote of the county board of commissioners, as so allowed under section 11 of 1851 Public Act 156 (MCL 46.11); and

**WHEREAS** the Berrien County Road Commission is an appointed board; and

**WHEREAS**, Section 6 of Public Act 283 of 1909 (MCL 224.6(9)) requires that prior to adopting a resolution transferring the powers of the board of county road commissioners to the county board of commissioners, that two public hearings be held on that issue; and

**WHEREAS**, the Berrien County Board of Commissioners properly noticed and did hold three public hearings on August 17, 2017, August 24, 2017, and September 7, 2017 and has therefore met the statutory prerequisite to taking the action set forth below.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that pursuant to the authority set forth in Section 6 of Public Act 283 of 1909 (MCL 224.6 (7)), the Berrien County Board of Commissioners does hereby transfer the powers, duties, and functions provided by law for the Berrien County Board of Road Commissioners to the Berrien County Board of Commissioners, effective September 28, 2017.

**BE IT FURTHER RESOLVED** that effective September 28, 2017, the Berrien County Board of Road Commissioners is dissolved.

**BE IT FURTHER RESOLVED** that the functions of the Berrien County Road Commission are hereby absorbed into Berrien County government operations by establishing the Berrien County Road Department (herein "Road Department") effective September 28, 2017; and

**BE IT FURTHER RESOLVED** that the following actions shall take place as a result of this resolution approval by the Berrien County Board of Commissioners:

**GENERAL:**

- The Berrien County Administrator/Controller is authorized to take all necessary steps to add all coverages for the assets and operations of the Berrien County Road Commission to Berrien County's existing insurance policy with Michigan Municipal Risk Management Authority, effective September 28, 2017, and to take whatever steps are necessary to withdraw immediately from the Michigan County Road Commission Self Insurance Pool (MCRCSIP).
- The Berrien County Administrator/Controller is authorized to take all necessary steps to add Berrien County Road Commission employees to Berrien County's existing workers compensation self- insurance pool effective September 28, 2017, and to take whatever steps are necessary to withdraw from the County Road Association Self Insurance Fund (CRASIF), which is the Board of County Road Commissioners' current worker's comp carrier.
- The transfer of all the powers, duties, and functions provided by law includes, but is not limited to, the following assets: real and personal property, furniture, equipment of every type, cash, and investments.
- The County Administrator is authorized to procure the services of an environmental consulting firm necessary to complete the preparation and submission of Baseline Environmental Assessments (BEA) for any appropriate properties the County of Berrien may acquire from the Berrien County Road Commission as required by the State of Michigan's Natural Resources and Environmental Protection Act (NREPA), PA 541 of 1994. This statute provides a process under which a purchaser or successor in interest may acquire property without acquiring environmental liability for any existing contamination of such property through the preparation of a Baseline Environmental Assessment (BEA), which describes the general nature and extent of any existing hazardous substances located upon such property in excess of acceptable cleanup criteria as specified in Part 201 of the NREPA. This BEA must be conducted within 45 days of the date an owner acquires ownership of property and submitted to the Michigan Department of Environmental Quality within six months of that date.
- Pursuant to Section 6 of Act 283 of 1909 (MCL 224.6(7)), the Road Department is authorized to receive and expend funds as allowed in Public Act 51 of 1951, (MCL 247.651 to 247.675), or under any successor Act for the purposes allowed under the same.
- The Berrien County Administrator/Controller is authorized to establish such funds and make transfers among funds as required to account for the activity of the Road Department.

- The County assumes all pending contracts, work orders, funding agreements, and adopted plans that were previously approved by the Berrien County Road Commission.

**PERSONNEL**

- The position of Managing Director of the Berrien County Road Commission no longer exists and the position of Berrien County Road Department Director is established as a Grade 10 position of the Appointed Official salary schedule, reporting to the County Administrator.
- The County Administrator shall immediately begin the search and recruitment process for hiring a Road Director, and shall timely submit a list of qualified applications for consideration by the Board of Commissioners, as it is the intent of the Board to approve the hiring of a Director by December 31, 2017. The Administrator may appoint an Interim Road Department Director to assist with the transition for a time period not to exceed three months from the date of this Resolution, unless Board approval is obtained to extend that time period beyond three months.
- The County Administrator is authorized to appoint an interim Road Department Superintendent (skilled in road building, who may be an engineer and who shall supervise road building operations in the county), and an interim County Road Department Highway Engineer (who shall make surveys, prepare plans and specifications for roads, bridges, and culverts, and exercise general supervision over construction to insure that the plans and specifications are strictly followed, and may also engage other professional and consultant services as it considers necessary to promote efficiency and economy in the operation of the county road system). These two positions will report to the Interim Road Department Director, and subsequently thereto, the Road Department Director upon the appointment of that position. The authority to appoint these two positions shall transfer to the Road Department Director upon the appointment of that position.
- The County Administrator/Controller is directed to prepare a salary schedule for approval by the Berrien County Board of Commissioners for all non-union Road Department employees prior to December 31, 2017.
- The Berrien County Board of Commissioners recognizes the current collective bargaining agreement with the International Union of Operating Engineers Local 324-A, B, C, D, G, H, P, RA, S-AFL-CIO.
- The County Administrator/Controller is directed to combine and/or amend job responsibilities, and make the necessary personnel changes associated with these changes, to improve efficiencies within the Road Department and maximize the opportunities offered by departmentalization.
- All employees and positions of the former Berrien County Road Commission that are transferred to the newly created Road Department will report to the Interim Road Department Director, and subsequently thereto, the Road Department Director upon the appointment of that position.

**POLICIES**

- The Berrien County Board of Commissioners wishes to adopt the policies established by the Berrien County Road Commission and in effect at the time of its dissolution. Those policies are to be applicable to the employees and operations of the Road Department, and that department only, on an interim basis until each policy can be reviewed, amended, and/or replaced by County policies and these changes communicated to the Road Department employees.
- All references contained in those policies to either the Berrien County Road Commission or to the Board of the Berrien County Road Commissioners shall be construed to now, as of the date of this resolution, refer to the Berrien County Board of Commissioners.
- All references to the Managing Director of the Berrien County Road Commission or Interim Managing Director of the Berrien County Road Commission shall be construed to refer to the Berrien County Administrator/Controller or his/her designee.
- All new or amended policies will henceforth be communicated in written or electronic form to each Road Department employee prior to the effective date of each such policy.

**Berrien County Board of Commissioners:**

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Jon Hinkelman, Board Chair

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David Vollrath, Finance

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Jim Curran, Finance Chair

*Mamie L. Yarbrough*  
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Mamie L. Yarbrough, Finance

*Teri Sue Freehling*  
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Teri Sue Freehling, Finance

*Debra Panozzo*  
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Debra Panozzo, PHSC Chair

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R. McKinley Elliott, Admin Chair

*Jeanette Leahey*  
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Jeanette Leahey, Admin

*Don Meeks*  
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Don Meeks, PHSC

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William J. Chickering, Admin

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Ezra A. Scott, Admin

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Michael J. Majerek, PHSC