

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS  
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM  
February 8, 2023**

A regular bi-monthly meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, February 8, 2023, at 11:30 a.m., at 3600 First Avenue North, Birmingham, Alabama.

The following Directors were present: Lucien B. Blankenship, William “Butch” Burbage, Jr., Thomas E. Henderson, Tereshia Q. Huffman, Ronald A. Mims, George Munchus, Carl Dalton NeSmith, Mashonda Taylor and Raymond “Larry” Ward.

Others present were: Michael Johnson, General Manager; Iris Fisher, Derrick Murphy and Jeffrey Thompson, Assistant General Managers; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Vanessa Washington, Executive Assistant; Colandus Mason, Rick Jackson, Rosalind Jones, Jeremy Ervin, Barry Williams, Shirley Russell, Geraldine Sanders, Jeff Wade, Charles McGee and David Walker, Board Employees; K. Mark Parnell, Parnell Thompson Law, LLC; Byron Perkins, Perkins Law, LLC; Kelvin Howard, Kelvin W. Howard, LLC; Tiffanie Agee, Agee Law, LLC.; Olivia Martin, Attorney General’s Office; Heather Gann and Roy Johnson, Al.com; Jamekia Bies, Help 2 Others Foundation; Patrick Flannelly, ARCADIS; Matthew Arrington; Terminus Municipal Advisors, LLC.; Michael Bell, Birmingham Construction Authority; Theo Johnson, Jacobs Engineering; Rusty Agi, Itron; Hal Humphrey, Gresham Smith and Partners; William R. Muhammad, Citizens to Save Jefferson County; and Daniel Burrell, Birmingham Promise Program Student.

Inasmuch as all directors were present, Chairwoman Huffman declared a quorum in attendance.

Chairwoman Huffman called the meeting to order at 11:30 a.m., and General Manager Johnson opened the meeting with prayer.

Next, the Board proceeded to approve the agenda. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By the Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Raymond “Larry” Ward and seconded by Ms. Mashonda Taylor, that the Board of Directors hereby approves the Regular Board of Directors’ meeting agenda. Resolution No. 9233 is hereby adopted by unanimous vote.”

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Following, the Board proceeded to the first item on the agenda, Request Board to approve the minutes of the Regular Board of Directors’ meetings held June 22, 2022; September 14, 2022; November 9, 2022; November 30, 2022; and December 14, 2022. Director Burbage inquired as to whether the approval of said minutes would bring the 2022 minutes status to current. Cynthia Williams, Board Administrator, responded yes, except for the December 21, 2022, board minutes.

Director Burbage commented that the board received the email with an explanation on the delay with processing said minutes; however, he wanted to ensure that the minutes were caught up. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED BY The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made Mr. William “Butch” Burbage, Jr., and seconded by Ms. Mashonda Taylor, that the Board hereby approves minutes of the following meetings:

- 1.1 Regular Board of Directors’ Meeting held June 22, 2022
- 1.2 Regular Board of Directors’ Meeting held September 14, 2022
- 1.3 Public Hearing and Regular Board of Directors’ Meeting held November 9, 2022
- 1.4 Regular Board of Directors’ Meeting held November 30, 2022
- 1.5 Regular Board of Directors’ Meeting held December 14, 2022

Resolution No. 9234 is hereby adopted by Directors Burbage, Henderson, Huffman, Mims, Munchus, NeSmith, Taylor, and Ward. Director Blankenship abstained.”

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Next, the Board proceeded to the Committee Reports. Director NeSmith commented that there would be an Engineering and Maintenance Committee Meeting immediately following the board meeting. Afterwards, General Manager Johnson read the Scheduled Meetings as follows:

- An Engineering and Maintenance Committee Meeting – Wednesday, February 8, 2023, at 12:30 p.m., or immediately following the Regular Board of Directors’ Meeting.
- An Executive Committee Meeting – Thursday, February 9, 2023, at 11:30 a.m.
- A Regular Board of Directors’ Meeting – Wednesday, February 22, 2023, at 11:30 a.m.
- A Finance Committee Meeting – Wednesday, February 22, 2023, at 12:30 p.m., or immediately following the Regular Board of Directors’ Meeting.

Following, the Board proceeded to the Reports of Officers. Director Munchus stated that he had questions about certain items on the agenda. Chairwoman Huffman stated that his questions could be asked when said items were addressed. Also, Director Munchus stated that there are only five voting members on the Executive Committee, scheduled for Thursday, February 9, 2023. Director Munchus asked Chairwoman Huffman whether she would consider adding the remaining four directors to allow all nine directors to serve and vote on the Executive Committee. He stated that the Executive Committee creates two classes of directors, as it currently stands. Per Director Munchus, the vote matters not the voice. He would like for all nine directors to have a vote. Chairwoman Huffman stated that the Officers were voted on at the last board meeting; therefore, those Officers and the Committees would remain the same. In addition, Chairwoman Huffman advised Director Munchus that although he may not have a vote on the Executive Committee; he is able to exercise his vote on the issues that are recommended from the Executive Committee to the Board Meeting.

Next, General Manager Johnson stated that Assistant General Manager Fisher would provide an update on collections. He stated that water service disconnections would resume February 15, 2023. Also, the meeting with the Jefferson County Mayors’ Association is being

hosted by Birmingham Water Works on February 15, 2023, at the Birmingham Water Works Cahaba Pump Station. General Manager Johnson stated that the Communications Committee was updated with information on HomeServe and that staff is in the process of working on an agreement with HomeServe for leak adjustments reimbursements. Per General Manager Johnson, the goal is to bring the HomeServe item to the Communications Committee in March 2023. Afterwards, General Manager Johnson acknowledged Assistant General Manager Fisher to present a presentation to the Board entitled *Collection Plan Update (a copy is on file in the Diligent Board Book)*. She began the presentation by acknowledging the team involved in updating the collection plan. Assistant General Manager Fisher stated that the number of delinquent customers and amounts increased from January 2022 to \$14.7 million (\$6.9 million - water; \$7.8 million - sewer) in January 2023. This is the period Birmingham Water Works stopped disconnecting water services due to the billing issues. She discussed the current billing status. Per Assistant General Manager Fisher, the company is fully staffed in meter reading and added an additional staff member in the bill editing department for FY2023. In addition, mass estimation has been discontinued, 99% of the customers are receiving timely bills, and 1,324 customers' accounts are currently being reviewed and will be credited accordingly. Those customers' accounts are locked and will be protected from disconnection while still under review. She stated that all customers' refunds of \$50.00 or more have been processed. In addition, staff is on schedule to start disconnections effective February 15, 2023, due to non-payment.

Following, Assistant General Manager Fisher acknowledged Rick Jackson, Public Relations Manager to provide the Board with information on his role in the communications process. Director Munchus inquired about the customers' accounts being protected from disconnection. Assistant General Manager Fisher responded that all 1,324 customers' accounts that are under review are protected. Afterwards, Mr. Jackson introduced Daniel Burrell, a student in the Birmingham Promise Program. He asked Mr. Burrell, whose interest is in Public Relations, to assist in the update. Mr. Burrell stated that Public Relations updated the company's home page and social media sites regarding the collection plan. A list of frequently asked questions, utility assistance agencies, and installments plan options (*deferrals: 3, 6, 12-month plans; will implement a 24-month payment and 36-month payment*) were added to the Birmingham Water Works' website. He stated inserts were included in the customers' January bill regarding the collection plan in addition to a message in the customers' February bills, regarding the reactivation of the collection process. Per Mr. Burrell, the company resumed sending delinquent customers disconnect bills in February. Mr. Jackson thanked Mr. Burrell for assisting with the update. He commented that Mr. Burrell is a drum major at Huffman High School. Following, Mr. Jackson stated that the goal is to give customers a 45-day notification regarding collections. Director Mims inquired about the longer length plans (24-month payment plan and 36-month payment plan). Assistant General Manager Fisher responded that there were customers identified that needed longer than 12 months to pay. Thus, staff is working with the Project Management Office (PMO) team to implement the 24-month payment plan and the 36-month payment plan. Also, Director Mims asked whether there was a limit on the bill amount for customers needing to establish a payment plan. Per Assistant General Manager Fisher, the plans are based on the customer. Although there are standards, staff will work with the customer based on the situation. She confirmed that the customer's account is protected from disconnection once he/she has arranged a payment plan.

Next, Mr. Rick Jackson stated that frequently asked questions were added to the website to alleviate the strain on the Call Center Department due to a large volume of questions and provide clarity to the customers. Mr. Jackson stated that the following initiatives were implemented to notify customers regarding the collection process: large informative collection poster board was placed in the Payment Center lobby, customers receive an IVR daily message reflecting the collection plan when calling the company's main telephone number, door hangers are delivered to delinquent customers, staff is making 800 calls per week requesting customers to make a payment or payment arrangements, and all delinquent customers are being contacted via the automatic dial messaging system, requesting customers to contact Birmingham Water Works office via telephone to make payments and/or payment arrangements. Other initiatives implemented or in the process of being implemented are sending out press releases, initiating public officials' communication, presenting the information at the City of Birmingham Utilities Committee Meeting, engaging media outlets with a focus on customer's assistance, using 30 second spots on local radio, and creating a collaborative video with the Birmingham Urban League and reaching out to the H2O Foundation. The goal is reach as many customers as possible. Director Munchus expressed concern regarding outreach to senior citizens and low-income customers. Mr. Jackson confirmed that everyone was considered; as a result, the various forms of outreach approaches are being performed. Director Burbage asked whether the County Commissioners had been contacted, which Mr. Jackson answered yes. Director Burbage asked Mr. Jackson to ensure that the County Commissioners are kept up to date on the communications.

Following, Director NeSmith inquired about the number of delinquent customers and the number of delinquent customers' accounts that have been cleared since the process started. Assistant General Manager Fisher responded that approximately 27,000 -28,000 customers are delinquent, and that the number of customers' account cleared fluctuates, because when some of the accounts are cleared, they become replaced by other accounts. Per Assistant General Manager Fisher, in November, the number of delinquent accounts was 28,291, in December; it increased to 29,592 and to-date, the delinquent number is 27,819. Director NeSmith expressed concerns about having enough staff to handle the volume. Then, Director Ward asked whether customers were having a difficult time paying. Assistant General Manager Fisher stated that each customer's situation is different. Director Huffman inquired about the number of customers that have utilized the H2O Foundation and the costs paid out. Assistant General Manager Fisher stated that she has the number of customers helped by the H2O Foundation; however, she does not have the amount paid. She stated that for the entire year of 2022, the H2O Foundation helped 586 customers. Afterwards, Assistant General Manger Fisher explained the new Customer Service hours for the company and the activity from the additional hours added to assist customers. The phone service was extended an additional one-hour effective January 9, 2023; the lobby and drive thru will be open on Saturdays from 8:00 am to 12 noon effective January 14, 2023; and service disconnections due to non-payment will start on February 15, 2023. She stated that Area Field Services are the staff that turn customers' water off or on. They will work Saturday hours to restore the customers' services the same day, as needed. Assistant General Manager Fisher stated that from December 2022 – January 2023, there has been a 30% increase in customers coming in to make payments on their accounts, but not necessarily during the new hours. She stated that 115 payment plans had been added since January 14, 2023. Afterwards, she concluded the presentation. Director Munchus asked whether there was any further consideration of an in-house Customer's Assistance Program. General Manager Johnson answered no.

Next, the Board proceeded to Speakers. Chairwoman Huffman stated that there was only one speaker. She acknowledged Mr. William R. Muhammad, Citizens to Save Jefferson County, as the speaker. Chairwoman Huffman stated that it is reflected that Mr. Muhammad’s topic is regarding the Historically Underutilized Business (HUB) Program. She advised Mr. Muhammad that it was the last time he could speak on said topic, because he spoke on the same topic at the last meeting. Mr. Muhammad stated he was speaking regarding agenda item number five, the guaranteed investment contract (GIC) bidding. He stated that Birmingham Water Works has a Historically Underutilized Business program that is basically implemented related to construction. Per Mr. Muhammad, there are Historically Underutilized Banks, and it was a mistake from a public relations standpoint for Birmingham Water Works to take its money away from the two black owned banks in the city, which is not good corporate citizenship. Per Mr. Muhammad, there needs to be a program to consider black owned banks.

Next, the Board proceeded to the second item on the agenda, Request Board to approve payment of invoice to Hilliard, Smith, & Hunt, LLC., for professional services rendered January 2023 in the amount of \$13,000.00. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Thomas E. Henderson and seconded by Ms. Mashonda Taylor, that the Board hereby authorizes staff to execute payment to Hilliard, Smith & Hunt, LLC., for professional services rendered January 2023 in the amount of \$13,000.00. Resolution No. 9235 is hereby adopted by Directors Blankenship, Burbage, Henderson, Mims, Munchus, NeSmith, Taylor, and Ward. Director Huffman abstained.”

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Following, the Board proceeded to the third item on the agenda, Request Board to approve payment of invoice to Perkins Law, LLC., for professional services rendered January 2023 in the amount of \$18,225.00. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Carl Dalton NeSmith and seconded by Ms. Mashonda Taylor, that the Board hereby authorizes staff to execute payment to Perkins Law, LLC., for professional services rendered January 2023 in the amount of \$18,225.00. Resolution No. 9236 is hereby adopted by unanimous vote.”

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Next, the Board proceeded to the fourth item on the agenda, Request Board to authorize a contribution to the H2O Foundation in the amount of \$100,000.00 on an annual basis; and to authorize the General Manager to make equal payments on a monthly basis in the amount of \$8,333.33, as recommended by the Finance Committee. Director Mims made a substitute motion to change the annual contribution amount from \$100,000.00 to \$150,000.00. As a result, the monthly equal payments would change from \$8,333.33 to \$12,500.00. Director Munchus asked if the annual contribution could be increased to one million dollars. The Board’s Attorney Parnell

responded that there is a limit on the amount Birmingham Water Works can contribute, and that one million dollars is an excessive amount. He stated that there must be a public purpose and a benefit to all rate payers (*instead of a benefit only to the people receiving assistance*). Board Attorney Parnell stated that the \$100,000.00 has been the annual contribution amount since the H2O Foundation was established more than 14 years ago. He stated that the board is legally justified to increase the amount to \$150,000.00; however, any amount higher would need to be analyzed. Director Huffman inquired as to whether the item needed to go back through the Finance Committee. Per Board Attorney Parnell, the Board has discretion on said matter. Afterwards, the Board voted on Director Mims substitute motion. On a motion duly made and seconded, the following resolution was adopted:

**“WHEREAS,** the corporate purpose of The Water Works Board of the City of Birmingham (the “Board”) is to provide water services to its customers; and

**WHEREAS,** the H2O Foundation (the “Foundation”) was established by the Board’s, former General Manager, Michael O. Vann, to provide needed assistance to customers that cannot afford to pay their water bill or to pay to have faulty plumbing repaired; and

**WHEREAS,** the Foundation is a non-profit organization whose purpose is to provide financial and service assistance to such water customers in the Greater Birmingham Metropolitan Statistical Area; and

**WHEREAS,** the Foundation is a separate corporate entity from the Board; and

**WHEREAS,** the Foundation receives funds to assist water customers from a variety of sources; and,

**WHEREAS,** the Board finds that the services the Foundation provides to water customers provides the Board with a corporate benefit by, among other things, assisting customers in repairing faulty plumbing that in turn will assist in reducing customers with delinquent accounts; and

**WHEREAS,** the Board desires to make a financial contribution to the Foundation; and

**WHEREAS,** the Board desires to further support the Foundation by allowing its employees to assist the Foundation with fulfilling the Foundation’s services to assist water customers.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of The Water Works Board of the City of Birmingham, on a motion duly made by Mr. Ronald A. Mims and seconded by Dr. George Munchus, as follows:

1. The Board hereby authorizes a contribution to the Foundation in the amount of \$150,000.00 on an annual basis and authorizes the General Manager to make equal payments on a monthly basis in the amount of \$12,500.00.

2. The General Manager is authorized to allow employees of the Board to assist the Foundation with fulfilling the Foundation’s services to assist water customers.

Resolution No. 9237 is hereby adopted by unanimous vote.”

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Following, the Board proceeded to the fifth item on the agenda, Request Board to approve an agreement with Municipal Government Investors Corp., (mGIC) to bid the following: Uninvested Debt Service Fund (“DSF”) monthly cash flows pertaining to debt issued subsequent to the closing of the Wells Fargo GIC and had an average balance of approximately \$12,000,000.00 on 12/31/2022; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement and execute all documents necessary to complete the transaction, as recommended by the Finance Committee. General Manager Johnson stated that there are not many firms that do guaranteed investment contracts. He stated that mGIC has worked for the Board over 15 years and the Board has had significant returns on guaranteed investment contracts. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Raymond “Larry” Ward and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves an agreement with Municipal Government Investors Corp., (mGIC) to bid the following: Uninvested Debt Service Fund (“DSF”) monthly cash flows pertaining to debt issued subsequent to the closing of the Wells Fargo GIC and had an average balance of approximately \$12,000,000.00 on 12/31/2022; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement and execute all documents necessary to complete the transaction, as recommended by the Finance Committee. Resolution No. 9238 is hereby adopted by unanimous vote.”

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Next, the Board proceeded to the sixth item on the agenda, Request Board to approve an agreement with American Municipal Tax-Exempt Compliance (AMTEC), in an amount not-to-exceed \$11,500.00 to provide verification agent services related to the bid of the following: Uninvested Debt Service Fund (“DSF”) monthly cash flows pertaining to debt issued subsequent to the closing of the Wells Fargo GIC and had an average balance of approximately \$12,000,000.00 on 12/31/2022; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Finance Committee. Director Munchus asked whether AMTEC was the only provider of said services. General Manager Johnson stated that there are other firms that provide the services; however, AMTEC charges Birmingham Water Works a great price. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Raymond “Larry” Ward and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves an agreement with American Municipal Tax-Exempt Compliance (AMTEC), in an amount not-to-exceed \$11,500.00 to provide verification agent services related to the bid of the following: Uninvested Debt Service Fund (“DSF”) monthly cash flows pertaining to debt issued subsequent to the closing of the Wells Fargo GIC and had an average balance of approximately \$12,000,000.00 on 12/31/2022; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the

Finance Committee. Resolution No. 9239 is hereby adopted by unanimous vote.”

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Following, the Board proceeded to the seventh item on the agenda, Request Board to approve an agreement with Butler Snow LLC., in an amount not-to-exceed \$15,000.00 to provide legal services related to the bid of the following: Uninvested Debt Service Fund (“DSF”) monthly cash flows pertaining to debt issued subsequent to the closing of the Wells Fargo GIC and had an average balance of approximately \$12,000,000.00 on 12/31/2022; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Finance Committee. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Raymond “Larry” Ward and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves an agreement with Butler Snow LLC., in an amount not-to-exceed \$15,000.00 to provide legal services related to the bid of the following: Uninvested Debt Service Fund (“DSF”) monthly cash flows pertaining to debt issued subsequent to the closing of the Wells Fargo GIC and had an average balance of approximately \$12,000,000.00 on 12/31/2022; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Finance Committee. Resolution No. 9240 is hereby adopted by unanimous vote.”

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Next, the Board proceeded to the eighth item on the agenda, Request Board to approve the allocation of \$10,000.00 from funds budgeted for its Community Educational Program in support of the Afternoon Tea, promoting clean water awareness, environmental preservation, workforce development and social protocol education hosted by Representative Rolanda Hollis on behalf of Salute Selma that will have a beneficial impact on the Water Work’s Board’s service area, as it works to carry out its Corporate Purpose; and to authorize the General Manager to take such steps as is necessary to sponsor the Afternoon Tea, as recommended by the Finance Committee. Director Henderson inquired about the location of the event and the schools that would be participating. Per Mr. Jackson, the event will be held at Huffman High School. He stated the students are being taught etiquette and Birmingham Water Works’ role is to discuss the necessity of water. The three schools participating in the event are Huffman High School, Shades Valley High School, and CenterPoint High School. Director Blankenship inquired about the amount for Board approval. General Manager Johnson stated that the program is set-up for the dollar amount to come before the Board for approval regardless of the amount. Director Blankenship requested a copy of the policy stating the method, in which, the program’s funds should be administered. Per General Manager Johnson, there is a resolution that governs the program’s operations. On a motion duly made and seconded, the following resolution was adopted:

“**WHEREAS**, pursuant to Resolution No. 8908, The Water Works Board of the City of Birmingham has established its Community Educational Program (the “Program”); and,

**WHEREAS**, pursuant to the Program, the Water Works Board may participate in events and functions if the Water Works Board’s participation: protects its water sources and its



consuming public; obtains optimum utility management, improves water quality and system reliability; improves reliability of high-quality water; provides educational, scientific and technological information about the Water Works Board to its consuming public; ensures access to and the wise use of water resources and the protection of the environment; and engages in such activities that are beneficial to the entire water system and that are otherwise necessary, appropriate and consistent with the Water Works Board's corporate powers (all of which is hereinafter referred to as "Corporate Purposes"); and,

**WHEREAS**, under the Program, the Water Works Board has identified non-ratepayer funding that may be used for funding the Program (the "Funds"); and,

**WHEREAS**, the Water Works Board has identified an educational and a workforce development opportunity for up to 1,200 water customers; and,

**WHEREAS**, said opportunity would be in conjunction with a program to be held on February 17, 2023, for students and parent of the Huffman, CenterPoint and Shades Valley High School areas (the "Event"); and,

**WHEREAS**, the Event, in part, is being held to promote clean water awareness and focusing on educating students and the community on the importance of preserving water sources; and,

**WHEREAS**, participation in the Event will allow the Water Works Board to expand its *World Without Water School Program*, allow the Water Works Board's Workforce Development Team to introduce students to career paths at the Water Works Board, and allow management of the Water Works Board to present the public with information about the impact the water industry has on everyday life; and,

**WHEREAS**, the Water Works Board desires to enter into a Memorandum of Understanding ("MOU") with Salute Selma, Inc., an Alabama non-profit corporation, that will set forth how the Water Works Board will accomplish its Corporate Purposes and will set forth the amount of Funds the Water Works Board will expend in doing so.

**NOW THEREFORE, BE IT RESOLVED** on a motion made by Mr. William "Butch" Burbage, Jr., and seconded by Mr. Thomas E. Henderson as follows:

1. For the reasons set forth above, it is hereby found and declared that the Water Works Board's participation in the Event will accomplish its Corporate Purposes.
2. The General Manager is authorized and instructed to enter into a MOU, in substantially the form as attached hereto as Exhibit "A", with the Salute Selma, Inc., to accomplish the purposes set forth above.
3. As consideration for the MOU and for participating in the Event, the Water Works Board will contribute non-ratepayer Funds in the sum of \$10,000.00.

Resolution No. 9241 is hereby adopted by unanimous vote.”

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Subsequently, the Board proceeded to the ninth item on the agenda, Request Board to enter Executive Session to discuss with legal counsel legal matters that are appropriate under Ala. Code Section 35-25A-7(a)(3). The Board’s Attorney Parnell certified the purpose of Executive Session for the above-mentioned. He stated there was one pending lawsuit and one security matter to discuss. Board Attorney Parnell indicated that the Executive Session should last approximately thirty minutes and he does not expect any action to be taken after Executive Session. On a motion duly made and seconded the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Ms. Mashonda Taylor and seconded by Mr. Thomas E. Henderson, that the Board hereby approves an Executive Session to discuss with legal counsel legal matters that are appropriate under Ala. Code Section 35-25A-7(a)(3). Resolution No. 9242 is hereby adopted by unanimous vote.”

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The Board entered Executive Session at 12:15 p.m. Director Blankenship left at 12:49 p.m. Following, Director Burbage made a motion for the Board to come out of Executive Session and Director Mims seconded the motion. The Board came out Executive Session at 1:09 p.m.

As there was no further business before the Board, Director Burbage made a motion to adjourn the meeting and Director Mims seconded the motion. On a motion duly made and seconded, the meeting adjourned at 1:09 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
Tereshia Q. Huffman  
Chairwoman

Attest:

\_\_\_\_\_/s/\_\_\_\_\_  
Raymond “Larry” Ward  
Secretary-Treasurer