

THE 10 COMMANDMENTS OF COUNTY BOARD OR CITY COUNCIL COMMUNICATIONS

- 1. THOU SHALT ESTABLISH A GOOD RELATIONSHIP WITH YOUR BOARD OR COUNCIL**
Fraternize at events like AMC, County Fairs, before and after Board or Council meetings. Get to know their wife/husband's name. Even better get to know their dog's name. Do not show favoritism. Treat them all the same. Let them get to know you and your dog's name. Also have good relations with everyone. You don't know who the next Commissioner or Councilperson will be.
- 2. THOU SHALT ALWAYS BE AVAILABLE TO EACH BOARD OR COUNCIL MEMBER**
My staff knows to interrupt me for any call from one of these – Board Member, Council Member, County Administrator, or family. Make sure they know it is okay to call you 24/7. Attend citizen meetings, Rotary Clubs, Lions Club. Etc. with them whenever you can. Also communicate to them what is going on – never let them be surprised.
- 3. THOU SHALT NEVER EMBARRASS THE BOARD OR COUNCIL MEMBER IN PUBLIC**
Not if, but when they make a mistake speaking, correct it later privately. Never in public. If it is a really egregious mistake, it is likely another Board or Council member will correct them or at least challenge the mistake. Make them look good. Be loyal.
- 4. THOU SHALT NEVER SHOW ANIMOSITY TO A BOARD OR COUNCIL MEMBER**
Never, even in private, speak poorly of your Board or Council as a whole or an individual member. Even if they insult you, or make you look bad, take it professionally and not personally. What does it say about you if you're working for a group of “#\$%!!@”?
- 5. THOU SHALT ALWAYS GIVE THANKS AND PRAISE TO THE BOARD OR COUNCIL**
If a constituent thanks you – tell them it was the Commissioner or Councilperson who got it done. At public meetings, make sure they are introduced and given speaking parts. Prepare talking points and letters for them. Be prepared to wear the black hat and let the Board or Council wear the white hat. Never meet an elected official(s) without inviting or informing your Commissioners or Council.
- 6. THOU SHALT NOT ASK THE BOARD OR COUNCIL WHAT TO DO ON AN ENGINEERING ISSUE**
If you do not want them to run your Department, do not ask them to run it. Try and frame their decisions to be policy decisions, i.e., you are not approving this access but what do you want the policy on access to be. Keep them informed on operational issues they may be interested in or new initiatives.
- 7. THOU SHALT TREAT ANY BOARD OR COUNCIL REFERRED COMPLAINT TO YOU AS TOP PRIORITY**
If you can, solve it. Let the Board or Council member pass on the good news. Always let a constituent know you are calling on behalf of Commissioner or Council Person X. Report back to the Commissioner or Council on what you can do or cannot do. The faster it is dealt with the better. A contact with the resident has to be that same day you got the referral.
- 8. THOU SHALT PROVIDE A PROFESSIONAL RECOMMENDATION**
There needs to be a story his/her neighbor can understand. If you have to explain it, you have lost. If you have to use standards as a reason, you have lost, i.e., you are not creating a clear zone to meet standards, you are doing it to save a life. If you give the Board no options, you will lose something. Never back them into a corner. Is it worth falling on your sword for? Do not hold a grudge if a decision goes the other way.
- 9. THOU SHALT LEARN NOT EVERY COMMENT NEEDS A RESPONSE**
Let the bad comments just go by. Let the Board, or Council, bask in the good ones. Some comments are just made for political reasons and you need to let them be made. Know when you have won and stop talking. Do not oversell and turn a solid 5-0 into a shaky 3-2.
- 10. THOU SHALT NOT ALLOW A BAD VOTE TO BE TAKEN**
Get votes lined up before the meeting. Try and know your vote count before it is asked to be taken. But if the ship is sinking, do not get off the ship. Find a way to defer the vote and come back another time – easier to get more votes than change a vote, i.e., there seems to be some questions on how we will finance this program, let me work more with our staff and come back to you with better information on this important item.

County Road or City Street Network are ALWAYS on call, 24/7!

They are responsible for:

- Roads & Bridges:
 - Closures
 - Maintenance
 - Construction
- Assets:
 - Equipment
 - Signing
 - Culverts
 - Supplies
- Finances:
 - Funding Sources
 - Budget
 - Cash Flow
- All filed claims

Daily Duties for the County and City Superintendent

- Communicate with Elected Officials
- Correspondence
- Work Assignments
- Supplies/Inventory
- Billings

Weekly Duties for the County and City Superintendent

- Attend Board Meeting
 - This meeting may be monthly for some LPAs
 - Keep elected Board informed and involved
 - Submit agenda items to Clerk
- Staff Meetings
- Bids/Public Hearing

Monthly Duties for the County and City Superintendent

- Safety Meetings
- NIRMA
- LTAP
- Budget Reports

Quarterly Duties for the County and City Superintendent

Winter – January, February, March

ADMINISTRATIVE:

- Certify Highway and/or Street Superintendent on NDOT On-Base System
- Select & plan projects for upcoming construction season
- Prepare One-and-Six-Year Plan
 - Advertise Public Hearing 2 weeks prior
 - Hold Public Hearing
 - Submit report by March 1st
- Standardized System of Annual Reporting (SSAR)

MAINTENANCE:

- Prepare & distribute gravel & rock placement schedule
- Send specifications to vendors for supplies & materials
 - Advertise (call for bids?) 2 weeks
 - Hold bid opening
- Begin crack sealing & pothole repair
- Remove snow fences
- Cut & remove trees
- Install weight limit signs on all armor coat roads and streets prior to frost thaw
- Send maps of weight limit roads & streets to:
 - News Media
 - Law Enforcement
 - School Districts
 - Postal Service

CONSTRUCTION:

- Advertise 2 weeks & hold bid opening for 1-year projects
- Specs to heavy equipment companies for rental rate bids
- Schedule pre-construction meetings for all road/bridge projects

COMMUNICATION, SAFETY, & TRAINING:

- Review weed spraying schedule with District/Parks Manager
- Hold quarterly progress meetings with road & bridge department heads
- Winter employee safety and training meeting
- Attend educational conferences, such as Concrete Conference & Asphalt Conference
- Request Nebraska LTAP and NIRMA training

Spring – April, May, June

ADMINISTRATIVE:

- Planning for next year
 - Obtain permits & agreements for next year's projects
 - Prepare Wetland Delineation & Mitigation plans
 - Develop budget for next fiscal year
 - Determine need for Relaxation of Standards
 - Prepare NBCS Inventory Report (SSAR)
- On-Base Lane Mile Reports (Municipalities)
- Rock, gravel
 - Send out specifications
 - Advertise for two weeks
 - Have bid opening
- NIRMA Assist Grant Funding - request for safety equipment
- Submit Road/Street Budget to County/City Clerk by June 30th

MAINTENANCE:

- Select maintenance projects
 - Washouts
 - Culverts
 - Bridges
 - Ditches
 - Shoulders
 - Sight distance issues at intersection and highway/rail- crossings
- Any damaged or unsafe conditions
- Rock and gravel placement
 - Distribute schedule to road/street employees
 - Rock and gravel retrieval
- Sign Technician - sign inspection and inventory
- Traffic Counts for future road/street improvement projects
- Street sweeping - remove abrasives used during winter
- Paint stripping
- Re-establish proper profile to aggregate roads/streets
- Remove Weight Limit signs on armor coat roads after base has stabilized and notify proper agencies that the signs are removed

CONSTRUCTION:

- Begin spring/summer workday schedule
- Distribute spring/summer weekend on-call schedules to
 - Road/Street Employees
 - Elected Officials
 - Law Enforcement
 - E-911 Dispatch Center

- Schools
 - Post Office
- Meet NDOR Project Coordinator to review Federal-Aid bridge replacement projects
- Schedule Pre-construction meetings with
 - Contractors
 - Sub-Contractors
 - Engineers
 - Utility Companies
- Quarterly Progress Meeting with Road/Street/Bridge Department Heads
- Review Maintenance and Construction Schedules

COMMUNICATION, SAFETY, & TRAINING:

- Schedule to attend education and training workshops
 - NIRMA Risk Management Workshop
 - Nebraska LTAP Training Workshops
 - State Bridge Conference
 - Spring NACO District Meetings
 - League of Nebraska Municipalities Training & Workshops
- Spring employee safety and training meeting

Summer – July, August, September

ADMINISTRATIVE:

- Meet with County & City Economic Development to discuss road, street, and bridge projects that promote economic progress
- School Bus Routes and Mail Routes - Update maps for changes

MAINTENANCE:

- Armor Coat Projects - make necessary repairs prior to overlays
- Highway Rail-Grade Crossings - inspect for proper sight distance and signing, and report traffic count to NDOT
- Weed District/Parks Manager - spray weeds and brush on County ROW and City owned property
- Bridge inventory and inspection based on NBIS inspection schedule
- Bridge maintenance repairs
- Meet with truck drivers and motor grader operators to finalize placement locations for rock and gravel
- Order winter supplies
 - Chains, hooks & cross links
 - Snow plow & motor grader blades
 - Salt
 - Abrasives
 - De-icing chemicals

CONSTRUCTION:

- Quarterly project progress meeting with construction Engineer, Contractor, Utilities, & County or City Project Inspectors
- Review current Projects

COMMUNICATION, SAFETY, & TRAINING:

- Summer employee safety and training meeting
- Obtain pertinent maps - harvest schedules & electrical transmission lines and transformer sub-stations
- Schedule to attend NACO Summer Meeting

Fall – October, November, December

ADMINISTRATIVE:

- Equipment replacement - update schedule for future budget, referring to NBCS annual report (SSAR)
- Order new equipment
 - Send specifications to equipment or truck dealers
 - Advertise for bids for two weeks
 - Hold bid letting
- Develop bridge Management System priority order for replacement and repairs from bridge inspection reports
- Standardized System of Annual Reporting (SSAR)
 - County Reporting Date – October 31st
 - Municipality Reporting Date (other than City of Omaha) – December 31st
 - City of Lincoln Reporting Date – November 30th
- Inspect all paved roads - record any defects using Paved Roads Management System priority rankings
- Review crash site locations and compare to past crash sites
- Perform Safety Audits at crash sites with high numbers of crashes
- Schedule traffic engineering studies at locations being considered for regulatory signs
- Schedule ROW appraisal for upcoming one-year construction and maintenance projects
- Obtain or update Landowner contact information for next years’ construction, maintenance, and bridge projects
- Begin to develop road, street, and bridge maintenance projects for next years’ schedule

MAINTENANCE:

- Distribute fall/winter weekend on-call schedules to
 - Road/Street Employees
 - Elected Officials
 - Law Enforcement

- E-911 Dispatch Center
- Schools
- Post Office
- Begin fall hours
- Have motor grader operators install snow fence in deep snow drift areas.
- Finish yearly reports on road, street, and bridge maintenance projects.
- Finalize ADT count reports for all road, street, bridge and maintenance projects
- Inspect roads for maintenance repair
- Remove brush from ROW
- Road, street and bridge maintenance
 - Re-establish proper profile to aggregate roads/streets
 - Retrieve gravel
 - Develop bridge maintenance schedules
- Schedule equipment repair

CONSTRUCTION:

- Inspect roads, streets, and bridges and select projects for next years' One-and Six-Year Plans
- Invite elected officials to review new projects
- Start project development process for new construction projects - design, NEPA, ROW, Construction, and final close out phases
- Hold quarterly progress meeting with road, street, and bridge department heads
- Review end of year maintenance and construction schedules

COMMUNICATIONS, SAFETY & TRAINING

- Fall employee safety and training meeting
- Review Road and Street Snow Policy with
 - Road & street employees
 - Elected Officials
 - School Superintendent
 - Postmaster
 - News Media
 - Utilities
 - E-911 Dispatch
 - Law Enforcement
- Review process to close County/City offices due to winter weather
- Identify essential employees for winter conditions

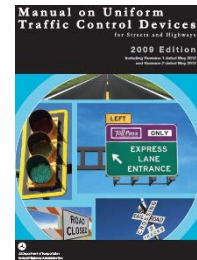
Superintendents responsible for the proper installation & maintenance of signs, signals, markings, and other devices that:

- Are used to regulate, warn, or guide traffic
- Are on, over, or adjacent to street, highway, private road open to public travel, pedestrian facility, or shared-use path
- Are required by authority of a public agency

Traffic Control Device Resources – where do you find regulations, statues, guidelines, etc.?

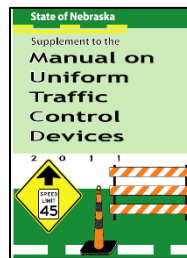
MUTCD – Manual on Uniform Traffic Control Devices - FHWA

- <http://www.transportation.nebraska.gov/traffeng/mutcd.htm>
- Title 23 U.S. Code, Sections 109(d), 114(a), 217, 315, and 402(a)
- 23 CFR 655
- 49 CFR 1.48(b)(8), 1.48(b)(33), and 1.48(c)(2)



MUTCD – Nebraska

- Nebraska State Statute 60-6,118



NEBRASKA MINIMUM DESIGN STANDARDS – signing standards for minimum maintenance roads, remote residential roads and low water crossings. These standards take precedence over the Nebraska MUTCD supplement (above).

ORDER OF PRECEDENCE

1. 428 NAC 2-001 Nebraska Minimum Designs Standards
2. Nebraska MUTCD Supplement
3. Manual on Uniform Traffic Control Devices (FHWA)

Regulations provide national, state, and local uniformity; treating similar situations in a similar way.

- Simplification aids in recognition and understanding
- Gives everyone the same interpretation
- Enhances efficiency in device manufacture, installation, maintenance, and administration

Construction Storm Water Permit (404)

- Project size
 - ✓ 1 acre or more
 - ✓ Including staging area, borrow pits, etc.
- SWPPP must be developed
- Requires routine site inspections
- Required for the discharge of dredged or fill material into waters of the U.S., including wetlands via the Corps of Engineers.
- Many waterbodies and wetlands are waters of the U.S. and are subject to the Corps' regulatory authority.
- CWA Section 401 coordination with NDEQ is required for any impacts to waters of the State.

Waters of the U.S.

- Examples of possible waters of the U.S. include:
 - Streams, lakes and ponds
 - Impounding reservoirs
 - Marshes and Wetlands
 - Watercourses, waterways
 - Irrigation and drainage systems
 - Roadside ditch wetlands
- Impacts greater than 1/10 acre will also require mitigation.
- Usually > a 1:1 ratio.

Storm Water Pollution Prevention Plan (SWPPP)

- Minimize accelerated soil erosion on disturbed areas
- Narrative describing timing for installation of Best Management Practices
 - *A. Erosion Control*
 - *B. Sediment Control*
- "The SWPPP must be prepared by a qualified individual **such as** a Professional Engineer, Certified Landscape Architect, and/or Certified Professional in Erosion and Sediment Control."

Training and Certification

- Erosion and Sediment Control Basics for Designers
- Erosion and Sediment Control Basics for Inspectors
 - ✓ NDEQ approved
 - ✓ *Five year certification*

WHO is responsible for the Snow Plan?

- The governing body is ultimately responsible
- The county highway/city street superintendent should write and implement the plan
- The county board/city council would adopt

WHAT is included in the Snow Plan?

- Duties of personnel/hours of operation
- When to start removing snow
- Prioritize the road/street system
- Use of special equipment
- All intergovernmental agreements
- Handling stuck vehicles
- Public awareness
- What equipment is available
- Who has the authority to start
- Use of abrasives/de-icers
- Any outside contract help
- Emergency situations
- Training of those involved
- Areas of responsibility

Resources

- Snow and Ice Control Operations for Local Highway Officials

<http://www.clrp.cornell.edu/workshops/snow.html>

Employer Responsibilities

- Eliminate all workplace hazards
- Establish safety committee
- Provide safety training/education
- Delegate responsibilities to all employees
- See that safe practices are followed
- Keep records

Safety Committee Responsibility

- Adopt and maintain an effective written injury prevention program
- The safety committee should inspect all job sites for hazards
- Investigate all reports of dangerous situations
- Meet regularly (quarterly)
- Keep records

Eliminate Hazards

- Guard machinery
- Maintain good housekeeping
- Safe materials handling
- Maintenance of tools and equipment
- Safe working surfaces
- Personal protective equipment
- Noise control

Elements of Employee Safety Training

- New employee orientation
- Location and use of fire extinguishers
- Housekeeping requirements
- Plant (shop) safety rules
- How to report hazardous conditions
- Special dangers
- Lock out/Tag out
- Respiratory protection
- Specific industry training
- New equipment and material training

Resources

- Nebraska Workers' Compensation Reform was enacted in 1993 by LB 757 & created under Nebraska Revised Statutes 48-443 through 48-449
- Workplace Safety Consultation Program, effective January 1, 1994
 - Provides safety and health protection for all public and private employees
 - Law applies to all employers who are subject to the Nebraska Workers' Compensation Act
- Occupational Safety and Health Act (OSHA) of 1970
 - (OSHA 29-CFR 1910 General Standards)
 - (OSHA 29- CFR 1926 Operating Plant Services)
 - Mine Safety and Health Act (MSHA) of 1977

Critical Issues

- Just Compensation (Federal & State)
- Real Property – what it includes
- Tenants’ Rights
- Cost Estimates
- Approved Appraisal
- Negotiations & Relations with Owner
- Completing the Transaction/Purchase
- Right of Eminent Domain
- Encroachments
- Documentation

Need Based In the Law

- Public Law 91-646 - governs the acquisition and relocation on projects
- Uniform Relocation Assistance & Real Property Acquisition Policies Act (“The Uniform Act”)
- Must be followed with/without Federal Funds
- If LPA buying ROW with their funds on non-federal aid funded project, LPA still should follow the Act
- <http://uscode.house.gov/statutes/pl/91/646.pdf>

State Statutes

- Nebraska: State Statutes Chapter 76
 - Uniform Property Act §76-101 to §76-123
 - Relocation Assistance Act §76-1214 to §76-1242
 - Others in Chapter 76, and §39-1701 and §39-1702 (counties), §13-403, §23-325, and more
- Check with your county or city attorney when acquiring ROW
- <http://www.nebraskalegislature.gov/laws/browse-chapters.php?chapter=76>

Federal-Aid Essentials For Local Public Agencies

- <http://www.fhwa.dot.gov/federal-aidessentials/>

Employment Laws

- Fair Labor Standards Act
- Family Medical Leave Act (FMLA)
- Title VII, Civil Rights Act
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)

Bottom line: Hire the most qualified candidate within the legal guidelines and document your decision.

Fair Labor Standards Act (FLSA)

Covers many aspects of employment such as

- Wages
- Overtime
- Youth Workers
- Recordkeeping by Employers

Questions for Hiring - what's NOT legal

- Affiliations
- Alcohol or drug use
- Disability
- Criminal Record
- Culture/Natural Origin
- Marital/Family Status
- Race/Color
- Sex
- Religion
- Age