



**COMMITTEE OF THE WHOLE MEETING  
LANSING BOARD OF WATER & LIGHT BOARD OF COMMISSIONERS  
September 13, 2022 – 5:30 P.M.  
Board of Water & Light Headquarters - REO Town Depot  
1201 S. Washington Ave., Lansing, MI 48910**

BWL full meeting packets and public notices/agendas are located on the official web site at <https://www.lbwl.com/about-bwl/governance>.

**AGENDA**

Call to Order

Roll Call

Public Comments on Agenda Items

- 1. Committee of the Whole Meeting Minutes of July 12, 2022 ..... **TAB 1**
- 2. LBWL’s Rules of Procedure..... **TAB 2**
- 3. LBWL’s Rules of Procedure - Edited Version..... **TAB 3**
- 4. Healthcare Review / PA 152 - Resolution ..... **TAB 4**
- 5. Commissioner Questions Pertaining to Environmental Matters – Resolution..... **TAB 5**

Other

Adjourn

**COMMITTEE OF THE WHOLE**  
**Meeting Minutes**  
**July 12, 2022**

The Committee of the Whole of the Lansing Board of Water and Light (BWL) met at the BWL Headquarters-REO Town Depot located at 1201 S. Washington Ave., Lansing, MI, on Tuesday, July 12, 2022.

Committee of the Whole Chairperson Sandra Zerkle called the meeting to order at 5:30 p.m. and asked the Corporate Secretary to call the roll.

Present: Commissioners Sandra Zerkle, Beth Graham, Dusty Horwitt, Semone James, DeShon Leek, Tony Mullen, David Price and Tracy Thomas, and Non-Voting Members: Douglas Jester (East Lansing) and Larry Merrill (Delta Township)

Absent: Commissioner Maggie Sanders (Lansing Township)

The Corporate Secretary declared a quorum.

**Public Comments**

There were no public comments.

**Approval of Minutes**

**Motion** by Commissioner Graham, **Seconded** by Commissioner Mullen, to approve the Committee of the Whole Meeting minutes of May 10, 2022 with corrections.

Commissioner Horwitt requested that the minutes be corrected in Commissioner Jester's comment to the higher price of energy on the grid is driven by natural gas prices.

Commissioner James requested that the minutes be corrected to Commissioner James making the motion for the Resolution for the Amendment to the Return on Equity and Commissioner Price seconding the motion.

**Action:** Motion carried. The minutes were approved with corrections.

**Energy Waste Reduction and Renewable Energy Annual Update**

Environmental Services Manager Lori Myott presented the energy waste reduction and renewable energy update and provided information on the energy saving and budget goals, pandemic impacts, residential programs, low-income programs, business programs and renewable energy. Ms. Myott added that BWL has increased savings goals of 1.25% in 2022, 1.35% in 2023 and 1.5% for 2024-2026.

**Amendment to Appointment to MPPA - Resolution**

Dave Bolan, Chief Operations Officer, requested approval of the resolution for the Amendment to Appointment to MPPA in which James Mitchell, Market Operations Supervisor of Bulk Power Trading, was stepping down and Lynn McKinstry, Operations Process Support Director, was being appointed in his stead.

**Motion** by Commissioner James, **Seconded** by Commissioner Graham to forward the resolution to Amend the Appointment to Michigan Public Power Agency to the full Board for consideration.

**Action:** Motion Carried

### **Blackout Coordination Meeting**

GM Peffley spoke about the MISO footprint. MISO is an energy governing agency that sent out a notification that a capacity shortage is expected for July and energy load would need to be shed. A meeting was held for city and county officials to inform them what that would involve.

Chairperson Zerkle asked if BWL had the ability to choose what time of day when the blackout would occur and would information be distributed to customers to be prepared. GM Peffley responded that BWL would get about a 20-minute notice and load would not be shed for essential services such as hospitals. GM Peffley added that an initial circuit would be shut off and then a second circuit would be shut off and the first circuit could be turned back on and this would be done in a variety of areas.

### **Environmental Updates**

GM Peffley responded to questions read by Corporate Secretary LaVella Todd that were submitted by the Commissioners that included regulatory communications with the Board of Commissioners; public health and safety impacts; renewable energy; reducing energy consumption; carbon neutrality goals; and groundwater testing at Erickson.

### **Excused Absence**

**Motion** by Commissioner James, **Seconded** by Commissioner Graham, to excuse Commissioner Maggie Sanders from tonight's meeting.

**Action:** Motion Carried.

### **Other**

Commissioner Zerkle commented about Rules and Procedures communications received and stated that the Board would follow up on any edits to the Rules and Procedure after it was reviewed by the City Council.

### **Adjourn**

**Motion** by Commissioner Price, **Seconded** by Commissioner Horwitt, to adjourn the meeting.

**Action:** Motion Carried.

Chairperson Zerkle adjourned the meeting at 6:26 p.m.

Respectfully Submitted,  
Sandra Zerkle, Chairperson  
Committee of the Whole

**BOARD OF WATER AND LIGHT  
OF THE CITY OF LANSING, MICHIGAN  
RULES OF PROCEDURE  
APPROVED BY BWL COMMISSION: ~~MAY 26, 2015~~ **MARCH 22, 2022**  
CITY COUNCIL EFFECTIVE: ~~JUNE 8, 2015~~ \_\_\_\_\_, 2022**

**1. MEETINGS**

1.1 Regular Meetings

1.1.1 The **Lansing** Board of Water and Light (BWL) **Board of Commissioners (Board)** shall hold regular bi-monthly meetings on the fourth Tuesday of the month ~~in~~ **at** the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place, as the Board shall determine, unless a regular meeting is rescheduled as provided herein.

1.1.2 A schedule of dates, places and times for each regular bi-monthly meeting to be held in the **next** calendar year shall be adopted by the Board ~~during~~ **in** November of the preceding year.

1.2 Special Meetings

1.2.1 Special Meetings of the Board shall be called by the General Manager or **Corporate** Secretary ~~on the~~ **upon** request of the **Chairperson** of the Board or ~~on the~~ **upon** request of any ~~two~~ **four (4)** Voting Members.

1.2.2 Members of the Board shall have at least **eighteen (18)** hours written notice of a Special Meeting designating the time and purpose of such meeting. The notice shall be ~~delivered personally~~ **provided** to each Member of the Board ~~or left at his or her usual place of residence or business~~ by the **Corporate** Secretary or someone designated by the **Corporate** Secretary. **Acknowledgement of notice is required from each member of the Board and may be in the form of an electronic communication (i.e., email).**

1.3 Rescheduled Meetings

1.3.1 The **Chairperson** may reschedule any regular or Special Meeting.

1.3.2 Notice of any rescheduled meeting shall be given ~~as required~~ pursuant to Section 1.2.2; and Section 2.2.

1.4 Conflicting Times

The schedule of regular Board **and Special Meetings** shall not conflict with regular meetings of the Lansing City Council.

1.5 Committee of the Whole Meetings

- 1.5.1 The Board may convene as a Committee of the Whole upon call by the Vice Chair**person** or any ~~two~~ **four (4)** Voting Members of the Board.
- 1.5.2 Notice shall be provided in accordance with ~~the provisions for Special Meetings~~ **Section 1.2** and State law.
- 1.5.3 The Committee of the Whole shall report its recommendations, if any, for consideration by the Board at a regular or Special Meeting.

1.6 Closed Meetings

- 1.6.1 Meetings that are closed to the public may be closed to the public only for those purposes permitted under the Michigan Open Meetings Act, as amended.
- 1.6.2 ~~No~~ **A** Non-voting Member shall participate in ~~any~~ **a** closed **session** meeting **unless** the subject of ~~which the Non-voting Member or the municipality(s) they represent~~ **has the closed meeting poses a conflict of interest to the Non-voting member or the municipality the Non-voting member represents** ~~or a financial interest other than as a citizen of the municipality.~~ If a conflict of interest question is raised under this section at any Board meeting prior to going into closed session, such question shall be ~~determined~~ **resolved** by a majority **vote** of those Voting Members present and qualified to vote ~~before the main question shall be voted on. If the Non-voting Member is recused, they shall be prohibited from voting on or participating in the closed session.~~

**2. NOTICE OF MEETINGS**

2.1 Publication of Dates

A notice listing the dates of the regular **Board** meetings shall be published annually in a newspaper of general circulation in Ingham County, **Michigan** at least three **(3)** days prior to the time of the regularly scheduled meeting in January. ~~At the regularly scheduled meetings in November each year, the Board shall name the newspaper in which the notice shall be published.~~

2.2 Posting Notice

Notice of all meetings of the Board shall be posted in accordance with state law.

2.3 Designated Person

The **Corporate** Secretary shall be responsible for posting notices.

### 3. QUORUM FOR A REGULAR OR SPECIAL MEETING

#### 3.1 Number Required

The presence of five **(5)** Voting Members of the Board **or the majority of Voting Members of the Board serving** shall ~~be constitute~~ constitute a quorum for the transaction of business at all regular and Special Meetings.;

#### 3.2 Lack of Quorum

In the absence of a quorum, those present may adjourn any meeting or hearing to a later date or **choose to** hold the meeting ~~for the purpose of considering such~~ **to discuss** matters ~~as are~~ on the agenda. **However, No** action taken in the absence of a quorum shall be valid or effective unless and until ratified and confirmed at a subsequent regular or Special Meeting at which a quorum is present and at which five **(5)** affirmative votes **or the majority of Voting Members of the Board serving** are given for ratification.

### 4. OFFICIAL ACTION AT REGULAR OR SPECIAL MEETINGS

#### 4.1 Official Action

The concurring vote of the majority of all Voting Members of the Board serving shall be necessary for **all** official action and such vote may only take place at regular or Special Meetings of the Board on the following items:

- 4.1.1 **a.** Adopting the annual fiscal year budget and any amendments thereto.
- 4.1.2 **b.** Adopting rates for furnishing electric, water, and steam service.
- 4.1.3 **c.** Appointment or removal of the Director, Internal Auditor, and **Corporate** Secretary.
- 4.1.4 **d.** Purchase and sale of real property.
- 4.1.5 **e.** Sale or exchange of facilities as set forth in 5-207 of **the** Lansing's City Charter.
- 4.1.6 **f.** Providing compensation, benefits, conditions of employment, and retirement plans.
- 4.1.7 **g.** Removal of a Member from service as an officer, except at the expiration of the officer's term.

4.2 Except as may be required by law or by ~~s~~Section 10.1.4 **3**, all other matters considered by the Board shall require the affirmative vote of a majority of Voting Members present at a regular or Special Meeting.

## 4.2 Resolutions

4.3 The Board speaks through resolutions. A Member of the Board may only speak on the Board's behalf in accordance with its resolutions. *See 19.2.3.*

## 5. VOTING

### 5.1 Roll Call Vote

5.1.1 A ~~2/3~~ roll call vote shall be required for holding a closed ~~meeting session~~ as specified by the Open Meetings Act ~~or upon request of any Voting Member.~~

5.1.2 All Voting Members ~~and Non-voting Members~~ shall be required to participate in a vote to go into closed session as required by the Open Meetings Act.

### 5.2 Unanimous Consent

If there is no objection to the proposed action, the action may be taken by unanimous consent, except actions required by roll call vote pursuant to these ~~rules~~ **Rules of Procedure, Lansing City Charter, the Charter of the City of Lansing,** or the laws of the State of Michigan.

### 5.3 Conflict of Interest

If a Board Member has a conflict of interest on an issue before the Board, he or she shall reveal the conflict, ~~not participate in discussion or any decision regarding the issue,~~ and shall **recuse themselves from all discussions, deliberations and decisions related to the issue** ~~refrain from discussing the issue with any other Board Member or BWL staff.~~ **In no event will a Member of the Board vote on any issue upon which that Member has a conflict of interest or a financial interest other than as a citizen. If a conflict of interest is raised at any Board meeting, such issue shall be determined by a majority vote of the Voting Members present before the main issue shall be voted on, but the Member of the Board affected shall not vote on such determination.**

## 6. ANNUAL ORGANIZATION

The Board shall organize at its first regular meeting following July 1,<sup>st</sup> or as soon thereafter as is reasonably convenient, by selecting one of its Voting Members as **Chairperson** and, one of its Voting Members as **Vice Chairperson**, each of whom shall serve until the first regular meeting ~~in~~ the following July or **until** a successor has been selected.

**A Commissioner who serves as Chairperson or Vice Chairperson of the Board cannot serve as the Chairperson of a Standing Committee other than the Executive and Board Pension Fund Trustees Committees.**

## 7. DUTIES OF OFFICERS

### 7.1 Chairperson

The **Chairperson** shall preside at all regular or Special Meetings of the Board ~~and as well as~~ public hearings conducted by the Board. **The Chairperson shall** see that all orders and regulations are executed and complied with, see that all legal contracts with the BWL for or in the name of the City are performed, and shall perform such other duties as may be from time to time lawfully required of the **Chairperson**. The **Chairperson** shall also be an ex officio member of all committees of the Board, unless the **Chairperson** is an official member of a Committee. If the **Chairperson** is an official member of a Committee, she or he shall possess all voting privileges. It shall not be necessary for the **Chairperson** to relinquish the **Chairperson position** for the purpose of participating in debate or for the making of routine motions and resolutions.

### 7.2 Vice Chairperson

In the absence of the **Chairperson**, the **Vice Chairperson** shall perform all the duties and have all the powers of the **Chairperson**. The **Vice Chairperson** shall also preside over meetings of the Committee of the Whole.

### 7.3 Past Chairperson

The most ~~immediate~~ **recent** past **Chairperson** of the Board who is not currently serving as **Chairperson** or **Vice Chairperson** of the Board shall be designated "Past **Chairperson**." If no Past **Chairperson** is serving on the Board, the Voting Members of the Board shall select a Voting Member to assume the duties of the Past **Chairperson** as set forth in these Rules of ~~Administrative~~ Procedure. The Past **Chairperson** shall assume the duties of the **Chairperson** when neither the **Chairperson** nor the **Vice Chairperson** ~~is~~ **are** present.

## 8. CHARTER POSITIONS

### 8.1 Director, Corporate Secretary and Internal Auditor

The Voting Members of the Board shall, at its first regular meeting following July 1<sup>st</sup> of each year, or as soon as practicable thereafter, appoint a Director, an Internal Auditor and a **Corporate** Secretary. The Director shall also be known as the General Manager, and shall be the highest executive officer of the ~~Board of Water and Light~~ **BWL**. The Internal Auditor shall also be known as the Director of Internal Audit. These positions shall be contract positions, shall report directly to the Board of Commissioners, and shall serve at the pleasure of the Board of Commissioners.

### 8.2 Contract Reviews

Unless otherwise determined by the Board of Commissioners, contract

reviews for the Charter Position employees shall commence no later than sixty (60) days prior to the end of the fiscal year and be completed no later than the start of the next fiscal year.

### 8.3 Exit Interviews

**Unless otherwise determined by the Board of Commissioners, an exit interview shall be offered by the Chairperson of the Human Resources Committee in accordance with the Board of Water & Light exit interview procedure two weeks prior to the departure or retirement of a Charter Position.**

## 9. ~~STANDING COMMITTEES~~

### 9.1 Committees

9.1.1 In order to carry out its policymaking obligations, the Board of ~~Water and Light~~ Commissioners shall meet as often as needed, as one or more standing committees or ~~a~~ **Ad h**oc committees, in the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place, as the Board shall determine. Notice of these meetings shall be provided in accordance with the Lansing City Charter and state law.

**9.1.2 Committees shall have no authority to exercise the collective powers and duties of the Board of Commissioners except as expressly authorized by an adopted resolution of the Board of Commissioners.**

### 9.2 Standing Committees

~~9.2.1~~ The following standing committees shall be appointed by the **Chairperson based upon the request of the appointed Commissioner** as provided in 9.4: **Finance, Human Resources, Nominating, and Executive.**

Finance

~~Human Resource~~

~~Nominating~~

~~EXECUTIVE~~

~~9.2.2~~ **9.2.1** The Finance Committee shall have ~~oversight~~ responsibility for financial performance measures and audits, capital expenditures and returns, bond indebtedness and credit rating, annual Operations & Maintenance budget, rate review, and the investment policies of the retirement plans.

~~9.2.3~~ ~~The Nominating Committee shall at its first regular meeting following July 1<sup>st</sup> of each year, nominate a slate of officers at its annual organizational meeting and shall endeavor to rotate officers of the Board annually.~~

~~9.2.4~~ **9.2.2** The Human Resources Committee shall have ~~oversight~~ responsibility for non-bargaining salary adjustments, employee survey results, labor relations, performance appraisal review for Board-appointed positions, Board staff appointments, salary, wages, and employee benefits.

**9.2.3 The Nominating Committee shall, at its first regular meeting following July 1 of each year, nominate a slate of officers and shall endeavor to rotate officers of the Board annually, pursuant to Section 6. Annual Organization.**

~~9.2.5~~ **9.2.4** The Executive Committee shall, during the intervals between the Board of Commissioners' meetings, assist in the development of the BWL's position on major issues ~~and submit~~ and recommend the position to the Board for consideration and action. The Executive Committee shall consider and act upon such other activities as directed or referred to it by the Board or as otherwise specified in these Rules **of Procedure.**

### 9.3 Ad Hoc Committees

Ad **H**oc committees shall convene whenever the need arises to address an issue or topic that would not appropriately fall within any of the other standing committees and would not require the attention of the Committee of the Whole.

### 9.4 Appointment of Standing and Ad Hoc Committees

The Chair**person** shall appoint Members to the standing committees and such other ~~aAd hHoc~~ committees as the Board may ~~from time to time~~ establish. The first Voting Member named on each committee shall be the Chair**person** of the committee.

Standing Committees: All standing committees, except the Executive Committee, shall have four (4) regular Voting Members and two (2) alternate Voting Members who shall serve in the absence of regular Voting Member(s). The Executive Committee shall have four (4) Voting Members, including the Chair**person**, Vice Chair**person** and Past Chair**person** and one (1) Member elected by the Voting Members, whose term shall be concurrent with the terms of the Officers. The Chair**person** may appoint additional Non-voting Members to any committee.

The Nominating Committee shall not consist of any Members who intends to run for an officer position.

Ad Hoc Committees: The Chair**person** shall appoint Members of any ~~aAd hHoc~~ committee. An ~~aAd hHoc~~ committee may have any number of Members.

9.5 Sub-Committees Authorized

The Executive Committee shall establish ~~such~~ sub-committees as deemed necessary.

9.6 Quorum for Committee Meetings

A quorum for a ~~s~~Standing or a ~~Ad h~~Hoc committee shall be three (3) Voting Members of the ~~committee Board~~.

9.7 Committee Meetings

~~Meetings of s~~Standing or a ~~Ad h~~Hoc committees **meetings** may be called by the General Manager or **Corporate** Secretary on the request of the **Chairperson** of the Board, **Chairperson** of a committee or any two (2) Voting Members on the committee.

9.8 Committee Reports

Each ~~s~~Standing or a ~~Ad h~~Hoc committee shall report its recommendation, if any, for consideration by the Board at a regular or Special Meeting.

Upon adoption of a motion to accept (or approve) a committee report, the recommendation of the committee becomes the action of the Board; provided, however, if any resolutions are necessary to carry out the report, they shall be enacted separately pursuant to ~~s~~Section 19.5.

9.9 Committee Resolutions

Committee reports recommending action by the Board shall ~~have incorporated in the report~~ **contain** the necessary resolutions or motions to accomplish the action.

~~9.10 Discharge of Consideration~~

~~A committee shall be discharged of any matter referred to it by an affirmative vote of two-thirds of the Board.~~

## 10. AGENDA FOR REGULAR MEETINGS

10.1 Order of Business

10.1.1 The order of business at any regular meeting of the Board shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Public Comments on agenda items ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the **Chairperson**)

4. Communications
5. Committee Reports
6. General Manager's Recommendations
7. Unfinished Business
8. New Business
9. Resolutions
10. Manager's Remarks
11. Remarks by Members of the Board.
12. Motion of Excused Absence
13. Public Comments on BWL-related matters shall be (limited to three (3) minutes unless waived at the discretion of the Chairperson)
14. Adjournment

10.1.2 In the absence of any objection, the presiding officer shall have the discretion to vary the order of business.

~~10.1.3~~ **10.2** Preparation of Agenda

An agenda shall be prepared by the Board Chairperson with the assistance of the Corporate Secretary, in consultation with the Committee Chairperson and the General Manager and made available for distribution three (3) days preceding a regular meetings and at least eighteen (18) hours prior to a or Special Meeting for informational purposes only. However, the agenda is subject to unilateral change by the General Manager before the meeting.

~~10.1.4~~ **10.3** Changes to the Agenda

In the absence of any objection, the General Manager or any Voting Member of the Board may add or subtract an agenda item at a meeting. In the event of an objection, an affirmative vote of the majority of the Voting Members of the Board shall be required to add or subtract an agenda item.

~~10.1.5~~ **10.4** Public Comments

The time limits of Sections 10.1.1.3 and 10.1.1.13 apply to all Public Comments. Immediately following Approval of Minutes, the Chairperson will announce that members of the public are invited to address the Board regarding any item on the agenda. Anyone wishing to comment on any matter not on the agenda may do so immediately prior to adjournment. The Chairperson may exercise its discretion in prescribing how members of the public will seek recognition, or extending time limits for comments under the circumstances, or in limiting remarks to the subject matter under discussion as provided in Sections 10.1.1.3 and 10.1.1.13.

~~10.1.6~~ **10.5** Reports and Recommendations of ~~Director and~~ General Manager

The ~~Director and~~ General Manager shall advise the Board ~~by mail~~ of Reports and Recommendations to be considered at each regular meeting.

**11. AGENDA FOR COMMITTEE MEETINGS**

11.1 Order of Business

11.1.1 The order of business at any committee meeting of the Board shall be as follows:

1. Roll Call
2. Public comment on agenda items ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the **eChairperson**)
3. Agenda Topics
4. Other
5. Adjourn

11.1.2 A concurring vote of a majority of Voting Members on the committee present shall be necessary to move a recommendation to the Board.

**12. PUBLIC HEARINGS**

12.1 Date

The Board shall hold a public hearing at least thirty (**30**) days before the effective date of any changes in rate structure. The Board shall comply with the requirements of **Lansing City** Charter, Section 5-205.2 for public hearings regarding changes in the rate structure. The Board may also choose to hold a public hearing on other topics as necessary or appropriate.

12.2 Location

Although the Board will generally hold its public hearings in the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910, the Board may conduct public hearings at such places that it determines will best serve the public interest.

12.3 Notice

Notice of the hearing will be placed in at least one (1) newspaper of general circulation in the Lansing, Michigan area, no less than fourteen (14) days before the public hearing. The notice shall state the date, time, place and subject of the hearing. Notice shall also be posted electronically on the LBWL's website.

12.4 **Quorum**

A quorum of the Board shall be necessary to conduct a public hearing.

12.5 **Ex Parte Communications**

No Member shall engage in ex parte conversations about the topics of the public hearing, either before or after the hearing, until the full Board takes action on the topic.

12.6 **Open Meetings**

Public hearings shall be open to the public, in accordance with the Open Meetings Act.

12.7 **Public Comment**

Individuals and organizations are invited to comment on the topic of the public hearing, either orally or in writing. Written comments should be addressed to the **Corporate** Secretary and should be presented on or before the date of the hearing. Oral comments shall be presented at the public hearing. The Chair**person** may set reasonable limits on the length of oral presentations. Comments or conduct that disrupt the orderly conduct of meetings or hearings shall not be permitted.

12.8 **Transcript**

A transcript or recording of the hearing shall be **permanently maintained unless otherwise set forth in the BWL's approved Record Retention and Disposal Schedule** ~~made and kept for no less than three (3) years.~~

12.9 **Public Hearing on Rates**

In the case of a rate hearing, the Board may hold a separate meeting or meetings after the rate hearing to discuss the proposed changes to the rate structure and vote on the proposed changes. If the Board's discussions after the rate hearing indicate that it intends to raise any customer's rate higher than proposed during the public hearing, the Board shall hold an additional public hearing on the proposed higher rate in accordance with this section before voting on the rates. The Board is not required to hold any additional hearings in order to approve a rate lower than the rate proposed at the public hearing.

12.10 **Resolution Action**

If the Board acts on the topic discussed at the public hearing, it shall do so at a public meeting and shall approve a written resolution describing its action.

**13. MEMBERS OF THE BOARD**

13.1 **Attendance**

Each Member of the Board shall attend all meetings of the Board in person unless otherwise excused. Each Member must attend at least fifty (50) percent of regular or Special Meetings of the Board and fifty (50) percent of assigned committee meetings during any fiscal year. Failure to do so may be grounds for removal by the City from the office as a Member of the Board.

13.2 Disqualification to Vote

Any Voting Member of the Board having a direct or indirect financial interest in any matter before the Board, or who may stand to gain or lose financially or otherwise due to action of the Board on any matter, shall indicate such interest to the Board and may be disqualified from voting on such matter as set forth in the Lansing City Charter.

13.3 Ethics

All Board Members are subject to Article 5, Chapter 5 of the Lansing City Charter (Ethics) and the **City of Lansing Ethics Ordinance**.

**14. RECONSIDERATION OF ACTION**

Any Voting Member may move to reconsider a previous action of the Board. Such motion to reconsider shall be made not later than the next regular Board meeting.

**15. MINUTES**

15.1 Preparation and Filing

The **Corporate** Secretary shall keep minutes of regular and Special Meetings of the Board and committees and shall file a copy of the Board minutes in the office of the City Clerk as a public record. No official action taken by the Board shall be valid or effective until a copy of the minutes of the meeting at which such action was taken is filed with the City Clerk.

15.2 Corrections

Corrections in the regular or Special Meeting or committee minutes shall be made not later than the next meeting after the meeting to which the minutes refer. The corrected minutes shall show both the original entry and the correction.

15.3 Delivery to Members

The **Corporate** Secretary shall provide each Member of the Board with a copy of the regular or Special Meeting minutes as soon as they are filed with the City Clerk. Corrected minutes shall be available no later than the next subsequent meeting after correction.

#### 15.4 Public Inspection

Proposed minutes will be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer. Approved minutes will be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. Copies of the minutes will be made available to the public at a reasonable estimated cost for printing or copying. (1976 Public Act 267).

### 16. CONFIDENTIALITY

#### 16.1 Communications

Members of the Board shall treat all information marked “confidential” or “privileged” accordingly and shall not release such information to unauthorized individuals, unless disclosure is required by law. All such information shall be returned to the **Corporate** Secretary.

#### 16.2 Closed Session

All written and verbal information obtained and/or discussed in Closed Session shall be confidential and never discussed or shared outside of Closed Session, unless otherwise specified by law.

### 17. CONTRACT LIMITATIONS

The Board shall not have the power to make any contract with or give any official position to any person who is known to be in default to the City.

### 18. AMENDMENTS

Any Voting Member of the Board may initiate amendments to the Rules of ~~Administrative~~ Procedure by presenting them in writing at any regular meeting. All Members of the Board must be notified of such amendments. **The amendments must be mailed-submitted** at least four (4) days before the amendment is to be voted upon. An affirmative **vote from** a majority of ~~the~~ Voting Members serving shall be required to amend the ~~R~~**Rules of P**rocedure, after which the proposed revisions shall be forwarded to the City in compliance with **Lansing City** Charter, Section 5-105.8.

### 19. MISCELLANEOUS

#### 19.1 Parliamentary Procedure

All questions of procedure not covered by these ~~R~~**Rules of Procedure** or the **Lansing** City Charter ~~of the City of Lansing~~ shall be governed by the provisions in "*Robert's Rules of Order.*"

#### 19.2 News Media Regulations

19.2.1 Members of the news media shall be provided with a table in the Board Room for their use. They shall have made

available to them, upon request, a copy of the General Manager's Recommendations and any data accompanying the recommendations not marked "*Confidential*" ~~at~~ **by** 10:00 a.m. one (1) working day prior to the date of the meeting.

19.2.2 Following the adjournment of a Board meeting, members of the news media may request interviews of Members of the Board.

19.2.3 All policy statements shall be made on behalf of the Board by the Chair**person**. See **4.23**.

19.3 Vacancy, Resignation, Absence of Elected Officers

19.3.1 In the event the office of Chair**person** shall become vacant by death, resignation or otherwise, the Vice Chair**person** shall assume the office of Chair**person**, and the most immediate Past Chair**person** shall assume the office of Vice Chair**person**.

19.3.2 In the absence of the Chair**person**, Vice Chair**person** and Past Chair**person**, a Temporary Chair**person** shall be elected, who would hold office during the session, until the return or election of the Chair**person**, Vice Chair**person** or Past Chair**person**.

19.4 Freedom of Information Act

It shall be the policy of this Board to follow the provisions of Public Act 442, of 1976, as it may be amended by legislative enactment or judicial decision.

19.5 Resolutions

Any Voting Member of the Board may sponsor a resolution. Any resolution may be co-sponsored by other Voting Members of the Board. A resolution must be submitted for placement on the Agenda as specified under ~~Section Article X 10~~ - Agenda **For Regular Meetings**. The sponsor of a resolution may withdraw the resolution at any time prior to enactment. Consent **to withdraw from** of the co-sponsors ~~to withdrawal~~ is not required.

19.6 Hiring Consultants

The Board of Commissioners may hire external consultants, such as accountants, but not outside legal counsel. The full Board will meet before a consultant is hired to determine the scope of the issues to be addressed by the consultant, the consultant's budget, and the scope of contact with the Board. One Board Member may be authorized as the primary contact with the consultant. If time constraints preclude a

meeting of the full Board to discuss hiring the consultant, the Executive Committee may meet to approve the initial contact with the consultant, but may not authorize an expenditure of more than **one thousand dollars** (\$1,000) to a consultant without the approval of the full Board. The consultant's work product shall be written and shall be immediately transmitted to all Board Members upon completion of the requested work. All payments to consultants hired by the Board shall be deducted from the Board's budget. Board funds may not be expended to address an issue only applicable to one Member.

**In general, All outside legal counsel must be hired by in-house counsel and in accordance with the Lansing City Charter. However, if a majority of Voting Members of the Board present at a regular or Special Board Meeting, as expressed by a vote of the Members, believe that there could be a conflict of interest between the Board and Management of the BWL, the in-house counsel shall be recused. The Board shall then request the Lansing City Attorney and/or the City Attorney's Deputies, not including the BWL's in-house counsel, to hire outside legal counsel.**

#### 19.7 Reimbursement of Board Member Expenses

19.7.1 Board Member Travel Expenses: The Board recognizes the value of membership and attendance at conferences, workshops, and ~~meetings~~ **seminars** at the state, regional, and national levels that are appropriate and ~~necessary~~ **useful** to ~~carry out Board of Water and Light business~~ **fulfill the Board's role**. ~~As such, the~~ **The Board therefore** encourages:

1. The attendance of its Members in at least one out-of-state and one in-state conference, **workshop, or** seminar per year.
2. Each newly appointed Member of the Board is encouraged to attend a formal workshop on governance as offered by the American Public Power Association.

Additional travel must be pre-approved by the ~~Executive Committee~~ **Board**.

Travel expenses shall be reimbursed in accordance with the ~~Board~~ **BWL's Travel Expense & Reimbursement Policy**.

19.7.2 Board Member Miscellaneous Expenses: Members of the Board may incur additional business expenses while representing the ~~Board of Water and Light~~ **BWL** in the community. Business expenses such as cell phone, business luncheons, and parking are such examples of legitimate business expenses. Upon filing a claim in the prescribed form, each Member of the Board shall be reimbursed for reasonable and necessary expenses incurred in the discharge of the Board Member's official duties, in accordance with the ~~Board~~ **BWL's Travel & Expense Reimbursement Policy and petty cash fund guidelines**.

The Executive Committee shall review Member expenses on a quarterly basis.

19.8 Definitions

As used herein, the following terms mean:

Member: Any member of the Board, including Voting Members and Non-voting Members.

Voting Member: Any Member of the Board appointed pursuant to Lansing City Charter, Section 5-103.2

Non-voting Member: Any Member of the Board appointed pursuant to Lansing City Charter, Section 5-103.12.

Adopted by the Board 5/8/79, and amended 8/14/79, 11/14/79, 3/11/80, 11/11/80, 7/14/81, 8/11/81, 7/13/82, 7/26/83, 6/26/84, 3/5/85, 12/18/90, 1/5/91, 3/3/08, and 5/26/15, and 3/22/22.



The City of  
**LANSING**  
City Council

City Hall - 10th Floor  
124 W. Michigan Avenue  
Lansing, MI 48933-1694

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July 28, 2022

Lansing Board of Water and Light (BWL) Board of Commissioners  
ATTN: Chair Semone James  
Board of Water and Light Headquarters  
1201 S Washington Avenue  
Lansing, MI 48910

Dear Chair James and BWL Commission Members –

Lansing City Council has reviewed BWL Board of Commission's proposed amendments to the BWL Commission Rules of Procedure. As you are aware, pursuant to Lansing City Charter section 5-105.8, "All rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall then be submitted to the City Clerk for transmission to the City Council. The rules shall be effective at the conclusion of the Council meetings at which they are received unless the Council directs otherwise." Accordingly, these proposed amendments were discussed as part of Lansing City Council's Committee of the Whole meeting on Monday, July 25, 2022.

Lansing City Council has identified some concerns regarding the proposed rule changes. Therefore, please allow this letter to serve as notification of those concerns – and a request that the BWL Board of Commissioners consider further adjustments to the proposed Rules of Procedure amendments.

First, there are several changes to individual paragraph numbers in the Rules, however, references to various section and paragraph numbers have not been updated and are incorrect throughout the rest of the document. For example, section 4.3 was eliminated in the amended Rules of Procedure but section 19.2.3 refers to paragraph 4.3. Lansing City Council requests that the BWL Board of Commissioners, or BWL staff, recheck and review these paragraph references for accuracy.

Finally, Lansing City Council has concerns as to proposed amendment to Paragraph 10.2, "Preparation of Agenda" – wherein the agenda for a BWL Meeting is made available for distribution "within 18 hours prior to a regular or Special Meeting." Lansing City Council requests that this item be reconsidered. Members of the public have expressed concerns that this 18-hour requirement is not sufficient notice, and request that the prior rule of a 3-day notice of agenda items be retained. By way of example,

Lansing City Council Rule 8 provides the following notice requirements in terms of preparing an agenda for distribution, "No item of business shall be placed on the agenda for a regular meeting of Council unless the original document, annotated with such approvals as may be required, has been presented for filing in the office of the Clerk by 4:00 p.m. on the Thursday immediately preceding the day of the Council meeting. The agenda for each such meeting shall be posted in the lobby of City Hall and Council Chambers not later than eighteen hours prior to the time of each such meeting, and at such other places as Council may deem appropriate."

Lansing City Council recognizes your time and effort in revising the Rules of Procedure and would appreciate some additional consideration of the BWL Board of Commissioners as it relates to the above identified concerns.

Respectfully,

A handwritten signature in cursive script that reads "Adam Hussain".

Adam N. Hussain  
Lansing City Council President

cc: Mark Matus, BWL General Counsel  
LaVella Todd, BWL Corporate Secretary

**BOARD OF WATER AND LIGHT  
OF THE CITY OF LANSING, MICHIGAN  
RULES OF PROCEDURE**

APPROVED BY BWL **BOARD OF COMMISSIONERS**: ~~MAY 26, 2015~~ **MARCH 22, 2022**  
CITY COUNCIL EFFECTIVE: ~~JUNE 8, 2015~~ \_\_\_\_\_, 2022

**1. MEETINGS**

1.1 Regular Meetings

1.1.1 The **Lansing** Board of Water ~~and~~ & Light (BWL) **Board of Commissioners (Board)** shall hold regular bi-monthly meetings on the fourth Tuesday of the month ~~in~~ **at** the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place, as the Board shall determine, unless a regular meeting is rescheduled as provided herein.

1.1.2 A schedule of dates, places and times for each regular bi-monthly meeting to be held in the **next** calendar year shall be adopted by the Board ~~during~~ **in** November of the preceding year.

1.2 Special Meetings

1.2.1 Special Meetings of the Board shall be called by the General Manager or **Corporate** Secretary ~~on the~~ **upon** request of the Chair**person** of the Board or ~~on the~~ **upon** request of any ~~two~~ **four (4)** Voting Members.

1.2.2 Members of the Board shall have at least **eighteen (18)** hours written notice of a Special Meeting designating the time and purpose of such meeting. The notice shall be ~~delivered personally~~ **provided** to each Member of the Board ~~or left at his or her usual place of residence or business~~ by the **Corporate** Secretary or someone designated by the **Corporate** Secretary. **Acknowledgement of notice is required from each member of the Board and may be in the form of an electronic communication (i.e., email).**

1.3 Rescheduled Meetings

1.3.1 The Chair**person** may reschedule any regular or Special Meeting.

1.3.2 Notice of any rescheduled meeting shall be given ~~as required~~ pursuant to Section 1.2.2; and Section 2.2.

1.4 Conflicting Times

The schedule of regular Board **and Special** Meetings shall not conflict with regular meetings of the Lansing City Council.

1.5 Committee of the Whole Meetings

- 1.5.1 The Board may convene as a Committee of the Whole upon call by the Vice Chairperson or any ~~two~~ **four (4)** Voting Members of the Board.
- 1.5.2 Notice shall be provided in accordance with ~~the provisions for Special Meetings~~ **Section 1.2** and State law.
- 1.5.3 The Committee of the Whole shall report its recommendations, if any, for consideration by the Board at a regular or Special Meeting.

1.6 Closed Meetings

- 1.6.1 Meetings that are closed to the public may be closed to the public only for those purposes permitted under the Michigan Open Meetings Act, as amended.
- 1.6.2 ~~No~~ **A** Non-voting Member shall participate in ~~any~~ **a** closed **session** meeting **unless** the subject of ~~which the Non-voting Member or the municipality(s) they represent has~~ **the closed meeting poses a conflict of interest to the Non-voting member or the municipality the Non-voting member represents or a financial interest other than as a citizen of the municipality.** If a conflict of interest question is raised under this section at any Board meeting prior to going into closed session, such question shall be ~~determined~~ **resolved** by a majority **vote** of those Voting Members present and qualified to vote ~~before the main question shall be voted on. If the Non-voting Member is recused, they shall be prohibited from voting on or participating in the closed session.~~

2. NOTICE OF MEETINGS

2.1 Publication of Dates

A notice listing the dates of the regular **Board** meetings shall be published annually in a newspaper of general circulation in Ingham County, **Michigan, and on the website of the BWL**, at least three **(3)** days prior to the time of the regularly scheduled meeting in January. ~~At the regularly scheduled meetings in November each year, the Board shall name the newspaper in which the notice shall be published.~~

2.2 Posting Notice

Notice of all meetings of the Board shall be posted in accordance with state law.

2.3 Designated Person

The **Corporate** Secretary shall be responsible for posting notices.

3. QUORUM FOR A REGULAR OR SPECIAL MEETING

3.1 Number Required

The presence of five (5) Voting Members of the Board **or the majority of Voting Members of the Board serving** shall ~~be constitute~~ a quorum for the transaction of business at all regular and Special Meetings.;

3.2 Lack of Quorum

In the absence of a quorum, those present may adjourn any meeting or hearing to a later date or **choose to** hold the meeting ~~for the purpose of considering such to discuss~~ matters ~~as are~~ on the agenda. **However, No** action taken in the absence of a quorum shall be valid or effective unless and until ratified and confirmed at a subsequent regular or Special Meeting at which a quorum is present and at which five (5) affirmative votes **or the majority of Voting Members of the Board serving** are given for ratification.

4. OFFICIAL ACTION AT REGULAR OR SPECIAL MEETINGS

4.1 Official Action

The concurring vote of the majority of all Voting Members of the Board serving shall be necessary for **all** official action and such vote may only take place at regular or Special Meetings of the Board on the following items:

- ~~4.1.1~~ a. Adopting the annual fiscal year budget and any amendments thereto.
- ~~4.1.2~~ b. Adopting rates for furnishing electric, water, and steam service.
- ~~4.1.3~~ c. Appointment or removal of the Director, Internal Auditor, and **Corporate** Secretary.
- ~~4.1.4~~ d. Purchase and sale of real property.
- ~~4.1.5~~ e. Sale or exchange of facilities as set forth in 5-207 of **the** Lansing's City Charter.
- ~~4.1.6~~ f. Providing compensation, benefits, conditions of employment, and retirement plans.
- ~~4.1.7~~ g. Removal of a Member from service as an officer, except at the expiration of the officer's term.

4.2 Except as may be required by law or by ~~s~~Section 10.1-43, all other matters considered by the Board shall require the affirmative vote of a majority of Voting Members present at a regular or Special Meeting.

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## 4.2 Resolutions

~~4.3~~ The Board speaks through resolutions. A Member of the Board may only speak on the Board's behalf in accordance with its resolutions. *See 19.2.3.*

## 5. VOTING

### 5.1 Roll Call Vote

5.1.1 A ~~2/3~~ roll call vote shall be required for holding a closed ~~meeting session~~ as specified by the Open Meetings Act ~~or upon request of any Voting Member.~~

5.1.2 All Voting Members ~~and Non-voting Members~~ shall be required to participate in a vote to go into closed session as required by the Open Meetings Act.

### 5.2 Unanimous Consent

If there is no objection to the proposed action, the action may be taken by unanimous consent, except actions required by roll call vote pursuant to these ~~rules~~ **Rules of Procedure, Lansing City Charter, the Charter of the City of Lansing,** or the laws of the State of Michigan.

### 5.3 Conflict of Interest

If a Board Member has a conflict of interest on an issue before the Board, he or she shall reveal the conflict, ~~not participate in discussion or any decision regarding the issue,~~ and shall **recuse themselves from all discussions, deliberations and decisions related to the issue** ~~refrain from discussing the issue~~ with any other Board Member or **BWL** staff. **In no event will a Member of the Board vote on any issue upon which that Member has a conflict of interest or a financial interest other than as a citizen. If a conflict of interest is raised at any Board meeting, such issue shall be determined by a majority vote of the Voting Members present before the main issue shall be voted on, but the Member of the Board affected shall not vote on such determination.**

## 6. ANNUAL ORGANIZATION

The Board shall organize at its first regular meeting following July 1,<sup>#</sup> or as soon thereafter as is reasonably convenient, by selecting one of its Voting Members as Chair**person** and, one of its Voting Members as Vice Chair**person**, each of whom shall serve until the first regular meeting ~~in~~ the following July or **until** a successor has been selected.

A Commissioner who serves as Chairperson or Vice Chairperson of the Board cannot simultaneously serve as the Chairperson of a Standing Committee, (Finance and Human Resources Committees) other than the Executive and Board Pension Fund Trustees Committees.

## 7. DUTIES OF OFFICERS

### 7.1 Chairperson

The Chairperson shall preside at all regular or Special Meetings of the Board ~~and as well as~~ public hearings conducted by the Board. **The Chairperson shall** see that all orders and regulations are executed and complied with, see that all legal contracts with the BWL for or in the name of the City are performed, and shall perform such other duties as may be from time to time lawfully required of the Chairperson. The Chairperson shall also be an ex officio member of all committees of the Board, unless the Chairperson is an official member of a Committee. If the Chairperson is an official member of a Committee, she or he shall possess all voting privileges. It shall not be necessary for the Chairperson to relinquish the **eChairperson position** for the purpose of participating in debate or for the making of routine motions and resolutions.

### 7.2 Vice Chairperson

In the absence of the Chairperson, the Vice Chairperson shall perform all the duties and have all the powers of the Chairperson. The Vice Chairperson shall also preside over meetings of the Committee of the Whole.

### 7.3 Past Chairperson

The most ~~immediate~~ **recent** past Chairperson of the Board who is not currently serving as Chairperson or Vice Chairperson of the Board shall be designated "Past Chairperson." If no Past Chairperson is serving on the Board, the Voting Members of the Board shall select a Voting Member to assume the duties of the Past Chairperson as set forth in these Rules of ~~Administrative~~ Procedure. The Past Chairperson shall assume the duties of the Chairperson when neither the Chairperson nor the Vice Chairperson ~~is~~ **are** present.

### 7.4 Length of Service as Officer

A Voting Member who has completed one full year of service in the position of Chairperson or Vice Chairperson, is allowed to serve in the respective position one additional consecutive full year if elected by a majority vote of Voting Members. After two full years of consecutive service as Chairperson or Vice Chairperson, a Voting Member must take a break of one full year from serving in the respective position unless no other Voting Member expresses interest in serving in the respective position. If no other Voting Member

expresses such interest, the Voting Member who has served two full consecutive years as Chairperson or Vice Chairperson may continue to serve in the respective position until another Voting Member expresses interest to the nominating committee in serving as Chairperson or Vice Chairperson of the Board.

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## 8. CHARTER POSITIONS

### 8.1 Director, **Corporate** Secretary and Internal Auditor

The Voting Members of the Board shall, at its first regular meeting following July 1<sup>st</sup> of each year, or as soon as practicable thereafter, appoint a Director, an Internal Auditor and a **Corporate** Secretary. The Director shall also be known as the General Manager, and shall be the highest executive officer of the ~~Board of Water and Light~~ **BWL**. The Internal Auditor shall also be known as the Director of Internal Audit. These positions shall be contract positions, shall report directly to the Board of Commissioners, and shall serve at the pleasure of the Board of Commissioners.

#### 9.1.1 Contract Reviews

Unless otherwise determined by the Board of Commissioners, contract reviews for the Charter Position employees shall commence no later than sixty (60) days prior to the end of the fiscal year and be completed no later than the start of the next fiscal year.

#### 9.1.2 Exit Interviews

**Unless otherwise determined by the Board of Commissioners, an exit interview shall be offered by the Chairperson of the Human Resources Committee in accordance with the Board of Water & Light exit interview procedure two weeks prior to the departure or retirement of a Charter Position.**

## 9. STANDING COMMITTEES

### 9.2 Committees

9.2.1 In order to carry out its policymaking obligations, the Board of ~~Water and Light~~ **of** Commissioners shall meet as often as needed, as one or more standing committees or ~~a~~ **Ad Hoc** committees, in the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910 or at such other place, as the Board shall determine. Notice of these meetings shall be provided in accordance with the Lansing City Charter and state law.

9.2.2 **Committees shall have no authority to exercise the collective powers and duties of the Board of Commissioners except as expressly authorized by an adopted resolution of the Board of**

**Commissioners.**

9.3 **Standing Committees**

9.3.1 The following standing committees shall be appointed by the Chairperson based upon the request of the appointed Commissioner as provided in 9.4: **Finance, Human Resources, Nominating, and Executive.**

Finance

~~Human Resource~~

~~Nominating~~

EXECUTIVE

~~9.2.2~~ 9.2.1 The Finance Committee shall have oversight responsibility for financial performance measures and audits, capital expenditures and returns, bond indebtedness and credit rating, annual Operations & Maintenance budget, rate review, and the investment policies of the retirement plans.

~~9.2.3~~ The Nominating Committee shall at its first regular meeting following July 1<sup>st</sup> of each year, nominate a slate of officers at its annual organizational meeting and shall endeavor to rotate officers of the Board annually.

~~9.2.4~~ 9.2.2 The Human Resources Committee shall have oversight responsibility for non-bargaining salary adjustments, employee survey results, labor relations, performance appraisal review for Board-appointed positions, Board staff appointments, salary, wages, and employee benefits.

9.2.3 The Nominating Committee shall, at its first regular meeting following July 1 of each year, nominate a slate of officers and shall endeavor to rotate officers of the Board annually, pursuant to Section 6. Annual Organization. Each fiscal year, the Nominating Committee Chairperson and Voting Members of the Nominating Committee will be determined by a majority vote of Voting Members in the May Committee of the Whole Meeting leading up to the election of Officers.

~~9.2.5~~ 9.2.4 The Executive Committee shall, during the intervals between the Board of Commissioners' meetings, assist in the development of the BWL's position on major issues and submit and recommend the position to the Board for consideration and action. The Executive Committee shall consider and act upon such other activities as directed or referred to it by the Board or as otherwise specified in these Rules of Procedure.

9.3 **Ad Hoc Committees**

Ad Hoc committees shall convene whenever the need arises to address an issue or topic that would not appropriately fall within any of the other standing committees and would not require the attention of the Committee of the Whole.

9.4 Appointment of Standing and Ad Hoc Committees

The Chairperson shall appoint Members to the standing committees and such other ~~aAd hHoc~~ committees as the Board may ~~from time to time~~ establish. The first Voting Member named on each committee shall be the Chairperson of the committee. Each fiscal year, the Chairperson shall appoint each Voting Member to at least one standing committee.

Standing Committees: All standing committees, except the Executive Committee, shall have four (4) regular Voting Members and two (2) alternate Voting Members who shall serve in the absence of regular Voting Member(s). The Executive Committee shall have four (4) Voting Members, including the Chairperson, Vice Chairperson and Past Chairperson and one (1) Member elected by the Voting Members, whose term shall be concurrent with the terms of the Officers. The Chairperson may appoint additional Non-voting Members to any committee.

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The Nominating Committee shall not consist of any Members who intends to run for an officer position.

Ad Hoc Committees: The Chairperson shall appoint Members of any ~~aAd hHoc~~ committee. An ~~aAd hHoc~~ committee may have any number of Members.

9.5 Sub-Committees Authorized

The Executive Committee shall establish ~~such~~ sub-committees as deemed necessary.

9.6 Quorum for Committee Meetings

A quorum for a ~~sStanding~~ or ~~aAd hHoc~~ committee shall be three (3) Voting Members of the ~~committee Board~~.

9.7 Committee Meetings

~~Meetings of sStanding or aAd hHoc committees meetings~~ may be called by the General Manager or ~~Corporate~~ Secretary on the request of the Chairperson of the Board, Chairperson of a committee or any two (2) Voting Members on the committee.

9.8 Committee Reports

Each ~~sStanding~~ or ~~aAd hHoc~~ committee shall report its recommendation, if any, for consideration by the Board at a regular or Special Meeting.

Upon adoption of a motion to accept (or approve) a committee report, the recommendation of the committee becomes the action of the Board; provided, however, if any resolutions are necessary to carry out the report,

they shall be enacted separately pursuant to ~~s~~Section 19.5.

9.9 Committee Resolutions

Committee reports recommending action by the Board shall ~~have incorporated in the report~~ **contain** the necessary resolutions or motions to accomplish the action.

9.10 ~~Discharge of Consideration~~

~~A committee shall be discharged of any matter referred to it by an affirmative vote of two-thirds of the Board.~~

9.11 Length of Service as Chair of Committee

A Voting Member who has completed one full year of service in the position of Chairperson of a Standing or Ad Hoc Committee, is allowed to serve in the respective position one additional consecutive full year if reappointed by the Chairperson of the Board. After two full years of consecutive service as Chairperson of a Standing or Ad Hoc Committee, a Voting Member must take a break of one full year from serving in the respective position unless no other Voting Member expresses interest in serving in the respective position. If no other Voting Member expresses such interest, the Voting Member who has served two full consecutive years as Chairperson of a Standing or Ad Hoc Committee may continue to serve in the respective position, if appointed by the Chairperson of the Board, until another Voting Member expresses interest to the nominating committee in serving as Chairperson of the respective Committee.

10 AGENDA FOR REGULAR MEETINGS

10.1 Order of Business

10.1.1 The order of business at any regular meeting of the Board shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Public Comments on agenda items ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the **Chairperson**)
4. Communications
5. Committee Reports
6. General Manager's Recommendations
7. Unfinished Business

8. New Business
9. Resolutions
10. Manager's Remarks
11. Remarks by Members of the Board.
12. Motion of Excused Absence
13. Public Comments on BWL-related matters ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the Chairperson)
14. Adjournment

10.1.2 In the absence of any objection, the presiding officer shall have the discretion to vary the order of business.

~~10.1.3~~ **10.2** Preparation of Agenda

An agenda shall be prepared by **the Board Chairperson with the assistance of the Corporate Secretary, in consultation with the Committee Chairperson and the General Manager** and made available for distribution three (3) days preceding ~~a regular meetings and at least~~ **eighteen (18) hours prior to a or Special Meeting for informational purposes only.** ~~However, the agenda is subject to unilateral change by the General Manager before the meeting.~~

~~10.1.4~~ **10.3** Changes to the Agenda

In the absence of any objection, the General Manager or any Voting Member of the Board may add or subtract an agenda item at a meeting. In the event of an objection, an affirmative vote of the majority of the Voting Members of the Board shall be required to add or subtract an agenda item.

~~10.1.5~~ **10.4** Public Comments

The time limits of Sections 10.1.1.3 **and 10.1.1.13** apply to all Public Comments. Immediately following Approval of Minutes, the Chairperson will announce that members of the public are invited to address the Board regarding any item on the agenda. Anyone wishing to comment on any matter not on the agenda may do so immediately prior to adjournment. The Chairperson may exercise its discretion in prescribing how members of the public will seek recognition, or extending time limits for comments under the circumstances, or in limiting remarks to the subject matter under discussion as provided in **Sections 10.1.1.3 and 10.1.1.13.**

~~10.1.6~~ **10.5** Reports and Recommendations of Director and General Manager

The ~~Director and~~ General Manager shall advise the Board ~~by mail~~ of Reports and Recommendations to be considered at each regular meeting.

11 AGENDA FOR COMMITTEE MEETINGS

11.1 Order of Business

11.1.1 The order of business at any committee meeting of the Board shall be as follows:

1. Roll Call
2. Public comment on agenda items ~~shall be~~ (limited to three (3) minutes unless waived at the discretion of the **eChairperson**)
3. Agenda Topics
4. Other
5. Adjourn

11.1.2 A concurring vote of a majority of Voting Members on the committee present shall be necessary to move a recommendation to the Board.

12 PUBLIC HEARINGS

12.1 Date

The Board shall hold a public hearing at least thirty (**30**) days before the effective date of any changes in rate structure. The Board shall comply with the requirements of **Lansing City** Charter, Section 5-205.2 for public hearings regarding changes in the rate structure. The Board may also choose to hold a public hearing on other topics as necessary or appropriate.

12.2 Location

Although the Board will generally hold its public hearings in the REO Depot, 1201 S. Washington Ave., Lansing, Michigan 48910, the Board may conduct public hearings at such places that it determines will best serve the public interest.

12.3 Notice

Notice of the hearing will be placed in at least one (1) newspaper of general circulation in the Lansing, Michigan area, no less than fourteen (14) days before the public hearing. The notice shall state the date, time, place and subject of the hearing. Notice shall also be posted electronically on the **LBWL**'s website.

12.4 Quorum

A quorum of the Board shall be necessary to conduct a public hearing.

12.5 Ex Parte Communications

No Member shall engage in ex parte conversations about the topics of the public hearing, either before or after the hearing, until the full Board takes action on the topic.

12.6 **Open Meetings**

Public hearings shall be open to the public, in accordance with the Open Meetings Act.

12.7 **Public Comment**

Individuals and organizations are invited to comment on the topic of the public hearing, either orally or in writing. Written comments should be addressed to the **Corporate** Secretary and should be presented on or before the date of the hearing. Oral comments shall be presented at the public hearing. The Chair**person** may set reasonable limits on the length of oral presentations. Comments or conduct that disrupt the orderly conduct of meetings or hearings shall not be permitted.

12.8 **Transcript**

A transcript or recording of the hearing shall be **permanently maintained unless otherwise set forth in the BWL's approved Record Retention and Disposal Schedule** ~~made and kept for no less than three (3) years.~~

12.9 **Public Hearing on Rates**

In the case of a rate hearing, the Board may hold a separate meeting or meetings after the rate hearing to discuss the proposed changes to the rate structure and vote on the proposed changes. If the Board's discussions after the rate hearing indicate that it intends to raise any customer's rate higher than proposed during the public hearing, the Board shall hold an additional public hearing on the proposed higher rate in accordance with this section before voting on the rates. The Board is not required to hold any additional hearings in order to approve a rate lower than the rate proposed at the public hearing.

12.10 **Resolution Action**

If the Board acts on the topic discussed at the public hearing, it shall do so at a public meeting and shall approve a written resolution describing its action.

13 MEMBERS OF THE BOARD

13.1 **Attendance**

Each Member of the Board shall attend all meetings of the Board in person unless otherwise excused. Each Member must attend at least fifty (50) percent of regular or Special Meetings of the Board and fifty (50) percent of assigned committee meetings during any fiscal year. Failure to do so may

be grounds for removal by the City from the office as a Member of the Board.

13.2 Disqualification to Vote

Any Voting Member of the Board having a direct or indirect financial interest in any matter before the Board, or who may stand to gain or lose financially or otherwise due to action of the Board on any matter, shall indicate such interest to the Board and may be disqualified from voting on such matter as set forth in the Lansing City Charter.

13.3 Ethics

All Board Members are subject to Article 5, Chapter 5 of the Lansing City Charter (Ethics) and the **City of Lansing Ethics Ordinance**.

14 RECONSIDERATION OF ACTION

Any Voting Member may move to reconsider a previous action of the Board. Such motion to reconsider shall be made not later than the next regular Board meeting.

15 MINUTES

15.1 Preparation and Filing

The **Corporate** Secretary shall keep minutes of regular and Special Meetings of the Board and committees and shall file a copy of the Board minutes in the office of the City Clerk as a public record. No official action taken by the Board shall be valid or effective until a copy of the minutes of the meeting at which such action was taken is filed with the City Clerk.

15.2 Corrections

Corrections in the regular or Special Meeting or committee minutes shall be made not later than the next meeting after the meeting to which the minutes refer. The corrected minutes shall show both the original entry and the correction.

15.3 Delivery to Members

The **Corporate** Secretary shall provide each Member of the Board with a copy of the regular or Special Meeting minutes as soon as they are filed with the City Clerk. Corrected minutes shall be available no later than the next subsequent meeting after correction.

15.4 Public Inspection

Proposed minutes will be available for public inspection not more than eight (8) business days after the meeting to which the minutes refer.

Approved minutes will be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. Copies of the minutes will be made available to the public at a reasonable estimated cost for printing or copying. (1976 Public Act 267).

16 CONFIDENTIALITY

16.1 Communications

Members of the Board shall treat all information marked “confidential” or “privileged” accordingly and shall not release such information to unauthorized individuals, unless disclosure is required by law. All such information shall be returned to the **Corporate** Secretary.

16.2 Closed Session

All written and verbal information obtained and/or discussed in Closed Session shall be confidential and never discussed or shared outside of Closed Session, unless otherwise specified by law.

17 CONTRACT LIMITATIONS

The Board shall not have the power to make any contract with or give any official position to any person who is known to be in default to the City.

18 AMENDMENTS

Any Voting Member of the Board may initiate amendments to the Rules of ~~Administrative~~ Procedure by presenting them in writing at any regular meeting. All Members of the Board must be notified of such amendments. **The amendments must be mailed-submitted** at least four (4) days before the amendment is to be voted upon. An affirmative ~~vote from~~ **vote from** a majority of ~~the~~ Voting Members serving shall be required to amend the ~~Rules of p~~**Rules of p**Procedure, after which the proposed revisions shall be forwarded to the City in compliance with **Lansing City** Charter, Section 5-105.8.

19 MISCELLANEOUS

19.1 Parliamentary Procedure

All questions of procedure not covered by these ~~Rules of Procedure~~ **Rules of Procedure** or the **Lansing** City Charter of ~~the City of Lansing~~ shall be governed by the provisions in “Robert’s Rules of Order.”

19.2 News Media Regulations

19.2.1 Members of the news media shall be provided with a table in the Board Room for their use. They shall have made available to them, upon request, a copy of the General Manager's Recommendations and any data accompanying the recommendations not marked “Confidential” ~~at~~ **by**

10:00 a.m. one (1) working day prior to the date of the meeting.

19.2.2 Following the adjournment of a Board meeting, members of the news media may request interviews of Members of the Board.

19.2.3 All policy statements shall be made on behalf of the Board by the Chairperson. See 4.23.

19.3 Vacancy, Resignation, Absence of Elected Officers

19.3.1 In the event the office of Chairperson shall become vacant by death, resignation or otherwise, the Vice Chairperson shall assume the office of Chairperson, and the most immediate Past Chairperson shall assume the office of Vice Chairperson.

19.3.2 In the absence of the Chairperson, Vice Chairperson and Past Chairperson, a Temporary Chairperson shall be elected, who would hold office during the session, until the return or election of the Chairperson, Vice Chairperson or Past Chairperson.

19.4 Freedom of Information Act

It shall be the policy of this Board to follow the provisions of Public Act 442, of 1976, as it may be amended by legislative enactment or judicial decision.

19.5 Resolutions

Any Voting Member of the Board may sponsor a resolution. Any resolution may be co-sponsored by other Voting Members of the Board. A resolution must be submitted for placement on the Agenda as specified under ~~Section Article X 10~~ - Agenda **For Regular Meetings**. The sponsor of a resolution may withdraw the resolution at any time prior to enactment. Consent ~~to withdraw from~~ of the co-sponsors ~~to withdrawal~~ is not required.

19.6 Hiring Consultants

The Board of Commissioners may hire external consultants, such as accountants, but not outside legal counsel. The full Board will meet before a consultant is hired to determine the scope of the issues to be addressed by the consultant, the consultant's budget, and the scope of contact with the Board. One Board Member may be authorized as the primary contact with the consultant. If time constraints preclude a meeting of the full Board to discuss hiring the consultant, the Executive Committee may meet to approve the initial contact with the consultant, but

may not authorize an expenditure of more than **one thousand dollars** (\$1,000) to a consultant without the approval of the full Board. The consultant's work product shall be written and shall be immediately transmitted to all Board Members upon completion of the requested work. All payments to consultants hired by the Board shall be deducted from the Board's budget. Board funds may not be expended to address an issue only applicable to one Member.

**In general, all outside legal counsel must be hired by in-house counsel and in accordance with the Lansing City Charter. However, if a majority of Voting Members of the Board present at a regular or Special Board Meeting, as expressed by a vote of the Members, believe that there could be a conflict of interest between the Board and Management of the BWL, the in-house counsel shall be recused. The Board shall then request that the Lansing City Attorney and/or the City Attorney's Deputies, not including the BWL's in-house counsel, hire outside legal counsel.**

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#### 19.7 Reimbursement of Board Member Expenses

19.7.1 Board Member Travel Expenses: The Board recognizes the value of membership and attendance at conferences, workshops, and ~~meetings~~ **seminars** at the state, regional, and national levels that are appropriate and ~~necessary~~ **useful** to carry out Board of Water and Light business ~~fulfill the Board's role.~~ **As such, the Board therefore** encourages:

1. The attendance of its Members in at least one out-of-state and one in-state conference, **workshop, or** seminar per year.
2. Each newly appointed Member of the Board is encouraged to attend a formal workshop on governance as offered by the American Public Power Association.

Additional travel must be pre-approved by the ~~Executive Committee~~ **Board.**

Travel expenses shall be reimbursed in accordance with the ~~Board~~ **BWL's Travel Expense & Reimbursement Policy.**

19.7.2 Board Member Miscellaneous Expenses: Members of the Board may incur additional business expenses while representing the ~~Board of Water and Light~~ **BWL** in the community. Business expenses such as cell phone, business luncheons, and parking are such examples of legitimate business expenses. Upon filing a claim in the prescribed form, each Member of the Board shall be reimbursed for reasonable and necessary expenses incurred in the discharge of the Board Member's official duties, in accordance with the ~~Board~~ **BWL's Travel & Expense Reimbursement Policy and petty cash fund guidelines.**

The Executive Committee shall review Member expenses on a

quarterly basis.

19.8 Definitions

As used herein, the following terms mean:

**Member:** Any member of the Board, including Voting Members and Non-voting Members.

**Voting Member:** Any Member of the Board appointed pursuant to Lansing City Charter, Section 5-103.2

**Non-voting Member:** Any Member of the Board appointed pursuant to Lansing City Charter, Section 5-103.12.

Adopted by the Board 5/8/79, and amended 8/14/79, 11/14/79, 3/11/80, 11/11/80, 7/14/81, 8/11/81, 7/13/82, 7/26/83, 6/26/84, 3/5/85, 12/18/90, 1/5/91, 3/3/08, and 5/26/15, and 3/22/22.



# Public Employer Contributions to Medical Benefit Plans

Committee of the Whole Meeting

September 13, 2022

# Agenda

- PA 152 of 2011, Employer Caps or 80/20 on Healthcare Cost
- Affordability Requirements of the Patient Protection & Affordability Care Act

# 2011 Public Act 152 - Publicly Funded Health Insurance Contribution Act

- Adopted by the Legislature and signed into law by the Governor as Act 152 of 2011.
- The Act caps the amount a public employer, including municipal utility systems, may pay for employee health care insurance.
- Required public employees to be responsible for a larger portion of their health care cost after September 1, 2012.

# PA 152 Components

- The BWL has three options:
  - Comply with PA 152 and limit expenditures on health care cost based on a schedule of dollars provided in the Act using the Hard Cap as updated annually every April; or
  - Limit expenditures on health care cost based on a 80/20 percentage split, requiring a majority vote; or
  - Exempt itself entirely from the Act & choose some other percentage of Premium sharing, requiring a 2/3 vote.

# Alternatives to PA 152

The Union contract states that effective November 1, 2012 premium sharing for applicable insurance premium for hospital, medical and surgical, and prescription drug insurance plans will be approved and directed by the Board of Commissioners as prescribed by Public Act 152 of 2011.

## Blue Option

Benefit Plan	2023 Annual Rate	2023 PA 152 Hard Cap	Difference	Annual Employer Cost	Employee Per Pay Period Premium		
					Opt Out	20%	Hard Cap
	LBWL Illustrative Rates	As set annually by the State	Amount here represents how much over / under hard cap	@ 80%			
Single	\$6,880.69	\$7,399.47	\$518.78	\$5,504.55	\$186 per month	\$52.93	\$0.00
Employee + 1	\$15,481.71	\$15,474.60	(\$7.11)	\$12,385.37		\$119.09	\$0.00
Family	\$19,266.06	\$20,180.43	\$914.37	\$15,412.85		\$148.20	\$0.00

## Green Option

Benefit Plan	2023 Annual Rate	2023 PA 152 Hard Cap	Difference	Annual Employer Cost	Employee Per Pay Period Premium		
					Opt Out	20%	Hard Cap
	LBWL Illustrative Rate	As set annually by the State	Amount here represents how much under hard cap	@ 80%			
Single	\$5,054.76	\$7,399.47	\$2,344.71	\$4,971.30	\$186 per month	\$38.88	\$0.00
Employee + 1	\$11,014.51	\$15,474.60	\$4,460.09	\$10,916.02		\$84.73	\$0.00
Family	\$13,706.89	\$20,180.43	\$6,473.54	\$13,584.32		\$105.44	\$0.00

PA 152 State Hard Cap Numbers for 2023 finalized and reflected in chart above.

As BWL employees now pay 20% premium sharing, opt out is no longer necessary.

Same as last year, BWL can now comply with PA 152 with a Majority vote of its Board.

Resolution included.

Opt out is shown per pay above, annually an individual who opts out receives \$186 per month or \$2,232 annually

Hard cap is showing as \$0 for Blue Plan as you would aggregate the hard cap.

# 2011 Public Act 152 - Publicly Funded Health Insurance Contribution Act

- BWL no longer needs to opt out of Michigan's 2011 Public Act 152.
- Recommendation to pass the resolution to adopt 80%/20% employer/employee health care cost option as set forth in 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act. Resolution was passed in 2021 for 2022 to adopt 80%/20% cost share.
- Resolution must be passed by a majority vote in order to be considered valid for 2023 plan year prior to January 1, 2023.
- Resolution needs to be passed annually and certified by the Corporate Secretary prior to the upcoming benefit plan year.

# Affordable Care Act

## Affordability Provisions

- Affordability provision for 1/1/2023 in the Act stipulates Health Insurance premiums cannot exceed 9.12% down from 9.61% in 2022 of the employee's income. This chart on the next page shows the maximum safe Premium Sharing while still complying with the Affordable provision of the ACA.
- In 2023, entities must add Cash in Lieu/Opt Out Waiver pay in affordability calculations. Under ACA guidelines, it is required that entities count dollars paid for waivers as a lost cost to employees. Therefore, the Cash in Lieu / Opt Out Waiver amount must be added to any premiums being paid by the employees to calculate affordability.
- Legislation is working to modify affordability in future to consider cost for Family coverage. If legislation is passed, affordability will have to be reviewed based upon updated regulations.

# ACA Affordability

AFFORDABILITY utilizing W-2 SAFE HARBOR-based on hours worked 30-40

-- Using the 1/1/23 BWL Single monthly health care rate of \$421.23 for the Green Plan

--Using the 2023 Affordability percentage of 9.12% of an individual's salary

Lowest Paying Positions	Hourly Salary Rate	Annual Salary	Monthly Salary	Monthly Premium Sharing allowed 9.12% (a)	Monthly Total Opt Out and Single Premium Share (b=c+d)	Maximum Opt out monthly (c)	Monthly Single Premium Sharing Green Plan @ 20% (d)
Construction Mechanic Assistant IT Security System	\$23.85	\$49,608	\$4,134.00	\$377.02	\$270.25	\$186.00	\$84.25
Admin I Payroll & Benefit	\$24.35	\$50,648	\$4,220.67	\$384.92	\$270.25	\$186.00	\$84.25
Coord Real Property	\$25.19	\$52,395	\$4,366.27	\$398.20	\$270.25	\$186.00	\$84.25
Analyst I	\$25.24	\$52,499	\$4,374.93	\$398.99	\$270.25	\$186.00	\$84.25

@ 40 Hours							
w/o Opt Out	\$5.33	\$11,085	\$923.75	\$84.25	\$84.25	\$0.00	\$84.25
w Opt Out	\$17.10	\$35,559	\$2,963.22	\$270.25	\$270.25	\$186.00	\$84.25

Minimum pay for a 40 hour worker to still be affordable is \$17.10 (with Opt Out)

@ 30 Hours							
w/o Opt Out	\$7.11	\$11,085	\$923.75	\$84.25	\$84.25	\$0.00	\$84.25
w Opt Out	\$22.79	\$35,559	\$2,963.22	\$270.25	\$270.25	\$186.00	\$84.25

Minimum pay for a 30 hour worker to still be affordable is \$22.79 (with Opt Out)

If a <b, then plan is not affordable. This plan passes affordability test.

Minimum hourly wage at 30 hours for affordability is \$22.79.

In 2021, 30 hour minimum was \$23.26 and 40 hour minimum was \$17.45.

Thank you



Proposed Resolution  
PA 152 Health Care Premium Sharing

WHEREAS, Governor Rick Snyder, on September 27, 2011, signed legislation known as the “Public Funded Health Insurance Contribution Act”, Public Act 152 of 2011 (the “Act”) limiting the amount public employers may pay for government employee medical benefits, and;

WHEREAS, the Act took effect January 1, 2012 and applies to all public employers including the Lansing Board of Water & Light, and;

WHEREAS, the Act contains three options for complying with the requirements of the Act;

WHEREAS, the three options are as follows:

- 1) Section 3 - “Hard Caps” Option - limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;
- 2) Section 4 - “80%/20%” Option - limits a public employer’s share of total annual health care costs to not more than 80%. This option requires an annual majority vote of the governing body;
- 3) Section 8 - “Exemption” Option - a local unit of government, as defined in the Act, may exempt itself from the requirements of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the Board of Commissioners desires to maintain premium sharing at 20% for all active employees for medical benefits effective January 1, 2023 through December 31, 2023;

RESOLVE that the Board of Commissioners by a majority vote has decided to adopt the 80%/20% option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Lansing Board of Water & Light elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the 80%/20% option for the medical benefit plan coverage year January 1, 2023 through December 31, 2023.

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**Motion** by Commissioner \_\_\_\_\_, **Seconded** by Commissioner \_\_\_\_\_, to approve the PA 152 Health Care Premium Sharing Resolution.

**Roll Call Vote:**

**Yeas:** Commissioners

**Nays:**

**Action:** Motion

Proposed Resolution  
Commissioner Questions Pertaining to Environmental Matters

WHEREAS, the Board of Commissioners of the Lansing Board of Water & Light (BWL) desire to establish a process when they have received questions from the public or have their own questions pertaining to environmental matters at the BWL that they would like the General Manager or staff to have time to prepare for in advance of presenting responses at a Board or Committee meeting.

NOW THEREFORE BE IT RESOLVED, when Commissioners have received questions from the public or have their own questions pertaining to environmental matters at the BWL that they would like the General Manager or staff to have time to prepare for in advance of presenting responses at a Board or Committee meeting, the Commissioner(s) shall submit the question(s) directly to the General Manager and the Corporate Secretary. The questions should be submitted with sufficient time for review and analysis by the General Manager and sufficient time for the questions to be included in the meeting packet prepared by the Corporate Secretary so that they can be addressed under the "other" portion of the meeting agenda. This does not preclude Commissioners from asking any question they deem necessary or appropriate at a meeting but is instead intended to provide advance notice to all Commissioners of such questions that have been presented in advance of a meeting.

Motion by Commissioner \_\_\_\_\_, Seconded by Commissioner \_\_\_\_\_ to approve the Resolution for Commissioner Questions Pertaining to Environmental Matters at a Board meeting held on September \_\_\_\_, 2022.