

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
December 21, 2022**

A regular bi-monthly meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, December 21, 2022, 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, George Munchus, Carl Dalton NeSmith 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, Paul Lloyd, Jeremy Ervin, Jeff Wade, David King and Lawanda Bonner, Board Employees; K. Mark Parnell, Parnell Thompson Law, LLC; Byron Perkins, Perkins Law, LLC; Kelvin Howard, Kelvin W. Howard, LLC; Olivia Martin, Attorney General’s Office; Heather Gann, Al.com; Angela Riley, O2 Ideas; Patrick Flannelly, ARCADIS; Michael Bell, Birmingham Construction Authority; Rusty Agi, Itron; and Kirk Mills, Kimley-Horn.

Inasmuch as seven of the directors were present, Vice Chairman Burbage declared a quorum in attendance.

Vice Chairman Burbage called the meeting to order at 11:30 a.m., and Assistant General Manager Fisher 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. Carl Dalton NeSmith and seconded by Dr. George Munchus, that the Board of Directors hereby approves the Regular Board of Directors’ meeting agenda. Resolution No. 9198 is hereby adopted by unanimous vote.”

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Following, the Board proceeded to the Reports of Officers. Director Munchus stated that there was information he wanted the directors to hear; therefore, he asked Board Attorney Mark Parnell to schedule an Executive Session for January 2023. He instructed Board Attorney Parnell to contact Attorney Clay Ragsdale for a summary of a case he worked on for the Board, which involved a settlement, and to send the information to the directors. Also, Director Munchus asked Board Attorney Parnell to contact Greg Cade for a status update on a litigation case. Afterwards, Director Munchus asked Assistant General Manager Murphy to give an update at a January 2023 board meeting on the automatic meter infrastructure report that he presented at a previously committee meeting.

Next, Assistant General Manager Fisher began the Finance and Administration Division Report. She presented the Operating and Statistical Report as of November 2022. Assistant General Manager Fisher stated that there are 202,867 active customers as of November 2022, which is a growth of 159 customers since October 2022. Also, it is 3,500 additional customers than in 2021 with the majority being residential customers. She highlighted the Assets and Liabilities of the company's Balance Sheet. Per Assistant General Fisher, Birmingham Water Works assets have increased mostly because of accounts receivables. She stated that the Net Operating Revenue is overbudgeted by \$5,751,636.00 year-to-date. This is due to additional customers, increase in consumption, 2021 billing challenges and the unbilled 2022 report; however, the numbers will be trued up once the audit preparation has been completed. Assistant General Manager Fisher discussed the large Operating and Maintenance variances, which consist of power costs, chemical costs, contractor charges, pension expense, salary survey/new positions expense, employee health costs, consulting, travel expense, contributions, and labor. Afterwards, she talked about the Jefferson County Fees. Per Assistant General Manager Fisher, \$14,572,954.00 (7.77% of amount billed) in fees have been received for Jefferson County Collection Agreement year-to-date. She stated that \$187,554,108.00 has been billed for Jefferson County Sewer year-to-date November 2022, and that Birmingham Water Works has collected \$171,909,263.00 for Jefferson County. This leaves an additional amount of \$15,644,845.00 that Birmingham Water Works has billed for Jefferson County Sewer but has not been collected. She indicated that Birmingham Water Works has a 92% collection rate, compared to its usual 98% collection rate, due to billing challenges. Director Munchus inquired about the placement of the \$15,644,845.00 on the company's financial statement, which Assistant General Manager Fisher responded that it would be placed under Account Receivables. Next, she highlighted the Reserve, Pay-Go Investments, Reserve Fund Summary, Pay-Go and Bond Proceeds Cash Flow, HUB Participation, and Employee Information. She listed HomeServe USA Monthly Statistics and concluded the presentation. Director Munchus inquired about slide 14. He asked whether it was a mistake to change the Pay-Go policy and what the results would have been if the company went with a \$4.00 per month increased opposed to the current \$1.55 per month increase. Per Director Munchus, Birmingham Water Works' rate increases are not competitive nor comparable to other utilities. Other utilities are using the RSE model, and their rates are higher. General Manager Johnson replied that various parameters were considered. The budget process involved looking at day to day operations, the capital budget for the year, policies, and procedures. He stated that the policies were adjusted to accommodate the 3.9% rate increase, since it was determined that the company could operate and meet the necessary policy requirements. Director Blankenship commented that the Board should keep the rate increase at 3.9% but determine whether there needs to be a change next year if the environment changes.

Following, Assistant General Manager Fisher began a presentation entitled *Proposed Collection Plan – December 21, 2022 (a copy is on file in the Diligent Board Book)*. She began the presentation with charts displaying the number of delinquent Birmingham Water Works customers' accounts (over 31 days) and the delinquent amounts from 2020 through 2022. Assistant General Manager Fisher gave a summary of the company's current billing status. There is a \$12.3 million increase in delinquent accounts since January 2022. She stated that the meter reading and bill editing department is fully staffed. In addition, mass estimation has been discontinued, 99% of customers are receiving timely bills, customers' credits are posting to their accounts and customers' refunds are being processed and mailed. Per Assistant General Manager Fisher, the

company has returned to normal operations; therefore, service disconnections due to nonpayment will start on February 15, 2023. Director Blankenship requested that information showing the positive things the company is accomplishing be sent to the media, because Birmingham Water Works does a lot of good work that does not get recognized. Director Huffman recommended making sure O2 Ideas is involved. Rick Jackson, Public Relations Manager, stated that a press release has been prepared and the various communications to be distributed to the customers have also been completed. Director Ward asked about the 99% timely billing rate to customers, and whether management was sure about the percentage rate and how the percentage was being determined. Assistant General Manager Fisher stated that the information is generated/pulled from the billing system. In addition, a report is received from the billing team daily. The report lists which items are exceptions to assist staff in addressing issues ahead of time. She stated a huge internal group met to discuss the proposed collection plan. As a result, the team proposed updating Birmingham Water Works home page and social media site, IVR daily message, inserts in January customers' bills, delivering door hangers, making 800 calls per week requesting payment or payment arrangements and contacting 2,000 delinquent customers per week, via automatic dial messaging requesting payment. Mr. Jackson interjected and referenced two handouts given to directors: (1) a press release entitled *Birmingham Water Works To Resume Shutoffs For Delinquent Bills* and (2) a bill insert entitled *Help Us Help You* (copies of both are on file in the Diligent Board Book). Director Blankenship left the meeting at 12:00 p.m. He stated that the goal is for customers to receive 45-days minimum notice; however, the customers will receive the communications regarding delinquent customer accounts immediately. Also, he stated low- and moderate-income customers are being taken into consideration. Director Huffman asked why staff had not been getting the positive information/messaging to the customers. She stated that the press release discusses disconnection of customers' accounts; but has little focus on the 99% timely billing of customers' accounts. There needs to be more positive messaging distributed. Director Mims entered the meeting at 12:03 p.m. Mr. Jackson responded that there would be constant communications with the customers. Director Huffman inquired as to what that would resemble. Per Mr. Jackson, the first step includes the press release, and the media will circulate the specified messages. In January, the customer will hear the IVR message and digital customers will receive information on the company's website. The Customer Service Call Center hours will be extended, in addition to being opened on Saturdays. Next, Director Huffman asked about an update on the number of people reading and commenting on Birmingham Water Works social media. Mr. Jackson replied he has the information and confirmed that he would share the information with directors via email. Director NeSmith asked how many delinquent customers' accounts were there regarding the \$15 million dollars that has not been collected from Jefferson County, which Assistant General Manager Fisher responded there was a total of 28,000 customers. Then, Director NeSmith asked whether Finance/Accounting had a projected amount to be collected regarding the uncollected \$15 million dollars from Jefferson County. Assistant General Manager Fisher said it was difficult to determine the amount since customers stopped paying due to the billing issues. General Manager Johnson stated that customers' accounts are still collected on, even if the customer no longer has service. He stated a customer must pay the balance on their old account, if he/she wants to start service again with Birmingham Water Works. Afterwards, Assistant General Manager Fisher stated that the additional customer service phone hours (7:00 a.m. – 7:00 p.m.) would begin January 9, 2023, and the additional hours on Saturdays for the Customer Service lobby and drive thru would become effective January 14, 2023 (8:00 a.m. – 12:00 noon). She reiterated that on February 15, 2023, service disconnections for nonpayment starts. Director Mims asked whether additional staff/forces would be in place to accommodate reconnections during the

extended hours, which Assistant General Manager Fisher indicated that additional Area Field Service employees would work Saturday hours to restore customers as needed, effective February 18, 2023. Director Huffman inquired whether this would be overtime for said employees. Per Assistant General Manager Fisher, the employees' schedules would be adjusted; however, there would possibly be overtime in some instances. Director Munchus inquired whether management has considered putting funds into a Customer Assistance Fund to assist customers with the upcoming water service cut-offs. General Manager Johnson stated there was no immediate funding other than the H2O Foundation; however, the Urban League, City of Birmingham, and the Communication Action Agency of Northeast Alabama have obtained additional funding for utilities. Then, Assistant General Manager Fisher discussed the various deferrals and installments plans and concluded the presentation. Director Munchus asked whether customers had to keep their accounts current to participate in the collection plan, which Assistant General Manager Fisher answered yes. In addition, Director Munchus asked whether Birmingham Water Works helps customers with faulty plumbing. General Manager Johnson responded that customers could receive leak adjustments by providing the proper documentation, but the company could not help with their plumbing costs. Then, Mr. Jackson announced that on January 17, 2023, General Manager Johnson and members of the Executive Management team would be attending the Utilities Committee to present information to be communicated to the customers.

Next, Assistant General Manager Murphy began the Engineering and Maintenance Division Report. He gave a summary of the Capital program. Assistant General Manager Murphy discussed the cost spent on the pipeline replacement project. He highlighted the top four expenditures as follows: (1) Replace Distribution Mains, (2) Shades Mountain Filter Plant (SMFP) Filter Improvements - January 3, 2023, is the substantial completion, (3) Maintenance and Repairs to Existing Facilities, and (4) Replace Distribution Services. He thanked the Board for allowing an investment in Geographic Information System (GIS) software, because it has helped with the processes in place, and it displays real-time data with weekly updates. Per Assistant General Manager Murphy, 15% of the company's system is galvanized and unlined cast iron steel, but accounts for 67% of the company's maintenance activity. He stated that regarding the Pipeline Replacement Program, in January 2023 the internal pipeline crews will increase from three to four. The internal crews will be replacing 20,000 feet of pipe, and the goal is to continually increase that number. Previously, material delays impacted the pipeline replacement program, which put internal projects on hold for 60 days. However, all material inventory has increased, excluding the valves and fittings. Also, he discussed the Distribution System Performance work orders by category for 2022, the 4th Quarter look ahead, and the FY2023 updates/initiatives. Assistant General Manager Murphy stated that the goal is to achieve real time data for leaks. After an update on the Birmingham Water Works leak detention, he concluded the presentation.

Following, Assistant General Manager Thompson began the Operations & Technical Services Division Report. He stated that for the third quarter year-to-date, there has been a 1.3% reduction in Finished Water. Raw Water production is on track with a total of 12.63 billion gallons of water delivered. Per Assistant General Manager Thompson, it has been a dry year regarding the average cumulative rainfall. However, recent rainfall has helped the system in starting to recover. Inland Lake is down and has been extending on a downward slope. Lake Purdy has fully recovered; however, it also suffered during the drought period. Cumulative raw water pumpage is up by 1.2%, which indicates more industrial usage of water than residential usage of finished water. Alabama Power has increased their rates. The deficit for Birmingham Water Works power cost is 24%

higher than what was budgeted and planned, because of Alabama Power's rate changes. Assistant General Manager Thompson stated that there are several optimization adjustments being utilized to assist in bringing the cost down; however, it is rate driven. He stated that the chemical budget was conservative and chemicals usage is over budget by 2.6% year-to-date, due to an increase in the FY2022 chemical costs. Director Munchus asked whether an increase was anticipated for FY2023. Per Assistant General Manager Thompson, plant interruptions in FY2022 impacted the increase, but that may not be the case for FY2023. Afterwards, he stated that the EnviroLab is monitoring the Environmental Protection Agency (EPA) and Alabama Department of Environmental Management (ADEM) regulatory actions for PFAS chemicals and lead and copper. They are working closely with the Water Research team to identify new technologies to help reduce disinfection byproducts and to improve water aesthetics and water quality throughout the system. The EnviroLab is performing thousands of tests monthly to ensure quality water. Also, the Regulatory Compliance team monitors emerging regulations from EPA and ADEM. They work closely with consultants on developing plans to ensure that Birmingham Water Works will be in compliance with all emerging regulations. In addition, the Regulatory Compliance team has been working with the Mapping and Records group in developing an improved system for tracking lead service line replacement through the GIS system. The Industrial and Commercial Accounts Department is continually working with the company's consecutive systems, industrial customers, hospital/medical industry, and beverage industry to assist them with any problems or issues. The Security Department has intercepted many weapons from entering the premises. There have been many security enhancements implemented to mitigate any possible vulnerabilities, and more are planned for 2023.

Next, General Manager Johnson referenced a handout distributed to the Board entitled *2022-2026 Strategic Plan (a copy is on file in the Diligent Board Book)*. He stated that everything the company does is built around the Strategic Plan. General Manager Johnson summarized the strategic plan handout. The strategic Framework consists of the company's vision, mission, and values. Also, he stated that the six strategic goals established were product quality, customer satisfaction, workforce development, infrastructure stability, financial viability, and effective governance. He stated Advanced Metering Infrastructure (AMI) is included in the Customer Satisfaction Plan. Director Munchus asked about the key accomplishments, and whether the State Revolving Fund was a loan or a grant. General Manager Johnson responded that the fund is a total of \$40,000,000.00, and approximately \$11,000,000.00 - \$12,000,000.00 is debt forgiveness. After discussing each of six strategic goals in detail, their strategies and measures he concluded the presentation.

Following, the Board proceeded to the first item on the agenda, Request Board to approve the payment of invoices. Agenda items 1.1 through 1.3 were voted on together, respectively, and read into the record individually. Relating to item 1.2, Director Huffman inquired as to how many outstanding invoices were there, which General Manager Johnson responded that said invoice was the final outstanding invoice. 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. Ronald A. Mims and seconded by Dr. George Munchus, that the Board hereby authorizes staff to execute payments to the following:

- 1.1 Kelvin W. Howard, LLC for professional services rendered November 2022 in the amount of \$18,330.00.
- 1.2 Birmingham Construction Industry Authority, for the following:
 - 1.2.1 For professional services rendered March 2021 in the amount of \$25,000.00.
 - 1.2.2 For professional services rendered July 2021 in the amount of \$25,000.00.
 - 1.2.3 For professional services rendered November 2022 in the amount of \$25,000.00.
- 1.3 Parnell Thompson, LLC., for professional services rendered November 2022 in the amount of \$68,035.00.

Resolution No. 9199 is hereby adopted by unanimous vote. Director Blankenship was not present for the vote.”

Next, the Board proceeded to the second item on the agenda, Request Board to approve expenditures with Layer3 Communications, for Palo Alto Network 3250 and Palo Alto Network 5250 Firewall Subscription & Support Renewal, at an out-of-pocket cost to the Board of \$208,023.12; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance 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. Charles Dalton NeSmith and seconded by Dr. George Munchus, that the Board hereby approves expenditures with Layer3 Communications, for Palo Alto Network 3250 and Palo Alto Network 5250 Firewall Subscription & Support Renewal, at an out-of-pocket cost to the Board of \$208,023.12; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance Committee. [NOTE: Exempt from bidding under the Alabama Competitive Bid Law, contract MA220000003246.] Resolution No. 9200 is hereby adopted by Directors Burbage, Henderson, Huffman, Munchus, NeSmith, and Ward. Director Mims abstained. Director Blankenship was not present for the vote.”

Following, the Board proceeded to the third item on the agenda, Request Board to approve expenditures with Veristor, for HPE 3PAR Maintenance & Support Renewal of on-site data, at an out-of-pocket cost to the Board of \$112,070.41; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance 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. Carl Dalton NeSmith and seconded by Ms. Tereshia Q. Huffman, that the Board hereby approves expenditures with Veristor, for HPE 3PAR Maintenance & Support

Renewal of on-site data, at an out-of-pocket cost to the Board of \$112,070.41; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance Committee. [NOTE: Exempt from bidding under the Alabama Competitive Bid Law, contract MA 999 190000000018 5.] Resolution No. 9201 is hereby adopted by Directors Burbage, Henderson, Huffman, Munchus, NeSmith, and Ward. Director Mims abstained. Director Blankenship was not present for the vote.”

Next, the Board proceeded to the fourth item on the agenda, Request Board to approve an agreement with Global Team Staffing, LLC, to continue to provide temporary staffing or contract placement services based on workforce needs; and to authorize the General Manager and/or Assistant General Manager to execute the agreement. 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. Tereshia Q. Huffman and seconded by Mr. Thomas E. Henderson, that the Board hereby approves an agreement with Global Team Staffing, LLC, to continue to provide temporary staffing or contract placement services based on workforce needs; and to authorize the General Manager and/or Assistant General Manager to execute the agreement. Resolution No. 9202 is hereby adopted Directors Burbage, Henderson, Huffman, Munchus, NeSmith, and Ward. Director Mims abstained. Director Blankenship was not present for the vote.”

Following, the Board proceeded to the fifth item on the agenda, Request Board to approve a 5-year service agreement with Aqua Metrology Systems, for two TTHM analyzer units operating at the BWW Pilot Plant, at an out-of-pocket cost to the Board of \$145,912.44; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance Committee. Director Munchus asked whether the firm was local; General Manager Johnson answered that they were not local. 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. Tereshia Q. Huffman, that the Board hereby approves a 5-year service agreement with Aqua Metrology Systems, for two TTHM analyzer units operating at the BWW Pilot Plant, at an out-of-pocket cost to the Board of \$145,912.44; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Sole Source Manufacturer.] Resolution No. 9203 is hereby adopted by Directors Burbage, Henderson, Huffman, NeSmith, and Ward. Director Munchus voted no, and Director Mims abstained. Director Blankenship was not present for the vote.”

Next, the Board proceeded to the sixth item on the agenda, Request Board to approve a 5-year service agreement with Aqua Metrology Systems, for four TTHM analyzer units operating at

the Shades Mountain, Western, Carson, and Putnam Filtration Plants, at an out-of-pocket cost to the Board of \$346,062.38; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance 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. Carl Dalton NeSmith and seconded by Tereshia Q, Huffman, that the Board hereby approves a 5-year service agreement with Aqua Metrology Systems, for four TTHM analyzer units operating at the Shades Mountain, Western, Carson, and Putnam Filtration Plants, at an out-of-pocket cost to the Board of \$346,062.38; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Sole Source Manufacturer.] Resolution No. 9204 is hereby adopted by Directors Burbage, Henderson, Huffman, NeSmith, and Ward. Director Munchus voted no, and Director Mims abstained. Director Blankenship was not present for the vote.”

Following, the Board proceeded to the seventh item on the agenda, Request Board to approve a Scope of Services amendment with ARCADIS U.S., Inc. to provide Design Services for the Lake Purdy Dam Stability Improvements project at an estimated out-of-pocket cost to the Board of \$987,733.18; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance 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 Dr. George Munchus and seconded by Ms. Tereshia Q, Huffman, that the Board hereby approves a Scope of Services amendment with ARCADIS U.S., Inc. to provide Design Services for the Lake Purdy Dam Stability Improvements project at an estimated out-of-pocket cost to the Board of \$987,733.18; and to authorize the General Manager and/or the Assistant General Manager to execute the agreement, as recommended by the Engineering and Maintenance Committee. [NOTE: HUB sub-consultant participation 21%.] Resolution No. 9205 is hereby adopted by unanimous vote. Director Blankenship was not present for the vote.”

Next, the Board proceeded to the eighth item on the agenda, Request Board to award bids. Agenda items 8.1 through 8.7 were voted on together, respectively and read into the record individually. Director Huffman inquired as to whether the rates were locked or would the vendor have an opportunity to back out and increase their rate. General Manager Johnson responded that the vendors’ contract would have to be reviewed for their contract language. Director Huffman stated, she has noticed vendors increasing their prices, after the Board has voted to approve their contract; therefore, she wants to ensure that the Board is protected. General Manager Johnson stated he would work with Board’s attorneys to prevent the matter from happening. Director Munchus commented that said behavior needs to be stopped. 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. Larry Ward and seconded by Mr. Carl Dalton NeSmith, that the Board hereby authorizes staff to execute purchase orders and/or contracts for procurement of materials, services and supplies needed for the operation, construction, and maintenance of the water system to the following:

- 8.1 Norit Americas, Inc., **the lowest responsible and responsive bidder**, for Powdered Activated Carbon, at a cost of \$1.17 per pound and an estimated out-of-pocket cost to the Board of \$87,750.00; and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Direct Supplier. HUB participation 0%]
NO OF BID(S): 3 MINORITY VENDOR BID(S): Yes or No ✓ NEW VENDOR: Yes or No ✓
- 8.2 Southern Pipe, **the lowest responsible and responsive bidder**, for estimated annual quantities of Compression Couplings, at an estimated out-of-pocket cost to the Board of \$113,207.00; and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Direct Supplier. HUB participation 0%]
NO OF BID(S): 3 MINORITY VENDOR BID(S): Yes or No ✓ NEW VENDOR: Yes or No ✓
- 8.3 Southern Pipe, **the lowest responsible and responsive bidder**, for estimated annual quantities of Corporation Stops, at an estimated out-of-pocket cost to the Board of \$256,729.00; and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Direct Supplier. HUB participation 0%]
NO OF BID(S): 3 MINORITY VENDOR BID(S): Yes or No ✓ NEW VENDOR: Yes or No ✓
- 8.4 Walter A. Wood Supply, **the lowest responsible and responsive bidder**, for estimated annual quantities of Full Circle Repair Clamps, at an estimated out of pocket cost to the Board of \$119,837.35, and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Direct Supplier. HUB participation 0%]
NO OF BID(S): 2 MINORITY VENDOR BID(S): Yes or No ✓ NEW VENDOR: Yes or No ✓
- 8.5 Consolidated Pipe, **the lowest responsible and responsive bidder**, for estimated annual quantities of Meter Adapters, at an estimated out-of-pocket cost to the Board of \$121,548.70; and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Direct Supplier. HUB participation 0%]
NO OF BID(S): 3 MINORITY VENDOR BID(S): Yes or No ✓ NEW VENDOR: Yes or No ✓
- 8.6 James Paving Co., LLC, **the lowest responsible and responsive bidder**, for estimated annual quantities of Longitudinal Transverse - Milling and Resurfacing Paving, at an estimated out-of-pocket cost to the Board of \$765,600.00; and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: HUB participation 100%]

NO OF BID(S): 2 MINORITY VENDOR BID(S): Yes ✓ or No NEW VENDOR: Yes or No ✓

8.7 American Cast Iron Pipe, Co., **the Sole Bidder**, for estimated annual quantities of Pipe, at an estimated out-of-pocket cost to the Board of \$8,613,698.20; and **to authorize** the General Manager and/or the Assistant General Manager to execute the agreement effective January 1, 2023 – December 31, 2023, as recommended by the Engineering and Maintenance Committee. [NOTE: Vendor is a Direct Manufacturer. HUB participation 0%]
NO OF BID(S): 1 MINORITY VENDOR BID(S): Yes or No ✓ NEW VENDOR: Yes or No ✓

Resolution No. 9206 is hereby adopted by Directors Burbage, Henderson, Huffman, NeSmith, and Ward. Director Munchus voted no, and Director Mims abstained. Director Blankenship was not present for the vote.”

Following, the Board proceeded to the ninth item on the agenda, Request Board to ratify Emergency Work awarded to Rast Construction to install a 36-inch valve needed to isolate a raw water transmission main break on Alabama Street and Overton Alley in Tarrant, at an estimated out-of-pocket cost to the Board of \$74,800.00, as recommended by the Engineering and Maintenance 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. Larry Ward and seconded by Mr. Dalton NeSmith, that the Board hereby ratifies Emergency Work awarded to Rast Construction to install a 36-inch valve needed to isolate a raw water transmission main break on Alabama Street and Overton Alley in Tarrant, at an estimated out-of-pocket cost to the Board of \$74,800.00, as recommended by the Engineering and Maintenance Committee. Resolution No. 9207 is hereby adopted by unanimous vote. Director Blankenship was not present for the vote.”

Next, the Board proceeded to the tenth item on the agenda, Request Board to ratify Emergency Work awarded to Rast Construction to repair a 36-inch water main located at Highway 280 adjacent to Shades Mountain Filter Plant, at an estimated out-of-pocket cost to the Board of \$187,100.00, as recommended by the Engineering and Maintenance 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. Larry Ward and seconded by Mr. Dalton NeSmith, that the Board hereby ratifies Emergency Work awarded to Rast Construction to repair a 36-inch water main located at Highway 280 adjacent to Shades Mountain Filter Plant, at an estimated out-of-pocket cost to the Board of \$187,100.00, as recommended by the Engineering and Maintenance Committee. Resolution No. 9208 is hereby adopted by unanimous vote. Director Blankenship was not present for the vote.”

Subsequently, the Board proceeded to the eleventh item on the agenda, Request Board to authorize Crown Castle to sublease a portion of their sublease area to NextNav and DISH for BU#840716 at the Dolly Ridge Tank site on Woodhaven Drive. Crown Castle’s Lease Number L-222, Third Amendment to the Lease dated March 1, 2007, states that this sublease request is allowable per paragraph 24, page 11, of the lease agreement. It has been determined, via review from legal counsel, Electrical and Maintenance and Environmental Land Administration, that the request poses no hazard or interference to the Board's operations at the tank; and to authorize the General Manager and/or the Assistant General Manager to execute any necessary documents, as recommended by the Engineering and Maintenance 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. Carl Dalton NeSmith and seconded by Mr. Thomas E. Henderson, that the Board hereby authorizes Crown Castle to sublease a portion of their sublease area to NextNav and DISH for BU#840716 at the Dolly Ridge Tank site on Woodhaven Drive. Crown Castle’s Lease Number L-222, Third Amendment to the Lease dated March 1, 2007, states that this sublease request is allowable per paragraph 24, page 11, of the lease agreement. It has been determined, via review from legal counsel, Electrical and Maintenance and Environmental Land administration, that the request poses no hazard or interference to the Board's operations at the tank, and to authorize the General Manager and/or the Assistant General Manager to execute any necessary documents, as recommended by the Engineering and Maintenance Committee. Resolution No. 9209 is hereby adopted by Directors Burbage, Henderson, Huffman, Munchus, NeSmith, and Ward. Director Mims voted no. Director Blankenship was not present for the vote.”

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As there was no further business before the Board, Director Mims made a motion to adjourn the meeting and Director Huffman seconded the motion. On a motion duly made and seconded, the meeting adjourned at 1:13 p.m.

_____/s/_____
William “Butch” Burbage, Jr., Esq.
First Vice Chairman

Attest:

_____/s/_____
Raymond “Larry” Ward
Secretary-Treasurer