

GRAND HAVEN BOARD OF LIGHT AND POWER MEETING AGENDA

Thursday, September 28, 2023

Meeting to be held at 1700 Eaton Drive

4:00 PM

1. Call to Order / Roll Call / Excuse Absent Members
2. Approve Meeting Agenda
3. Public Comment Period
4. Consent Agenda
 - A. Approve Minutes of the August 17, 2023, Board Meeting
 - B. Receive and File: August Financial Statements, Power Supply and Retail Sales Dashboards
 - C. Receive and File: August Key Performance Indicator (KPI) Dashboard (provided at meeting)
 - D. Receive and File: MPPA Energy Services Project Resource Position Report (dated 08/31/2023)
 - E. Receive and File: Constellation Energy Market Update Graphs (dated 09/18/2023)
 - F. Receive and File: Thank-you and Information from LBWL Relating to GHBLP Mutual Aid
 - G. Receive and File: General Manager and Board Member's public comments to City Council 9/18/2023.
 - H. Approve Payment of Bills (\$3,064,934.45 in total)
 1. In the amount of \$2,884,800.48 from the Operation & Maintenance Fund
 2. In the amount of \$180,133.97 from the Renewal & Replacement Fund
 - I. Approve Confirming Purchase Order
 1. PO #22766, Power Line Supply, \$5,478 (Annual line crew uniform order)
5. General Manager's Report
 - A. Approve Purchase Orders (\$16,483 in total)
 1. PO #22771, Irby Utilities, \$9,378 (Primary metering cabinet for BLP stock)
 2. PO #22776, City of Grand Haven, \$7,105 (Used trailer mounted air compressor)
 - B. "Reviewing the Record" Part 2 Presentation (Erik Booth)
 - C. Review and discuss MERC Petition for Representation Proceeding
 - D. General Manager Public Statement
6. Chairman's Report
 - A. Review Legal Opinion and Resolution of City Council
 - B. Workforce Policy Review (Danielle Martin)
 - C. Request for Respectful Workplace Training (Danielle Martin)
7. Other Business
8. Public Comment
9. Adjourn

GRAND HAVEN BOARD OF LIGHT AND POWER
MINUTES
AUGUST 17, 2023

4A

A regularly scheduled meeting of the Grand Haven Board of Light and Power was held on Thursday, August 17, 2023, at 6:00 PM at the Board's office located at 1700 Eaton Drive in Grand Haven, Michigan and electronically via live Zoom Meeting.

The meeting was called to order at 6:00 PM by Chairperson Westbrook.

Present: Directors Crum, Hendrick, Knoth, Witherell and Westbrook.

Absent: None.

Others Present: General Manager David Walters, Secretary to the Board Danielle Martin, Finance Manager Lynn Diffell, Operations & Power Supply Manager Erik Booth, and Distribution & Engineering Manager Rob Shelley.

23-13A Director Knoth, supported by Director Witherell, moved to approve the meeting agenda.

Roll Call Vote:

In favor: Directors Crum, Hendrick, Knoth, Witherell and Westbrook; Opposed: None.
Motion carried.

Public Comment Period:

Jeff Miller, 1120 South Harbor Drive, asked about procedures for the public to submit documents for the Board to receive and file. He asked how much staff time was used to prepare the presentation for agenda item 5C and if the presentation slides will be posted online.

Mike Inman, 18148 Swiss Drive, Spring Lake, stated his family has been BLP customers for over 30 years and they have been more than happy with the service provided. He has no confidence in the City Council's ability to manage the electrical utility.

23-13B Director Knoth, supported by Director Witherell, moved to approve the consent agenda. The consent agenda includes:

- Approve Minutes of the July 20, 2023, Board Meeting and August 1, 2023, Board Work Session
- Receive and file the July Financial Statements, Power Supply and Retail Sales Dashboards
- Receive and file the July Key Performance Indicator (KPI) Dashboard
- Receive and file the MPPA Energy Services Project Resource Position Report (dated 07/28/2023)
- Receive and file the Constellation Energy Market Update Graphs (dated 08/08/2023)
- Receive and file Walters public comments made at the 8/07/2023 City Council meeting

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- Approve paying bills in the amount of \$3,969,478.11 from the Operation & Maintenance Fund
- Approve paying bills in the amount of \$845,088.64 from the Renewal & Replacement Fund

Roll Call Vote:

In favor: Directors Crum, Hendrick, Knoth, Witherell and Westbrook; Opposed: None.
Motion carried.

23-13C Director Knoth, supported by Director Witherell, moved to approve the Purchase Orders. The Purchase Orders include:

- Purchase Order 22740 in the amount of \$58,130 to Power Line Supply Company for LED street lighting fixtures
- Purchase Order 22749 in the amount of \$11,960 to Power Line Supply Company for tri-plex wire to replenish stock
- Purchase Order 22754 in the amount of \$45,867 to Premier Line Services, LLC. for annual switchgear cleaning maintenance services
- Purchase Order 22756 in the amount of \$20,783 to Brown Wood Preserving Company Inc. for 26 wood distribution poles to replenish stock

Roll Call Vote:

In favor: Directors Crum, Hendrick, Knoth, Witherell and Westbrook; Opposed: None.
Motion carried.

23-13D Director Hendrick, supported by Director Witherell, moved to Authorize the Revised Power Purchase Commitment for the Savion Calhoun Solar Project.

This project was previously approved by the Board and is included in our power supply projections. The BLP will take about 8.8% of MPPA's 25MW portion of the project. Installation deadlines have not been met and the project was sold to another developer. Prices are now up almost 45%. Resigning at the 45% price increase is the cheapest alternative available for projects in this timeframe. The price will be \$62 flat over the entire contract, which has a 20 year term. This will keep us on course for our hedging program.

Roll Call Vote:

In favor: Directors Crum, Hendrick, Knoth, Witherell and Westbrook; Opposed: None.
Motion carried.

23-13E Erik Booth provided a "Reviewing the Record" presentation. The Board has the responsibility and obligation to ensure accurate information is provided to voters as they consider

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the proposal to dissolve the Board of Light and Power. Some statements made in support of the proposal are verifiably not true.

Booth reviewed City Council resolutions that directed the Board to build local generation. These resolutions contradict statements claiming the BLP pushed to install local generation despite public objection.

Booth reviewed the public process the Board undertook before implementing the Environmental Remediation Surcharge on July 1. The surcharge was discussed by the Board at open meetings on April 20, May 3, and May 25. Staff provided two press releases to the media and the surcharge was predominantly featured in the July 2023 Plugged In customer newsletter. The City Clerk was notified 30 days prior to the rate becoming effective as is required by the Charter.

Governance structure for public utilities was reviewed. In a joint letter, MMEA and MPPA report that in Michigan, every public power utility, except Bay City, with at least 10,000 customers is governed by an independent utility Board. In another letter, APPA reports that nationally, in the 5,000-20,000 customer class, in which the BLP falls, 38% of public utilities are governed by a city council and 61% are governed by an independent utility board. Not all utilities falling in this category reported for this survey.

No formal action taken.

23-13F Director Crum, supported by Director Witherell, moved to Approve the Board Resolution Regarding General Employee Benefits (Attachment A).

At its July meeting, the Board approved executing short-term contracts for three executive staff employees which included a severance and healthcare provision. Today's resolution extends the same severance and healthcare provision to the remaining non-contract employees. This is in an effort to retain the non-contract employees during the January 1, 2024 to June 30, 2024 time period should the Charter amendment pass. The union employees are governed by a collective bargaining agreement.

Roll Call Vote:

In favor: Directors Crum, Hendrick, Knoth, Witherell and Westbrook; Opposed: None.
Motion carried.

23-13G Chairperson Westbrook reported a meeting was held on August 12, 2023 between himself, the General Manager, and Ferrysburg's Mayor and City Manager. The information gathered by the BLP subcommittee, including the franchise agreement review and legal opinion from the City attorney, were provided. The next step is for the Mayor and City Manager to bring that information to the rest of their Board. They seemed interested in reviewing and updating the franchise agreement.

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The General Manager encouraged a review and update of all franchise agreements in 2024 regardless of if the Charter amendment does or does not pass.

No formal action taken.

Public Comment Period

Jeff Miller, 1120 South Harbor Drive, asked for the cost and number of staff hours spent preparing the “Reviewing the Record” presentation to be reported at the Board’s next meeting. Miller stated he is not a spokesman for the BLPCCC.

Mike Inman, 18148 Swiss Drive, Spring Lake, asked the Board to consider reaching out to its customers who live outside the City limits to see what they think about the Charter amendment proposal. He has no faith in the City managing power concerns.

Jacob Welch, 625 Franklin, stated a spot on the Advisory Board of the proposed Charter amendment is reserved for non-City residents.

David Barnosky, 14477 Shady Hollow, West Olive, is happy to see the hostility level has gone down. He considers the Board to be captured by management.

Chairperson Westbrook read a comment from Dennis McKee, 17537 Doric, who said he needed an explanation on his bill and was helped by Tammy. He said thank you and it’s great to deal with his hometown electric utility.

Chairperson Westbrook read a comment from Bonnie Tammen, 310 Woodside, who said her husband was the City Manager a long time ago and they were proud to have their own independent electric utility. She hopes the BLP will stay independent, and it does a great job.

Adjournment

At 7:07PM by motion of Director Knoth, supported by Director Hendrick, the August 17, 2023 Board meeting was unanimously adjourned.

Respectfully submitted,

Danielle Martin
Secretary to the Board

DM

GRAND HAVEN BOARD OF LIGHT AND POWER
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Attachment A

RESOLUTION OF THE GRAND HAVEN BOARD OF LIGHT & POWER

**TO EXTEND A SEVERANCE AND HEALTH CARE PROVISION TO NON-CONTRACT EMPLOYEES OF THE
GRAND HAVEN BOARD OF LIGHT AND POWER**

WHEREAS A PROPOSED GRAND HAVEN CITY CHARTER AMENDMENT TO DISSOLVE THE BOARD OF LIGHT AND POWER WILL APPEAR ON THE NOVEMBER 2023 ELECTION BALLOT, AND

WHEREAS SHOULD THE AMENDMENT PASS, LIMITED DIRECTION FOR THE TRANSFER OF NON-CONTRACT BOARD OF LIGHT AND POWER EMPLOYEES TO THE CITY OF GRAND HAVEN IS PROVIDED BY THE PROPOSAL, AND

WHEREAS THE BOARD DESIRES TO RETAIN THESE NON-CONTRACT EMPLOYEES DURING THIS PERIOD OF UNCERTAINTY.

NOW THEREFORE BE IT RESOLVED THE BOARD OF LIGHT AND POWER, OR ITS SUCCESSORS AND ASSIGNED, RESOLVES TO PAY NON-CONTRACT EMPLOYEES SIX MONTHS' SEVERANCE PAY AND SIX MONTHS OF HEALTH CARE, CONSISTENT WITH THAT PROVIDED TO OTHER EMPLOYEES DURING THE SIX-MONTH PERIOD, IF THEY EXPERIENCE A SUBSTANTIAL CHANGE IN BENEFITS OR PAY AS A RESULTS OF THE PROPOSED CHARTER CHANGE AMENDMENT BECOMING EFFECTIVE JANUARY 1, 2024.

BE IT FURTER RESOLVED THAT THIS SEVERANCE AND HEALTH CARE PROVISION OPTION SHALL TERMINATE JUNE 30, 2024.

RESOLUTION DECLARED ADOPTED

August 17, 2023

BOARD OF LIGHT AND POWER

By: _____

Its: Board Secretary

**GRAND HAVEN BOARD OF LIGHT AND POWER
BALANCE SHEET
FOR THE MONTH ENDING AUGUST 2023**

4B

	<u>AUGUST 2023</u>	<u>AUGUST 2022</u>
ASSETS		
CURRENT ASSETS		
CASH AND CASH EQUIVALENTS	\$18,462,449	\$27,721,904
ACCOUNTS RECEIVABLE	4,932,282	4,584,995
PREPAID	168,278	13,223
	23,563,009	32,320,122
NON-CURRENT ASSETS		
DEPOSITS HELD BY MPIA	8,939,946	7,862,304
DEPOSITS HELD BY MPPA	2,500,000	2,500,000
HEALTH BENEFIT FUND	(50,551)	104,900
ADVANCE TO CITY OF GRAND HAVEN	696,509	1,037,151
MITIGATION FUND	13,699,125	0
2021A BOND MITIGATION FUND	2,372,184	0
2021A BOND CONSTRUCTION FUND	4,834,409	11,069,478
2021A BOND REDEMPTION FUND	1,664,712	1,600,401
	34,656,334	24,174,234
CAPITAL ASSETS		
CONSTRUCTION IN PROGRESS	1,539,443	701,099
PROPERTY, PLANT AND EQUIPMENT	66,525,483	63,458,603
LESS ACCUMULATED DEPRECIATION	(30,669,185)	(29,699,283)
	37,395,741	34,460,419
TOTAL ASSETS	\$95,615,084	\$90,954,775
DEFERRED OUTFLOWS/(INFLOWS)		
PENSION/OPEB RELATED	4,681,112	(1,711,126)
LIABILITIES		
CURRENT LIABILITIES		
ACCOUNTS PAYABLE	1,677,384	1,430,303
SERIES 2021A BOND CURRENT	2,459,777	2,365,833
ACCRUED PAYROLL LIABILITIES	216,038	464,642
CUSTOMER DEPOSITS	980,242	849,204
ACCRUED TRANSFER FUND	190,625	181,892
	5,524,066	5,291,874
LONG TERM LIABILITIES		
ASSET RETIREMENT OBLIGATION - MITIGATION	16,888,188	16,132,201
ACCRUED SICK AND PTO	282,033	309,715
SERIES 2021A BOND	20,300,000	22,700,000
NET PENSION LIABILITIES	6,301,362	(813,406)
NET OTHER POST EMPLOYMENT BENEFIT	500,888	638,925
	44,272,471	38,967,435
TOTAL LIABILITIES	49,796,537	44,259,309
RETAINED EARNINGS		
BEGINNING OF THE YEAR	48,979,304	44,505,093
YTD NET INCOME	1,520,355	479,247
RETAINED EARNINGS	50,499,659	44,984,340
TOTAL LIABILITIES AND EQUITY	\$100,296,196	\$89,243,649

**GRAND HAVEN BOARD OF LIGHT AND POWER
STATEMENT OF REVENUES AND EXPENSES
FOR THE MONTH OF AUGUST 2023**

	Current Period Actual	YTD Actual	YTD Budget	Variance Over (Under)	Percent Variance Actual vs Budget	Previous Year Current Period	Previous Year YTD	Variance Over (Under)	Percent Variance Actual vs Last Year
Operating Revenue									
Residential Sales	\$ 1,403,136	\$ 2,714,960	\$ 2,586,700	\$ 128,260	4.96%	\$ 1,402,712	\$ 2,649,017	\$ 65,943	2.49%
Commercial Sales	1,030,654	2,011,653	2,060,615	(48,962)	-2.38%	1,004,331	1,926,248	85,405	4.43%
Industrial Sales	1,140,899	2,233,816	2,566,693	(332,877)	-12.97%	1,095,474	2,099,033	134,783	6.42%
Municipal Sales	109,105	216,440	203,052	13,388	6.59%	107,083	208,835	7,605	3.64%
Total Charges for Services	3,683,794	7,176,869	7,417,060	(240,191)	-3.24%	3,609,600	6,883,133	293,736	4.27%
Street Lighting	28,546	57,084	55,833	1,251	2.24%	28,243	56,482	602	1.07%
Other Revenue	17,464	30,982	29,047	1,935	6.66%	24,922	44,351	(13,369)	-30.14%
Total Operating Revenue	3,729,804	7,264,935	7,501,940	(237,005)	-3.16%	3,662,765	6,983,966	280,969	4.02%
Operating Expenses									
Net Purchased Power	1,815,979	4,107,739	4,057,669	50,070	1.23%	2,026,808	4,616,562	(508,823)	-11.02%
Distribution Operations	127,922	258,757	323,801	(65,044)	-20.09%	144,946	316,489	(57,732)	-18.24%
Distribution Maintenance	277,519	509,685	593,315	(83,630)	-14.10%	288,701	544,087	(34,402)	-6.32%
Energy Optimization	14,551	23,351	45,833	(22,482)	-49.05%	14,513	26,663	(3,312)	-12.42%
Administration	288,052	486,177	523,799	(37,622)	-7.18%	234,156	434,777	51,400	11.82%
Legacy Pension Expense	42,860	85,927	83,072	2,855	3.44%	61,529	115,080	(29,153)	-
Operating Expenses Before Depreciation	2,566,883	5,471,636	5,627,489	(155,853)	-2.77%	2,770,653	6,053,658	(582,022)	-9.61%
Operating Net Income Before Depreciation	1,162,921	1,793,299	1,874,451	(81,152)	-4.33%	892,112	930,308	862,991	92.76%
Depreciation	175,263	350,486	337,332	13,154	3.90%	167,042	334,084	16,402	4.91%
Operating Net Income	987,658	1,442,813	1,537,119	(94,306)	-6.14%	725,070	596,224	846,589	141.99%
Nonoperating Revenue/(Expenses)	156,892	256,936	101,716	155,220	152.60%	69,848	230,004	26,932	11.71%
Asset Retirement Expense	-	-	(166,666)	166,666	-100.00%	-	-	-	#DIV/0!
Environmental Surcharge	100,159	191,899	166,666	25,233	15.14%	-	-	191,899	#DIV/0!
Non-Operating Revenue/(Expenses)	257,051	448,835	101,716	347,119	341.26%	69,848	230,004	218,831	95.14%
Transfers to City of Grand Haven	(190,625)	(371,293)	(319,457)	(51,836)	16.23%	(181,892)	(346,981)	(24,312)	7.01%
Increase in Net Assets	\$ 1,054,084	\$ 1,520,355	\$ 1,319,378	\$ 200,977	15.23%	\$ 613,026	\$ 479,247	\$ 1,041,108	217.24%

**GRAND HAVEN BOARD OF LIGHT AND POWER
POWER SUPPLY DASHBOARD
FOR THE MONTH OF AUGUST 2023**

Power Supply for Month (kWh)	<u>FY2024</u>		<u>FY2023</u>	
Net Purchased (Sold) Power	22,222,579	78.45%	25,266,124	83.37%
Renewable Energy Purchases	6,105,935	21.55%	5,040,030	16.63%
Monthly Power Supply Total	28,328,514		30,306,154	
Days in Month	31		31	
Average Daily kWh Supply for Month	913,823		977,618	
% Change	-6.53%			

Power Supply FYTD	<u>FY2024</u>		<u>FY2023</u>	
Net Purchased (Sold) Power	44,799,962	78.73%	49,568,413	82.51%
Renewable Energy Purchases	12,102,161	21.27%	10,506,468	17.49%
FYTD Power Supply Total	56,902,123		60,074,881	
FYTD Days (from 7/1)	62		62	
Average Daily kWh Supply FYTD	917,776		968,950	
% Change	-5.28%			

	<u>FY2024</u>		<u>FY2023</u>	
Net Purchased Power Expenses	\$4,107,739		\$4,616,562	
% Change	-11.02%			
Net Energy Expenses per kWh Supplied to System FYTD	\$0.07219		\$0.07685	
% Change	-6.06%			

**GRAND HAVEN BOARD OF LIGHT AND POWER
SALES DASHBOARD
FOR THE MONTH OF AUGUST 2023**

<u>Monthly Retail Customers</u>	<u>FY2024</u>		<u>FY2023</u>	
Residential	13,094	87.42%	13,043	87.52%
Commercial	1,641	10.96%	1,616	10.84%
Industrial	127	0.85%	126	0.85%
Municipal	116	0.77%	118	0.79%
Total	14,978		14,903	
<u>Monthly Energy Sold (kWh)</u>				
Residential	9,848,185	34.29%	10,644,325	34.85%
Commercial	7,725,488	26.90%	8,121,759	26.59%
Industrial	10,137,214	35.30%	10,683,981	34.98%
Municipal	917,046	3.19%	1,005,156	3.29%
Retail Monthly Total	28,627,933	99.69%	30,455,221	99.72%
Street Lighting	88,962	0.31%	85,169	0.28%
Total Monthly Energy Sold	28,716,895		30,540,390	
Days in Primary Meter Cycle	31		31	
kWh Sold per Day	926,351		985,174	
% Change	-5.97%			

<u>Energy Sold (kWh) FYTD</u>	<u>FY2024</u>		<u>FY2023</u>	
Residential	18,882,250	34.32%	19,925,559	34.68%
Commercial	14,911,345	27.10%	15,439,198	26.87%
Industrial	19,224,150	34.94%	19,957,676	34.74%
Municipal	1,818,175	3.30%	1,961,858	3.41%
Retail Energy Sold Total FYTD	54,835,920	99.68%	57,284,291	99.70%
Street Lighting	177,971	0.32%	170,288	0.30%
Energy Sold FYTD	55,013,891		57,454,579	
Weighted Days in Meter Cycles FYTD	61		61	
kWh Sold per Day	901,867		941,878	
% Change	-4.25%			

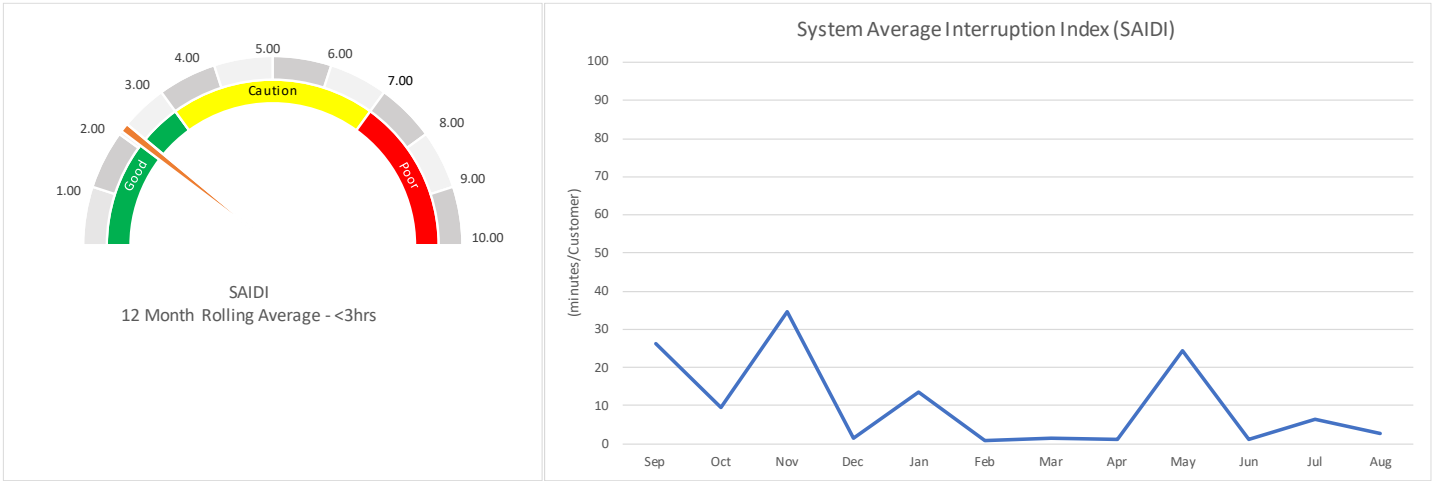
<u>Sales Revenue FYTD net ERS</u>	<u>FY2024</u>	<u>Average Rate (\$/kWh)</u>	<u>FY2023</u>	<u>Average Rate (\$/KWh)</u>	<u>Percent Change \$/kWh</u>
Residential	\$2,714,960	\$0.1438	\$2,649,205	\$0.1330	8.14%
Commercial	\$2,011,653	\$0.1349	\$1,926,060	\$0.1248	8.14%
Industrial	\$2,233,816	\$0.1162	\$2,099,033	\$0.1052	10.48%
Municipal	\$216,440	\$0.1190	\$208,835	\$0.1064	11.83%
Retail Sales Revenue FYTD	\$7,176,869	\$0.1309	\$6,883,133	\$0.1202	8.92%
Street Lighting	\$57,084		\$56,482		
Total Sales Revenue FYTD (Excl. Wholesale)	\$7,233,953	\$0.1315	\$6,939,615	\$0.1208	

	<u>FY2024</u>	<u>FY2023</u>
Approx. Distribution Losses FYTD	1.73%	2.79%
Net Energy Expenses/kWh Sold FYTD	\$0.07344	\$0.07899
% Change	-7.03%	

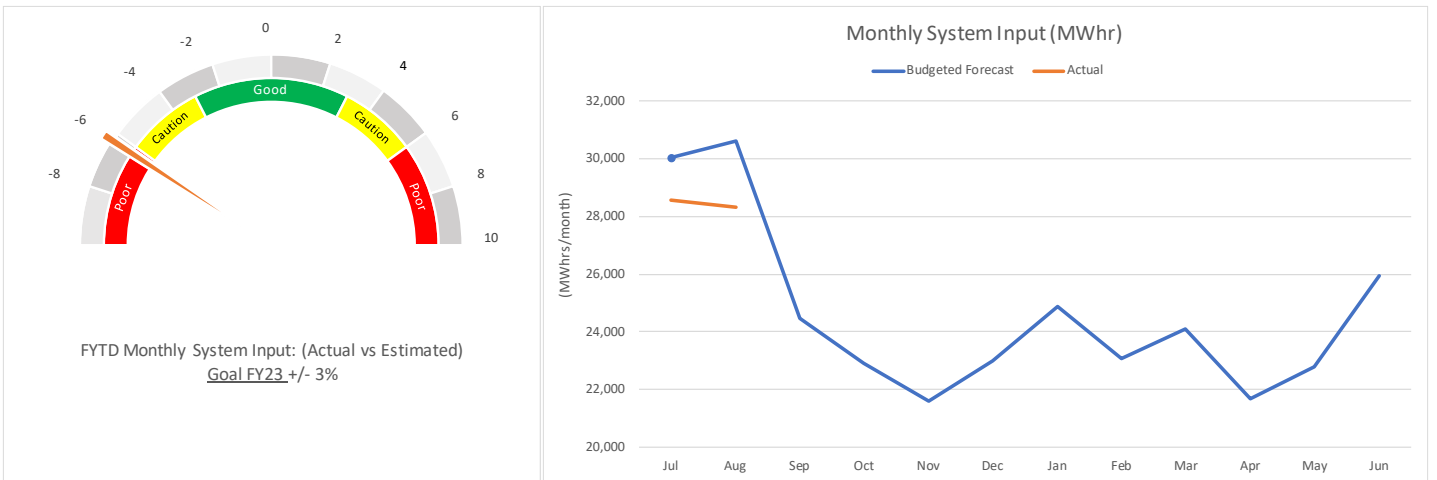
GHBLP Key Performance Indicators

September 18, 2023

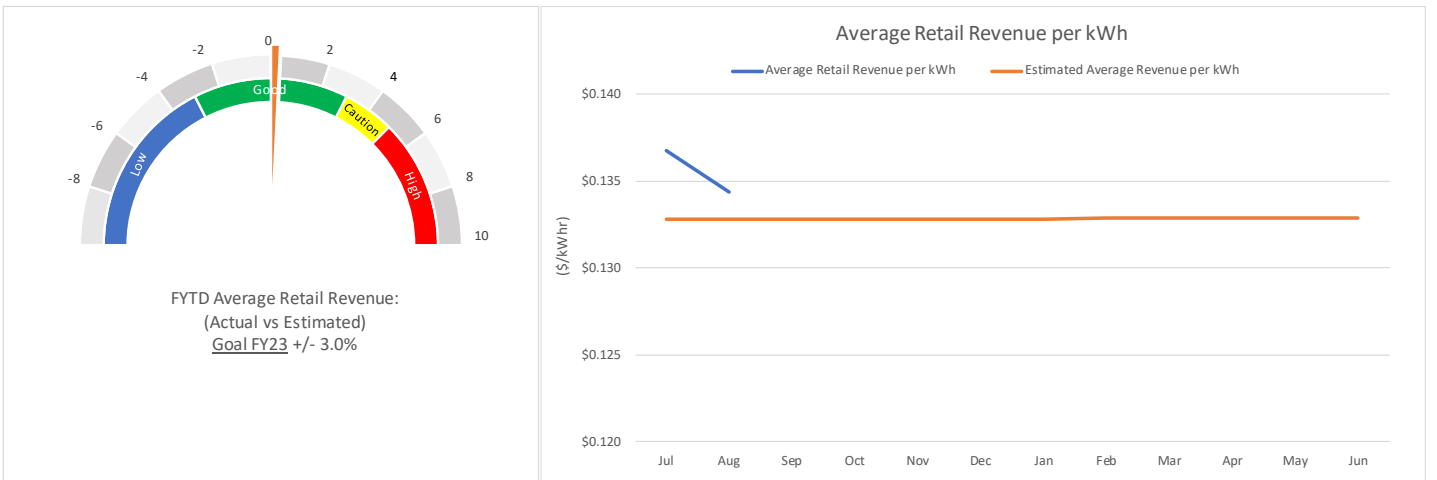
1) Reliability



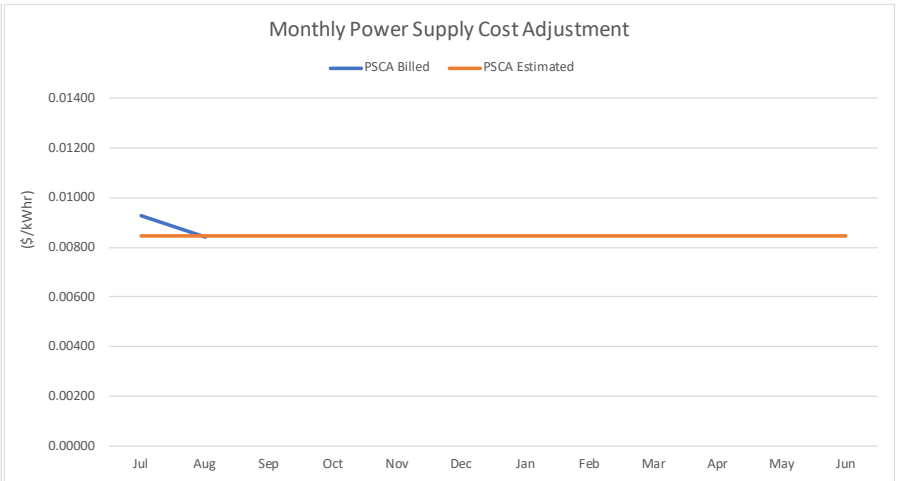
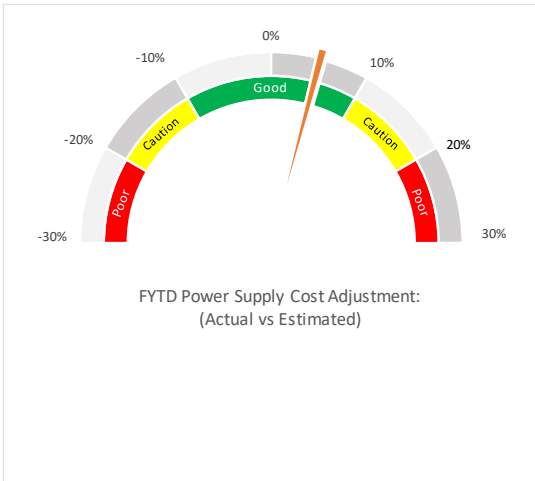
2) Power Supply



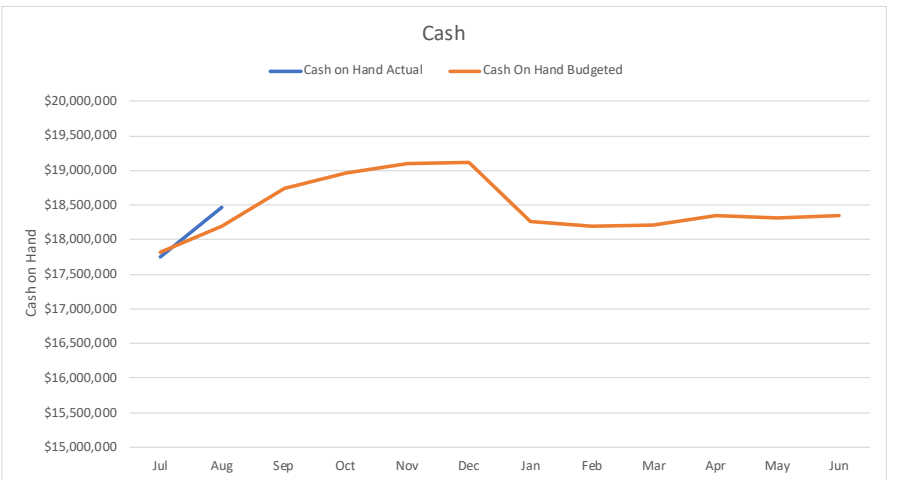
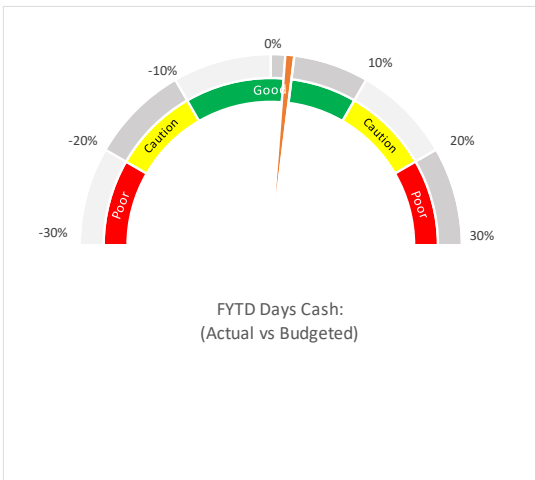
3) Average Retail Revenue per kWh



4) Rates/PSCA



5) Financial



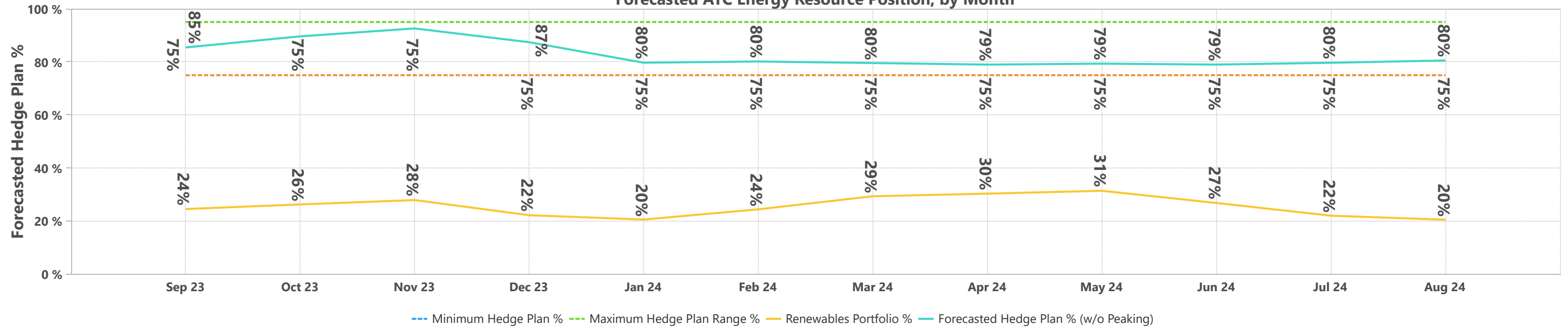
GRAN is forecasted to have an average of 82% of Around the Clock (ATC) Power Supply hedged over the upcoming 12 months, and Renewable Energy Resources are forecasted to provide an average of 25% towards load. Total Resources are forecasted to cost an average of \$48.08 Per MWh, and Market Balancing Energy is forecasted to come in at an average of \$48.49 per MWh. This results in a Total Forecasted Power Supply weighted average cost of \$48.82 over the upcoming 12 months.

Forecasted Prompt 12 Months Energy Resource Position for GRAN

Power Supply, MWh	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Total Resources, MWh	21,614	20,739	20,229	20,290	19,996	18,687	19,341	17,286	18,254	20,670	24,588	25,352
Project Assets	1,849	1,956	1,892	1,898	2,025	1,832	1,965	1,986	1,990	1,823	1,800	1,823
Landfill Project	1,849	1,956	1,892	1,898	2,025	1,832	1,965	1,986	1,990	1,823	1,800	1,823
Contracted Power Supply	19,765	18,783	18,337	18,392	17,971	16,855	17,376	15,301	16,264	18,847	22,788	23,528
Contracted ESP Renewable PPAs	4,333	4,104	4,186	3,233	3,114	3,840	5,150	4,637	5,219	5,175	4,971	4,602
Contracted Bilateral Energy Transactions	15,432	14,679	14,150	15,159	14,858	13,015	12,226	10,664	11,045	13,672	17,818	18,926

Total Power Supply	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Forecasted Hedge Plan % (w/o Peaking)	85%	90%	93%	87%	80%	80%	80%	79%	79%	79%	80%	80%
Minimum Hedge Plan %	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%
Maximum Hedge Plan Range %	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Renewables Portfolio %	24%	26%	28%	22%	20%	24%	29%	30%	31%	27%	22%	20%
Forecasted Load	(25,316)	(23,157)	(21,855)	(23,226)	(25,113)	(23,332)	(24,328)	(21,907)	(23,028)	(26,192)	(30,891)	(31,505)
Forecasted Market Balancing, MWh	(3,702)	(2,417)	(1,626)	(2,936)	(5,117)	(4,644)	(4,987)	(4,620)	(4,774)	(5,521)	(6,303)	(6,153)
Forecasted Hedge % (w/ Peaking)	85%	90%	93%	87%	80%	80%	80%	79%	79%	79%	80%	80%

Forecasted ATC Energy Resource Position, by Month

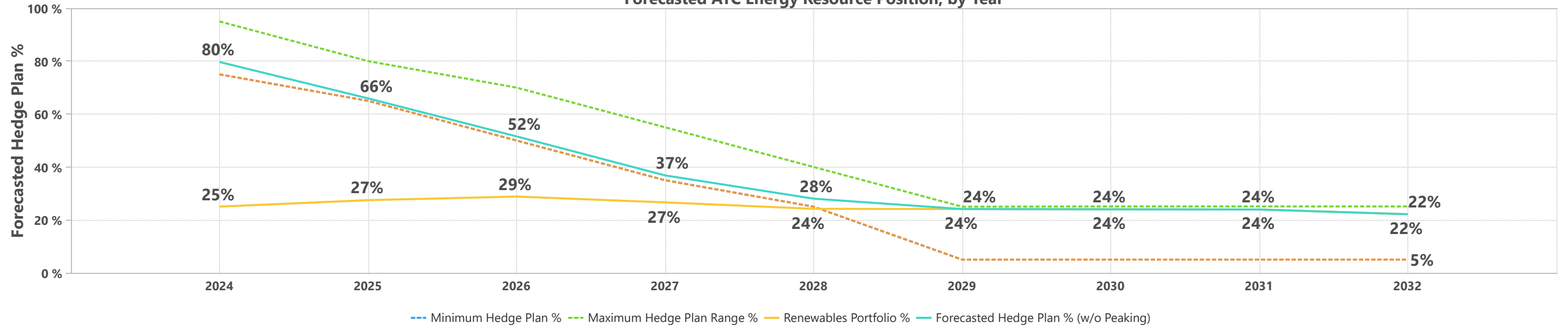


Forecasted Outer Years Energy Resource Position for GRAN

Power Supply, MWh	2024	2025	2026	2027	2028	2029	2030	2031	2032
Total Resources, MWh	239,923	198,827	155,741	111,353	84,880	73,071	72,908	72,740	67,357
Project Assets	22,839	22,314	21,581	15,224	8,113	8,104	8,106	8,104	2,880
Landfill Project	22,839	22,314	21,581	15,224	8,113	8,104	8,106	8,104	2,880
Contracted Power Supply	217,084	176,513	134,160	96,129	76,767	64,967	64,803	64,636	64,477
Contracted ESP Renewable PPAs	52,537	60,528	65,478	65,308	65,146	64,967	64,803	64,636	64,477
Contracted Bilateral Energy Transactions	164,547	115,985	68,682	30,821	11,621				

Total Power Supply	2024	2025	2026	2027	2028	2029	2030	2031	2032
Forecasted Hedge Plan % (w/o Peaking)	80%	66%	52%	37%	28%	24%	24%	24%	22%
Minimum Hedge Plan %	75%	65%	50%	35%	25%	5%	5%	5%	5%
Maximum Hedge Plan Range %	95%	80%	70%	55%	40%	25%	25%	25%	25%
Renewables Portfolio %	25%	27%	29%	27%	24%	24%	24%	24%	22%
Forecasted Load	(301,112)	(301,588)	(302,026)	(302,434)	(302,776)	(303,138)	(303,477)	(303,785)	(304,050)
Forecasted Market Balancing, MWh	(61,189)	(102,761)	(146,285)	(191,081)	(217,896)	(230,067)	(230,569)	(231,045)	(236,693)
Forecasted Hedge % (w/ Peaking)	80%	66%	52%	37%	28%	24%	24%	24%	22%

Forecasted ATC Energy Resource Position, by Year



Forecasted Prompt 12 Months Energy Resource Cost for GRAN

Project Asset Costs are as forecasted in the MPPA Financial Plan, including fixed costs and all other anticipated costs in addition to Energy costs.

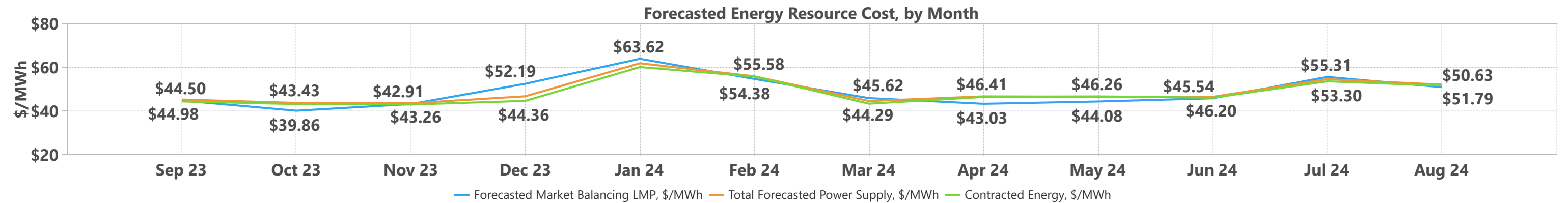
Power Supply \$'s	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Total Resources, \$'s	(\$953,157)	(\$889,936)	(\$863,728)	(\$900,135)	(\$1,196,355)	(\$1,036,612)	(\$833,207)	(\$797,825)	(\$847,095)	(\$946,802)	(\$1,310,480)	(\$1,301,557)
Project Assets	(\$206,287)	(\$213,100)	(\$207,950)	(\$213,835)	(\$221,452)	(\$200,212)	(\$113,622)	(\$214,372)	(\$221,459)	(\$214,372)	(\$222,216)	(\$221,452)
Landfill Project	(\$206,287)	(\$213,100)	(\$207,950)	(\$213,835)	(\$221,452)	(\$200,212)	(\$113,622)	(\$214,372)	(\$221,459)	(\$214,372)	(\$222,216)	(\$221,452)
Contracted Power Supply	(\$746,870)	(\$676,837)	(\$655,778)	(\$686,300)	(\$974,903)	(\$836,400)	(\$719,585)	(\$583,453)	(\$625,636)	(\$732,430)	(\$1,088,264)	(\$1,080,105)
Contracted ESP Renewable PPAs	(\$188,667)	(\$180,822)	(\$186,993)	(\$145,225)	(\$141,259)	(\$173,660)	(\$230,352)	(\$206,223)	(\$231,758)	(\$228,099)	(\$217,873)	(\$201,880)
Contracted Bilateral Energy Transactions	(\$558,203)	(\$496,015)	(\$468,785)	(\$541,075)	(\$833,644)	(\$662,739)	(\$489,233)	(\$377,230)	(\$393,878)	(\$504,331)	(\$870,390)	(\$878,225)

Locational Basis, \$'s	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Locational Basis (Projects)	(\$877)	(\$579)	(\$1,373)	\$1,269	(\$1,565)	(\$3,651)	(\$1,255)	(\$513)	(\$915)	(\$143)	(\$338)	(\$1,004)
Locational Basis (Contracted Power Supply)	(\$19,839)	(\$18,821)	(\$10,627)	(\$27,036)	(\$22,723)	(\$3,892)	(\$15,552)	(\$19,554)	(\$6,968)	(\$11,588)	(\$17,631)	(\$17,495)

Power Supply \$/MWh	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Power Supply \$/MWh												
Project Assets												
Landfill Project	\$111.57	\$108.95	\$109.91	\$112.67	\$109.35	\$109.29	\$57.81	\$107.96	\$111.27	\$117.60	\$123.47	\$121.46
Contracted Power Supply												
Contracted ESP Renewable PPAs	\$43.54	\$44.06	\$44.67	\$44.92	\$45.37	\$45.22	\$44.72	\$44.48	\$44.40	\$44.07	\$43.83	\$43.87
Contracted Bilateral Energy Transactions	\$36.17	\$33.79	\$33.13	\$35.69	\$56.11	\$50.92	\$40.02	\$35.37	\$35.66	\$36.89	\$48.85	\$46.40

Locational Basis, \$/MWh	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Locational Basis (Projects)	\$0.47	\$0.30	\$0.73	(\$0.67)	\$0.77	\$1.99	\$0.64	\$0.26	\$0.46	\$0.08	\$0.19	\$0.55
Locational Basis (Contracted Power Supply)	\$1.00	\$1.00	\$0.58	\$1.47	\$1.26	\$0.23	\$0.90	\$1.28	\$0.43	\$0.61	\$0.77	\$0.74

Total Power Supply	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Apr 24	May 24	Jun 24	Jul 24	Aug 24
Forecasted Market Balancing LMP, \$/MWh	\$44.50	\$39.86	\$42.91	\$52.19	\$63.62	\$54.38	\$45.62	\$43.03	\$44.08	\$45.54	\$55.31	\$50.63
Forecasted Market Balancing LMP, \$'s	(\$164,731)	(\$96,358)	(\$69,785)	(\$153,230)	(\$325,506)	(\$252,574)	(\$227,481)	(\$198,805)	(\$210,414)	(\$251,439)	(\$348,609)	(\$311,525)
Total Forecasted Power Supply, \$/MWh	\$44.98	\$43.43	\$43.26	\$46.46	\$61.57	\$55.58	\$44.29	\$46.41	\$46.26	\$46.20	\$54.29	\$51.79
Total Forecasted Power Supply Costs, \$'s	(\$1,138,603)	(\$1,005,694)	(\$945,512)	(\$1,079,131)	(\$1,546,149)	(\$1,296,730)	(\$1,077,495)	(\$1,016,698)	(\$1,065,391)	(\$1,209,972)	(\$1,677,057)	(\$1,631,581)



Forecasted Outer Years Energy Resource Cost for GRAN

Project Asset Costs are as forecasted in the MPPA Financial Plan, including fixed costs and all other anticipated costs in addition to Energy costs.

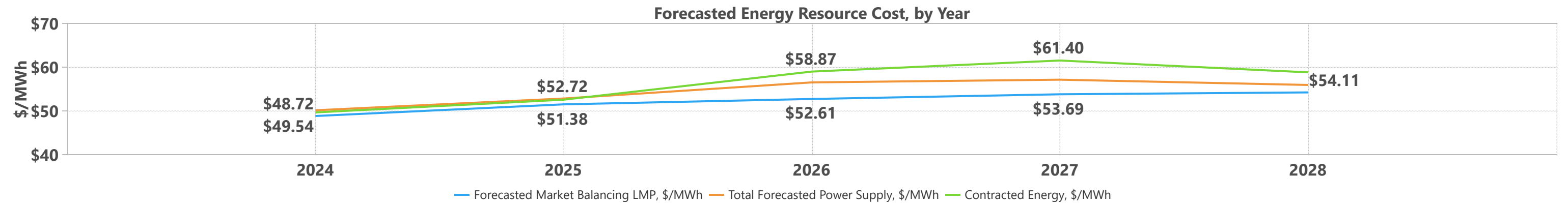
Power Supply \$'s	2024	2025	2026	2027	2028
Total Resources, \$'s	(\$11,885,563)	(\$10,428,761)	(\$9,168,871)	(\$6,837,445)	(\$4,982,628)
Project Assets	(\$2,503,299)	(\$2,497,970)	(\$2,557,919)	(\$1,836,474)	(\$1,009,081)
Landfill Project	(\$2,503,299)	(\$2,497,970)	(\$2,557,919)	(\$1,836,474)	(\$1,009,081)
Contracted Power Supply	(\$9,382,264)	(\$7,930,792)	(\$6,610,951)	(\$5,000,971)	(\$3,973,547)
Contracted ESP Renewable PPAs	(\$2,344,770)	(\$2,816,884)	(\$3,125,019)	(\$3,163,363)	(\$3,202,803)
Contracted Bilateral Energy Transactions	(\$7,037,494)	(\$5,113,908)	(\$3,485,932)	(\$1,837,608)	(\$770,743)

Locational Basis, \$'s	2024	2025	2026	2027	2028
Locational Basis (Projects)	(\$11,242)	(\$11,036)	(\$10,992)	(\$12,148)	(\$2,290)
Locational Basis (Contracted Power Supply)	(\$186,149)	(\$178,652)	(\$158,679)	(\$137,407)	(\$123,472)

Power Supply \$/MWh	2024	2025	2026	2027	2028
Power Supply \$/MWh					
Project Assets					
Landfill Project	\$109.61	\$111.95	\$118.53	\$120.63	\$124.38
Contracted Power Supply					
Contracted ESP Renewable PPAs	\$44.63	\$46.54	\$47.73	\$48.44	\$49.16
Contracted Bilateral Energy Transactions	\$42.77	\$44.09	\$50.75	\$59.62	\$66.32

Locational Basis, \$/MWh	2024	2025	2026	2027	2028
Locational Basis (Projects)	\$0.49	\$0.49	\$0.51	\$0.80	\$0.28
Locational Basis (Contracted Power Supply)	\$0.86	\$1.01	\$1.18	\$1.43	\$1.61

Total Power Supply	2024	2025	2026	2027	2028
Forecasted Market Balancing LMP, \$/MWh	\$48.72	\$51.38	\$52.61	\$53.69	\$54.11
Forecasted Market Balancing LMP, \$'s	(\$2,981,047)	(\$5,280,367)	(\$7,696,292)	(\$10,258,224)	(\$11,791,043)
Total Forecasted Power Supply, \$/MWh	\$50.03	\$52.72	\$56.40	\$57.02	\$55.82
Total Forecasted Power Supply Costs, \$'s	(\$15,064,002)	(\$15,898,817)	(\$17,034,834)	(\$17,245,223)	(\$16,899,432)



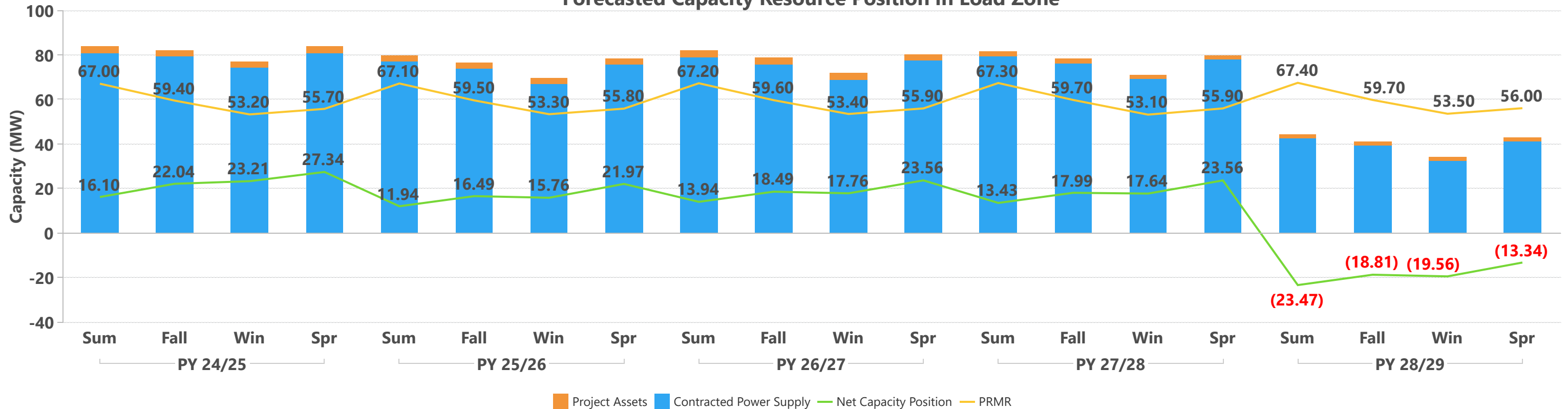
Forecasted Outer Years Capacity Resource Position for GRAN

Capacity Resources, MW	PY 24/25				PY 25/26				PY 26/27				PY 27/28				PY 28/29			
	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr
Net Capacity Position	16.10	22.04	23.21	27.34	11.94	16.49	15.76	21.97	13.94	18.49	17.76	23.56	13.43	17.99	17.64	23.56	(23.47)	(18.81)	(19.56)	(13.34)
Zone 7	16.10	22.04	23.21	27.34	11.94	16.49	15.76	21.97	13.94	18.49	17.76	23.56	13.43	17.99	17.64	23.56	(23.47)	(18.81)	(19.56)	(13.34)
Contracted Power Supply	81.05	79.34	74.21	80.83	77.00	73.91	66.91	75.61	79.10	76.01	69.01	77.71	79.30	76.21	69.21	77.91	42.50	39.41	32.41	41.11
Contracted Bilateral Capacity Transactions	71.30	71.30	71.30	71.30	64.00	64.00	64.00	64.00	66.10	66.10	66.10	66.10	66.30	66.30	66.30	66.30	29.50	29.50	29.50	29.50
Contracted ESP Renewable PPAs	9.75	8.04	2.91	9.53	13.00	9.91	2.91	11.61	13.00	9.91	2.91	11.61	13.00	9.91	2.91	11.61	13.00	9.91	2.91	11.61
Planning Reserve Margin Requirement	(67.00)	(59.40)	(53.20)	(55.70)	(67.10)	(59.50)	(53.30)	(55.80)	(67.20)	(59.60)	(53.40)	(55.90)	(67.30)	(59.70)	(53.10)	(55.90)	(67.40)	(59.70)	(53.50)	(56.00)
PRMR	(67.00)	(59.40)	(53.20)	(55.70)	(67.10)	(59.50)	(53.30)	(55.80)	(67.20)	(59.60)	(53.40)	(55.90)	(67.30)	(59.70)	(53.10)	(55.90)	(67.40)	(59.70)	(53.50)	(56.00)
Project Assets	2.05	2.10	2.20	2.21	2.04	2.08	2.15	2.16	2.03	2.08	2.15	1.75	1.43	1.48	1.53	1.54	1.43	1.48	1.53	1.54
Landfill Project	2.05	2.10	2.20	2.21	2.04	2.08	2.15	2.16	2.03	2.08	2.15	1.75	1.43	1.48	1.53	1.54	1.43	1.48	1.53	1.54

Net Contracted Bilateral Capacity Transactions	PY 24/25				PY 25/26				PY 26/27				PY 27/28				PY 28/29			
	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr	Sum	Fall	Win	Spr
MW	71.30	71.30	71.30	71.30	64.00	64.00	64.00	64.00	66.10	66.10	66.10	66.10	66.30	66.30	66.30	66.30	29.50	29.50	29.50	29.50
\$	(\$953,391)	(\$953,391)	(\$953,391)	(\$953,391)	(\$810,600)	(\$810,600)	(\$810,600)	(\$810,600)	(\$836,925)	(\$836,925)	(\$836,925)	(\$836,925)	(\$839,942)	(\$839,942)	(\$839,942)	(\$839,942)	(\$360,870)	(\$360,870)	(\$360,870)	(\$360,870)
\$/kw-mo.	4.46	4.46	4.46	4.46	4.22	4.22	4.22	4.22	4.22	4.22	4.22	4.22	4.22	4.22	4.22	4.22	4.08	4.08	4.08	4.08

Net Capacity Position, \$'s	PY 24/25	PY 25/26	PY 26/27	PY 27/28	PY 28/29
\$	(\$2,497,422)	(\$2,264,349)	(\$2,221,185)	(\$2,268,251)	(\$3,119,465)

Forecasted Capacity Resource Position in Load Zone



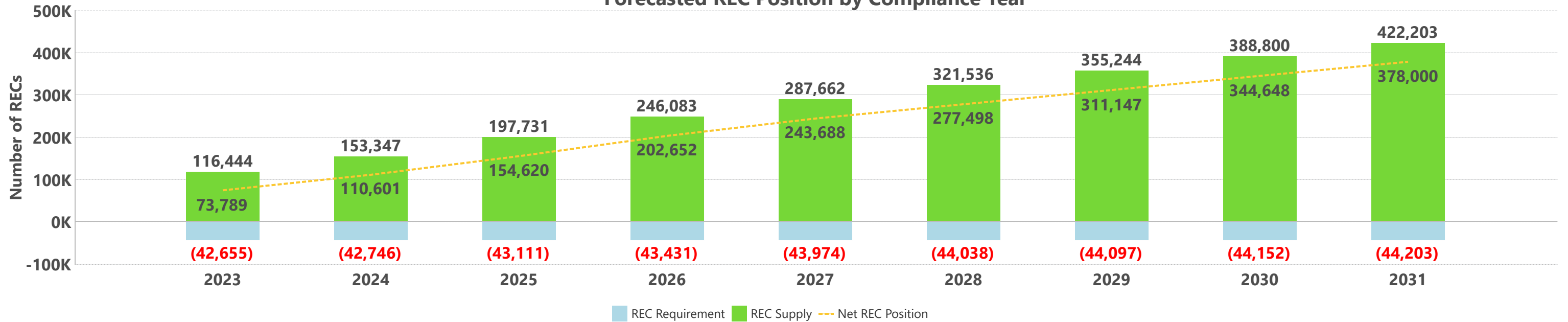
Forecasted Renewable Energy Credit (REC) Position for GRAN

Forecasted REC volumes are based on actual meter data when available and use the latest modeled generation for future timeframes.
Available Banked RECs in a compliance year reflect the forecasted Net REC Position at the end of the previous year.

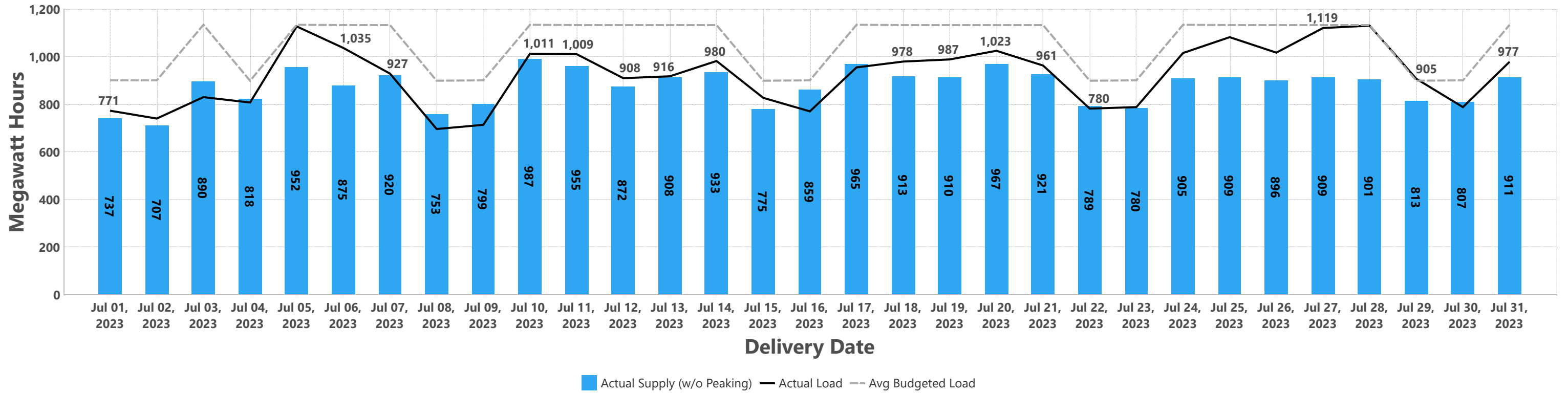
Compliance Year	2023	2024	2025	2026	2027	2028	2029	2030	2031
Net REC Position	73,789	110,601	154,620	202,652	243,688	277,498	311,147	344,648	378,000
Available Banked RECs	43,647	73,789	110,601	154,620	202,652	243,688	277,498	311,147	344,648
Hedge Policy REC Requirement	(42,655)	(42,746)	(43,111)	(43,431)	(43,974)	(44,038)	(44,097)	(44,152)	(44,203)
AES Calhoun Solar			2,894	4,515	4,492	4,477	4,447	4,425	4,403
Assembly Solar	10,146	10,809	10,807	10,817	10,809	10,811	10,811	10,808	10,807
Assembly Solar Phase II	8,449	8,930	8,927	8,937	8,932	8,930	8,932	8,929	8,927
Beebe	5,777	6,179	6,178	6,179	6,179	6,178	6,177	6,179	6,178
Hart Solar			5,220	8,670	8,644	8,618	8,593	8,567	8,541
Invenergy Calhoun Solar	10,898	13,828	13,781	13,752	13,707	13,663	13,624	13,577	13,533
Landfill Project (EDL)	16,242	17,568	17,078	16,350	10,005	2,928	2,922	2,923	2,923
Landfill Project (NANR)	4,614	5,234	5,234	5,234	5,234	5,234	5,233	5,234	5,233
Pegasus	16,672	17,010	17,011	17,009	17,008	17,008	17,007	17,011	17,011

Compliance Year	2023	2024	2025	2026	2027	2028	2029	2030	2031
3 Year Avg Retail Sales	(284,367)	(284,976)	(287,407)	(289,538)	(293,160)	(293,586)	(293,982)	(294,349)	(294,689)
Hedge Policy REC Target %	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%
Hedge Policy REC Requirement	(42,655)	(42,746)	(43,111)	(43,431)	(43,974)	(44,038)	(44,097)	(44,152)	(44,203)
VGP REC %	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
VGP REC Requirement	0	0	0	0	0	0	0	0	0

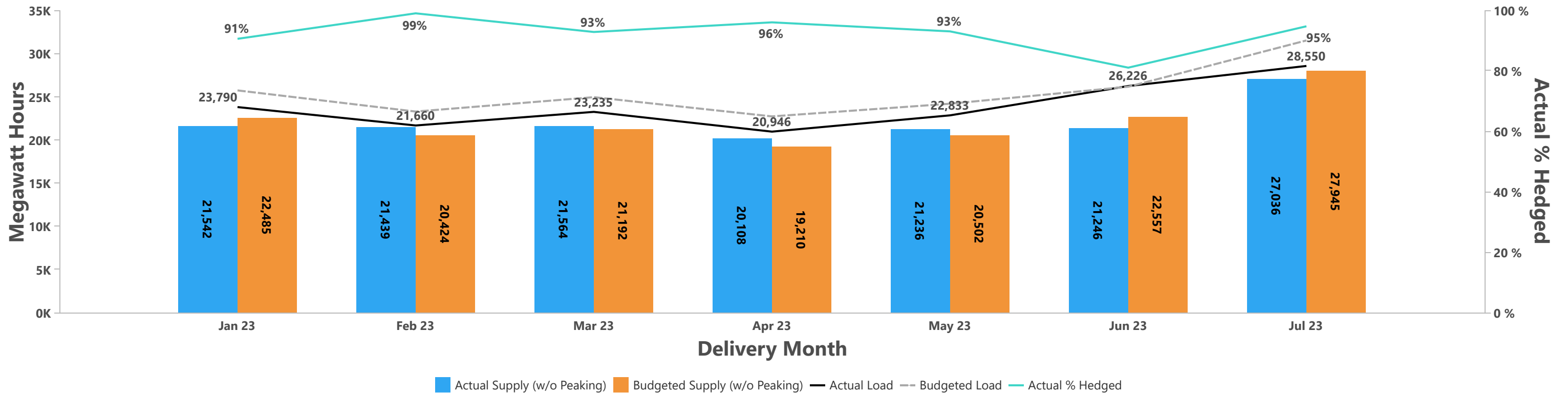
Forecasted REC Position by Compliance Year



Daily Actual Lookback for GRAN



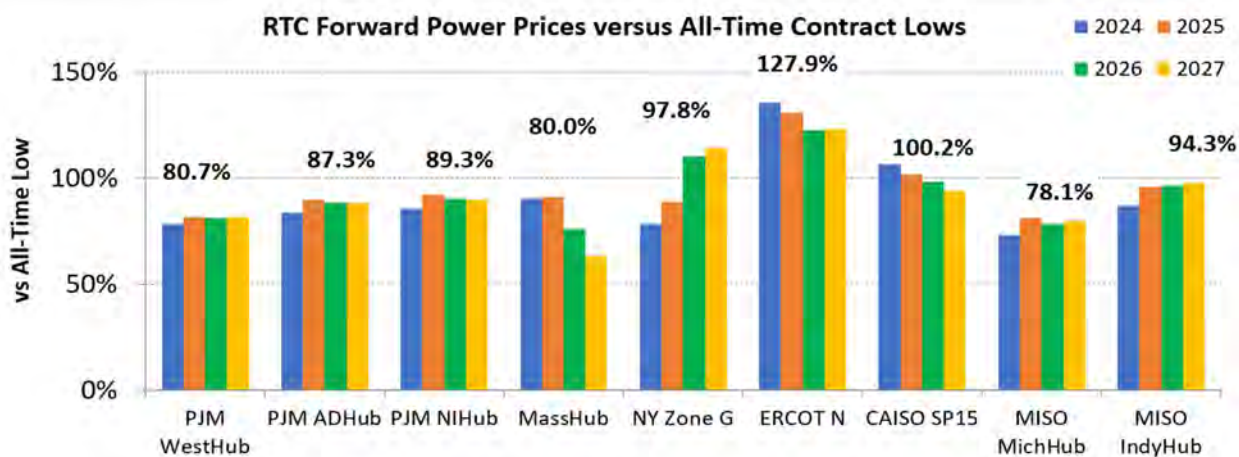
Year to Date Actual vs Budget Lookback for GRAN



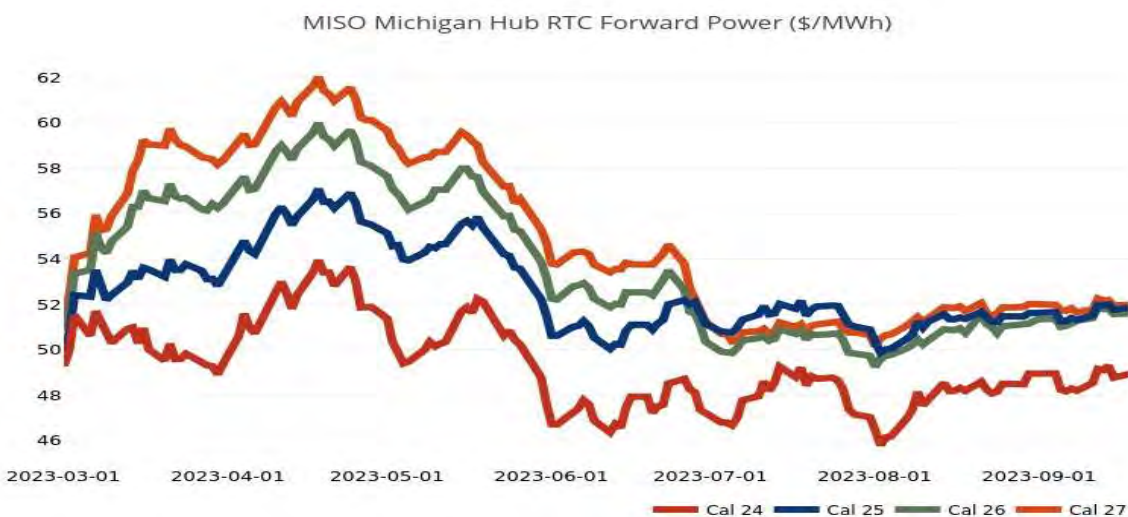
Charts taken from Constellation Energy Market Update for week of September 18, 2023

Week Ending	RTC Day-Ahead Index Prices				RTC Forward Calendar Strip Prices ¹			
	9/15/2023	(\$/MWh)			(\$/MWh)			
Electric Hub	ISO	Min	Max	Avg	2023	2024	2025	2026
Indiana Hub	MISO	\$17.16	\$48.26	\$29.11	\$45.06	\$50.15	\$52.85	\$53.65
Michigan Hub	MISO	\$17.22	\$37.09	\$27.20	\$43.65	\$49.30	\$52.00	\$51.81
PJM West Hub	PJM	\$15.80	\$78.76	\$31.29	\$42.62	\$48.07	\$49.36	\$49.48
AEP-Dayton Hub	PJM	\$15.52	\$67.71	\$28.45	\$40.92	\$45.66	\$46.94	\$47.12
N. Illinois Hub	PJM	\$12.64	\$61.86	\$25.77	\$34.98	\$40.59	\$41.50	\$41.68
Mass Hub	ISO-NE	\$12.49	\$48.54	\$27.33	\$58.46	\$70.78	\$72.95	\$67.51
NYZ J	NYISO	\$15.10	\$51.32	\$27.78	\$51.02	\$60.69	\$65.18	\$72.37
ERCOT N ²	ERCOT	\$14.67	\$115.74	\$26.94	\$40.41	\$51.89	\$48.27	\$45.94
SP15	CAISO	\$8.98	\$110.51	\$47.06	\$69.12	\$69.51	\$68.06	\$68.40

¹These prices are an indicative, non-transactable snapshot of the wholesale market as of close of business on Friday of the report week. Actual price on contract is contingent upon customer's load, product and market prices at time of execution. ²ERCOT index prices are from Real-Time market.



Notes: 0% implies forward prices are currently trading at all-time, life-of-contract lows. All prices are indicative wholesale marks.





4F

Storm - August 2023

Service Territory Impacts

- ▶ Close to 43,000 customers affected
- ▶ 835 downed wires
- ▶ 47 broken poles
- ▶ 612 total outages
- ▶ 187 transformers out

Restoration Labor

102 Crews in the field

- ▶ 45 Tree Crews
- ▶ 57 Line Crews

162 Spotters



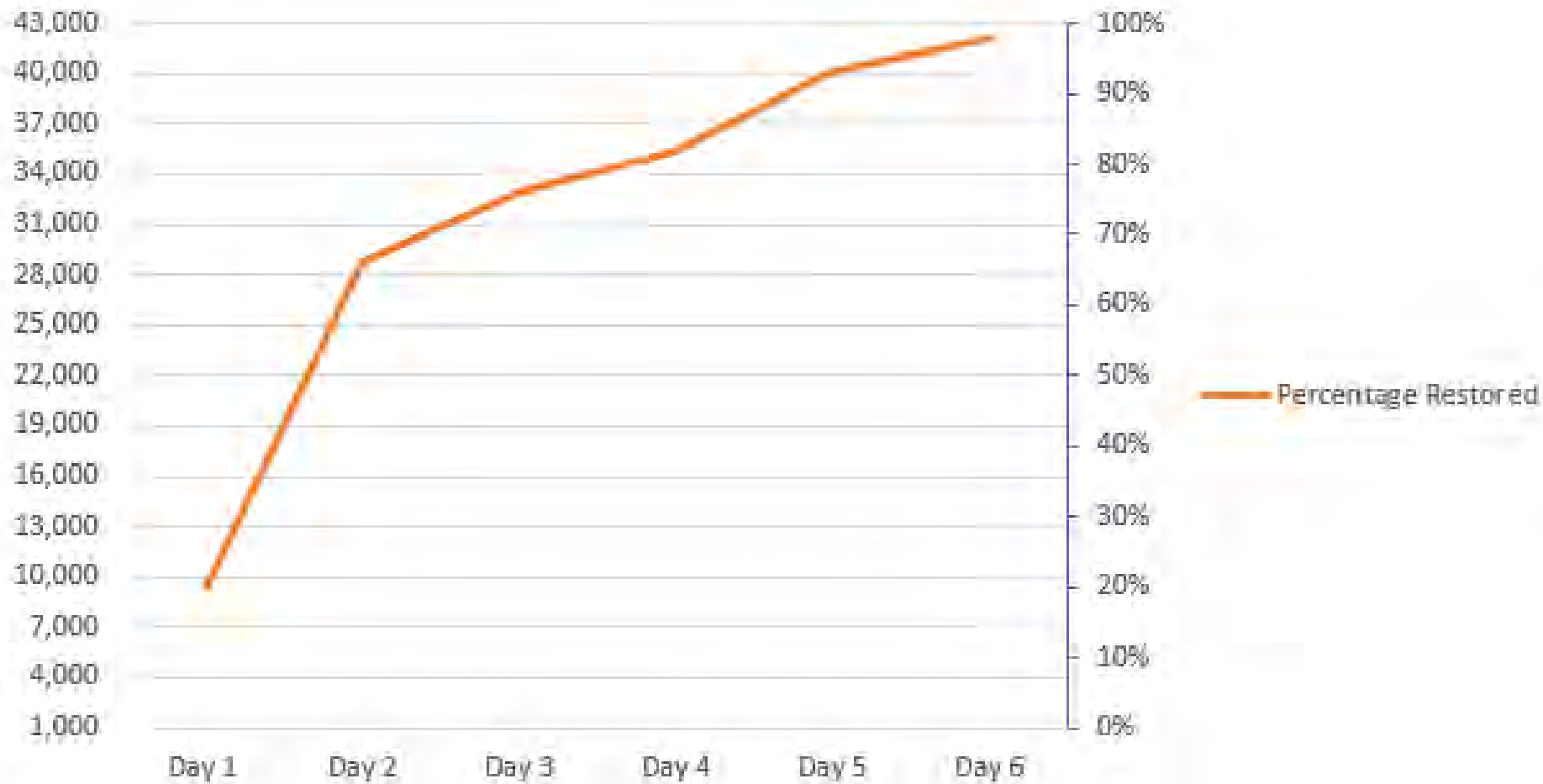


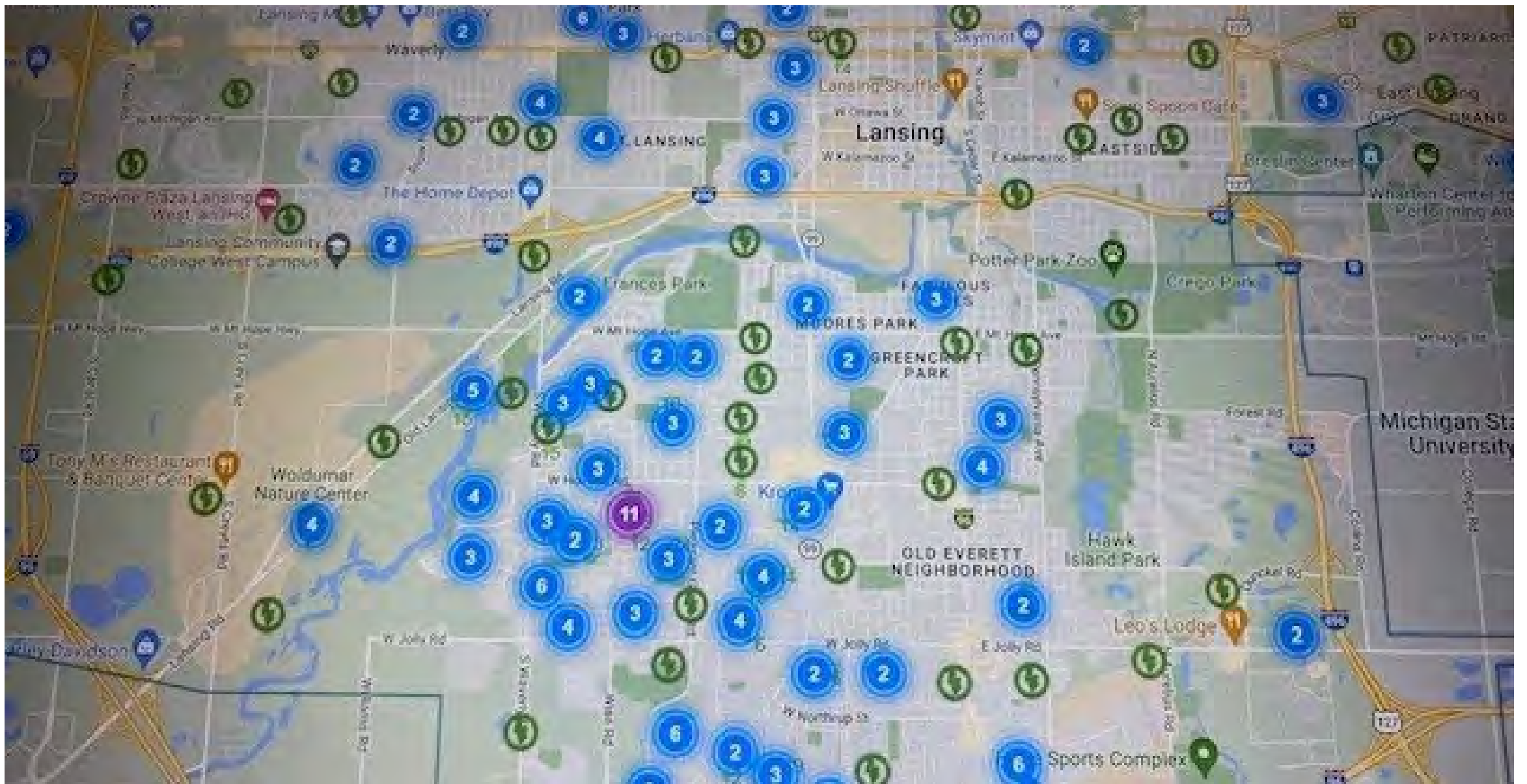
Restoration Cost

Storm Response Total - \$8.7M

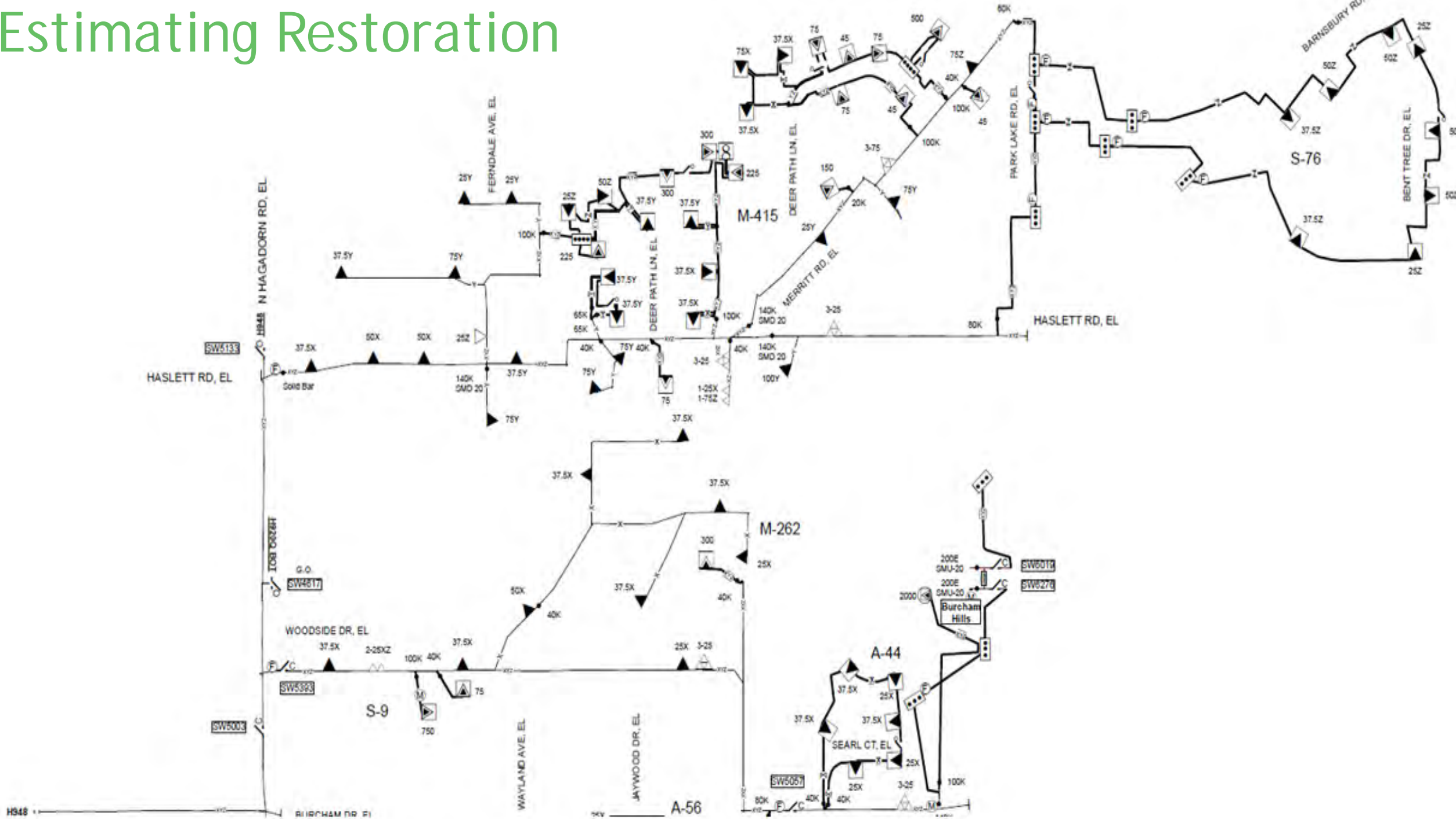
- ▶ Lodging and Meals - \$330,000
- ▶ Labor and Equipment - \$7.5M
- ▶ Materials - \$1M

Restoration Response





Estimating Restoration



Mike Westbrook, Board Chair – City Council Call to the Audience, September 18, 2023

Good evening, Mike Westbrook 423 Lafayette Avenue

Regarding item 10B on tonight's agenda.

The Board of Light and Power takes any whistleblower allegations very seriously. I personally respect the whistleblower reporting and investigation process.

This Board will protect and respect this whistleblower and thoroughly investigate the allegations impartially.

Special legal counsel should be immediately retained, and I propose such counsel be retained **by the Board** (as may be approved by City Council) to conduct a thorough and independent investigation consistent with the Board's authority over its employees, as established in the city charter. “

The Board of Light and Power will be appropriately placing this issue on the Sept. 28 agenda, and I ask City Council and the public to support our open and transparent review of the matter at that time. This is exactly what the Board was elected to do.

Lastly, I firmly believe the investigative process for these allegations must remain apolitical.

I'm not sure a special resolution was needed to move forward with an investigation into the whistleblower allegations. The city charter also states the Board of Light and Power shall have charge of the city's electric services. With the two governing bodies sharing the same legal representation I question why the BLP Board Members were not part of the discussions into these BLP employee allegations. Given the fact that three of you sitting up there have signed a petition to dissolve the BLP, this raises concerns regarding your voting on BLP matters.

Even though not mentioned in your resolution the BLP shares the same interest, even more so, towards these allegations being thoroughly and independently investigated.

My name is David Walters, General Manager of the Board of Light and Power.

I am here tonight to speak to Council on agenda item 10.B.

As three minutes of public comment is not enough time to adequately address the issue, I will spend my limited time as efficiently as I can to enter (4) items into the public record, that I believe Council is aware of, but has not yet asked for or reviewed.

As the public does not know, this is not the first BLP employee whistleblower that has an active concern before the Board. **That would be me.**

- (1) Accordingly, the first document I am providing here is a written report I gave to the Board during my annual closed session performance appraisal on June 7, 2023, wherein I state renewed claims that represent potential breaches of my employment agreement and other related concerns. This report concludes by citing the Michigan Whistleblower Protection Act, as I had anticipated retaliation for restating my claims, consistent with the conduct I was reporting given the current campaign.
- (2) The second item is two e-mails dated August 14 and 15, 2023, to the Board Chair, with the subject "Response to your request" to provide a "summary statement" of my past claims so a more in-depth internal review could be initiated - something I had requested for 19 months.
- (3) The third item is a FOIA request dated August 16th asking for certain correspondence from Board Member Hendrick applicable to my claims as evidence for this review by the BLP.

It has now been 22 business days (well past the 15-business day FOIA extended deadline) and no documents have been received, although I understand attorneys are sifting through "hundreds of pages" of potentially applicable "public documents."

On day 20, late last Thursday, I was notified that Board Member Hendrick's, and now this whistleblower's, private attorney Sarah Howard, alternatively delivered to the City Attorney this new evidence that apparently requires more immediate attention than responding to my FOIA request.

However, the City Attorney has not yet provided these new whistleblower materials to the Board as would seem appropriate since the whistleblower is an employee of the Board, and it appears the allegations are against other employees of the Board. **The Board, not Council, would seem to be the "employer" under the definitions within the Whistleblower Protection Act.**

Does the proposed resolution then represent "discriminatory" treatment, and thus retaliation by the employer, under the Act, as these two instances no doubt have been handled quite differently? I believe so.

- (4) Finally, I thought it appropriate to quote a Facebook post of Board Member Hendrick over the weekend where she expresses:

"The whistleblower allegations against certain individuals at the GHBLP are extremely disturbing..... I strongly support the City Council for pursuing an independent and unbiased investigation into these matters.

I hope she will show similar support for such an independent investigation if combined with the ongoing review of her actions by the elected Board she is a member of as appropriate under the Act.

Renewed General Manager “breach of contract” claims and legal concerns (a report given verbally to the Board during a closed session performance appraisal on June 7, 2023):

- (1) The Board, and its individual members, have **not** acted entirely in accordance with the City Charter, the Board’s by-laws and other BLP policies and procedures, applicable state and federal laws, rules, regulations, orders, directives and resolutions of any agency or entity of competent jurisdiction, as required in Section 1. of the Employment Agreement.
- (2) The Board has **not** conducted annual Performance Evaluations of the General Manager consistent with Section 7. of the Employment Agreement, and individual Board members have frequently, informally, and inappropriately evaluated the GM outside of this established process, making derogatory public comments themselves, or through other apparent surrogates, that have had the effect of harassing the GM, creating a toxic work environment, undercutting the organizational performance, and degrading the public’s confidence in the BLP, while taking no responsibility whatsoever for the accuracy of their statements or correcting their message after it was shown to be erroneous. Such public “Performance Evaluations,” made by individual Board members or their surrogates, which have included calls for removal for cause, have not been in accordance with “criteria developed jointly by the Board and the GM,” are entirely inappropriate, and **have irreparably damaged the public professional reputation of the GM cultivated over a 34-year career in municipal electric utilities, and his ability to supplement his retirement income, consistent with Section 10. of the Agreement, from employment/consulting elsewhere as he had planned.**
- (3) The Board has **failed** to implement a long-standing established goal within its Strategic Plan (agreed to by both the Board and the GM) to conduct a Board self-evaluation and establish an associated Board development plan to address significant governance deficiencies noted in the HCI’s 2016 Organizational Check-up and its 2021 Business Readiness Risk Assessment. Some of these issues were additionally noted by the HRC, in its recent review. (2016 BRRA Risk 2 attached)
- (4) The Board, or individual members of it, have publicly alleged unsubstantiated misconduct by the General Manager that represents offenses subject to Board termination of the Employment Agreement (under early retirement provisions Section 10. B.) without adequate and equitable due process, inconsistent with applicable laws and the principles, practices, and processes established in the Employment Agreement, the BLP’s Employee Handbook, and the BLP’s approved Core Values. In the case where such allegations were raised by a single Board member, other public officials, or those clearly affiliated with these people, the Board inappropriately and inadequately addressed the allegations (if at all), to protect the employee from such harassment and allow him to adequately perform the functions of the General Manager. A noted exception here is the way the BLP investigated and reviewed claims submitted to the HRC, in a manner consistent with the BLP’s Employee Handbook.
- (5) Local public officials, including Board members, have no doubt worked inside and outside of the Board room to willfully discredit, criticize, and disparage senior management at the BLP and misinform the public on the clear and verifiable accomplishments of the organization and its senior management staff and the demonstrable record of our team, resulting in wasted public communication efforts and monies, irreparable damage to the professional reputations of management, independent consultants, and advisors, and the degradation of the public perception of the organization by some.

- (6) The City Council's denial of Board requested alternative legal counsel(s), consistent with that the Board and its management have had access to for decades, and the refusal to appropriately mediate certain issues between the governing bodies, represents a substantial impediment to achieving BLP established objectives and adequately addressing some of the largest electric utility issues jointly facing the community.
- (7) Individual members of the Board have acted contrary to approved actions of the Board, in publicly criticizing the GM and management staff for appropriately implementing Board actions, policy and decisions and have schemed to undercut the will of the Board.
- (8) Inaccurate and blatantly false statements made by members of the Board, the City Manager, the City Attorney, and City Council members, regarding the BLP's environmental compliance activities on the Sims site prior to January 2022 (when City Council assumed the control of these activities), represent some of the most egregious, baseless, and meritless allegations against BLP staff to date. Such comments are easily contradicted by a simple review of the established and verifiable historical record, which members of both the Board and the City Council refuse to address through a mediation process, with each party afforded independent legal counsel of their choosing. The Board and its staff should, at a minimum, have access to past environmental legal counsel employed during this period to respond directly and appropriately to such misinformation.
- (9) **The Board has not appropriately concluded the BLP's Non-Discrimination and Non-Harassment internal investigation** conducted in response to claims brought by a local citizen and a Board member to the HRC, consistent with the BLP's established Non-discrimination and Non-harassment provisions within its Employee Handbook (that were determined applicable to Board members by the City Attorney). Specifically, Board discipline was not considered consistent with the independent findings of the BLP's publicly released Position Report.
- (10) To be clear on this point, the potential approval and implementation of the recently proposed charter amendment, will represent "an action by the BLP," or its successor under the Employment Agreement (the City of Grand Haven), that will no doubt facilitate the "early retirement" provisions under Section 10.C. of the current approved Employment Agreement. The Employment Agreement clearly pertains only to the position of "General Manager," at the direction of the Board of Light and Power, in accordance with the Grand Haven City Charter as it is now written. The Sections of the Charter applicable to this position (Section 14.2), and the Board of Light and Power more generally, are being eliminated by the amendment, and the new Energy Services department shall be managed by the City Manager (new Section 14.1). The "early retirement" is not being initiated by the Employee under 10. A. and it would not result from any actions listed in 10.B. Therefore, 10.C. applies, "by action of the BLP (or the City) for any reason or no reason." There is no validity, or consistency with the Employment Agreement, of public statements being suggested by some that "through the implementation of the proposed Charter Amendment, no jobs will be eliminated." The newly proposed **department head** position, entitled director of energy services, is **not** an equivalent position for the purposes of interpreting the Employment Agreement, with the director of light and power or the General Manager. This is clearly a demotion, and the position represents an "employee of the city," under the direction of

the City Manager, and not an “employee of the board,” responsible to the board under the Agreement, and as such the action will necessitate payment by the BLP of early retirement benefits consistent with Sections 10. C. (1) and (2), and any other amounts negotiated at that time as compensation to the employee to address any other “breach of contract claims” or other concerns discussed above.

I’m not providing this report to the Board in writing at this point, given the complete disregard of the applicable confidentiality provisions in the OMA, and the Board’s approved GHBLP Conflict of Interest and Ethics Declaration, in these circumstances by members of the Board previously (Section 8 (1) (a) of the OMA and item 6. of the Declaration form applies). I will be placing this report in my personnel file at some point later, noting it was verbally presented to the Board during my annual performance appraisal.

Michigan’s Whistleblower Protection Act (Act 469 of 1980) Section 2.

“An employer shall not discharge, threaten, or otherwise discriminate against an employee regarding the employee’s compensation, terms, conditions, location, or privileges of employment because the employee, or a person acting on behalf of the employee, reports or is about to report, verbally or in writing, a violation or a suspected violation of a law or regulation or rule promulgated pursuant to law of this state, a political subdivision of this state, or the United States to a public body”

It is my understanding that, the federal Age Discrimination Act of 1967 (ADEA) and **Michigan’s Elliott-Larson Civil Rights Act (ELCRA)** prohibit employment discrimination on the basis of age (and/or gender).

Both laws apparently are applicable here, given clear and indisputable public statements previously made by a Board member, and noted above in the Board’s Position Statement to the HRC.

I consider, at this point, the release of these claims publicly or to the press by an individual board member, or a surrogate of the board member, without agreement of the Board as a whole, and myself at the conclusion of this personnel evaluation (or resolution of these concerns between the Board and Employee) a violation of the OMA, the approved procedures within the Employee Handbook, and Michigan’s Whistleblower Protection Act.

Dave Walters

From: Dave Walters
Sent: Tuesday, August 15, 2023 9:36 AM
To: Michael J. Westbrook
Cc: Danielle Martin
Subject: RE: Response to your recent request

Mike,

And this fiasco continues! How many times do I need to pick up the local newspaper and read false and slanderous “your view(s)” by those no doubt collaborating with elected City Officials on the Board and City Council to discredit and malign “the BLP general manager” (and attempt to rid the City of his so called “illegal” activities”), before the Board, a bit more aggressively, publicly defends their employees, and criticizes and disciplines those on the Board involved in such “harassment” (that has resulted in the creation of a “toxic work environment” as I have said for more than 20 months that Andrea has served on the Board). Telling me as the City Attorney has, that I am “paranoid” and I should get “thicker skin,” is no longer an acceptable response from my perspective. As I have said, I believe the circumstances will get worse as we approach the November election.

Here are three more easily verifiable lies (by simply reviewing the record) printed in today’s Tribune:

- (1) “The BLP is now fighting waterfront rezoning efforts by City Council members aimed at protecting the waterfront from misuse and further contamination.”
- (2) “In the past, the BLP general manager illegally used a private law firm to carry out his personal vendettas and pressured another firm to perform work for the BLP so that they could bypass the city attorney..”
- (3) “In July’s Board meeting packet, the general manager (who has a higher salary than the vice-president), requested a generous severance package due to upcoming “management uncertainty.”

We now know, beyond any doubt, these surrogates (for elected City officers) are working collaboratively with City officials to actively and intentionally slander and malign me, with an intent to terminate my employment, in a manner inconsistent with my Employment Agreement. They are also trying to prevent the BLP and its management from publicly refuting the accusations and denying access to appropriate legal counsel to defend management and the BLP more generally. As I state below:

“The City’s and Board’s actions, and inaction to address this misconduct, has undoubtedly resulted in irreparable damage to the employee’s local, state, and national professional and personal reputation established over almost 40 years in public service, and uncompensated personal financial and emotional harm, particularly at his age and stage in his career.”

Is there any doubt on the Board that this is happening? What is being done by the Board now to address this misbehavior by other members of the Board and City Council, to prevent further harm? I need to point out again, I am not running for office, or participating in political activities, I am an employee of the Board. Andrea (and the rest of the Board), and City Council more indirectly, are my employers. The BLP has spent alot of time and money recently telling our customers how great all our employees are, but glaringly absent such public relations is a more direct refuting of the most egregious accusations against (and in defense of) the BLP’s leader. During my last two performance appraisals I asked the Board specifically to review ongoing accusations such as these and the Board found them “without merit,” but beyond a mention in a press release, no further intervention by the Board to correct (and stop) the ongoing Board misconduct has occurred.

Let's face it, we have a Board member that could stop these vicious false public accusations in a second, if her, during her campaign for mayor, was directly "called on the carpet" and confronted for her involvement in such tactics. She is calling for "civility" in her campaign (regarding such attacks on her), but she doesn't blink an eye, when she collaborates with others to falsely harm me.

I can't be more blunt here; if this Board member is successful in terminating my employment, I am expecting a remedy from the Board, in excess of that specified for "retirement" under my Employment Agreement, as compensation for such "personal financial and emotional harm," or in the circumstance that this Charter Amendment does not pass, and I retain my job, I expect this continued harassment to stop through action by the Board, and to receive a solid "affirmation," for what I have had to endure during this time.

Dave



From: Dave Walters
Sent: Monday, August 14, 2023 8:23 AM
To: Michael J. Westbrook <MWestbrook@ghblp.org>
Cc: Danielle Martin <DMartin@ghblp.org>
Subject: Response to your recent request

Mike,

In response to your request in our meeting on August 8, 2023, with Danielle Martin, I am submitting the following summary statement of my claims made to you and the Board, and to legal advisors of the Board, on multiple occasions over the last 24 months, including during my last two annual employee appraisals, the board's internal gender discrimination review (associated with the City's HRC review), and numerous other discussions with members of the board, staff, and legal counsel.

The City of Grand Haven, and its Board of Light and Power, through actions and inactions of appointive and elective City Officers, created a hostile work environment under which employee was forced to work (and live within the community), and breached provisions of the employee's Employment Agreement (attached). Such actions included violations of the Employment Agreement's performance evaluation and employment termination provisions (and appropriate due process), non-compliance with the Board of Light and Power's Employee Handbook, the Board's By-laws, code of conduct and core values, the City Charter, and potentially federal and state employment, age and race discrimination, and whistleblower retaliation laws. Members of the Board of Light and Power, in the performance of their duties, and acting independently outside of Board meetings, often in concert with other City elected and appointed officers (potentially violating the Open Meetings Act), intentionally and falsely discredited and slandered the employee (privately and publicly), with the clear intent of terminating the Employment Agreement in a manner inconsistent with the provisions therein, and contrary to established employment policies and practices of the Board for other Board employees. With full

knowledge of such activities, the remainder of the Board, City Council, and the City Attorney, failed to appropriately and adequately address or remedy the circumstances after repeated requests from the employee and other senior executive staff, and in fact, denied the Board's majority access to appropriate independent legal counsel to address the identified problems. The City's and Board's actions, and inaction to address this misconduct, has undoubtedly resulted in irreparable damage to the employee's local, state, and national professional and personal reputation established over almost 40 years in public service, and uncompensated personal financial and emotional harm, particularly at his age and stage in his career.

Also attached is the transcript of my verbal report and claims read verbatim to the Board in closed session during my recent annual performance appraisal.

I hope this helps in further addressing these issues and claims and bringing them to closure.

Thanks,

Dave

	<p>Grand Haven Board of Light & Power 1700 Eaton Drive Grand Haven, MI 49417 ghblp.org</p>
<p>David Walters General Manager</p>	<p>616-607-1260 Fax 616-846-3114 dwalters@ghblp.org</p>

Grand Haven Board of Light & Power

Freedom of Information Act Coordinator

1700 Eaton Drive

Grand Haven MI 49417

PHONE (616) 846-6250

FAX (616) 846-3114

REQUEST FOR DISCLOSURE OF RECORDS

By Authority of the Michigan Freedom of Information Act 442, P.A. 1976, as amended

Requester's Name: David Walters

Address (Street and Number): 14737 Brucker Woods Court

City: Grand Haven State: MI Zip Code: 49417

Home Phone: 616-215-8024 Business Phone: _____

Email Address: drwalters61@gmail.com

Organization (if any): Grand Haven BLP (General Manager)

I wish to examine receive a copy of the following materials:

E-mail and text correspondence to or from personal and/or

GHBP e-mail addresses and cell phones of GHBLP Board

Member Andrea Hendrick mentioning, discussing, or addressing

in any way GHBLP employee David Walters by name

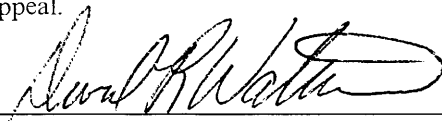
(Dave or David) or by position (continued on attached)

I hereby request a waiver or reduction in fees as provided in Section 4(2) of FOIA. because:

I am indigent or receiving public assistance (signed statement of proof attached)

I represent a nonprofit organization of the type described in Section 4(2)(b) of the FOIA.

I understand that if it is determined that some or all of the materials which I have requested to review or have copied may not be disclosed, I will receive a written denial including the reason for denial and explanation of my right to appeal.

Signature of Requester 

Date 8-16-2023

E-mail and text correspondence to or from personal and/or GHBLP e-mail addresses and cell phones of **GHBLP Board Member Andrea Hendrick** mentioning, discussing, or addressing in any way **GHBLP employee David Walters** by name (Dave or David) or by position (General Manager, GM, or Director of Light and Power) **with** Grand Haven **Council Members** including Ryan Cummins, Kevin McLaughlin, and/or Karen Lowe **and/or GHEO/BLPCCC group members** including John Field Reichardt, Dennis Craun, John Nasser, Jeff Miller, David Mann, Steve Miller, and/or Jon Jellema **and/or reporters, writers, columnists, and/or submitters of “your views” in the Grand Haven Tribune** including Karalea Davis, Brendon Thomas, Jared Cramer, and/or Elizabeth Pell, since taking office as a Board Member in November, 2021.

David Walters – City Council Second Call to the Audience, September 18, 2023

“Dave Walters, BLP General Manager. I just want to voice my disappointment as well. I told you before the meeting that you had another whistleblower that had struggled with all the same things that this whistleblower is, and I am 100% in favor of that whistleblower getting a full and independent investigation, but I have been asking for an independent investigation with an independent attorney for 19 months and this council has denied the Board of Light and Power the ability to go out and get another attorney. Additionally, Mr. Cummins, you suggested three things that we were doing wrong, illegally. First of all was the environmental matters on Harbor Island. I have asked, and it is included in that document right there, that we go back and have the attorney that we used during the time that you are talking about come in and brief the council and the Board again on what we were doing at that time. It was an attorney that both the city council and the Board of Light and Power approved. We were acting entirely consistent with that attorney’s recommendations at the time and were continually told that we did something wrong against attorneys. That’s entirely inappropriate. The same thing with the HRC commission, the Board of Light and Power did do an independent investigation as well as the HRC, and you continued to not refer at all to that independent investigation. Now, I’m sorry that you might not think those are independent, but they were conducted by the insurance authority that we operate. They came in, I was not involved at all, the only person that was involved at the BLP was the Chair and our human resources director. Now, those are independent. I don’t know where a lot of this other stuff is as well, but I expect in the next meeting that you guys go back, read my whistleblower complaints, and do the exact same thing for that whistleblower that you’re doing for this one. Assign an independent counsel, that I have been asking for for 19 months. Assign them, take a look at it, and do it post haste. And then we can look at the emails that were deleted that I am trying to get. Because a lot of emails are deleted. What we are talking about here is a retention schedule. We implemented a retention schedule that was called into question. I am happy to have it reviewed but we are not telling people to delete emails outside of the approved retention schedule.”

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4. B. The BLP Financial Statements and Dashboards for the month ending August 31, 2023, are provided for your information. These financial statements represent the BLP's financial position following the second month of fiscal year 2024.

Current Assets total \$23,563,009, showing a year-over-year decrease of \$8,757,113, a reduction of 27.1%, primarily the result of the Board's action in May to restrict approximately \$15.9 million of reserves and bond proceeds for environmental remediation and mitigation of BLP contamination on the Sims Power Plant site (pay for the associated liabilities on our balance sheet). Unrestricted Cash and Cash Equivalents are \$18,462,449, down \$9,259,455, or 33.4%, from August 31, 2022. **This amount is \$462,449 above the \$18,000,000 minimum unrestricted cash reserve threshold established by the Board in May.**

Remaining 2021 electric revenue bond proceeds and accumulating bond redemption funds (**Non-Current Assets**) have now decreased 30.0% to \$8,871,305 (from \$12,669,879 on August 31, 2022), **\$7,206,593** of which remains in the "2021A Bond Construction/Mitigation Fund" to pay costs associated with the defined "Project" described in Bond documents. The Bond redemption fund is used to accumulate monthly the required annual principal and interest debt service payments for the Bonds. The next principal payment of \$2,400,000 will be made on January 1, 2024.

Non-Current Assets in both years include an "Advance to City of Grand Haven" for snowmelt heating equipment installed in 2020 using electric utility revenue Bond Anticipation Notes (BANs). This advance will be reduced monthly by the City returning an amount to the BLP equal to 5% of PSCA revenues the City receives in transfers. The balance of the advance/loan now totals \$696,509. The BLP also assumed 25% of the snowmelt equipment costs directly and will be recovering this amount through an incremental monthly service fee increase collected from BLP customers through FY 2024.

Total Cash (including non-current restricted amounts in the Bond Construction, Bond Redemption, and Mitigation Funds) increased 1.6% (or \$641,096) year-over-year to \$41,032,879 (again, \$22,570,430 is restricted cash in various funds for environmental remediation, bonded capital projects, and the payment of debt service).

Accumulated **Construction In-Progress** now stands at \$1,539,443. The net result of capital additions, deletions, and amortized depreciation over the last twelve months reflects an increase of **\$2,935,322**, or 8.5%, in the value of the BLP's **Capital Assets** (book value) year-over-year. That Capital Asset balance now stands at \$37,395,741 (as compared to \$34,460,419 on August 31, 2022). This amount now represents 39.1% of the BLP's current Total Assets. The book value of these Capital Assets is now approximately 45%

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depreciated (the approximate average depreciation life of the system is 32.4 years, with current average age of system equal to about 14.6 years assuming straight line depreciation).

The net combined unfunded Pension/OPEB liability now stands at \$2,121,138 (net of Deferred Outfalls). The fiscal year-end 2023 adjustments were based on the December 31, 2022, actuarial report and do not reflect any accrued investment earnings (or loss) during calendar year 2023.

Additional liabilities for “Asset Retirement Obligations (and Environmental Mitigation)” now total \$16,888,188, up \$755,987 (+4.7%) year-over-year, as a result of adding an \$1,000,000 estimated increased liability in June, that will be collected from the Environmental Remediation Surcharge, and placed in the restricted Mitigation Fund, during FY 2024.

Total Assets at are now \$95,615,084, an increase of 5.1% (\$4,660,309) year-over-year. **Retained Earnings** are up 12.3% year-over-year (+\$5,515,319).

The August 2023 Statement of Revenues and Expenses shows **Total Charges for Services** FYTD are 3.24% below budget and 4.27% above last fiscal year. The Sales Dashboard shows **the annual average retail customer revenue per kWh – (total retail charges divided by total retail sales) – is up to \$0.1309 per kWh or an 8.92% increase compared to FY 2023.**

Sales volume (including street lighting) FYTD is down 4.25% as compared to FYTD 2023, industrial sales were down by 3.68%, commercial sales were down 3.42%, municipal sales were down 7.32% – **net FYTD commercial/industrial/municipal kWh sales volume then decreased by 3.76%** (the percentage of total sales however increased to 65.34%). **Residential sales volume is down 5.24%** (34.32% of sales). Street lighting remained a small portion of the entire system load at 0.32%.

Total Operating Expenses FYTD (before depreciation) are \$155,853, or 2.77%, below budget, and \$582,022, or 9.61%, below FYTD 2023. **Total power supply expenses are down FYTD \$508,823 below FYTD 2023 (-11.0%). All other operating expenses are down \$73,199 (or 5.1%).**

Renewable purchases increased 15.2% FYTD 2024 over FYTD 2023 to 21.3% of total energy volume, as a result of increased solar purchases.

4. H. Confirm Purchase Orders – There is one (1) confirming Purchase Order on the Consent Agenda this month totaling **\$5,478**.

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Confirming Purchase Orders on the Consent Agenda are either routine expenses within approved budgeted parameters, with prequalified and approved contractors or vendors, services or supplies that may have required immediate attention, again using prequalified and approved contractors or vendors when possible or change orders under a previously approved PO (and we are seeking after the fact concurrence/confirmation of the expenditure by the Board).

All applicable purchasing policy provisions associated with these Purchase Orders were followed. Budgeted funds are available. Staff is recommending approval. (Board action is requested through the approval of the Consent Agenda).

5. A. Approve Purchase Orders – There are two (2) additional Purchase Orders totaling **\$16,483** on the regular agenda.

The PO number, contractor name, associated dollar value, and short description of these items are listed on the agenda.

I, or an appropriate staff member, can answer any further questions you may have in these regards at our meeting.

All applicable purchasing policy provisions associated with these Purchase Orders were followed. Capital planning or budgeted funds are available. Staff is recommending approval of these items in total as listed. (Board action is requested).

5. B. “Reviewing the Record” Presentation – Erik is planning a second presentation to “review the record,” to correct some mischaracterizations being made during the campaign season. The presentation is not yet complete. No action is being requested of the Board.
5. C. Review and discuss MERC Petition for Representation Proceeding – This item has been placed on the agenda to review, discuss, and update the Board on this matter. We have included in your Board packet again my e-mail dated 9/14/2023 with the “PETITION FOR REPRESENTATION PROCEEDINGS” attached. No action is being requested of the Board.
5. D. General Manager Public Statement – Included as information on the Consent Agenda is my limited (to three minutes) “public comment” to City Council at their 9/18/2023 meeting (and the written attachments referenced therein). Additionally, included in your packet is an e-mail from the Chair and I to the City Manager and the Mayor, as a response to our meeting on Thursday the 14th, with our recommendation to them at that time to “appropriately revise its (Council) resolution to send this matter to the Board for its consideration at its next meeting on the 28th, and direct the Board, rather than act in its place.” I plan to further address the Board as to the handling of this matter by the City Attorney and City Council,

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without the time limitations imposed by City Council, and answer any questions the Board may have of me, openly and transparently as now appropriate (as the City Council has destroyed any opportunity to handle such claims confidentially). Obviously, the full Board was not given an opportunity to discuss this matter themselves publicly, with legal counsel privately, or with the Mayor and the City Manager (as we were) before City Council took its public action, Mike will additionally address these matters from his perspective in his "Chairman's Report."

DW/dm
Attachments
09/25/23

Rob Shelley

From: Dave Walters
Sent: Thursday, September 14, 2023 10:06 AM
To: Michael J. Westbrook; Gerald Witherell; Andrea Hendrick; Kurt Knoth; Todd B. Crum
Cc: Danielle Martin; Ashley Latsch; Erik Booth; Lynn Diffell; Rob Shelley
Subject: FW: UWUA Petition for Election
Attachments: Grand Haven Board of Light and Power Recognition Petition.pdf

Board Members,

This is to inform you of the attached "Petition for Representation Proceedings" we received yesterday through the Michigan Employment Relations Commission from the Utility Workers Union of America (UWUA), and the follow-up call information Danielle provided.

I this point we don't know allot about the request, or its reasoning, however, it is most likely response to the BLPCCC effort and the uncertainty it has generated among our employees. Be advised, no management representative, Board or City Council member should take any action that may be viewed as "interference" into this process, or attempt to influence the outcome in any way.

Dave



From: Danielle Martin <DMartin@ghblp.org>
Sent: Wednesday, September 13, 2023 11:38 AM
To: Dave Walters <DWalters@ghblp.org>
Subject: RE: UWUA Petition for Election

Dave,

I spoke with Denise at MERC who handles these petitions. Customer Service & Earl are looking to join the union. Denise said the next step is for her to process the form, most likely tomorrow, and she will then set up a conference call between the union and employer. No action is required on the employer's part at this time. She has my contact information to send the conference call request to.

The way the petition reads to her is that these 5 people want to establish a standalone unit – not join the current UWUA local bargaining unit. She said if that is not their intention, it will be clarified during the conference call.

I will let you know as soon as I receive the call request.

Danielle



**Grand Haven
Board of Light & Power**
1700 Eaton Drive
Grand Haven, MI 49417
ghblp.org

Danielle Martin
Administrative Services Supervisor

616-607-1262
Fax 616-846-3114
dmartin@ghblp.org

From: Deirdre Brill <dbrill@uwua.net>
Date: September 13, 2023 at 10:33:39 AM EDT
To: merc-elections@michigan.gov, Dave Walters <DWalters@ghblp.org>
Subject: UWUA Petition for Election

Dear Michigan Employment Relations Commission and Grand Haven Board of Light and Power
General Manager Dave Walters-

Attached is a MERC RC petition being filed by the Utility Workers Union of America (UWUA),
AFL-CIO for an election of a unit of employees employed at the Grand Haven Board of Light and
Power in Grand Haven, Michigan.

Thank you,
Deirdre Brill, UWUA
dbrill@uwua.net
484-678-8896

CAUTION: External Email - Stop. Think. Read.
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them, recognize the sender and know the content is safe.



PETITION FOR REPRESENTATION PROCEEDINGS

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC OPPORTUNITY EMPLOYMENT
RELATIONS COMMISSION (MERC) LABOR RELATIONS DIVISION

INSTRUCTIONS: Submit an original and 4 copies of this Petition to: Employment Relations Commission, Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988 Detroit MI 48202-2988. (Use additional sheets if necessary.)	DO NOT WRITE IN THIS SPACE	
	Case Number:	Date Filed:

1. Purpose of this Petition: (Check only the one box which is appropriate.)

- A. **RC — CERTIFICATION OF REPRESENTATIVE** — A majority of the employees in the unit wish to be represented for purposes of collective bargaining by Petitioner, and Petitioner desires to be certified as representative of the employees for purposes of collective bargaining. (An original showing of interest by 30% or more of the employees in the unit must accompany this form or be submitted within 48 hours of filing.)
- B. **RM — REPRESENTATION (EMPLOYER)** — One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- C. **RD — DECERTIFICATION** — A majority of the employees in the unit claim that the certified or currently recognized bargaining representative is no longer their representative. (An original showing of interest by 30% or more of the employees in the unit must accompany this form or be submitted within 48 hours of filing.)
- D. **SD — SELF-DETERMINATION** — Multiple units represented by the same labor organization and same employer seek to be represented in one unit. (No showing of interest required.)
- E. **UC — UNIT CLARIFICATION** — A labor organization is currently recognized by the employer, but Petitioner seeks clarification of placement of certain positions. (A petition for unit clarification does not raise a question concerning representation and cannot be used where an RC or RM petition is appropriate.)

2. Name and Address of Employer:

3. Type of Employer: (Check appropriate box) Governmental Private Telephone No. (616)

4. Description of Claimed Bargaining Unit Involved: (Attach additional sheets if necessary.) For UC petition, describe current bargaining unit and attach specific description of proposed clarification. INCLUDED: EXCLUDED:	5. Approximate Number of Employees in Unit: <div style="text-align: center; font-size: 1.2em;">5</div>
	6. Date of Demand for Recognition: Date Employer Declined Recognition:

7. Name and Address of any Other Labor Organizations or Parties that May Claim an Interest in Representing the Employees Described in Item 4 Above (If NONE, so state):	Date of Recognition or Certification: Date of Claim: (Required only if RM Petition)
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8. Date of Expiration of Current Contract, if any: Month: Day: Year:

I HAVE READ THE ABOVE PETITION AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Petitioner and Affiliation:	Title:
Name of Representative or Person Filing Petition	Email:
Signature: Printed:	Telephone No.: (484)
Address:	Fax No.: ()

Rob Shelley

From: Dave Walters
Sent: Sunday, September 17, 2023 2:17 PM
To: Catherine McNally; Ashley Latsch
Cc: Michael J. Westbrook
Subject: Our response after our meeting on Thursday in regards to proposed Council resolution

Dear Mayor McNally and City Manager Latsch,

We want to assure you, the Board of Light and Power takes such “whistleblower” allegations very seriously.

We are however disappointed in the nontransparent process that led to this resolution and the lack of collaboration (or prior notification) from those on City Council pushing this measure in the Board’s absence. It would seem apparent some Council members corresponded and deliberated prior to the open meeting in which you are scheduled to consider the measure. It is our understanding, neither of you support the resolution as written. We are concerned that the resolution is politically motivated and was kept from the Board until the last moment to ensure maximum political impact a week prior to absentee ballots being mailed out. As such, we desire to maintain the necessary integrity of the investigation we agree must occur, and that these already apparent political influences of a campaign are removed from the process, as I am sure you desire as well. As you know, these allegations at this point are exactly that – allegations, and both the whistleblower and any employees accused by them should be afforded appropriate due process. A bit more discretion by Council (and a Board member) at this point would seem entirely appropriate given what we already know.

What is evident at this point is both the whistleblower and all employees that may be associated with the allegations are Board employees. The Board then has the duty, responsibility, and obligation to follow its employment practices and policies in addressing the matter. We are additionally concerned why this matter wasn’t immediately brought to the Board Chair by the City Attorney after he was made aware of the allegations under our established direction to him (if other appropriate BLP management staff are associated with the allegations). While the Council may have a responsibility under the Charter to approve legal counsel for the Board’s use, it remains the Board’s responsibility to conduct the affairs (including legal affairs) of the utility. The City Council has no valid reason to suggest the Board would not conduct the necessary investigation in an impartial and appropriate manner. Again, these are “Board employees,” not “city employees” under definitions established in the Charter, with the Board being established as their employer.

We are further concerned that the attorney of the whistleblower, Sarah Howard, is the same attorney currently representing a Board member in responding to a BLP FOIA request. It would seem quite a coincidence, a BLP whistleblower would simultaneously reach out to Ms. Howard unsolicited, at the very time she was working to prevent disclosure of certain public documents of another BLP client, that happens to now be running for Mayor, being supported by three Council members pushing for a very public resolution that has the effect of directing the public’s attention away from any materials that may be inevitably provided in response to the ongoing FOIA response. It should be pointed out here that no requested public records of the Board member have been provided well after the five-day, and 10-day extension, period established in the FOIA (and are unlikely to be received before Council considers this resolution)

The question we posed to the two of you has yet to be answered. Why did the City Attorney not immediately notify and seek direction from the Board Chair (whom, to the best of our knowledge wasn’t implicated by the whistleblower, and as such would have been the appropriate BLP representative for the City Attorney to contact under BLP direction to him)? The City Attorney, as well as members of Council, are obviously aware of the ongoing FOIA requests for documents from a Board member (that included similar requests to members of Council).

Ms. Howard has also signed the petition that put the charter amendment dissolving the BLP on the ballot. We appreciate the City Attorney recognizing the potential conflicts here and the need for independent special counsel for this purpose. However, we believe the City Council should additionally recognize the Board's independent duties, responsibilities, and obligations in these circumstances, and the linkage of this issue to the ongoing review by the Board of other claims by another employee of the Board. From our understanding, no Board member was alleged to have been involved with any misconduct alleged by the whistleblower, warranting City Council involvement.

We do agree then that special legal counsel should be immediately retained, however, we propose such counsel be retained **by the Board** (as may be approved by City Council) to conduct a thorough and independent investigation consistent with the Board's authority over its employees, as established in the city charter.

We had already placed on the agenda for our Board meeting on the 28th a review and discussion of the City Attorney's recent opinion provided to City Council on the Board's activities associated with the charter amendment (addressing items iii-v. of the resolution). We were planning to recommend the City Council approve the Board hiring independent counsel specializing in campaign rules and regulation to review these matters for the Board; the whistleblower complaints in these regards then can be added to this review.

We are now planning additionally to place FOIA issues raised by the whistleblower on this meeting's agenda and again believe that it is the Board's duty and obligation to do so as all employees involved are Board employees. We hereby commit to proceeding with an internal investigation as would be appropriate and as directed by the Council in its proposed resolution. We also believe these investigations need to be coordinated with an ongoing review of previous employee claims.

We fully understand that any employee alleged by the whistleblower to be involved will not be allowed to facilitate, or be involved in any way, in these investigations, and if necessary, the Board is prepared to direct the City Manager, as may be appropriate to conduct utility investigations if "independence" cannot be assured. This should not be interpreted to suggest the Board relinquishes its responsibilities in such matters of the BLP and its employees. We do not believe the City Council is authorized to step into the Board's responsibilities established in the charter. It would seem these same conditions apply to ongoing reviews by the Board of others employee claims as well.

Accordingly, we recommend the Council appropriately revise its resolution to send this matter to the Board for its consideration at its next meeting on the 28th, and direct the Board, rather than act in its place.

Mike Westbrook
David Walters



POLICY REVIEW

September 28, 2023

INTRODUCTION

The Board, as an employer, must ensure the BLP complies with all labor laws.

This presentation reviews two Employee Handbook provisions:

1. Equal Employment Opportunity (page 3)
2. Anti-Bullying, Anti-Harassment, & Anti-Discrimination (pages 14-16)

EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity is fair treatment in employment without regard to protected personal characteristics.

Protected Classifications: the BLP employs all qualified persons without regard to race, color, religion, national origin, gender, including sexual orientation and gender identity/trans gender status, age, handicap, or any other classification protected by federal, state, or local laws.

- Other protected classifications: misdemeanor arrest record, genetic information, height, weight, marital status, AIDS/HIV status, pregnancy, childbirth, citizenship status, and genetic information.

EEO BEST PRACTICES

- Treat employees consistently.
- Recruit, hire, train and promote persons in a nondiscriminatory manner.
- Make decisions based upon skills, abilities and merit.
- Ensure compensation, benefit, training, discipline programs and procedures and any other terms and conditions of employment are administered in a nondiscriminatory manner.
- Create a work environment free of discrimination by management personnel, coworkers and by others with whom employees must interact in the course of their work.



ANTI-BULLYING ANTI- DISCRIMINATION ANTI-HARASSMENT

- The Employer is committed to maintaining an environment free from bullying, discrimination, and harassment.
- Board members, managers and supervisors are responsible for taking proper action to prevent such behavior in their work areas.

DEFINITIONS

Discrimination is differential treatment of an individual or group of people based on their membership in a protected class.

Harassment is a form of employment discrimination that includes offensive, persistent, and unwelcome conduct to any of the classes protected by law. Harassment becomes unlawful when:

- 1) enduring the offensive conduct becomes a condition of continued employment, or
- 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Bullying is verbal or physical conduct that seeks to harm, intimidate, or coerce another person. **Bullying is not necessarily based on a person's membership in a protected category.**

PROHIBITED CONDUCT

- Offensive physical actions, offensive written or spoken language, and offensive graphic communications
- Any type of physical conduct when the action is unwelcome by the recipient
- Expectations, requests, demands, or pressure for sexual favors
- Slurs, jokes, posters, cartoons, and gestures that are offensive, or other such offensive behaviors

REPORTING MISCONDUCT



STEP 1 – VERBAL REPORT

Any employee who is subject to, or has knowledge of, conduct or behavior in violation of established policies shall immediately report such conduct to their supervisor or department head, the general manager, the administrative services supervisor, or any manager or supervisor the employee feels comfortable with.



STEP 2

The manager or supervisor to whom the complaint is reported will consult with the administrative services supervisor (or general manager or Chairperson) to arrange for management's prompt, thorough, and confidential investigation and handling of the report.



STEP 3 – WRITTEN REPORT

If the problem is not satisfactorily resolved, the complaint must be reduced to writing, describing the alleged incident(s), and filed with the administrative services supervisor (or general manager or Chairperson) for a further prompt, thorough, and confidential investigation to ensure proper resolution of the matter.

DISCIPLINE

- Violators, as determined by such investigation, will be subject to discipline, up to and including discharge.
- Any Board member, manager, supervisor, or employee who has knowledge of such behavior yet takes no action, in accordance with these policies, to end it is also subject to disciplinary action.
- The Employer prohibits retaliation of any form against those who make bona fide complaints of unlawful bullying, discrimination or harassment.
- Due to the seriousness of these issues, false or fictitious complaints, as determined by such investigation, will be subject to discipline up to and including discharge.

THANK YOU

The image features a minimalist design with a white background. On the right side, there are two overlapping circular shapes. The larger one is a dark teal color, and the smaller one is a slightly lighter teal. The larger teal circle contains a series of white concentric lines that create a ripple effect. The text 'THANK YOU' is positioned in the upper left quadrant of the white space, rendered in a dark blue, sans-serif font.



Memorandum

To: Mike Westbrook, Board Chair

From: Danielle Martin, Administrative Services Supervisor

Date: September 14, 2023

Subject: Respectful Workplace Training

For the Board's consideration of approval at its September 28th meeting, enclosed is a biography for Ms. Jacquelyn Schulte along with an outline of the "Respectful Workplace" training course she provides. The format of the training would be one hour for all employees and Board members followed by a 30 minute supervisor/manager add on session which Board members would also attend. The cost of the training is \$2,500 and the proposed date is Thursday, October 26th at 2:00pm.



Jacquelyn G. Schulte, Esq.

Jacquelyn G. Schulte, PLC

“Preventing Litigation is the best defense”

(248) 974-5340
jschulte@jgschultelaw.com

P.O. Box 698
Novi, MI 48376

Experience

Jacquelyn Schulte focuses her practice on both preventing litigation as well as defending it. Ms. Schulte specializes in training employers how to utilize employment and labor laws to accomplish business goals and decrease legal exposure. She develops and facilitates training programs which she has taught to thousands of executives, managers, and staff all over the country. Being a former human resource professional and manager herself, Ms. Schulte also recognizes the need for employers to have instant access to legal advice, especially when faced with tough employee relations situations. Her availability and expertise to counsel clients through even the most complex employee relations issues and thus decrease the risk of litigation is an asset valued by her clients. Ms. Schulte is also a successful defense litigator, having won most cases by summary motion, and others by favorable jury verdict. She has also negotiated collective bargaining agreements and has successfully defended clients in numerous arbitrations and administrative proceedings.

Education

University of Michigan – Bachelor of Arts in Human Resources and Communications (with Honors) - 1988
Wayne State University Law School - Juris Doctor (Cum Laude) – 1995

Professional Background and Licensure

Ms. Schulte's professional background includes management positions for the former First of America Bank, now PNC Bank. Her human resources responsibilities focused on employee relations issues, recruitment, employee evaluation, compensation, and training and development. She was formerly employed with the Michigan-based law firms of Floyd E. Allen & Associates and Foley, Baron & Metzger, PLLC as an Associate Principal and Employment & Labor Law Practice Group Leader.

She is a member of the State Bar of Michigan. She is also a member of the Society for Human Resource Management and its Human Resources Association of Greater Detroit Chapter, the Michigan Defense Trial Counsel, and formerly served as a case evaluator with the Wayne County Mediation Tribunal.

Representative Clients (Selected)

Adrian Steel
AirBoss Flexible Products
American Society of Employers
Barton Malow, LLC
Belle Tire
Community First Health Centers
Cynet Systems, Inc
FKS Homedics
LG Electronics
Mango Languages
Penske Automotive Group
Sames Kremlin
Schechter Wealth
Southeast Michigan Health Association
Teamplayer
US Farathane
Yochana IT Solutions
Ziebart International

P.O. Box 698 Novi, Michigan 48376
Phone: (248) 974-5340 Fax: (248) 374-9413 jschulte@jgschultelaw.com

Training Seminars & Presentations (selected)

Management Best Practices: From Difficult Conversations to Legal Compliance

Legal Danger Zones: Employment Laws Every HR Professional and Manager Needs to Know

Regaining Employer Control of Employees' Intermittent FMLA Leaves of Absence

Preventing Workplace Harassment, Promoting Diversity, and a Respectful Workplace

Family & Medical Leave Act: What HR Professionals & Managers Need to Know

Administering the Americans with Disabilities Act

Workplace Investigations – From Complaint to Resolution

Managing Within a Union Contract

Understanding Unionization: Myths & Facts

Speaking Forums (selected)

Action Benefits, Southfield, MI

Adrian Steel, locations in FL, GA, MD, MO, OH and MI

American Axle & Manufacturing, Rochester Hills, MI

American Society of Employers annual conferences, Dearborn and Novi, MI

Belle Tire, management training throughout Midwest & individual store training

Botsford Health Care Continuum (now Beaumont Health), Farmington Hills, MI

Dana Corp. nationwide management training, Toledo, OH

Detroit Regional Chamber of Commerce, Detroit, MI

Durr Automotive, Plymouth and Southfield, MI

ITC Electrical Holdings, Novi, MI and Cedar Rapids, IA

Kresge Foundation, Birmingham, MI

LG Electronics

Michigan First Credit Union, Lathrup Village, MI

Michigan Municipal League, Ann Arbor, MI

National Industrial Liaison Group national conference, New Orleans, LA, and Indianapolis, IN

Oakland County, Pontiac MI

Oakland University, Auburn Hills, MI

Penske Automotive Group, Atlanta, GA, Madison, WI, Minneapolis, MN, and Bloomfield Hills, MI

Piston Automotive, Redford, MI

Society for Human Resource Management chapters in Adrian, Ann Arbor, Cadillac, Jackson,
Saginaw, and Tecumseh, MI

Southeast Michigan Council of Governments (SEMCOG), Detroit, MI

Toyoda Gosei, NA, Troy, MI, San Antonio, TX, Louisville, KY, Nashville, TN, and St. Louis, MO

P.O. Box 698 Novi, Michigan 48376

Phone: (248) 974-5340 Fax: (248) 374-9413 jschulte@jgschultelaw.com

Training Style

Ms. Schulte has won rave reviews for her unique teaching style. All of her seminars, no matter what the topic, are interactive and fun! When was the last time you heard that about a legal seminar? Ms. Schulte teaches course content from the human resources or labor professional's perspective. Information is easy to understand and immediately useful in the attendee's working environment. Forms, checklists and other helpful tools are always provided.

She also employs entertaining stories and illustrations to make points and keep attendee attention through laughter. She encourages - and rewards - attendee participation, usually with chocolate. She remains available to answer attendee questions on breaks, following the seminar, and for days later via email.

Ms. Schulte's unique combination of important course content, easy-to-use information, and interactive and fun presentation style have made her seminars the top-rated and most-requested sessions of several different national and state conferences. Seminars can be tailored for groups of any size and attendees from any organizational level.

What Every Employee Needs to Know
About Promoting a Professional & Respectful Workplace

- I. Introduction
 - A. Activity: Truth or Myth? *[Introduces major training concepts]*
 - B. How have American workplaces changed over the years? What do we need to do different?
 - C. Training Session Objectives
 - 1. Defining & understanding different types of harassment
 - 2. Strategies & tools for promoting a respectful workplace, and therefore preventing workplace harassment claims
 - 3. What is “workplace sensitivity”?
 - D. The “Misconduct Pyramid”

- II. Illegal “HARASSMENT” Defined – with realistic examples
 - A. “Protected Trait” Harassment
 - B. “Sexual Harassment”
 - 1. “quid pro quo”
 - 2. “hostile work environment”
Hostile Work Environment Harassment includes a broad range of “just” inappropriate misconduct
 - C. “Intent v. Impact”; and “That’s just Bob, ignore him”
 - D. Discussion of “real life” examples, including in this workplace, and in attendees’ prior jobs

- III. Promoting a Respectful Workplace - Tools, tips & strategies for promoting a respectful workplace *[Bulk of the training time]*
 - A. Application of those tools to participants and to this everyday workplace
 - B. “Workplace Conduct Rule” – the line between workplace and personal life (when workplace laws & rules apply versus when they do not)

- IV. Workplace Sensitivity
 - A. Strategies for being sensitive in the workplace – even when you don’t know what to be sensitive to or what offends others! *[Information and discussion]*
 - B. What to do when we offend others or are offended

- V. How to “Speak Up” to a Coworker, Management, or HR

Session length: Typically 60-90 minutes

Supervisor/Manager Add-On Session

- I. Introduction
 - A. Managers & supervisors' additional agency & personal legal liability for employment law violations; Indemnification is not guaranteed
 - B. Additional Q&A re: discussion during all-staff session

- II. "Management Best Practices" for decreasing legal liability and enforcing tools discussed in all-staff session to promote a professional & respectful diverse workplace, including:
 - A. Understanding agency & personal liability, and indemnification
 - B. HR is your partner
 - C. What "At-Will" Is and Is Not
 - D. "Red Flag Recognition": discrimination
 - E. Objectivity & Consistency – aka Fairness
 - F. How to have a "difficult conversation"
 - G. Documentation- why it's important and how to do it easily
 - H. Recognizing notice of a complaint and what to do about it
 - I. Retaliation

Session length: Typically 30-60 minutes