

## WORK SESSION MINUTES – WEDNESDAY, SEPTEMBER 23, 2025

STATE OF KANSAS            )  
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CITY OF KANSAS CITY    )

The Board of Public Utilities of Kansas City, Kansas (aka BPU, We, Us, Our) met in Work Session on Tuesday, September 23, 2025 at 6:00 PM. The following Board Members were present: David Haley, President; Rose Mulvany Henry, Vice President; Brett Parker, Secretary; Stevie A. Wakes Sr., and Thomas Groneman. Mary Gonzales did not attend.

Also present: Jeremy Ash, General Manager; Angela Lawson, Acting Chief Counsel; Leigh Mulholland, Chief Compliance Officer; Abbey Frye, Chief Administrative Officer; Jerry Sullivan, Chief Information Officer; Jerin Purtee, Interim Chief Operating Officer; Steve Green, Executive Director Water Operations; Doug Bowen, Direct Elect Prod Ops/Maint; Dennis Dumovich, Director of Human Resources; and Rob Kamp, IT Project Manager.

A video of this meeting is on file at the Board of Public Utilities and can be found on the BPU website, [www.bpu.com](http://www.bpu.com).

Mr. Haley called the meeting to order at 6:00 PM.

Roll call was taken and all Board members were present except Ms. Gonzales.

### **Item #3 –Approval of Amended Agenda**

A motion was made to approve the Amended Agenda, by Mr. Groneman, seconded by Mr. Parker.

Mr. Haley made a point of information that item six, Ethics Discussion, had been added to the agenda and asked if it could be moved to an Executive Session.

Ms. Angela Lawson, Acting Chief Counsel, clarified that discussion regarding elected personnel would not meet the criteria of the statute to go into Executive Session and said she could provide the citation reflecting that.

Mr. Parker asked if taking the matter into an Executive Session would violate the Open Meetings Act and Ms. Lawson confirmed that was correct.

Mr. Parker noted point of order to clarify the motion that would be voted on.

A substitute motion was made by Mr. Haley to approve the amended Work Session agenda as presented, with the exception of item six for the Ethics Discussion that had been added,

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that as it was pertaining to a personnel matter, it should be held in Executive Session with not just Board members, but all relevant members, in addition the General Manager, legal counsel, and newly retained ethics administrator.

Ms. Lawson reiterated, that to conduct the ethics discussion in an Executive Session would be a violation of the Kansas Open Meetings Act.

Ms. Mulvany Henry provided the statute number, subpart B 75-4319, sub paragraph 1. Ms. Lawson confirmed, and explained that justifications for recess to closed or executive meetings when discussing personnel only include matters of non-elected personnel.

Mr. Parker asked if there was a later exception in the statute that would include elected personnel and Ms. Lawson confirmed there was not.

Mr. Haley withdrew his motion and said to move forward with approving the original motion to approve the amended agenda as presented. Roll call was taken:

Parker – Yes

Groneman – Yes

Haley – Pass

Wakes – Yes

Mulvany Henry – Yes

The motion carried.

### **Item #4 – Board Update/GM Update**

Mr. Parker asked for permission to attend the Future Forward Conference in Topeka on October 8<sup>th</sup> and 9<sup>th</sup>.

Ms. Mulvany Henry made a motion to approve Mr. Parker's request to attend the Future Forward Conference in Topeka, seconded by Mr. Haley, and unanimously carried.

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### **Item #5 – Quindaro Project Update**

Ms. Leigh Mulholland, Chief Compliance Officer, provided the Board with a high-level update regarding the status of the Quindaro Project. She gave an overview of the timeline and shared that phase two was completed last week, which included soil and groundwater testing. They expected the results the following week. She said BPU would continue to work with Power Transitions and any other necessary agency pending the sample results.

She explained items discovered during the initial due diligence phase and how they were addressing those items. She said staff would work with Power Transitions to finalize a remediation agreement. She noted that Power Transitions had decided to participate in the ERAS (Expedited Resource Adequacy Study) process and would apply to Southwest Power Pool where they would be at the front of the queue to build new generation on site.

Ms. Mulholland and Mr. Ash said they would continue to update the Board with the progress and responded to questions and comments from the Board.

Ms. Mulvany Henry suggested more education be communicated to the public surrounding this project. Ms. Mulholland advised she would pass that onto Ms. Amber Oetting, Director Communications & Marketing.

Ms. Mulholland and Ms. Lawson said they did not foresee any future hurdles that would delay the project.

### **Item #6 – Ethics Discussion**

Ms. Misty Brown, Interim Ethics Administrator, explained the two different conduits that occur when a question of ethics arises.

Ms. Brown referenced a communication she had sent to the Board regarding a question whether an elected official had committed a potential ethics violation. She specifically referenced Section 115 of the Ethics Policy; which was the misuse of public office, and which required an intentional misuse of office. Section 115 prohibits intentionally using the prestige of their office for the private gain of oneself or another. Ms. Brown explained that the meeting today was for the Board to discuss and determine if the policy had been violated. She confirmed an advisory opinion had been completed and sent to all Board members for review.

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Ms. Brown explained that a question was presented during open enrollment for benefits and as a result of that she conducted interviews with former and current staff as well as the elected official involved. An email search was completed by IT and documents were reviewed and discussed with the elected official involved. She stated there didn't seem to be a dispute that it occurred but rather the intent. She reviewed the policy and definitions in place now and confirmed they were the same definitions that were in place in the past and discussed open enrollment procedures.

Mr. Groneman noted that a separate matter was the length of time it took to discover the lack of documentation.

Mr. Parker clarified it was not a clerical error but stated the form was filled out by the elected official to receive the benefit.

Ms. Lawson referred to the code and stated; any elected official found by the BPU Board of Directors to have violated the provisions in the Ethics Policy may be subject to action as determined by majority vote of the BPU Board of Directors in accordance with this provision of the policy. She explained what could be discussed in an open versus closed meeting and said that the Ethics Policy referred to findings, rather than negotiations.

Mr. Haley spoke about the matter and said he was the elected official in question. He said that during the application process, he met with Mr. Bill Johnson, prior General Manager, and Ms. Andrea Cunningham, prior Benefits Specialist, and told them he was not legally married to a friend and said that he was told it was okay by Mr. Johnson. He said during that interview process, on December 29<sup>th</sup>, he was told by Ms. Cunningham to list his significant other in the spouse section and was under the impression he had the authority and

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permission to do so. He added that he could not locate any email requesting additional documentation regarding this matter.

Mr. Dennis Dumovich, Director Human Resources, said he participated in the original enrollment meeting with Mr. Haley where he was asked to provide documentation to prove relationship status of the person(s) listed under his benefit. He said he had recalled verbally reminding Mr. Haley to provide those documents prior to a Board meeting in late January or early February. He said Ms. Cunningham left BPU later that year having not obtained the supporting documentation. Mr. Dumovich confirmed BPU would accept an affidavit of common law marriage.

Ms. Brown explained that per Ms. Cunningham, she was very clear that she never gave Senator Haley approval to list his domestic partner as a spouse. Ms. Brown said that when she followed up with Mr. Haley, he indicated the primary discussion was with Mr. Johnson. She did interview Mr. Johnson and said he was very vehement in his denial that he gave any permission to do so. She also clarified that she asked Ms. Cunningham if she would have sent any follow up emails if documents were missing and she said she would have. Ms. Brown said a search was completed to see if any follow up emails were available and none were found. Her interview with Mr. Dumovich also confirmed his verbal reminder to Mr. Haley prior to a Board meeting requesting the documentation.

Mr. Haley brought a copy of his original enrollment application and said he didn't check married or single under marital status. He said he explained that he was listing the spouse, though unmarried, as a domestic partner and that he received clarity from talking with Mr. Johnson, and subsequent to that, he said it was fine. Mr. Haley said he explained to BPU personnel why he left the "marital status" box unchecked.

Mr. Parker said that the Board had a narrow scope of work and that was to determine whether or not the policy was violated based on the evidence presented. He said there appeared to be more evidence saying the special permission did not happen because it was independently accounted for by several people, some of which specialize in the enrollment process.

Ms. Mulvany Henry made note that when she completed the enrollment application, she spoke with Human Resources, not the General Manager, as that was their specialty.

Mr. Haley said there was full disclosure that he was not legally married.

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Ms. Mulvany Henry read the language of 115 subparagraph A; an elected official, official or employee shall not intentionally use the prestige of his or her office for his or her own private gain or that of another, except as may be permitted under this Ethics Policy. She reiterated that the narrow scope of the Board was to determine if the Ethics Policy was violated. She added that in the context of the opinion they had received, Mr. Haley knew at the time he was not married to his significant other, so intentionally used his office to gain this benefit for another.

Mr. Parker clarified that Mr. Haley said he got special permission from the General Manager to get a benefit not available to 500 other employees.

Ms. Mulvany Henry stated again, this was to decide if it was done intentionally. Mr. Haley said it was intentional but that everyone who was part of the process was made well aware.

Mr. Parker said in order to believe Mr. Haley's credibility, he would have to undermine the credibility of at least three other people, referring to Mr. Dumovich, Ms. Cunningham, and Mr. Johnson.

Mr. Wakes mentioned concern regarding how long this went on and referenced the reputation of the Board and the Utility.

Mr. Groneman confirmed with Mr. Haley that he willfully did not check the box 'Single', under marital status.

A motion was made to find Board Member Haley in violation of the cited Ethics Policy from the report, by Mr. Parker, seconded by Ms. Mulvany Henry.

Ms. Lawson clarified that was section 115.

Mr. Parker shared how he reached his decision and said the Board had a duty make a finding and move forward with any actions that are appropriate.

Mr. Haley said he had affirmation prior to submitting his application, said he did not recall any efforts to get additional documentation from him, and stood by his reputation. He recused himself from the vote and said he would excuse himself from the room prior to the vote being called.

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There was further discussion amongst the Board regarding the process and matter in question. Mr. Haley left the meeting at 7:37 PM.

Roll call was taken:

Parker – Yes

Groneman – Yes

Wakes – Yes

Mulvany Henry – Yes

The motion carried.

Ms. Mulvany Henry said the majority of the Board found Senator Haley in violation of the Ethics Policy and the Board discussed actions that could be taken next.

A motion was made to censure Mr. Haley for violation of the Ethics Policy, by Mr. Parker, seconded by Mr. Groneman. Roll call was taken:

Parker – Yes

Groneman – Yes

Wakes – Yes

Mulvany Henry – Yes

The motion carried.

There was additional discussion regarding next steps and removing Mr. Haley from the Presidency. A question was asked about how to fill a potential vacant position and Ms. Lawson recommended that if there was a vacant position that it should be done by vote and no later than October 1<sup>st</sup>, at the next Regular session meeting.

Mr. Haley returned to the meeting at 7:53 PM.

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A motion was made to remove Mr. Haley from office of President effective today, by Mr. Parker, seconded by Ms. Mulvany Henry.

There was further discussion prior to the vote.

Roll call was taken:

Parker – Yes

Groneman – Yes

Wakes – Yes

Mulvany Henry – Yes

Mr. Haley clarified he only recused himself from the censure motion. Ms. Lawson called his name.

Haley – Pass

The motion carried.

Prior to a nomination for Board President, Ms. Mulvany Henry and Mr. Parker made note that they did not want to be considered for the role.

A motion was made to appoint Mr. Groneman as Board President, by Mr. Haley, seconded by Ms. Mulvany Henry. There was discussion prior to the vote.

Roll call was taken:

Parker – Yes

Groneman – Pass

Haley – Yes

Wakes – Yes



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Mulvany Henry – Yes

The motion carried.

The Board asked questions about recovering the funds expended on the health insurance claims and Ms. Lawson explained that the discussion could be had in an executive session. At the request of the Board Ms. Lawson proposed the motion for adoption as follows:

“I move that after taking a two minute break Board members Parker, Groneman, Wakes, and Mulvany Henry go into Executive Session in the first floor conference room until 8:17 PM to consult with our attorney and to discuss, under the attorney-client privilege, confidential matters related to potential claims and or litigation is permitted under Kansas Open Meetings Act, and that the General Manger, Jeremy Ash, our attorney Angela Lawson, and staff member Dennis Dumovich be present to participate in the discussion and that we reconvene in Open session at 8:17 PM in the conference room located on the first floor.”

Clarification was made as to why Board Member Haley could not participate in the Executive Session.

The motion was moved by Mr. Parker, seconded by Ms. Mulvany Henry.

Roll call was taken:

Parker – Yes

Groneman – Yes

Haley – No

Wakes – Yes

Mulvany Henry – Yes

The motion carried. There would be a two-minute break before moving into Executive Session.

At 8:17 PM the meeting returned to Open Session.

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A motion was made to extend the Executive Session to from 8:17PM to 8:30 PM, by Ms. Mulvany Henry, seconded by Mr. Parker.

Rollcall was taken:

Parker – Yes

Groneman – Yes

Wakes – Yes

Mulvany Henry – Yes

The motion carried to return to Executive Session.

At 8:30 PM the meeting returned to Open Session. Mr. Haley was not present.

A motion was made by the Board directing Acting Chief Counsel to continue to pursue collection efforts of the monies that were expended as a result of the issue discussed this evening, by Ms. Mulvany Henry, seconded by Mr. Wakes.

Roll call was taken:

Parker – Yes

Groneman – Yes

Wakes – Yes

Mulvany Henry – Yes

The motion carried.

**Item #7 – Adjourn**

A motion was made to adjourn the Work Session at 8:31 PM, by Ms. Mulvany

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Henry, seconded by Mr. Wakes.

Roll call was taken:

Parker – Yes

Groneman – Yes

Wakes – Yes

Mulvany Henry – Yes

The motion carried and the meeting was adjourned.

ATTEST:

  
Secretary

APPROVED:

  
President