

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS  
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM  
August 24, 2022**

A regular meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, August 24, 2022 at 11:30 a.m.

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

Others present were: Michael Johnson, General Manager; Derrick Murphy, Jeff Thompson and Iris Fisher, Assistant General Managers; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Rick Jackson, Jeff Wade, Charles McGee, Colandus Mason, Tim Garrett, Derrick Maye, and David Walker, BWWB Employees; K. Mark Parnell, Parnell Thompson, LLC; Byron Perkins, Perkins Law, LLC; Kelvin Howard, Esq.; Tiffanie Agee, Esq.; Michael Bell, Birmingham Construction Industry Authority; Martha Bozeman, and Tommy Pallandino, Agency 54; LLC; Olivia Martin, State of Alabama Attorney General’s Office; Theo Johnson, Jacobs; Hal Humphrey, Gresham Smith; Rusty Agi, Itron, Inc.; Phillip Moultrie, Valent Group; Jonathan Hardison, and Mike Tucker, WBRC; Heather Gann, and Roy Johnson, AL.com; Sidney May, P.E.; Kamilah Lewis, City of Birmingham; Kirk Mills, Kimley-Horn; and Fletcher Phillips, and Cynthia Gould, ABC 33/40.

Chairman Rice declared a quorum in attendance.

Chairman Rice called the meeting to order at 11:32 a.m. and Assistant General Manager Iris Fisher opened with prayer. Director Mims arrived to the meeting at 11:33 a.m.

Following, Chairman Rice asked the Board 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. Larry Ward and seconded by Mr. Dalton NeSmith, that the Board hereby approves the agenda for the August 24, 2022 Regular Board of Directors’ Meeting. Resolution No. 9096 is hereby adopted by unanimous vote.”

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Following, Chairman Rice asked to hear Reports of Committee. As there were no reports, the General Manager stated the upcoming Engineering & Maintenance Committee meeting would be held directly following the board meeting.

Following, Chairman Rice asked to hear Reports of Officers. Chairman Rice stated a plan is currently in the works to audit the customer billing process and once it is finalized it will be communicated. He indicated the plan should be complete by mid-September. Director Munchus questioned whether the new billing format is on track to be distributed to customers. The General Manager stated the Public Relations Manager would be making a presentation regarding the new bill design. Chairman Rice stated a Finance Committee meeting would be held August 31, 2022 at 12 p.m. Subsequently, the General Manager recognized Rick Jackson, Public Relations Manager, to make a presentation regarding the new bill design. Mr. Jackson stated elected officials have been notified of the bill design change as well as post cards have been sent to all customers that will be impacted. He indicated a bill insert was included in the last billing cycle informing customers that meter

readings are almost caught up along with notification about the new bill design. He stated this information is being communicated via full page ads placed with The Birmingham News and The Birmingham Times, social media, digital ads, emails to customers, and Customer Service agents are reaching out to customers. Mr. Jackson stated he conducted an in-person survey regarding the current bill format and the new bill design. He indicated positive feedback was received from that survey for the new bill design. He stated there will be meetings held with the community, including a presentation to the Birmingham City Council's Utilities Committee. He also stated communication will be sent to all employees. Director Munchus requested Mr. Jackson to send a copy of the new bill to J. D. Power & Associates. Chairman Rice stated the new bill design and the audit of customer billing is very important. He indicated the accuracy of the information on the bill is more important because if a new bill design is distributed with incorrect information it is still the same problem. Subsequently, Mr. Jackson stated a Communications Committee meeting was held last week wherein various firms presented their scopes of services and an update will be provided to the Board in the upcoming weeks. Next, Assistant General Manager Derrick Murphy provided an update on vaults and tap installation. He stated supply chain issues have impacted service lines for new developments and revitalization of communities. He stated staff is working to ensure to meet Alabama Department of Environmental Management's (ADEM) requirements. He then provided the Board with a handout. A copy is on file in Diligent. Chairman Rice questioned the stock of the meter inventory. Assistant General Manager Murphy stated there are plenty of meters in stock. Chairman Rice then questioned whether the meters are new or refurbished. Assistant General Manager Murphy stated there is a great stock of new meters. He stated there are meters that are pulled out of the system and reinstalled; however, new and previously used meters are tested before they are used in the system again. Next, Chairman Rice requested Assistant General Manager Iris Fisher provide a list of vacant positions from the start of the FY 2022 budget, filled positions, and positions that have become vacant during the year. He questioned whether the information could be provided by the next Finance Committee meeting. Assistant General Manager Fisher stated the information could be provided by the next Finance Committee meeting. Chairman Rice also requested this information be provided to the full board. Next, the General Manager requested the Regular Board of Directors' meeting scheduled for September 28, 2022 be moved to September 21, 2022. He stated the primary reason is the Congressional Black Caucus Conference will be held in Washington, D.C. during this time and an effort has been made with the Board's lobbyists to have a presence at the conference. He indicated the conference will be held September 27, 2022 through October 2, 2022. Chairman Rice stated he feels the meeting should be held on September 28, 2022 if there will be a quorum. Director Munchus questioned the General Manager whether he plans on attending the conference. The General Manager responded yes and indicated he would leave for the conference on the afternoon of September 28, 2022. Director Munchus stated he was indifferent on changing the meeting and was at the pleasure of the Board. Chairman Rice questioned the Board's thought on moving the meeting. As there were no other comments made, the Board decided to keep the meeting on September 28, 2022.

Following, the Board moved to the first item on the agenda, Request Board to adopt resolutions authorizing monthly retirement benefits from the Board's Retirement Trust Fund for Gregory Cheatham, Leak Utility II – Distribution Department, as stated on the respective retirement calculation, effective September 1, 2022, and commending Mr. Cheatham for his 21 years and 2 months of service. On a motion duly made and seconded, the following resolutions were adopted:

“WHEREAS, Gregory Cheatham, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective September 1, 2022, at an age of 61, and

WHEREAS, Gregory Cheatham has 21 years and 2 months of continuous service with the Board at his retirement date, and in accordance with the terms of the Trusteed Pension Plan, is entitled to receive a monthly Retirement payment from the Board's Retirement Trust Fund in the amount of \$2,763.49; and

NOW, THEREFORE, BE IT RESOLVED By the Board of Directors of The Water Works Board of the City of Birmingham, on motion duly made by Mr. Ronald Mims and seconded by Mr. George Munchus, that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$2,763.49 to Mr. Cheatham from the Board's Retirement Trust Fund, in accordance with the terms of the Pension Plan, with the first payment to be made September 1, 2022.

Resolution No. 9097 is hereby adopted by unanimous vote.”

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“WHEREAS, Gregory Cheatham, an employee of The Water Works Board of the City of Birmingham, is retiring, effective September 1, 2022, after 21 years and 2 months of service with the Board; and

WHEREAS management has informed the Board of Gregory Cheatham's efficiency, reliability, and loyal service which contributed to the effective operation and growth of The Water Works Board of the City of Birmingham; and

WHEREAS Gregory Cheatham leaves behind a record which deserves a sincere word of gratitude for a job well done; and the Board does hereby express its best wishes for many happy years ahead.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Directors of the Water Works Board of the City of Birmingham, Gregory Cheatham is hereby commended for his efficiency, reliability, and loyal service to the Board.

BE IT FURTHER RESOLVED, that in recognition of Gregory Cheatham's services to the Board, a copy of this resolution be spread upon the minutes of The Water Works Board of the City of Birmingham and an official resolution presented to Mr. Cheatham.

Resolution No. 9098 is hereby adopted by unanimous vote.”

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Following, Director NeSmith made a motion to vote on agenda items 2 through 5 together and Director Huffman second 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 Ms. Tereshia Huffman, that the Board hereby approves the following:

- 2. Edward Travis, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective September 1, 2022, at an age of 65, and Edward Travis has 27 years of continuous service with the Board at his retirement date, and in accordance with the terms of the Trusteed Pension Plan, is entitled to receive a monthly Retirement payment from the Board's Retirement Trust Fund in the amount of \$7,096.05; and that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$7,096.05 to Mr. Travis from the Board's Retirement Trust Fund, in accordance with the terms of the Pension Plan, with the first payment to be made September 1, 2022.
- 3. Raymond Q. Childs, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective September 1, 2022, at an age of 61, and Raymond Q. Childs has

27 years and 9 months of continuous service with the Board at his retirement date, and in accordance with the terms of the Trusteed Pension Plan, is entitled to receive a monthly Retirement payment from the Board's Retirement Trust Fund in the amount of \$4,985.78; and that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$4,985.78 to Mr. Childs from the Board's Retirement Trust Fund, in accordance with the terms of the Pension Plan, with the first payment to be made September 1, 2022.

4. Ruth G. May, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective September 1, 2022, at an age of 58, and Ruth G. May has 11 years and 7 months of continuous service with the Board at his retirement date, and in accordance with the terms of the Trusteed Pension Plan, is entitled to receive a monthly Retirement payment from the Board's Retirement Trust Fund in the amount of \$718.29; and that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$718.29 to Mrs. May from the Board's Retirement Trust Fund, in accordance with the terms of the Pension Plan, with the first payment to be made September 1, 2022.
5. Annette Germany, a retiree of The Water Works Board of the City of Birmingham ("The Board"), passed away on August 13, 2022; and Annette Germany was receiving, up until the time of her death, monthly retirement benefits from the Board's Retirement Trust Fund in the amount of \$807.72, and under the terms of the Board's Retirement Plan, her spouse is now entitled to receive 50% of that monthly benefit until such time as he either remarries or passes away; and the surviving spouse, Dwayne A. Germany will begin receiving his surviving spouse monthly benefit of \$403.86, effective September 1, 2022; and that the Trustee be, and is hereby instructed to pay a pension of \$403.86 per month to Dwayne A. Germany from the Board's Retirement Trust Fund, in accordance with the terms of the Trusteed Pension Plan, with the payment to be effective September 1, 2022.

Resolution No. 9099 is hereby adopted by unanimous vote on August 24, 2022."

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Following, the Board moved to the sixth item on the agenda, Request Board to approve payments of invoices. Chairman Rice stated the consultant related to agenda item 6.3 stated there was a bookkeeping issue related to the late submission of their invoices. He then questioned when the billing related to agenda item 6.5 would be caught up. Assistant General Manager Murphy stated the June 2022 and July 2022 invoices will appear on the Board's agenda in September 2022 and the August 2022 invoice will appear on the Board's agenda in October 2022. He then gave an overview of the process to verify invoices with subcontractors. Chairman Rice questioned whether the Historically Underutilized Businesses (HUBs) are being paid on time. Assistant General Manager Murphy stated the prime contractor pays the subcontractors when work is performed. Chairman Rice stated he would like a process to be put in place which involves Birmingham Construction Industry Authority (BCIA) signing off on the HUBs being paid timely. He stated this could be discussed further. A discussion then ensued. Director Munchus stated BCIA should be more robust when it comes to contract compliance. He stated he believes all invoices should be public record. 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. William Burbage, and seconded by Mr. Dalton NeSmith, that the Board hereby authorizes staff to execute payment to the following:

- 6.1 Raftelis Financial Consultants, Inc., for professional services rendered July 2022 related to the WIFIA Loan, Jefferson County Cost Allocation Update, and Consolidated Invoices in the amount of \$18,118.75.
- 6.2 Kelvin W. Howard, LLC for professional services rendered July 2022 in the amount of \$18,120.00.
- 6.3 The Jones Group, LLC for the following:
  - 6.3.1 For professional services rendered January 2022 in the amount of \$10,000.00.
  - 6.3.2 For professional services rendered April 2022 in the amount of \$10,000.00.
  - 6.3.3 For professional services rendered May 2022 in the amount of \$10,000.00.
- 6.4 Parnell Thompson, LLC for professional services rendered July 2022 in the amount of \$55,935.00.
- 6.5 Arcadis, U.S., Inc. for professional services rendered May 2022 in the amount of \$249,350.89.

Resolution No. 9100 is hereby adopted by Directors Rice, Burbage, Huffman, Ward, NeSmith, Munchus, and Henderson; and Director Mims abstained from voting.”

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Following, the Board moved to the seventh item on the agenda, Request Board to award bid to Chilton Contractors, Inc., the lowest responsible and responsive bidder, to repair a section of Inland Dam Road, at an estimated out-of-pocket cost to the Board of \$707,528.73; and to authorize the General Manager and/or Assistant General Manager to execute said document, as recommended by the Engineering and Maintenance Committee. Director Ward questioned what this item is related to. Assistant General Manager Murphy stated the main road that leads to Inland Dam is eroded and needs to be replaced. Director Munchus questioned whether the Board has done business with Chilton Contractors before. Assistant General Manager Murphy responded no; however, he stated they have performed work for the Alabama Department of Transportation and their subcontractor has done work for the Board previously. 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. William Burbage, that the Board hereby authorizes staff to award bid to Chilton Contractors, Inc., the lowest responsible and responsive bidder, to repair a section of Inland Dam Road, at an estimated out-of-pocket cost to the Board of \$707,528.73; and authorizes the General Manager and/or Assistant General Manager to execute said document, as recommended by the Engineering and Maintenance Committee. Resolution No. 9101 is hereby adopted by unanimous vote.”

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Next, Director Ward then made a motion to adjourn the meeting and Director Huffman seconded the motion. On a motion duly made and seconded, the motion was approved, and the meeting was adjourned at 12:00 p.m.

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Christopher B. Rice  
Chairman/President

Attest:

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Raymond L. Ward  
Secretary-Treasurer