

GRAND HAVEN BOARD OF LIGHT AND POWER
MINUTES
SEPTEMBER 28, 2023

A regularly scheduled meeting of the Grand Haven Board of Light and Power was held on Thursday, September 28, 2023, at 4:00 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 4:01 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, Operations & Power Supply Manager Erik Booth, and Distribution & Engineering Manager Rob Shelley.

Motion: Director Witherell, supported by Director Crum moved to approve the meeting agenda.

23-14A Director Witherell, supported by Director Crum, moved to add item 6D "FOIA Request Update" to the agenda.

Roll Call Vote:

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

23-14B Director Witherell, supported by Director Knoth, moved to remove item 5B "Reviewing the Record" Part 2 presentation by Erik Booth and add item 7A "Schedule a meeting to hear "Reviewing the Record" Part 2 presentation" to the agenda.

Roll Call Vote:

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

23-14C Director Witherell, supported by Director Hendrick, moved to add item 4J "Receive and File Complaint from the BLPCCC" to the consent agenda.

Roll Call Vote:

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

23-14D Director Witherell, supported by Director Crum, moved to approve the meeting agenda as amended.

Roll Call Vote:

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

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Public Comment Period:

Randy Borreson, Grand Haven Township, commented on the possibility of the city acquiring the BLP. He is concerned with who will do inventory and keep up on maintenance; and he does not want to pay for the city's bills.

Jeffrey R. Miller, 1120 South Harbor Drive, commented that the Board does not know what accountability is. He feels the Board's actions separate it from the community it serves, and the Board needs to acknowledge it is subservient to the rate payers and city.

Mike Starr, 302 Grand Avenue, questioned if the alleged actions the whistleblower is bringing up were motivated by money. He feels the Board needs to follow up with an investigation and that it is the Board's job to be independent.

Annette Allen, 15718 Grand Point Drive, is pleased to see this organization has maintained the same priorities it has always had to balance reliability, sustainability, and affordability. She feels the current organizational structure is what is needed and she hopes the citizens vote no to the Charter change.

23-14E Director Witherell, supported by Director Crum, moved to approve the consent agenda as amended. The consent agenda includes:

- Approve Minutes of the August 17, 2023, Board Meeting
- Receive and File: August Financial Statements, Power Supply and Retail Sales Dashboards
- Receive and File: August Key Performance Indicator (KPI) Dashboard
- Receive and File: MPPA Energy Services Project Resource Position Report (dated 08/31/2023)
- Receive and File: Constellation Energy Market Update Graphs (dated 09/18/2023)
- Receive and File: Thank-you and Information from LBWL Relating to GHBLP Mutual Aid
- Receive and File: General Manager and Board Member's Public Comments to City Council 9/18/2023.
- Approve payment of bills in the amount of \$2,884,800.48 from the Operation & Maintenance Fund
- Approve payment of bills in the amount of \$180,133.97 from the Renewal & Replacement Fund
- Approve confirming purchase order #22766 to Power Line Supply in the amount of \$5,478 for the annual line crew uniform order

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- Receive and File: Complaint from BLPCCC

Directors Knoth and Hendrick questioned why public comments made to City Council are being received and filed. The General Manager stated the comments are included for the Board's information since the Board was not given the opportunity to meet prior to the City Council meeting.

Roll Call Vote:

In favor: Directors Crum, Witherell and Westbrook; Opposed: Directors Hendrick and Knoth.

Motion carried.

23-14F Director Witherell, supported by Director Knoth, moved to approve the Purchase Orders. The Purchase Orders include:

- Purchase order #22771 to Irby Utilities in the amount of \$9,378 for a primary metering cabinet for BLP stock
- Purchase order #22776 to the City of Grand Haven in the amount of \$7,105 for a used trailer mounted air compressor

Roll Call Vote:

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

Motion carried.

23-14G The General Manager reported a petition was filed with the Michigan Employment Relations Commission for five clerical employees to join the union. One conference call has taken place and a second is scheduled. We are proceeding down the path as directed by the state.

No formal action taken.

23-14H The General Manager read a public statement from his role as an employee, reflecting what other employees have expressed to him. The statement asserted that the Board of Light and Power is a separate and distinct employer from the City of Grand Haven. The community is not just being asked to decide the appropriate governance structure for the utility, but to determine if the employees of the Board will become employees of the city. The employees have heard reported mischaracterizations that were used to gain petition signatures and feel attempts to stop them from correcting the record are unfair. The General Manager feels it is a breach of public trust for the BLPCCC to dismiss employee concerns.

No formal action taken.

23-14I Chairperson Westbrook reported he has requested legal assistance, through an insurance claim to the Michigan Professional Insurance Authority, to advise the Board on its response to

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allegations and claims arising out of the City Council's September 18, 2023 resolution. The Board respects the investigation process, and these are only allegations at this point.

No formal action taken.

23-14J Danielle Martin provided a copy of the Employee Handbook to each Board member and requested each member return the "Acknowledgement of Receipt" for our files. A review of the Board's Equal Employment Opportunity and Anti-Harassment, Anti-Discrimination, and Anti-Bullying policies was provided.

No formal action taken.

23-14K Danielle Martin requested the Board's approval to schedule "Respectful Workplace Training" at a cost of \$2,720. The structure of the training is one hour for all employees and Board members followed by a thirty minute "Management Best Practices" session for managers, supervisors, and Board members. By consensus, the Board supported scheduling the training. The full Board was not available for any proposed dates in October. Martin will see what dates are open in November and contact the Board about availability.

No formal action taken.

23-14L Director Crum, supported by Director Witherell, moved to waive the fees eligible to be passed on to David Walters for his FOIA request.

A FOIA request from David Walters was received on August 16, 2023 requesting correspondence from Director Hendrick. Director Hendrick has agreed to submit the documents to the City Attorney for his review and determination of what documents qualify as non-exempt public records that should be disclosed under the Act.

The City Attorney has estimated approximately \$5,000 in labor will be incurred to conduct this document review and dispute resolution. Of the \$5,000, approximately \$606 is eligible to be passed on to the requesting party under the Act. The BLP typically fulfills FOIA requests within 15 business days; however, due to the review process proposed and implemented by the City Attorney, responsive documents have been delayed and additional 15 business days. The FOIA Coordinator routinely waives FOIA fees; however, because the requesting party is the General Manager, the FOIA Coordinator has asked the Board to determine if a waiver of fees is appropriate. Director Hendrick recused herself from this discussion due to a conflict of interest.

Roll Call Vote:

In favor: Directors Crum, Witherell and Westbrook; Opposed: Director Knoth.

Motion carried.

23-14M Director Crum, supported by Director Witherell, moved to authorize the City Attorney to proceed with the document review.

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The cost for the City Attorney's document review must be paid by the BLP as these fees are ineligible under the Act to be passed on to the requestor. Director Hendrick recused herself from this discussion due to a conflict of interest.

Roll Call Vote:

In favor: Directors Crum, Witherell and Westbrook; Opposed: Director Knoth.
Motion carried.

23-14N A quorum of the Board is available on Tuesday, October 10th to hear the "Reviewing the Record" part 2 presentation and, by consensus, a special meeting was scheduled to be held at 4:00pm. The City Attorney will review the presentation.

Public Comment Period

Jeffrey R. Miller, 1120 South Harbor Drive, asked if the BLP sees the value of an independent investigation being conducted. He feels the BLP is flawed, and the proposed Charter change would fix these problems.

Mike Starr, 302 Grand Avenue, stated politics can drive things in a negative direction and we need to remember we all want the best for the community. He feels if this were a private business, operations would be consolidated.

Dave Barnosky, Port Sheldon, stated the General Manager's technical skills are solid, but he is always at war with somebody. He feels the Board's bylaws favor a powerful Chairman and the Board has let the General Manager cause what is happening.

Vanessa Wilhelm, Grand Haven Township, stated if a Board member didn't use their personal email account to conduct public business, it would not be subject to FOIA.

Adjournment

At 5:42pm by motion of Director Hendrick, supported by Director Knoth, the September 28, 2023 Board meeting was unanimously adjourned.

Respectfully submitted,



Danielle Martin
Secretary to the Board

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