

The regular meeting of the Midland County Road Commission was called to order by Chairman Atton on Tuesday, May 21, 2024, at 9:00 a.m. at the Midland County Road Commission office.

Present: Mike Atton, Chair
Jim Hyatt, Vice Chair
Bill Cozat, Member
Jon Myers, Managing Director
Art Buck, Superintendent
Steve Youngs, Fleet and Facilities Manager
Ashley Hiles, GIS Coordinator
Russ Inman, Director of Engineering
Travis Havercamp, Design Engineer
Jeff Brown, Construction Technician
Brett Rutkowski, Office Intern
Absent: Donna Lowe, Finance Director

Public Present: Maria Sandow, Larkin Township attended virtually

The Pledge of Allegiance was said.

Additions to Agenda:

None

Approval of Minutes:

Moved by Commissioner Hyatt and seconded by Commissioner Cozat to approve the minutes of the May 9, 2024 meeting.

Roll Call.

Yeas: Commissioners Hyatt, Atton, Cozat

Nays: None

Motion Carried

Public Comment:

Jon introduced the office intern, Brett Rutkowski, to the Board.

Approval of Open Accounts and Payroll:

The payroll for May 23, 2024 was discussed.

Payroll for May 23, 2024 will be presented for approval at the next meeting, due to the fact that payroll is processed on Tuesday for payment on Thursday and could not be processed in time for the early board meeting this week.

Open accounts for May 21, 2024 were discussed.

Moved by Commissioner Cozat and seconded by Commissioner Hyatt to approve open accounts for May 23, 2024, in the amount of \$286,860.69.

Roll Call.

Yeas: Commissioners Hyatt, Atton, Cozat

Nays: None

Motion Carried

Correspondence and Items of Information:

None

Unfinished Business:

Midland County Township Officials' Association Meeting June 6, 2024

The Midland County Township Officials' Association Meeting on June 6th was discussed. The RSVP for the meeting is due next week. Commissioner Hyatt is the only Commissioner who will be attending.

Proposed Policy: Public Access to and Video Recording on Road Commission Property

The Board reviewed the Public Access to and Video Recording on Road Commission Property policy that was proposed at the previous meeting.

POLICY

NUMBER: 200

SECTION: 200.26

SUBJECT: PUBLIC ACCESS TO AND VIDEO RECORDING ON ROAD COMMISSION PROPERTY POLICY

PURPOSE

The Midland County Road Commission (the “Road Commission”) is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Road Commission’s employees and the general public who do business with or use the services of the Road Commission. This policy (“Policy”) is intended to delineate those portions of Road Commission Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Road Commission Property, and specify procedures for Road Commission employees who encounter those who wish to access Road Commission Property for observational purposes.

DEFINITIONS

“Limited Access Area” means any designated area on Road Commission Property that is not generally open to or occupied by the public or is open to or occupied by the public on only a limited, as-needed, or by-invitation basis. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Road Commission from considering or treating an area as a Limited Access Area. The Road Commission shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- a) Employee offices.
- b) Employee workspaces, including copy rooms, mailrooms, and break areas.
- c) Employee parking lots, storage areas, access points, gravel pits, or other outside areas marked for use by Road Commission employees or vehicles only.
- d) Hallways, staircases, restrooms, and other areas designed for limited or transitory occupancy or providing access solely to other Limited Access Areas.
- e) Maintenance, storage, and garage facilities.

“Private Place” means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance but does not include a place to which the public or a substantial group of the public has access. Some, but not all, Limited Access Areas are also Private Places.

“Public Area” means any area on Road Commission Property that is not otherwise designated as

a Limited Access Area and that is generally open to general public access and occupancy, including specifically any designated waiting or reception areas in a Road Commission building during the hours in which the building is open to the public and any room being used for a meeting of a public body open to the public under the Open Meetings Act, MCL 15.261 *et seq.*, while the meeting is occurring.

“Road Commission Property” means any real property owned by the Road Commission or in which the Road Commission has a property interest.

“Rules of Conduct” means the specific guidelines set forth in this policy.

RULES OF CONDUCT ON ROAD COMMISSION PROPERTY

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Road Commission Property, the Rules of Conduct in this section apply and are to be enforced at all Road Commission Property except where specific rules of conduct or prohibitions have been adopted for designated Road Commission Property.

Rules of Conduct Applicable to All Road Commission Property. The following Rules of Conduct shall apply at all Road Commission Property, including both Public Areas and Limited Access Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Road Commission Property for any purpose other than to conduct legitimate business with the Road Commission, to lawfully assemble for public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The Road Commission may adopt specific policies with respect to Road Commission Property to manage conditions for its use, including without limitation establishing hours and terms of use, reservation protocols, use and user priority, and fees for use.
- b) No person shall engage in any activity on Road Commission Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Road Commission business at Road Commission Property, lawful use by Road Commission employees and authorized users of Road Commission Property, or Road Commission-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the well-being and safety of Road Commission employees or private third parties lawfully using Road Commission Property. Photography or video recording does not, in and of itself, violate this Rule of Conduct.
- e) A person may generally photograph or film from a Public Area without requiring permission; however, an individual shall not film or record in a Private Place, without the consent of the person entitled to privacy in that place.
- f) No person shall interfere or obstruct the free passage of Road Commission employees or authorized third parties in or on Road Commission Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography or video recording.
- g) Photographers and videographers must stay clear of and outside any designated work zone to ensure safety and minimal disruption to Road Commission operations.

- h) No person shall photograph or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties or employees and/or Road Commission information that would otherwise be exempt from disclosure under the Freedom of Information Act, MCL 15.231 *et seq.* The Road Commission may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or service windows at which private third parties conduct business with Road Commission employees.

Limited Access Areas. The following Rules of Conduct shall apply at all Limited Access Areas:

- a) Limited Access Areas shall be accessible only to the following: (i) employees and officials of the Road Commission; and (ii) private parties but only on a limited, as-needed, or by invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Road Commission employees.
- b) Photography and video recording is prohibited in Limited Access Areas, except as follows: (i) the Managing Director may authorize video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that the Managing Director may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.

EXCLUSION

If a person violates these Rules of Conduct while in or upon Road Commission Property, the Road Commission will ask the individual firmly and politely to stop the behavior. If the person refuses to comply and/or is engaging in conduct that is threatening, abusive, disruptive to business operations, or creates a safety or security risk, then the Road Commission will direct such person to leave Road Commission Property and contact law enforcement, as may be appropriate, to assist in enforcing that directive. It shall not be necessary for the Road Commission to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such notice of exclusion; *provided* that violation of such notice of exclusion may be deemed a trespass under applicable law.

Video Recording of Road Commission Employees by the Public – For Employees

Purpose

While the United States Supreme Court has yet to decide a case regarding a right to film government officials engaged in public duties, several U.S. Courts of Appeals have ruled that the recording of public officials and employees while they are engaged in their official duties is protected under the First Amendment. This means that, as a condition of employment, Road Commission employees must allow members of the public to record them while they are engaged in their official duties, subject to reasonable time, place, and manner restrictions established by the Road Commission.

In order to ensure that the public's First Amendment rights are protected, the Road Commission hereby adopts the following procedures employees must follow when they are being photographed

or video recorded by the public while they are engaged in their official duties.

Procedures

- a) A person may generally photograph or film an employee from a Public Area (as defined in the Road Commission's Public Access to and Video Recording on Road Commission Property Policy) without requiring permission. Road Commission employees are prohibited from seizing any device and/or deleting or destroying recordings or photographs.
- b) Road Commission employees should remain calm and treat all photographers and videographers in a Public Area with the same level of customer service as any other member of the public.
- c) Road Commission employees should refrain from negatively engaging with photographers and videographers wherever possible. Road Commission employees should monitor photographers or videographers on Road Commission Property but should refrain from confronting them or curtailing their activities unless they violate a Rule of Conduct. In the event that engagement is necessary, every effort should be made to respond calmly without escalating the encounter.
- d) Road Commission employees may invite a private third party conducting business with the Road Commission who does not wish to be photographed or filmed to retire to a more private Limited Access Area (as defined in the Road Commission's Public Access to and Video Recording on Road Commission Property Policy) in order to complete any business or transaction.
- e) Road Commission employees should contact law enforcement if an individual is violating a Rule of Conduct (as set forth in the Road Commission's Public Access to and Video Recording on Road Commission Property Policy) and refuses to refrain from such conduct and/or leave Road Commission Property when directed to do so.

Engaging in conduct in violation of these Procedures may result in disciplinary action, up to and including termination.

Moved by Commissioner Hyatt and seconded by Commissioner Cozat to approve Policy Number 200.26, Public Access to and Video Recording on Road Commission Property as presented.
Roll Call.

Yeas: Commissioners Hyatt, Cozat, Atton

Nays: None

Motion Carried

New Business:

MDOT Agreement # 24-5216 Bailey Bridge

The Board discussed the MDOT contract for the Bailey Bridge project. There were questions about who would be responsible for payment and maintenance of the portions not covered by federal funds. Jon will provide the Board with a list of grants from the Michigan Trail Fund and the agreements that show the money committed to paying for and/or reimbursing the Road Commission for project costs above what the federal funds will cover. The motion was tabled to give Jon time to get more information for the board to review.

NetSource One – Managed IT Services Proposal

Russ reviewed the history of our current IT service provider and he explained how they have failed to meet our service expectations. He has been reviewing different providers and looking for alternatives over the last year and a half. He investigated joining with the Midland County IT

department, but they are spread too thin to take on the amount of service we need. He also explored offerings from NetSource One, Precision and Thatch. NetSource One has been providing our firewall services since 2019 and Russ has always been happy with their level of service. They are also based out of Saginaw and can respond within a half hour if on-site services are necessary. Russ recommended and requested that the board accept the quote from NetSource One to be our new Managed IT Services provider.

Moved by Commissioner Cozat and seconded by Commissioner Hyatt to approve the contract with NetSource One for Managed IT Services.

Roll Call.

Yeas: Commissioners Hyatt, Cozat, Atton

Nays: None

Motion Carried

Miscellaneous:

None

Staff Reports:

Jeff stated that all the local drainage projects are surveyed and they are 70-75% done with design. He is working on a few more County Drain crossings for this year.

Ashley has been working with engineering interns teaching them how to do culvert ratings and traffic counts, while also keeping the construction maps up to date.

Travis has finished up drainage projects and is working on County Drain projects.

Steve reported that the new radios are continuing to be installed. He and Russ are meeting with ProComm about starting the tower upgrade at 10:30 this morning. Neil Sharpe and Dan Nevill attended a training at Ferris State University. They reported it was a good class with lots of information. The auction ended on the Cat Loader. It was lower than Steve hoped for but it was still a good offer, so he accepted it.

Art attended a Superintendent's meeting in Lansing last week as they prepare for their annual conference in the fall. He is happy with the hydroseeder and with the crew that are running it. He stated that paving season is underway and will be continuing for the next few weeks. There were 38 applicants for the job posting we had, which he was very pleased with. He and the foremen will be going through applicants and begin calling to schedule interviews.

Jon attended the Managers Seminar last week and there was a session on advertising for jobs and how important it is to attract good applicants. He gave updates on the projects that are ongoing. Last Friday Jon attended the Midland Business Alliance meeting, where he gave a presentation about our road millage. There is an MDOT Open House at the Midland City Hall on Thursday, from 4-6 pm, to discuss the planned 2026 improvements to M-20 and US-10 BR. The Midland Area Community Foundation approved our \$40,000 grant application for funds to replace our backup generator. Jon also announced that the Great Lakes Loons will be hosting another Midland County Employee Appreciation Day on June 20th and anyone who is interested can see him for information.

Commissioner Cozat commented that he is happy with the progress of the projects.

Meeting was adjourned by Commissioner Atton at 9:51 a.m. until Thursday, June 4, 2024.

Donna Lowe, Finance Director

Mike Atton, Chair