

GRAND HAVEN BOARD OF LIGHT AND POWER
MINUTES
DECEMBER 16, 2021

A regularly scheduled meeting of the Grand Haven Board of Light and Power was held electronically via a live Zoom Meeting on Thursday, December 16, 2021, at 4:00 p.m. in Grand Haven, Michigan.

The meeting was called to order at 4:00 p.m. by Vice Chairperson Westbrook.

Present were Directors Crum (electronically from Bradenton, FL), Hendrick (electronically from Grand Haven, MI), and Westbrook (electronically from Grand Haven, MI).

Also present were David Walters, General Manager; Renee Molyneux, Administrative Services Manager and Secretary to the Board; Erik Booth, Operations & Power Supply Manager; Lynn Diffell, Accounting & Finance Manager; and Rob Shelley, Distribution & Engineering Manager.

21-13A Director Crum, supported by Director Hendrick, moved to excuse Directors Kieft and Witherell from the meeting for medical reasons.

In a roll call vote of the Board, those in favor: Directors Crum, Hendrick, and Westbrook; those absent: Directors Kieft and Witherell; those opposed: none. Motion passed.

21-13B Director Hendrick, supported by Director Crum, moved to amend the meeting agenda by moving Confirming Purchase Orders 4.F.3. and 4.F.4. to General Manager's Report 5.C and 5.D. and approve the amended agenda.

In a roll call vote of the Board, those in favor: Directors Crum, Hendrick, and Westbrook; those absent: Directors Kieft and Witherell; those opposed: none. Motion passed.

21-13C Public Comment Period – No comments were provided.

No formal action taken.

21-13D Director Crum, supported by Director Hendrick, moved to approve the consent agenda as amended. The consent agenda includes:

- Approve the Minutes of the November 29, 2021 Board Meeting (including closed session minutes)
- Accept and file the November 2021 Financial Statements and Power Supply & Sales Dashboard
- Accept and file the November 2021 MPPA Energy Services Project Resource Position Report
- Accept and file the December 2021 MPPA Solar Industry Challenges Report
- Approve paying bills in the amount of \$2,170,284.72 from the Operation and Maintenance Fund
- Approve paying bills in the amount of \$235,844.09 from the Renewal and Replacement Fund
- Confirm Purchase Order #21453-9 to Trace Analytical in the amount of \$12,018 for CCR testing and analytical services

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- Confirm Purchase Order #21499-2 to Utility Solid Waste Activities Group (USWAG) in the amount of \$5,125 for annual membership renewal

In a roll call vote of the Board, those in favor: Directors Crum, Hendrick, and Westbrook; those absent: Directors Kieft and Witherell; those opposed: none. Motion passed.

21-13E The General Manager reviewed MPPA's Solar Industry Challenges Report with the Board. Existing solar projects are experiencing commercial operation delays or force majeure declarations and new projects are seeing significant price increases due to input cost increases (raw material, shipping, and labor shortages) and international labor and trade disputes. MPPA reported they are in great shape because all their long-term solar transactions were executed prior to these factors that are impacting the industry.

No formal action taken.

21-13F The General Manager reported \$25 million in Bonds were sold on December 15, 2021. \$12 million (of the Bonds) was used to pay off the BAN's. Snowmelt costs that were included in the BAN's were paid off with cash. The Sources & Uses document reported closing costs of \$112,000 for the Bonds. Closing costs were paid with cash.

No formal action taken.

21-13G The Harbor Island Environmental Remediation and Compliance presentation is postponed and will be rescheduled for a date in January 2022. The presentation will be prepared by consultants from Golder Associates and our environmental attorney Arthur Siegel from Jaffe Raitt Heuer and Weiss. The Board may have difficulty meeting quorum in January due to Board member medical issues and one member being out of state. Currently, remote meetings may be held through December 31, 2021 because the City declared a State of Emergency. As of January 1, 2022, the only allowed exemption (to participate remotely) will be for military duty.

Director Hendrick requested a copy of a report that was provided to City Council.

The General Manager stated we are in the process of preparing a report and presentation, but staff has not shared any documents with City Council that were not provided to the Board. A letter from EGLE was shared with City Attorney Ronald Bultje. If that letter was shared with Council prior to our planned presentation, we do not know anything about it.

Erik Booth reported a letter from EGLE dated December 9, 2021, was sent to the General Manager and our environmental attorney, Arthur Siegel. Following receipt, BLP staff scheduled a meeting to convene with Golder consultants and Arthur Siegel to determine next steps, which was held today, December 16, 2021. This letter was also sent to City Attorney Ronald Bultje (by Arthur Siegel) in preparation for a joint meeting with the Board and City Council.

Director Hendrick requested that any formal correspondence between the BLP, legal representation, environmental consultants and EGLE be shared with the Board.

Director Crum added if any documents are released to Council they should also be released to the Board.

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The General Manager stated we will email the December 9 letter to the Board after this meeting. We will also forward the October 27 and November 5 letters to the Board. We would like to schedule an open meeting to discuss the December 9 letter with the Board, City Council, and the public after January 7 and will follow up with the Board on scheduling. Staff expressed its concerns with distributing such documents publicly without having public meetings of the Board and City Council to discuss them and allow our environmental team the opportunity to present and report on these activities.

The General Manager reminded the Board the environmental issues on Harbor Island were created 30 plus years ago. BLP staff is representing the community with the community's best interest in mind as we work with EGLE. He also reported GHBLP has gone above and beyond all other CCR websites with sharing information with the public.

Hendrick stated that she thinks the approach we are taking is what she is trying to communicate. She said, the general manager stated this problem was not created by management and is not their fault. Hendrick agrees and understands this. She said it is a Board and city problem, and the Board represents the city. So, when the Board hires someone and management adds to the consent agenda approval for \$5-\$35 thousand dollars to Golder and EGLE without an invoice or a copy of the letter, and management doesn't expect the Board to ask any questions, and we draft a letter and develop a plan for how to handle it and give the Board a report later after management made all the decisions, this is what she is concerned about. She added that this posture is 'we know what is best and we are going to handle it and are just going to ask for approval of the board to pay for what we're doing.' Hendrick stated the Board carries the heavy responsibility of cleaning up the contamination in the city. The Board chose to run and represent the city and they do not take it lightly. They pay consultants to advise us on the decisions that the Board makes, and the Board takes the responsibility of that. So, when management writes letters back and forth to EGLE on the Board's behalf and she doesn't know the tone or path forward – and the Board is expected to wait for a long, lengthy discussion, she is not okay with that, and that tone needs to change today. She then asked if the General Manager understood.

The General Manager stated he understands what Director Hendrick is saying, but she is inaccurate. The General Manager and the Operations and Power Supply Manager were appointed by the Board to be the Designated Representatives for all EPA/EGLE transactions immediately following being hired. They are the responsible parties and can be held personally liable. They have a higher standard than the Board, and they are doing their very best to represent the city and perform the duties they have been appointed to perform on behalf of the city. They have spent thousands of hours on this effort and are tired of being accused of not acting transparently and ethically. He asked Director Hendrick to bring forward any evidence she may have of them acting unethically. If she does not have any evidence, then he suggested they work together in a positive fashion to get the problems fixed.

Director Hendrick stated the General Manager is probably right and asked to see his contract so she may better understand his role.

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No formal action taken.

21-13H Purchase Order #21639-1 to the State of Michigan in the amount of \$8,700 is for an existing NPDES permit fee that is renewed annually and is a routine process. Erik Booth explained the air permit is voided for Sims because we no longer have a power plant. There is an existing water discharge permit that covers all water outfalls since 1982. We do not have any discharge at this time. We are evaluating whether it makes sense to discharge to the wastewater treatment plant; however, we do not currently have a connection to the wastewater treatment plant. EGLE recommended we keep this permit active until these issues are settled.

No formal action taken.

21-13I Director Hendrick, supported by Director Crum, moved to approve Purchase Order #21639-1 to the State of Michigan in the amount of \$8,700 for the annual Sims site NPDES fee and Purchase Order #22010-2 to ProgressiveAE, Inc. in the amount of \$20,087 for Path 2 facilities review and report.

The General Manager referred to item 21-09E in the August 19, 2021 Board Minutes where the Board unanimously approved proceeding with redefinition of the Bond project, removal of the CHP generation component, and seeking evaluation of alternate locations for other necessary utility facilities including moving forward with ProgressiveAE for that purpose.

When we hired ProgressiveAE, they estimated the cost for the evaluation would be between \$40,000 and \$45,000. The total of all three purchase orders related to this project is \$41,491. Today's purchase order is associated with the final invoice for this project.

In a roll call vote of the Board, those in favor: Directors Crum, Hendrick, and Westbrook; those absent: Directors Kieft and Witherell; those opposed: none. Motion passed.

21-13J Other Business –

A. The General Manager reported there was an error with the on-line rollout of our annual customer satisfaction survey earlier this month. We conduct this survey annually and alternate between a larger survey and a smaller survey. This year's survey is the smaller version.

We have always conducted the survey via random phone calls. This year, because we have now collected approximately 5,200 customer email addresses, we thought it would be beneficial to conduct randomized email and phone surveys. What occurred; however, is GreatBlue sent the email version to all 5,200 email customers vs randomly selecting a proportionate number of customer e-mail addresses. Because of that, we shut the email survey down and notified customers we will not be using their email responses. GreatBlue will launch the random phone surveys on December 20.

No formal action taken.

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B. The General Manager informed the Board GHBLP crews were dispatched to Lansing for mutual aid assistance with their outage, which is Lansing's largest single event outage in their history. Four other municipal members were dispatched as well. BLP crews responded admirably. The State is experiencing a lot of outages right now. GHBLP faired well through these recent weather events.

No formal action taken.

C. We contacted Steve VanderMeer for governance training date availability as discussed in November and propose Wednesday, February 16 (full day) and possibly a half day on Thursday, February 17 if necessary. Steve is already scheduled to be at Zeeland Board of Public Works on Friday, February 18 to assist with their strategic planning efforts so some cost sharing is possible for travel. Crum, Hendrick, and Westbrook confirmed these dates are available for them.

No formal action taken.

D. The updated and approved 2022 Board Meeting Schedule will be sent to the Board for their binders.

No formal action taken.

E. Vice Chairperson Westbrook reported the Board will suggest public engagement ideas going forward and has already implemented the following:

1. Addition of second public comment period during meetings
2. Moved meeting time to 5 PM effective January 2022

Discussion regarding Board packet readiness was held. Larger reports if available earlier are to be sent in advance of the full Board packet, which will be provided by close of business three days prior to meetings.

No formal action taken.

F. Vice Chairperson Westbrook gave recognition to staff regarding changes to the BLP's CCR page on the website. He feels it is a big improvement.

No formal action taken.

G. Director Hendrick proposed revising 'too big' to 'too small' in item 21-12P of the November meeting minutes. The General Manager advised the Board this should have been conducted during approval of the Consent Agenda.

By consensus, the revision was approved.

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H. Director Hendrick received a complaint that the Board did not call the meeting to order before the election of officers. The Board agreed to recall the vote the next time the full Board is present.

No formal action taken.

21-13K Public Comment Period – No comments were provided.

No formal action taken.

At 6:48 PM by motion of Director Hendrick, supported by Director Crum, the December 16, 2021 Board meeting was adjourned.

Respectfully submitted,

Renee Molyneux
Secretary to the Board

RM