

GENESEE COUNTY ROAD COMMISSION

SPECIAL BOARD MEETING

September 26, 2023

MINUTES

CALL TO ORDER

Chairperson Elkins called the meeting of the Genesee County Board of Road Commissioners to order at 10:00 a.m. The meeting was held in the Board Room of the Genesee County Road Commission, 211 W. Oakley, Flint, Michigan 48503-3995.

ROLL CALL

Present:

Timothy Elkins, Chairperson
Cathy Lane, Vice Chairperson
Reggie Smith, Commissioner
Chris Gehringer, Commissioner
Joe Massey, Commissioner

Others Present: Fred Peivandi, Randy Dellaposta, Eric Johnston, Anthony Branch, Tracy Khan, Kylie Dontje, Kendra Love-Brezzell (Genesee County Road Commission Staff), Arthur Woodson, A.C. Dumas, C. Hunt, Sherman Williams, J. Johnson, Regina Williams, Raymond Williams, Linda Mayfield, John Burnett, Michael Matthews, Yolanda Simmons, Ruth Morris, Jolena Sims, Bishop Bernadel Jefferson, Lathan Jefferson, Barbara Holder, Cloyce Dickerson, Luther Evans, Richard Gillespie, M. Evans, E. Hill Dalaney, Charles Winfrey, Ms. Taylor, Crystal Breeum, Vicki Bachakes (Genesee County resident), Attorney William Henn (Henn Lesperance PLC), Linda Kossak, Secretary of the Board of Road Commissioners

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Elkins.

APPROVAL OF AGENDA

September 26, 2023 –Agenda

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the agenda for September 26, 2023.

VOTE ON MOTION:

Yes: Lane, Gehringer, Smith, Massey, Elkins
No: None.

MOTION CARRIED.

APPROVAL OF MINUTES

None.

MEETINGS, PRESENTATIONS, HEARINGS, AND INFORMATION

PUBLIC ADDRESS THE BOARD

A. C. Dumas, City of Flint, addressed the board regarding the managing director position and the Open Meetings Act.

Charles Winfrey, County Commissioner 2nd District, addressed the board regarding the succession plan for the GCRC and Diversity, Equity and Inclusion.

Vicki Bachakes, Flushing Township addressed the board in support of Randall Dellaposta and his accomplishments while employed by GCRC.

Cloyce Dickerson, former GCRC Road Commissioner, addressed the board regarding the managing director position.

Barbara Holder, Grand Blanc Township, addressed the board regarding the managing director position.

Regina Williams, Grand Blanc Township, addressed the board regarding the managing director position.

Arthur Woodson, addressed the board regarding the managing director position.

Bishop Bernadel Jefferson, addressed the board regarding the managing director position.

Ms. Taylor, Grand Blanc Township, addressed the board regarding closed sessions.

BOARD OF ROAD COMMISSIONERS' DECISIONS

DISCUSSION

At 10:30 a.m. the board made a motion to go into closed session.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to enter into closed session with legal counsel to discuss a privileged legal memorandum from general counsel regarding a procedural motion to reconsider the Managing Director appointment. Per MCL 15.268(1)(h). (To be held after Public Address the Board)

VOTE ON MOTION:

Yes: Gehringer, Smith, Massey, Elkins Lane
No: None

MOTION CARRIED.

At 10:31 a.m. the Board entered into closed session. Closed session was held in the Managing Director's office due to the large number of members of the public that were present, so they could remain seated in the boardroom.

At 3:40 p.m., the Board reconvened into open session (in the boardroom) to resume their regular order of business.

Vice Chairperson Lane stated she would like to make a motion.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to recognize that the legal opinion of the September 19, 2023 vote to rescind the appointment of Randall Dellaposta as Managing Director is null and void because it violated Rule #1 of the [GCRC] Board's Bylaws and Section 35 - Sub-Section 6C of Robert's Rules of Order.

Ms. Lane was asked to read aloud Rule #1 of the GCRC Bylaws and Section 35 Sub Section 6C of Robert's Rules of Order which she referred to Attorney Bill Henn.

Attorney Henn replied, under Section 35: Subsection 6C of Robert's Rules of Order:

Under a motion to reconsider a prior action, it must be made by someone who voted in the majority of the prior motion. This is not a motion to reconsider. Under a motion to rescind, that rule does not apply. However, this is not a motion to rescind either. This is just a motion to recognize that the earlier motion to rescind Mr. Dellaposta's appointment is null and void under Robert's Rules of Order. You cannot do a motion to rescind when a person has been elected to membership or office and has officially been notified of the action and has accepted. The September 19, 2023, motion violated Robert's Rules of Order under Section 35, Subsection 6C and the GCRC Board's Bylaw #1.

VOTE ON MOTION:

Yes: Elkins, Lane, Gehringer
No: Smith, Massey

MOTION CARRIED.

Employment Wages for Randall Dellaposta - Chairperson Elkins stated that he had distributed copies to the board, of Mr. Dellaposta's contract with wages today. Mr. Dellaposta's wage will be \$77.76 per hour, which is the same wage as the current Managing Director, Fred Peivandi makes.

VOTE ON MOTION

Yes: Lane, Gehringer, Elkins
No: Smith, Massey

MOTION CARRIED.

Contract Language and Signature Authorization for Randall Dellaposta, Managing Director Chairperson Elkins asked for a motion approving Mr. Dellaposta’s contract language and authorizing signatures.

ACTION TAKEN - Motion by Ms. Lane, seconded by Mr. Gehringer, to approve the language and authorize the signatures on Mr. Dellaposta’s contract [Employment Agreement].

VOTE ON MOTION

Yes: Elkins, Lane Gehringer

No: Smith, Massey

MOTION CARRIED.

Rescheduling of the Tuesday, October 3, 2023 Board Meeting – Chairperson Elkins requested the Tuesday, October 3, 2023 board meeting be moved to Monday, October 2 or Wednesday, October 4, 2023 so he can attend to Road Commission legal business on Tuesday, October 3, 2023.

Mr. Massey stated that he is not available on Wednesday, October 4, 2023 and he does not support moving the meeting. Mr. Elkins replied that he must attend other legal matters for the Road Commission on Tuesday, October 3.

ACTION TAKEN – Motion by Ms. Lane, seconded by Mr. Gehringer, to move the Tuesday, October 03, 2023 board meeting to Monday, October 2, 2023.

VOTE ON MOTION

Yes: Elkins, Lane, Gehringer, Massey, Smith

No: None.

MOTION CARRIED.

Deputy Managing Director Contract – Mr. Dellaposta stated that this contract has small revisions in it and we are making it more standardized. We are approving this contract prior to hiring a new Deputy Managing Director. Legal counsel has reviewed this contract.

ACTION TAKEN – Motion by Mr. Gehringer, seconded by Ms. Lane, to approve the Deputy Managing Director contract.

Mr. Massey asked when would the wages would be determined. Managing Director Fred Peivandi stated that the wages would be determined during the interview process and there is a salary range. Mr. Massey asked during the interview process who does the interviewing. Mr. Elkins stated that is up to the Managing Director. Mr. Dellaposta added that the Managing Director will make the offer.

VOTE ON MOTION

Yes: Massey, Elkins, Lane, Gehringer, Smith

No: None.

MOTION CARRIED.

Chairperson Elkins said to the board members that they can be reimbursed for the driving in their personal vehicles during the September 11, 2023 Special Board Meeting Tour of the District Garages. The total mileage driven was 110 miles and you can get reimbursement forms from staff.

Mr. Smith asked to make a motion regarding the second opinion by legal counsel regarding the motion made today regarding the September 19 vote to rescind the appointment of the Managing Director.

ACTION TAKEN – Motion by Mr. Smith, seconded by Ms. Lane, to get a second legal opinion regarding the September 19, 2023 vote to rescind the Managing Director appointment and whether it violated the GCRC Bylaws and Robert’s Rules of Order. Mr. Smith will work with Mr. Elkins to obtain legal counsel for the second opinion.

VOTE ON MOTION

Yes: Lane, Gehringer, Smith, Massey, Elkins

No: None

MOTION CARRIED.

ADJOURNMENT

Chairperson Elkins, without objection, adjourned the meeting at 4:16 p.m.

Domonique Clemons
Clerk/Register

Linda B. Kossak, Secretary of the
Board of County Road Commissioners
lbk – 9/26/2023