

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
April 28, 2021**

A regular meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, April 28, 2021 at 11:30 a.m.

The following directors were present: Ronald A. Mims, William “Butch” Burbage, Jr., Lucien Blankenship, Tom Henderson, Dalton NeSmith, and George Munchus. Directors Tereshia Huffman and Chris Rice participated via telephone. Director Larry Ward was not present.

Others present were: Michael Johnson, General Manager; Derrick Murphy, Jeffrey Thompson and Iris Fisher, Assistant General Managers; Cynthia Williams, Board Administrator; Anitra Clark, Executive Assistant to the General Manager; Rick Jackson, Terrell Jones, Jeff Wade, Tim Garrett, Charles McGee and Colandus Mason, BWWB Employees; K. Mark Parnell, Parnell Thompson Law, LLC; and Emory Anthony, Esq. (via telephone).

Chairman Mims declared a quorum in attendance.

Chairman Mims called the meeting to order at 11:33 a.m. and Assistant General Manager Iris Fisher opened with prayer.

Following, Director Munchus then made a motion to approve the agenda and Director Blankenship seconded the motion. 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. George Munchus and seconded by Mr. Lucien Blankenship, that the Board hereby approves the agenda for April 28, 2021 Regular Board of Directors’ Meeting. Resolution No. 8722 is hereby adopted by unanimous vote.”

Following, the Board moved to the first item on the agenda, Request Board to approve minutes from the February 24, 2021 Regular Board of Directors’ Meeting; necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve the item and Director Blankenship seconded the motion. 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. George Munchus, and seconded by Mr. Lucien Blankenship, that the Board hereby approve minutes from the February 24, 2021 Regular Board of Directors’ Meeting. Resolution No. 8723 is hereby adopted by Directors Mims, Munchus, Burbage, Huffman, NeSmith, Henderson and Rice; and Director Blankenship abstained from voting.”

Following, the Board moved to the second item on the agenda, Request Board to approve reimbursement to the Operating Account for the period ended February 28, 2021 in the amount of \$6,410,244.69; necessary to perform essential minimum functions of the governmental body. Chairman Mims questioned whether this amount is higher than normal. The General Manager responded no and stated there is a significant capital budget this year and this has been in this range in the past. Director Munchus made a motion to approve the item and Director Huffman seconded the motion. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, ARCADIS US, Incorporated, in a Certificate dated March 29, 2021, certified that during the period ending February 28, 2021 that there were expenditures for the cost of system improvements, which were paid out of the Operating Account and reimbursement of that account is now due in the preliminary amount of \$6,410,244.69 and;

WHEREAS, transfers to the Operating Account can be made from any, or a combination, of the following: the 2019 Special Acquisition Fund, the Construction Fund, the Improvement Fund, and/or the Revenue Account.

NOW, THEREFORE, BE IT RESOLVED By The Water Works Board of the City of Birmingham, on a motion duly made by Mr. George Munchus and seconded by Ms. Tereshia Huffman, that the Trustee be, and is hereby instructed to immediately transfer \$6,410,244.69 to the Operating Account from any, or a combination, of the following: The 2019 Special Acquisition Fund, the Construction Fund, the Improvement Fund, and/or the Revenue Account.

Resolution No. 8724 is hereby adopted by unanimous vote.”

Following, the Board moved to the third item on the agenda, Request Board to approve payment of invoices, necessary to perform essential minimum functions of the governmental body. Director NeSmith made a motion to approve the items. Director Blankenship requested the items be voted on separately. Director Burbage approved the motion. The motion was approved to vote on the items separately. 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. George Munchus, and seconded by Mr. William Burbage, that the Board hereby authorizes staff to execute payment to the following:

- 3.1 Ellis, Head, Owens & Justice
 For professional services rendered during January 7, 2021 through
 March 31, 2021 \$ 450.00

Resolution No. 8725 is hereby adopted by unanimous vote.”

The General Manager stated there would be one more invoice presented to the Board for approval from Birmingham Business Resource Center. He indicated their contract was terminated

by the Board; therefore, the forthcoming invoice would be adjusted. On a motion duly made and seconded, the following resolutions were adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus, and seconded by Ms. Tereshia Huffman, that the Board hereby authorizes staff to execute payment to the following:

3.2 Birmingham Business Resource Center (BBRC)
For professional services rendered during March 2021 \$ 20,000.00

Resolution No. 8726 is hereby adopted by unanimous vote.”

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Ms. Tereshia Huffman, and seconded by Mr. George Munchus, that the Board hereby authorizes staff to execute payment to the following:

3.3 Raftelis
For professional serviced rendered during March 2021 \$ 24,586.25

Resolution No. 8727 is hereby adopted by unanimous vote.”

Subsequently, Director Huffman questioned whether there would be a plan put in place to keep the attorneys’ fees from going over the cap set by the Board. She also questioned whether the attorneys’ invoices had been approved by Attorney Emory Anthony. Chairman Mims stated it is his knowledge the invoices had been sent to Attorney Anthony for his review. The General Manager stated Mr. Anthony had reviewed the attorney’s invoice and did not have any questions but indicated the fees were over the \$20,000.00 cap. Chairman Mims indicated the Ad Hoc Legal Committee met on April 27, 2021 and stated the Board is currently working to get the bills more in line with the cap and the fees are legitimate. Director Huffman asked for clarification regarding the cases being reviewed but not being reassigned to other attorneys to stay under the cap. Chairman Mims responded that was correct; however, that issue is being reviewed. The General Manager indicated a final solution is still pending regarding the legal fees. Director Huffman indicated the current resolution in place in not being honored and questioned the purpose of putting these types of documents in writing if the Board does not abide by them. Chairman Mims stated the Board will do all it can to make sure resolutions are abided by. The General Manager stated it is not the intent to not comply with resolutions. Director Huffman stated the Board needs to be more intentional about remaining under the cap and reassigning cases would help with that. Director Blankenship stated the Board consistently exceeds the cap for legal fees. 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. Dalton NeSmith, and seconded by Mr. Tom Henderson, that the Board hereby authorizes staff to execute payment to the following:

3.4 Parnell Thompson, LLC
3.4.1 For general services rendered during March 2021 \$ 14,205.00

Resolution No. 8728 is hereby adopted by Directors Mims, Munchus, NeSmith, Henderson, Rice, and Burbage; Directors Huffman and Blankenship voted no.”

Following, the Board moved to the fourth item on the agenda, Request Board to award bids to the lowest responsible and responsive bidders; and to authorize the General Manager and/or the Assistant General Manager to execute contracts per Bid Specifications and Conditions on the following, as recommended by the Engineering & Maintenance Committee; necessary to perform essential minimum functions of the governmental body. Director NeSmith then made a motion to approve items 4.1 through 4.4 and Director Henderson seconded the motion. 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. Dalton NeSmith, and seconded by Mr. Tom Henderson, that the Board hereby authorizes staff to award bids to the lowest responsible and responsive bidders; and authorizes the General Manager and/or the Assistant General Manager to execute contracts per Bid Specifications and Conditions on the following:

- 4.1 Hill’s Janitorial Service, Inc., the lowest responsible and responsive bidder, for janitorial services at several BWWB locations at an estimated out-of-pocket cost to the Board of \$112,701.00.
- 4.2 Landscape Unlimited, LLC, the lowest responsible and responsive bidder, for landscaping restoration throughout the BWWB service area at an estimated out-of-pocket cost to the Board of \$1,549,117.50.
- 4.3 Wade Sand & Gravel, the lowest responsible and responsive bidder, for estimated quantities of Crushed Limestone - Backfill Material (Annual), at an out-of-pocket cost to the Board of \$614,148.00.
- 4.4 Tate Contracting, the lowest responsible and responsive bidder, for estimated quantities of Standard Concrete Placement in accordance with the bid specifications & conditions, at an estimated out-of-pocket cost to the Board of \$2,130,000.00.

Resolution No. 8729 is hereby adopted by unanimous vote.”

Following, the Board moved to the fifth item on the agenda, Request Board to exercise its bid option for a 1-year extension, per bids awarded February 28, 2019 on the following; as recommended by the Engineering & Maintenance Committee; necessary to perform essential minimum functions of the governmental body. Director Munchus then made a motion to approve items 5.1 and 5.2 and Director NeSmith seconded the motion. 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. George Munchus, and seconded by Mr. Dalton NeSmith, that the Board hereby exercises its bid option for a 1-year extension, per bids awarded February 28, 2019 on the following; as recommended by the Engineering & Maintenance Committee:

- 5.1 Ferguson WW, the lowest responsible and responsive bidder, for estimated quantities of Fire Hydrants (Annual) for use throughout the BWWB service area at an estimated out-of-pocket cost to the Board of \$223,298.58; and authorizes the General Manager and/or the Assistant General Manager to execute a signed bid extension contract.
- 5.2 Mueller Co., the lowest responsible and responsive bidder, for estimated quantities of Gate Valves (Annual) for use throughout the BWWB service area at an estimated out-of-pocket cost to the Board of \$298,806.53; and authorizes the General Manager and/or the Assistant General Manager to execute a signed bid extension contract.

Resolution No. 8730 is hereby adopted by unanimous vote.”

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Following, the Board moved to the sixth item on the agenda, Request Board to approve scope of services agreements with the following, as recommended by the Engineering & Maintenance Committee; necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve items 6.1 and 6.2 and Director Henderson seconded the motion. 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. George Munchus, and seconded by Mr. Tom Henderson, that the Board hereby approves scope of services agreements with the following, as recommended by the Engineering & Maintenance Committee:

- 6.1 Two (2) Gresham Smith’s scopes of services for the design and inspection of (1) a water main replacement project located at Cliff Road, 33rd Street South, and 34th Street South in the Forest Park Community in the City of Birmingham for the replacement of 2" galvanized steel pipe, 2" unlined cast iron pipe, and 6" cast iron cement lined (CICL) pipe; and (2) a water main replacement project located at Wesley Avenue Southwest, 22nd Street Southwest, 23rd Street Southwest, and Steiner Avenue Southwest in the West End Community in the City of Birmingham for the replacement of 2" galvanized steel pipe, 2" unlined cast iron pipe, and 2" CICL. The Cliff Road / 34th Street South scope of services is \$123,215.00 and the Wesley Avenue SW / 23rd Street SW scope of services is \$160,018.00, at a total out-of-pocket cost to the Board of \$283,233.00.
- 6.2 Two (2) Nehemiah Engineering, LLC’s scopes of services for the design and inspection of (1) a water main replacement project located at 6th Avenue South, 7th Avenue South, and 6th Court South in the Southside/Avondale Community in the City of Birmingham for the replacement of 2" galvanized steel pipe, 2" unlined cast iron pipe, and 6" unlined cast iron cement lined (CICL) pipe; and (2) a water

main replacement project located at 7th Avenue South, 8th Avenue South, 52nd Street South, and 53rd Street South in the Crestwood Community in the City of Birmingham for the replacement of 2" galvanized steel pipe, 2" unlined cast iron pipe, and 2" CICAL. The 6th Avenue South / 7th Avenue South scope of services is \$166,000.00 and the Crestwood Community Phase 1 scope of services is \$166,500.00, at a total out-of-pocket cost to the Board of \$332,500.00.

Resolution No. 8731 is hereby adopted by unanimous vote.”

Following, the Board moved to the seventh item on the agenda, New Business; necessary to perform essential minimum functions of the governmental body. Director Munchus questioned the status of the homicide investigation involving a BWWB employee. The General Manager stated the criminal matter is being investigated by the Birmingham Police Department and any information regarding the investigation would be released by the police. Chairman Mims requested a status regarding the position of Corporate Governance Specialist and a position in the Security Department from the General Manager by the next board meeting.

Next, Director Blankenship then made a motion to adjourn the meeting and Director NeSmith seconded the motion. On a motion duly made and seconded, the motion was approved by unanimous vote and the meeting was adjourned at 12:13 p.m.

_____/s/
Ronald A. Mims
Chairman/President

Attest:

_____/s/
William Burbage, Jr.
Secretary-Treasurer