

April 4, 2018

The Board of County Road Commissioners met at 9:00 a.m. for a regular meeting at 1250 S. M-33 West Branch, Michigan

Members present: Chairman Van Sheltroun, Commissioner Mark Williams, Commission Dan Winter, Managing Director Pat Reinke, and Board Clerk Brandy Curtis

Guests: Luke Wilkins, Shop Foreman; Bruce Reetz, Ogemaw County Commissioner; Gayle Cummings, MCRCSIP; Kevin Elliot and Eric Wangler, Diebold Agency; Brian Bellville, Richland Township Resident.

Additions: Michigan CLASS Investment Pool

Motion to approve the additions to the agenda by Winter, supported by Williams. Motion carried.

Commissioner Sheltroun called the meeting to order at 9:00 a.m.

Past minutes for March 21, 2018, were reviewed. There being no corrections, the minutes stand as submitted.

Motion by Williams, supported by Winter, to approve and pay payroll voucher #1826 and payable voucher #1827 in the total amount of \$137,469.54. Motion carried by the following roll call vote: Ayes: Winter, Sheltroun, Williams. Nays: None. Motion carried.

Kevin Elliot with Diebold Agency approached the board regarding underground storage tank insurance. The Board was in concurrence in canceling underground storage tank insurance with Diebold Agency and continue underground storage tank insurance through MUSTA Fund. Reinke will request reimbursement from Diebold Agency for portion of paid underground storage tank insurance.

Motion by Williams, supported by Winter, to adopt the following resolution as presented and authorize manager to sign MERS 457 Participant Agreement:

MERS 457 PLAN
RESOLUTION 2018-02

This Resolution, together with the MERS 457 Supplemental Retirement Program and Trust Master Plan Document and the MERS 457 Supplemental Retirement Program Participation Agreement and any Addendum thereto, constitute the entire MERS 457 Deferred Compensation Plan Document.

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.

VI. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

VII. 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.

VIII. 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.

Motion carried by the following roll call vote: Ayes: Winter, Williams, Sheltroun. Nays: None. Motion carried.

Gayle Cummings with MCRCSIP approached the Board regarding auto/off-road/building and content insurance policy options and quotes. Gayle answered questions of the Board.

Kevin Elliot with Diebold Agency approached the Board regarding auto/inland marine/building and content insurance. Elliot informed the Board he did not have quotes prepared and would offer quotes to include liability insurance by April 18, 2018. Elliot answered questions of the Board.

Insurance topic will be tabled until next board meeting.

Reinke informed the Board the Road Commission has requested quotes for Workers Compensation Insurance.

Gravel crushing will be completed as soon as possible. Reinke will request bids.

Reinke updated the Board on Simmons Pond attorney correspondence. Attorney suggested the Road Commission work with both the owner and land contract holder and contact our liability agency, MCRCSIP, for further assistance with this matter.

Reinke informed the Board two mechanics will be attending MCRCSIP's 2018 Master Disconnect Spring Meeting and MCRCSIP will be holding two training sessions, one on flagging/work zone safety and the other on drug and alcohol-CDL holders, April 13, 2018, at the Road Commission.

Reinke updated the Board on Michigan CLASS investment pool earnings.

Public hearing for the request to abandon a section of Seasonal Road 93 will be held April 18, 2018, at 9:30 a.m.

A discussion was held on overlay and seal coat projects.

Commissioner Winter informed the Board of a call he received regarding the maintenance of River Valley Road in Mills Township.

Mr. Bellville approached the Board regarding the maintenance of Drow Road and Greenwood Road.

Four ten hour days will begin April 30, 2018.

The next MTA meeting is scheduled for April 12, 2018, Logan Township.

There being no further business, meeting adjourned at 10:40 a.m.

Signed: _____
Van Sheltrown, Chairman

Countersigned: _____