



**LANSING BOARD OF WATER AND LIGHT  
BOARD OF COMMISSIONERS  
SPECIAL BOARD MEETING MINUTES  
April 11, 2023**

The Board of Commissioners met at the BWL Headquarters-REO Town Depot located at 1201 S. Washington Ave., Lansing, MI, at 4:00 p.m. on Tuesday, April 11, 2023.

Chairperson Semone James called the meeting to order at 4:01 p.m.

The Corporate Secretary called the roll.

Present: Commissioners Semone James, Beth Graham, Dusty Horwitt, DeShon Leek, David Price, Tracy Thomas, and Sandra Zerkle. Non-Voting Commissioners present: Larry Merrill (Delta Township), and Maggie Sanders (Lansing Township).

Absent: Commissioner Tony Mullen, and Non-Voting Commissioner Douglas Jester (East Lansing),

The Corporate Secretary declared a quorum.

**PUBLIC COMMENT**

There were no public comments.

**MEETING PURPOSE:**

Chairperson James stated that the purpose of this Special Board meeting is to discuss an attorney-client communication/memorandum provided from the BWL General Counsel and discussion of such content is most appropriate in closed session. Discussion concerning this communication/memorandum is permitted to occur in closed session as allowed by the Open Meetings Act, specifically MCL 15.268 (h).

**Motion** by Commissioner Sandra Zerkle, **Seconded** by Commissioner Tracy Thomas, to go into closed session for the purpose of reviewing the contents of the attorney-client communication/memorandum as permitted by the Open Meetings Act, MCL 15.268(h).

**Roll Call Vote:**

**Yeas:** Commissioners Semone James, Beth Graham, Dusty Horwitt, DeShon Leek, David Price, Tracy Thomas, and Sandra Zerkle.

**Nays:** None.

**Action:** Motion Carried.

Chairperson Semone James declared a quorum to go into Closed Session, welcomed Non-Voting Commissioners to join the Closed Session, and asked General Counsel Mark Matus, Executive Director of Human Resources Michael Flowers, Lansing City Attorney Jim Smiertka, and Deputy City Attorney Lisa Hagen-Lawrence to join the Closed Session.

*The Special Board Meeting went into closed session at 4:03 p.m.*

**Motion** by Commissioner David Price, **Seconded** by Commissioner Sandra Zerkle, to return to open session.

**Roll Call Vote:**

**Yeas:** Commissioners Semone James, Beth Graham, Dusty Horwitt, DeShon Leek, David Price, Tracy Thomas, and Sandra Zerkle.

**Nays:** None.

**Action:** Motion Carried.

*The Special Board Meeting reconvened to open session at 4:50 p.m.*

**Motion** by Commissioner David Price, **Seconded** by Commissioner Tracy Thomas to amend the agenda to include the Resolution 2023-00-00 for authorization of Management to negotiate and execute a Severance Agreement and Release of Claims by resignation, with Internal Auditor Frank Macciocca.

**Roll Call Vote:**

**Yeas:** Commissioners Semone James, Beth Graham, Dusty Horwitt, DeShon Leek, David Price, Tracy Thomas, and Sandra Zerkle.

**Nays:** None.

**Action:** Motion Carried.

**RESOLUTION #2023-04-01**

**Authorization of Management to Negotiate and Execute  
Severance Agreement and Release of Claims**

WHEREAS, the Board of Commissioners convened for a Special Board meeting on April 11, 2023, to consider written legal advice from BWL General Counsel and outside counsel regarding a personnel matter in closed session;

RESOLVED, that being fully apprised in the premises, Management is hereby authorized to negotiate and execute a Severance Agreement and Release of Claims, by resignation, with Internal Auditor Frank Macciocca.

**Motion** by Commissioner David Price, **Seconded** by Commissioner Dusty Horwitt, to approve the Resolution for Authorization of Management to Negotiate and Execute a Severance Agreement and Release of Claims at a Special Board meeting held on April 11, 2023.

**Action:** Motion Carried.

## COMMISSIONERS' REMARKS/COMMENTS

There were no Commissioner remarks.

## PUBLIC COMMENT

There were no public comments.

## EXCUSED ABSENCE

**Motion** by Commissioner Beth Graham, **Seconded** by Commissioner Dusty Horwitt, to excuse Commissioners Tony Mullen and Douglas Jester from tonight's meeting.

**Action:** Motion Carried.

## ADJOURNMENT

Chairperson James adjourned the meeting at 4:56 p.m.

Preliminary Minutes filed (electronically) with the Lansing City Clerk 04-14-23

Approved by the Board of Commissioners: 05-23-23

Official Minutes filed (electronically) with the Lansing City Clerk 05-31-23