



KENT COUNTY BOARD OF PUBLIC WORKS

December 17, 2018

8:30 AM

**Earl G. Woodworth Building
Meeting Room Chambers
1500 Scribner Avenue NW
Grand Rapids, MI 49504**

MEMBERS PRESENT: Commissioner Vonk, Janes, Skaggs, Bulkowski

MEMBERS ABSENT: Commissioner Yonker, Brieve, Koorndyk

OTHERS PRESENT: Darwin Baas, Director; Kimberly Williams, Finance Division Director; Alisha Barber, Office Manager; Paul Smith, WTE Operations Manager; Craig Paull Assistant Corporate Counsel; Tim Lundgren, Varnum Law

I. Call to Order

Chairman Vonk called the meeting to order at 8:30 a.m.

II. Review and Approval of Minutes

Motion

It was moved by Commissioner Janes and seconded by Commissioner Bulkowski to approve the November 1, 2018 minutes.

Motion carried unanimously.

III. Waste to Energy – Closed Session for Purposes of Discussing Litigation Settlement with Consumers Energy

Motion

It was moved by Commissioner Skaggs and seconded by Commissioner Bulkowski to meet in closed session under Section 8(e) of the Open Meetings Act to consult with our attorney about strategy regarding our litigation with Consumers Energy over rates for electricity we generate.

Roll call vote, time in at 8:31 am.

YEAS: Commissioners Vonk, Skaggs, Bulkowski, Janes

ABSENT: Commissioners Brieve, Koorndyk, Yonker

NAYS: None

Motion

It was moved by Commissioner Skaggs and seconded by Commissioner Janes to leave closed session and resume open session.

Roll call vote, time out at 9:29 am.

YEAS: Commissioners Vonk, Skaggs, Bulkowski, Janes

ABSENT: Commissioners Brieve, Koorndyk, Yonker

NAYS: None

- A. Consumers Energy Litigation Settlement - AR
Director Baas reviewed the Consumers Energy Settlement Action Request (AR). The Kent County DPW is a member of the Independent Power Producers Coalition (IPPC). There is pending litigation over the 'cost avoidance' calculations used in electrical rate setting in Michigan Public Service Commission (MPSC) Case U-18090 and the pending appeal to the Federal Energy Regulatory Commission (FERC). DPW is participating in settlement negotiations with Consumers Energy relating to electrical revenue payments which payments impact the Waste-to-Energy (WTE). The request authorizes the Director and Public Works Board Chair or designee to negotiate and execute a settlement of pending litigation with Consumers Energy based on the Board of Public Works strategy as discussed.

Motion

It was moved by Commissioner Skaggs and seconded by Commissioner Janes to authorize the Director and Public Works Board Chair or designee to negotiate and execute a settlement with Consumers Energy based on the Board of the Public Works strategy as discussed.

Motion carried unanimously.

IV. Public Comment

None.

V. Miscellaneous

None.

VI. Adjournment

The meeting was adjourned at 9:32 a.m.