

Work Session of the Board of County Road Commissioners for the County of St. Joseph, State of Michigan, was held in the Board Room at the St. Joseph County Road Commission, 20914 M-86, Centreville, Michigan with Chairman Shafer calling the meeting to order at 8:00 am.

The Chairman of the Board called the meeting to order and the pledge of allegiance to the American Flag was given.

Present: Chairman Eric Shafer, Vice Chairman Rodney Chupp, Commissioner Vince Mifsud, Commissioner David Miars, Commissioner Jack Coleman, and Clerk of the Board Julie Mayuiers

Staff Members Present: John Lindsey, Managing Director
Garrett Myland, Assistant Manager / PE
Don Preston, Director of Operations
Nate Taylor, Director of Fleets & Facilities

Visitors: Luis Rosado, County Commissioner
Robert Tomlinson, Three Rivers Commercial

Motion by Commissioner Coleman seconded by Commissioner Miars to approve the agenda as presented and the Minutes of May 15, 2024, Board Meeting.

BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF ST. JOSEPH POLICY

Public Access to and Video Recording on Road Commission Property

PURPOSE

The St. Joseph 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, elevators, 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 for a period of up to 24 hours 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.

RESOLUTION ADOPTING A POLICY REGARDING PUBLIC ACCESS TO AND VIDEO RECORDING ON ROAD COMMISSION PROPERTY

WHEREAS, the Board of County Road Commissioners of St. Joseph County has determined that it is necessary and appropriate that the Road Commission adopt a policy, in keeping with principles of the First Amendment of the Constitution of the United States, to address public access to and video recording on Road Commission property, and,

WHEREAS, a right to photograph and video record in a public space, including the right to record public officials and employees, arguably exists under the First Amendment, subject to reasonable time, place, and manner restrictions,

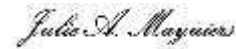
WHEREAS, most areas of Road Commission property are considered limited access areas, which are not generally open to or occupied by the public, and, therefore, are not subject to any right to photograph or video record under the First Amendment, but the designated waiting or reception areas in the Road 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.*, are considered public areas that are generally open to general public access and occupancy and arguably subject to a right to photograph or video record,

NOW, THEREFORE, BE IT RESOLVED that the Board of County Road Commissioners of St. Joseph County hereby approves and adopts the attached Policy Regarding Public Access to and Video Recording on Road Commission Property.

This Resolution shall become effective immediately upon its adoption.

Motion by Commissioner Coleman seconded by Commissioner Miars to adopt the Resolution. Roll Call Vote: Ayes: Chupp, Mifsud, Coleman, Miars, Shafer
Nays: None Absent: None Abstained: None Motion carried.

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of May 15, 2024.



Julie A. Mayuiers
Clerk of the Board

**BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF ST. JOSEPH
POLICY**

Video Recording of Road Commission Employees by the Public- Employee Policy

Purpose

This policy establishes the Road Commission’s position on the photographing or video recording of Road Commission employees by members of the public. 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 Policy Regarding Public Access to and Video Recording on Road Commission Property) 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 Policy Regarding Public Access to and Video Recording on Road Commission Property) in order to complete any business or transaction.

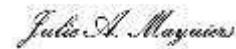
- e) Road Commission employees should contact law enforcement if an individual is violating a Rule of Conduct (as set forth in the Road Commission’s Policy Regarding Public Access to and Video Recording on Road Commission Property) and refuses to refrain from such conduct and/or leave Road Commission Property when directed to do so.

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

Motion by Commissioner Coleman seconded by Commissioner Mifsud to adopt Video Recording of Road Commission Employees by the Public Employee Policy of the St. Joseph County Road Commission as dated June 5, 2024.

Roll Call Votes – Ayes: Miars, Chupp, Mifsud, Coleman, Shafer Nays: None
Abstained: None Absent: None Motion carried

I, Julie A. Mayuiers, Clerk of the Board of County Road Commission of the County of St. Joseph, State of Michigan, hereby certify that the above is a true and correct copy as recorded in the minutes of the meeting of May 15, 2024.



Julie A. Mayuiers
Clerk of the Board

Citizens Comments: Luis Rosado – Dam Road is a dirt road and it’s been plowed and complimented the crew. He asked about getting it graded. N. River and Riverside roads he complimented on the chevrons on the curve. He asked about additional chevrons on the next curve. Garrett will check with our sign guy to see if this is possible. S. Kalamazoo Street south of White Pigeon the chevrons are missing due to an accident and asked if they have been replaced.

Commissioners Comments:

Chupp: Kudo’s to the guys that cooked breakfast for the staff. The SS4A committee is going well with Garrett. The lady on the committee is very responsive. He made the Millage Renewal presentation to the Colon Lions on June 4th. A couple of the guys thought we still owned the Colon garage, and they didn’t know that the Village received money from the millage. Deb Bordner asked if we had received the COVID funds E like the Colon Schools received. Julie will call Deb and get additional information on this. He also explained the difference between primary and local roads, explained that the ACT 51 report dictates where we can spend funds. He sat in on a webinar on Fleet Path software showing where our trucks are. Nate said he had spoken to them, and this was very expensive software that we had looked into before. He has a visit scheduled with Sturgis Lions coming up to discuss Millage. He is also speaking about the millage to the Republican Party at Lincoln Day.

Mifsud and Miars: Nothing today

Coleman: He had previously talked with John about a sign and John explained we don’t put up signs unless the township agrees to pay for them. We had previously passed a policy on this.

Shafer: Deb Spence at 52986 Chamberlain Road told him that north of her house there is a culvert that one end has either rusted out or crashed and needs to be looked at.

The meeting adjourned at 9:40 am

Eric B. Shafer, Chairman

Julie A. Mayuiers, Clerk of the Board
