



**LANSING BOARD OF WATER AND LIGHT  
BOARD OF COMMISSIONERS**

**SPECIAL MEETING MINUTES  
JANUARY 13, 2015**

The Board of Commissioners met at the BWL Headquarters-REO Town Depot located at 1201 S. Washington Ave., Lansing, MI, at 5:30 p.m. on Tuesday, January 7, 2014.

Chairperson David Price called the meeting to order at 5:30 p.m.

Present: Commissioners Margaret Bossenbery, Dennis M. Louney, Anthony McCloud, Tony Mullen, David Price, Tracy Thomas, Cynthia Ward and Sandra Zerkle.

Absent: None

The Secretary declared a quorum present.

Commissioner Louney led the Pledge of Allegiance.

**Meeting Purpose:**

**Review the Employment of the Lansing Board of Water & Light's General Manager**

**PUBLIC COMMENT**

THE CHAIR ANNOUNCED THAT MEMBERS OF THE PUBLIC ARE WELCOME TO SPEAK TO THE BOARD ON THE AGENDA SUBJECT.

Don Hillman, no address given, spoke about the dangers of having electricity.

***Chair Price stated that the only agenda item subject to public comment at this time is the "Review of the General Manager Lark", as it is the only item on the agenda and reason for the Special Board meeting.***

Councilmember Carol Wood stated that she was disappointed with the Board of Commissioners. She stated that we have gone through this process before and was assured at the last Committee of the Whole meeting that the Board would be open and forth coming with talking with the Council. She said finding out the information in the newspaper again, about this particular meeting and the fact that the Board did not communicate and provide the Council with an update or where they were going with this matter. Again, this Board had repeatedly indicated that they thought that Mr. Lark was doing a good job and even renewed his contract; I find it disconcerting that again,

the lack of communication with the governing board that actually appoints the Commissioners is where we are today.

Alice Dragger, E. Lansing, stated that she was out of power for nine days. She stated that government is a wonderful thing when it works; democracy is a beautiful thing when it works, but it still feels like it is not working here. We are getting our information in strange ways from a group that is supposed to be representing us. We have had a bad experience here. We were without power much longer than we needed to be because of failure to hire crews. We had Mr. Lark in New York and we had a Commissioner wishing him a good vacation, we had destruction of records afterwards so that we could not find out what had happened. We then proceeded to the point where we had Board members yelling at people in the public, she included. Now we have had many instances of the Board of Water & Light actually attacking its own customers. This is not working yet, I am glad that you are going to consider today getting rid of Mr. Lark because I think it is time to acknowledge that this has been an unbelievable failure of leadership. If this had occurred in any normal corporation, he would have been gone and if this had occurred in any normal employee position he would have been gone and anyone much further down the chain, would never have been allowed to go through this many mistakes. Ms. Dragger stated that one of her neighbors said Mr. Lark said that he fixed a hundred things, what he is basically pointing to is that there was a hundred things that he was doing wrong and we needed two Boards and Commissions to tell him that and I do not want to go through this again. Please function like a democratic organization and be more transparent, prohibit the destruction of records in particular and represent us.

No name given, spoke about the Open Meetings Act and was hoping not to witness an attempt to verbalize an agenda item to the first speaker when this is supposed to be an open meeting. He said that he had to admit freely that he did not keep up on this issue, except for the first several days of the early hearings and witnessed a choreographed effort on someone's part to avoid the real issue. He spoke about the previous meetings and stated that the majority of speakers that spoke were employees and a local disc jockey who talked about how great the company and how the ice storm situation was being remedied. I really hope that you open up tonight and listen to the real issues because when push comes to shove, unless you are willing to listen, you are in the wrong place in the wrong time.

### **Review the Employment of the Lansing Board of Water & Light's General Manager**

Commissioner Louney, stated that he called for this Special meeting to review the General Manager's employment and would like to put forward a Resolution. Chair Louney read the proposed 3-part Resolution aloud. The resolution was read out-loud and adopted as follows:

#### **RESOLUTION #2015-01-01**

- 1) Approve the Termination of Director and General Manager Peter Lark of the Lansing Board of Water and Light for Cause for the failure to render and perform

- services to the Employer according to his obligations under his designated Employment Agreement.
- 2) Allow the contracting of an employment/labor attorney to represent the Lansing Board of Water and Light Commission in determining legal arrangements under this termination with supervision of this matter by the Board Chair and Chair of the Board's Human Resource Committee.
  - 3) Appoint Richard Pefley to serve as interim Director and General Manager of the Lansing Board of Water and Light until a permanent General Manager is appointed and approved by the Board of Commissioners.

**Motion** by Commissioner Louney, Seconded by Commissioner Mullen to approve stated Resolution.

Discussion: Commissioner Zerkle questioned if Mr. Lark would be given an opportunity to request a closed session because this is an employment issue.

Mr. Lark stated that he absolutely preferred for this discussion to take place in open session.

Chair Price called for a Roll Call vote on motion before the Board.

Yeas: Commissioners Dennis M. Louney, Anthony McCloud, Tony Mullen, David Price and Cynthia Ward (5)

Nays: Commissioners Margaret Bossenbery, Tracy Thomas, Sandra Zerkle (3)

#### **REMARKS/COMMENTS**

Good Afternoon Members of the Board, I would like to begin today by thanking the Commissioners for the opportunity to serve as General Manager, I appreciated that very much. I also wanted to thank the employees of the Board of Water & Light who have worked so hard to make this the great utility that it is. Particularly in the last year following the ice storm, this company has made great strides that are well documented and will get people's power back faster. Finally, I want to thank our customers for their patience and their support over the last year. After all that has been accomplished together, I am surprised and disappointed at the Board's sudden and unexpected unilateral decision to end my employment. I have had absolutely no formal indication or notification from the Board of any cause for my dismissal, nor can I think of anything that would have contributed to the Board's actions today. After all of the progress which has been made during the last 12 months by this company. With that said, while I am disappointed in the Board's decision, I look forward to full resolution of this matter as outlined in our contract. Thank you very much Mr. Chair.

Commissioner Bossenbery, stated that she would like to know, how we will resolve this and how we will move to honor the contract that Mr. Lark has.

Chair Price, stated that it is his understanding that as part of the motion made, the Board will retain legal counsel and that the Chair of the Human Resources Committee and himself will work with that legal counsel as well as Mr. Lark's legal counsel to resolve the matter going forward.

Commissioner Zerkle, stated for the last several years Peter has had a contract that said without cause, he get a full contract, so I do not know what we would have to dispute or disagree about with that because that contract has been in effect, every one of the Commissioners have seen it, agreed to it and signed off on it, and I am just not sure that if we are going to do this action, why we would not complete it by honoring Mr. Lark's contract that we agreed to as close as 6 months ago.

Chair Price in response stated that he was not an attorney but it is his understanding that there are some questions of interpretation of the contract that are unresolved which is why we will be retaining legal counsel to work with Mr. Lark's counsel.

Commissioner Zerkle, reminded everyone that she is the only one here other than our legal counsel that was involved in the last General Managers departure and it cost us every single dime of that contract plus. It was several hundred thousands of dollars of legal content and it ended up in that manner, so the concern is why we are not just honoring his contract and maybe have a couple of meetings about the disputed interpretation. She said that she wanted to remind everyone that this is going to cost us a lot of money to take care of this and some of us have not gotten any positive reasons of why Mr. Lark should be let go.

#### **EXCUSED ABSENCE**

None.

#### **OTHER**

**Motion** by Commissioner Mullen, Seconded by Commissioner Ward to reschedule the Committee of the Whole and Finance Committee meetings that were originally scheduled to immediately take place following this Special Board meeting.

**Action:** Motion Carried

#### **ADJOURNMENT**

Meeting adjourned at 6:01 p.m.

Filed with Lansing City Clerk  
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