

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
March 20, 2024**

A regular meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, March 20, 2024 at 11:00 a.m.

The following directors were present: Tereshia Huffman, William “Butch” Burbage, Jr., Thomas Henderson, Larry Ward, Dalton NeSmith, George Munchus, Mashonda Taylor, and Lucien Blankenship.

Others present were: Michael Johnson, General Manager; Iris Fisher, and Philip King, Assistant General Managers; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Elyse Page, Executive Assistant to the General Manager; Rick Jackson, Jeff Wade, Charles McGee, Rosalind Jones, Cassandra Bell, Colandus Mason, Matthew Pritchett, Geoff Goodwin, Jonathan Jett, Ahki King, Jeremy Ervin, and David Walker, BWWB Employees; K. Mark Parnell, Parnell Thompson, LLC; Kelvin Howard, Kelvin W. Howard, LLC; Olivia Martin, State of Alabama Attorney General’s Office; Trisha Brown, ARCADIS; Bill Todd, O2 Ideas; Lindsey McAdory, CBG Strategies; Darryl Jones, and Randolph Harmon, BWWB Retirees; Hal Humphrey, Hazen and Sawyer; and Roy Johnson, AL.com.

Chairwoman Huffman declared a quorum in attendance.

Chairwoman Huffman called the meeting to order at 11:00 a.m. and Assistant General Manager Iris Fisher opened the meeting with prayer.

Following, Chairwoman Huffman asked the Board to approve the agenda. The General Manager stated he would like to add an item to the agenda, to award a bid to USIC Locating Services, Inc., for line locating services in the amount of \$4,001,420.00. He stated it could be added as item 9 to the agenda. Director Munchus questioned whether this item has gone to the Engineering & Maintenance Committee. The General Manager responded no and stated that item had to be re-bid. He indicated because the item was re-bid there wasn’t enough time to send it to the committee. He stated the original agreement was scheduled to go before the committee in early February because the initial thought was the agreement could be extended. He indicated the current agreement expires March 1, 2024. 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. Mashonda Taylor, that the Board hereby approves the agenda for the March 20, 2024 Regular Board of Directors Meeting and adds item 9, Request Board to award bid to USIC Locating Services, Inc., the lowest responsible and responsive bidder, for estimated quantities of underground utility locating services, at an annual estimated out-of-pocket cost to the Board of \$4,001,420.00 to the agenda. Resolution No. 9530 is hereby adopted by unanimous vote.”

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Following, the Board moved to the first item on the agenda, Request Board to approve minutes from the following. On a motion duly made and seconded by, 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. Thomas Henderson, that the Board hereby approves minutes from the following:

- 1.1 Regular Board of Directors’ Meeting held January 10, 2024

1.2 Regular Board of Directors' Meeting held February 12, 2024

Resolution No. 9531 is hereby adopted by unanimous vote.”

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Following, Chairwoman Huffman asked to hear Reports of Committee. As there were no reports, the General Manager stated a Finance Committee Meeting was held prior to the Board meeting at 10:00 a.m.

Following, Chairwoman Huffman asked to hear Reports of Officers. Director Henderson stated a Jefferson County school bus was stuck in water due to a main break. He questioned whether staff was aware of this main break or was this a new main break. The General Manager responded there was a non-emergency main break reported on March 18, 2024, and it was scheduled for repair. He stated he didn't know what events led to the bus being stuck; however, the underground had been washed away due to the water. He stated a repair was made on March 19, 2024 after the bus was stuck. He indicated no one was injured. Next, Director Munchus requested a copy of the appraisal for the cabin referenced in a story published by AL.com. Director Blankenship arrived at the meeting 11:07 a.m. Director Munchus indicated he will conduct his own personal analysis on the cabins. Board Attorney Mark Parnell stated he would discuss this topic with Director Munchus after the Board meeting.

Next, Chairwoman Huffman recognized Mr. Parnell to make a presentation regarding continuing education in accordance with a requirement from the Board's Self-Governance policy. He stated the Board adopted a Self-Governance policy in April 2023 that requires certain mandatory training. He indicated the Board is required to complete continuing education before the end of April each year on the topics of parliamentary procedure, ethics law, open meetings act, public records act, bid law, and public works law. He then provided the Board with a handout. A copy of the handout is on file in Diligent. Mr. Parnell stated he would present these topics over two Board meetings, this meeting and the next. He stated the presentation at this meeting would cover parliamentary procedure, ethics law, and public records act. He stated the Self-Governance policy is a pledge or commitment from the Directors to fulfill their fiduciary responsibility and their responsibilities that are required by law. He stated the pledge places high priority on attendance at all meetings of the Board and assigned Committees; to prepare and to discuss the issues of business at scheduled meetings; to show respect for the opinions of a Director's peers; to represent the Board in a positive manner; support decisions made by the Board even if a Director is in the minority vote; to observe parliamentary procedures and display courteous conduct during meetings; to refrain from intruding on administrative issues that are the responsibility of management; to accept to monitor the results and prohibit methods that conflicts with the Board's policies; to avoid conflicts of interest between a position as a director in personal and business lives and to notify the Board should one arise; and to agree to serve on at least one committee. Mr. Parnell indicated almost every director has signed the pledge; however, regardless of whether a director signs the pledge it is still their responsibility as a Board member to uphold these requirements. Director Munchus questioned whether the pledge was included in the Board's packet. Mr. Parnell responded no, but stated he would forward a copy to Director Munchus.

Subsequently, Mr. Parnell gave an overview of the parliamentary procedures. He stated a revised version of the by-laws were adopted a year and half ago and the meetings have been running smoothly. He stated the General Manager is to prepare the agenda which includes getting input for items to go on the agenda from the Directors, executive management, the Board's attorneys, and consultants. He stated the agenda is to be established 48 hours prior to the meeting, and any supporting materials are to be delivered to the Directors 24 hours prior to the meeting. Mr. Parnell stated items that are not on the agenda can be added two ways: 1) by unanimous consent of Directors at the meeting, or 2) by majority vote if either the General Manager or the Board's attorney certifies the item can't wait until the next meeting. He then gave an overview of the order of business. He indicated if a motion is made to adjourn the meeting and it is seconded, there can't be any debate.

He stated the motion can be voted down to keep the meeting open. He then gave an overview of procedures once an item has been read. He stated reconsidering motions are covered in the by-laws. He stated only the person who voted in favor of a motion can make a motion to reconsider an item at the same meeting or the next meeting but nothing beyond that. Mr. Parnell then gave an overview of the Public Records Act. He stated there is a statute that states citizens have a right to inspect and take a copy of public writings except as otherwise expressly provided by statute. He stated a citizen can request certified copies of public records. He indicated not everything put in writing becomes public record such as items received in confidence, sensitive personnel matters, pending criminal investigations, and records with disclosure that would be detrimental to the best interest of the public. He indicated public records requests are reviewed by the Board's attorneys. Director Burbage questioned whether there can be a charge for copies of public records. Mr. Parnell responded the Public Records Act requires records be made available to the public, but it does not require providing copies of records. He stated certified records do require a reasonable fee to be charged. He stated in the past the Board had a form for the public to fill out regarding copies and the Board can revisit that process. Director Henderson questioned whether the time of personnel making the copies could be included in the cost. Mr. Parnell responded that cost can be included. Director Munchus questioned whether this cost applies to the public only and Mr. Parnell responded he would not answer questions from Director Munchus on this topic. Next, Mr. Parnell gave an overview of the Ethics Law. He stated the law covers public officials (i.e. Directors), and public employees (i.e. BWWB employees). He indicated new BWWB employees are shown a video on the Ethics Law at orientation. He then explained the relationship between principals and lobbyists. Director Munchus questioned whether a director can buy lunch or dinner for another director. Mr. Parnell responded yes, and stated the only caveat is a director can't do that to get another director's vote. He then gave an overview of the State of Alabama's Statement of Economic Interest and stated it must be filed by the end of April each year. He indicated Directors and BWWB employees that make over \$75,000.00 are required to complete a Statement of Economic Interest. He indicated the Directors nor BWWB employees can use their position for public gain and if anyone has questions, please ask him. He stated the Ethics Commission can also provide pre-certified opinions on matters. Director Munchus questioned whether public officials can get a pre-certified opinion and Mr. Parnell responded yes along with public employees. Chairwoman Huffman indicated she wants to make sure the Directors are meeting their responsibilities by attending Board and Committee meetings and being on time for said meetings. She stated she has requested Mr. Parnell to adjust the by-laws to address that. Director Munchus questioned whether that would apply to the Directors who do not serve on a committee. Chairwoman Huffman responded she is requesting Directors to be on time for those meetings as well.

Next, Chairwoman Huffman recognized the General Manager and his staff to present their reports. Assistant General Manager Philip King stated the Annual Consecutive System Partnership Conference will be held March 22, 2024, 8:30 a.m. to 2:00 p.m., at the Cahaba Pump Station Museum. He presented the Board with a handout. A copy of the handout is on file in Diligent. He stated there will be 50 to 80 attendees. Director Munchus questioned how many systems will be in attendance and Assistant General Manager King responded 10.

Following, the Board moved to Speakers. As there were no speakers, the Board moved to the second item on the agenda, Request Board to approve payment of invoices. 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. Mashonda Taylor, that the Board hereby authorizes staff to execute payment of invoices from the following:

- 2.1 Dominick Feld Hyde, P.C. for the following:
 - 2.1.1 For professional services rendered February 1, 2024 through February 29, 2024 related to the Pension Plan in the amount of \$930.00.

- 2.1.2 For professional services rendered February 1, 2024 through February 29, 2024 related to other benefits in the amount of \$2,748.00.
- 2.2 Terminus Municipal Advisors, LLC for professional services rendered February 2024 in the amount of \$10,000.00.
- 2.3 The Jones Group, LLC for professional services rendered February 2024 in the amount of \$15,000.00.
- 2.4 o2 Ideas for professional services rendered February 2024 in the amount of \$17,900.00.
- 2.5 CBG Strategies, LLC for professional services rendered February 2024 in the amount of \$25,350.00.
- 2.6 Kelvin W. Howard, LLC for professional services rendered February 2024 in the amount of \$29,160.00.
- 2.7 Parnell Thompson, LLC for professional services rendered February 2024 in the amount of \$63,570.00.

Resolution No. 9532 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Munchus, and Taylor; and Director Blankenship abstained from voting.”

Following, the Board moved to the third item on the agenda, Request Board to approve the following items, as recommended by the Engineering and Maintenance Committee. Director Munchus questioned what the original bid was for agenda item 3.3. The General Manager responded staff will forward the documentation. Director Munchus then stated he needed to ask Mr. Parnell a question regarding agenda item 3.4 and proceeded to do so. 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 items, as recommended by the Engineering and Maintenance Committee:

- 3.1 Authorizes staff to execute the necessary documents to award bids to the following:
 - 3.1.1 Gillespie Construction, LLC, the lowest responsible and responsive bidder, for the replacement of approximately 2,680-feet of 2-inch galvanized steel pipe / 2-inch unlined cast iron pipe and 830-feet of 2-inch cast iron cement lined (CICL) pipe with approximately 4,080-feet of 6-inch DICL pipe and related appurtenances; and 86 water services along 52nd Street South; 7th Avenue South; 51st Street South; 8th Avenue South; 53rd Street South; 54th Street South; and 9th Avenue South in the Crestwood Community of the City of Birmingham, Alabama at a bid amount of \$1,047,889.20; plus estimated cost of materials and Water Board labor in the amount of \$577,070.61; for an estimated out-of-pocket cost to the Board of \$1,624,959.81; and authorizes the General Manager and/or Assistant General Manager to execute the agreement.
 - 3.1.2 Willoughby Contracting Company, Inc., the lowest responsible and responsive bidder, for the replacement of approximately 1,160-feet of 2-inch galvanized steel pipe / 2-inch unlined cast iron pipe and 3,590-feet of 2-inch cast iron cement lined (CICL) pipe with

approximately 3,740-feet of 6-inch DICL pipe; 1,040-feet of 4-inch DICL pipe and related appurtenances; and 125 water services along 13th Avenue North; 43rd Street North; 12th Avenue North; 44th Street North; and 44th Place North in the Kingston Community of the City of Birmingham, Alabama at a bid amount of \$1,161,618.40; plus estimated cost of materials and Water Board labor in the amount of \$616,132.29; for an estimated out-of-pocket cost to the Board of \$1,777,750.69; and authorizes the General Manager and/or Assistant General Manager to execute the agreement.

- 3.2 Approves a scope of services agreement with WSP USA Environment & Infrastructure, Inc. (WSP USA, Inc.) for geotechnical exploration and structural design services to complete the Inland Lake 60-Inch Raw Water Pipeline Improvements project at an estimated out-of-pocket cost to the Board of \$123,150.00; and authorizes the General Manager and/or Assistant General Manager to execute the agreement.
- 3.3 Approves a change order requested by Russo Corporation for Carson Loop Phase 6D main reinforcement project for additional funds at a total out-of-pocket cost to the Board of \$939,653.38; and authorizes the General Manager and/or Assistant General Manager to execute the agreement.
- 3.4 Approves an Emergency Rental Agreement with Merrell Bros., Inc, for a liquid and dewatered biosolids processing unit for the Shades Mountain Filter Plant Solid Handling Facility, at an estimated out-of-pocket cost to the Board of \$1,291,200.00; and authorizes the General Manager and/or Assistant General Manager to execute the agreement.
- 3.5 Approves a one-year agreement with Software House International (SHI), effective March 10, 2024 through March 09, 2025, for VMware vSphere renewal license, support, and maintenance, at a total out-of-pocket cost to the Board of \$58,241.92; and authorizes the General Manager and/or the Assistant General Manager to execute the agreement.
- 3.6 Approves a one-year renewal agreement with Verinext, effective March 29, 2024 through March 28, 2025, for Zerto Data Replication and Cloud Disaster Recovery Service, at a total out-of-pocket cost to the Board of \$77,840.40; and authorizes the General Manager and/or the Assistant General Manager to execute the agreement.

Resolution No. 9533 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Taylor, and Blankenship; and Director Munchus abstained from voting on item 3.3 on March 20, 2024..”

Following, the Board moved to the fourth item on the agenda, Request Board to ratify and approve (i) an agreement with Municipal Government Investors Corp., (mGIC) to bid the following: funds from a Guaranteed Investment Contract heretofore with Bayerische Landesbank that matured on February 15, 2024 for \$51,519,811.13, plus accrued interest; ratify and confirm the acceptance of the bid for an Investment Agreement providing for reinvestment of such balance with Natixis Funding Corp. (as guaranteed by its parent corporation Natixis); and ratify and confirm the authorization of 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. 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. George Munchus, that the Board hereby ratifies and

approves (i) an agreement with Municipal Government Investors Corp., (mGIC) to bid the following: funds from a Guaranteed Investment Contract heretofore with Bayerische Landesbank that matured on February 15, 2024 for \$51,519,811.13, plus accrued interest; ratifies and confirms the acceptance of the bid for an Investment Agreement providing for reinvestment of such balance with Natixis Funding Corp. (as guaranteed by its parent corporation Natixis); and ratifies and confirms the authorization of 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. 9534 is hereby adopted by unanimous vote.”

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Following, the Board moved to the fifth item on the agenda, Request Board to approve a sponsorship of the Alabama/Mississippi Water Joint Annual Conference in the amount of \$5,000.00, as recommended by the Executive 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 Ms. Mashonda Taylor, and seconded by Mr. Thomas Henderson, that the Board hereby approves a sponsorship of the Alabama/Mississippi Water Joint Annual Conference in the amount of \$5,000.00, as recommended by the Executive Committee. Resolution No. 9535 is hereby adopted by unanimous vote.”

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Following, the Board moved to the sixth item on the agenda, Request Board to authorize the Chairwoman to sign a consulting agreement with former Assistant General Manager Darryl Jones to provide advice, counseling, and assistance concerning all aspects of the Operations and Technical Services Division. Chairwoman Huffman stated she is asking for the Board’s support on this item. She stated Mr. Darryl Jones is coming on board to provide further training for Assistant General Manager Philip King. She stated Mr. King is having to rely on his direct reports to learn the job and Mr. Jones retired from BWWB as the Assistant General Manager of Operations and Technical Services. She stated Mr. King can receive valuable training from Mr. Jones. Mr. Jones stated he worked for BWWB for 31 years with the last 13 of those years serving as the Assistant General Manager of Operations and Technical Services. He stated he was asked to assist Mr. King, who is a good engineer and has a lot of good history with water. He stated BWWB’s system is special and different. He indicated his goal is to assist Mr. King in learning the landscape of BWWB and its twenty different pressure zones to enhance his understanding of how BWWB operates. Mr. Jones indicated he is not coming on board to do Mr. King’s job, but he will simply assist him to excel in his new role. 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. George Munchus, that the Board hereby authorizes the Chairwoman to sign a consulting agreement with former Assistant General Manager Darryl Jones to provide advice, counseling and assistance concerning all aspects of the Operations and Technical Services Division. Resolution No. 9536 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Munchus, and Taylor; and Director Blankenship abstained from voting.”

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Following, the Board moved to the seventh item on the agenda, Request Board to authorize the Chairwoman to sign a consulting agreement with former Manager of Customer Support Services Randolph Harmon to provide the Board of Directors with an assessment of and recommendations for all aspects of the customer billing process. Chairwoman Huffman stated she is asking for the Board’s support on this item. She stated the last few Board meetings has addressed staffing issues in billing as well as issues that have made it to the media. She stated Mr. Randolph Harmon also retired from the BWWB and is coming on board to provide

staff with further training and oversight. She indicated she, Director Burbage, the General Manager, and Mr. Parnell had a meeting on March 19, 2024 to discuss what the plan looks like for Mr. Jones and Mr. Harmon to assist BWWB. Mr. Harmon stated he retired from BWWB after 33 years of service. He indicated he wants to assist BWWB and improve its current processes. He then gave an overview of his work history. He stated he assisted in writing and developing the system BWWB used prior to using SAP. He stated he was glad to see SAP replace the old and antiquated system, OTIS. He indicated training can help to improve the erroneous billing problem. He stated he was the Manager of Customer Service for 8 years and his duties included all financial aspects related to meter reading, billing, collections, and bad debt write-off. Director Munchus stated he appreciated Mr. Jones and Mr. Harmon for coming on board to assist BWWB. Director Taylor questioned whether there is a finite amount of time for using these consultant contracts and is there a limit on the budget. Chairwoman Huffman responded there will be a review after the first month with leadership to see how things are going as far as the budget and time, including extending the agreements. Director NeSmith questioned whether the monthly costs associated with these agreements is known. He indicated he is not opposed to the agreements and questioned whether the fees will come back to the Board. Chairwoman Huffman stated the fees will come back to the Board. Director Blankenship questioned whether there is a scope of service. Chairwoman Huffman responded that information can be forwarded to Director Blankenship. 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. George Munchus, that the Board hereby authorizes the Chairwoman to sign a consulting agreement with former Manager of Customer Support Services Randolph Harmon to provide the Board of Directors with an assessment of and recommendations for all aspects of the customer billing process. Resolution No. 9537 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Munchus, and Taylor; and Director Blankenship abstained from voting.”

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Following, the Board moved to the eighth item on the agenda, Request Board to enter an Executive Session to discuss matters that are appropriate under Ala. Code Section 36-25A-7. Mr. Parnell recommended the Board take up agenda item 9 prior to going into Executive Session. The Board then moved to the ninth item on the agenda, Request Board to award bid to USIC Locating Services, Inc., the lowest responsible and responsive bidder, for estimated quantities of underground utility locating services, at an annual estimated out-of-pocket cost to the Board of \$4,001,420.00. The General Manager stated staff wanted to extend this agreement; however, the item had to be bid which turned out to be beneficial for the Board. He stated the fees decreased due to competition from other bidders. He then gave an overview of the fees and stated the contract expires March 31, 2024. Chairwoman Huffman stated the Board is to get 90-days’ notice before a contract expires, and she indicated she would like to know when does the General Manager plan on implementing the software that was voted on in September 2023 to assist with this. She stated the Board is being asked to vote on another item without the proper notice and the item hasn’t gone through Committee. The General Manager responded it is a huge project to track the contracts. He stated staff had a meeting last week and there’s a couple hundred agreements to be entered in the system. He indicated there are some contracts that do not require Board approval. He stated the work is more tedious than anticipated. He stated the goal is to get ahead of agreements before they expire. He stated staff will present contracts 90 days before they expire. The General Manager then gave an overview of the item’s bid process. Chairwoman Huffman questioned the General Manager’s plan for notifying the Board prior to a contract’s expiration. She indicated every month she is addressing this issue, and she isn’t getting answers on a resolution. She stated she made a recommendation the General Manager was not in favor of, so she is now requesting a recommendation from him that includes a process. The General Manager stated he will notify the Board when there are circumstances when a contract may not make the 90-day or 60-day deadline. He stated the goal is to get the contracts entered in the system and not to bring anything late to the Board. Chairwoman Huffman stated timelines regarding contract expirations date notifications were agreed upon by the General Manager. She stated the General Manager is now saying the timelines aren’t agreeable.

She stated the General Manager does not notify the Board with updates and she indicated the Board receives updates when they request it from the General Manager. She indicated she is looking for the General Manager to provide the following: 1) Provide updates to the Board without the Board having to ask for one, and 2) To put a process in place and to provide the Board with the process at the next Board meeting. The General Manager stated his goal is to be compliant with this request. Subsequently, Director Munchus stated he will vote no on this item because he believes it is price gouging. The General Manager stated he needed to bring something to Chairwoman Huffman’s attention. Chairwoman Huffman questioned the General Manager whether he would like to make note of something prior to the Board’s vote on the item. The General Manager stated no, the information was not regarding the current item. 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. Mashonda Taylor, that the Board hereby awards bid to USIC Locating Services, Inc., the lowest responsible and responsive bidder, for estimated quantities of underground utility locating services, at an annual estimated out-of-pocket cost to the Board of \$4,001,420.00. Resolution No. 9538 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Taylor, and Blankenship; and Director Munchus voted No.”

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The General Manager stated regarding agenda item 9, language was not included regarding authorizing the General Manager and/or Assistant General Manager to execute the necessary documents. He stated that language needed to be added to the item. Chairwoman Huffman questioned whether this was the item the Board just voted on and the General Manager responded no. The General Manager then apologized and stated the language did need to be added to the item the Board previously voted on. Director Ward then made a motion to amend the item with the needed language. 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 adds the language “and authorizes the General Manager and/or Assistant General Manager to execute the necessary documents” to agenda item 9. Resolution No. 9539 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Taylor, and Blankenship; and Director Munchus voted No.”

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Director Ward then made a motion to approve the item. 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 awards bid to USIC Locating Services, Inc., the lowest responsible and responsive bidder, for estimated quantities of underground utility locating services, at an annual estimated out-of-pocket cost to the Board of \$4,001,420.00; and authorizes the General Manager and/or Assistant General Manager to execute the necessary documents. Resolution No. 9540 is hereby adopted by Directors Huffman, Burbage, Henderson, Ward, NeSmith, Taylor, and Blankenship; and Director Munchus voted No.”

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Following, the Board moved to the eighth item on the agenda, Request Board to enter an Executive Session to discuss matters that are appropriate under Ala. Code Section 36-25A-7. Mr. Parnell stated the

Executive Session is regarding security matters and training. He recommended going into Executive Session and adjourning the meeting. 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. Thomas Henderson, that the Board hereby enters an Executive Session to discuss matters that are appropriate under Ala. Code Section 36-25A-7 and adjourns the meeting. Resolution No. 9541 is hereby adopted by unanimous vote.

The Board entered Executive Session and adjourned the meeting at 12:05 p.m.

/s/
Tereshia Q. Huffman
Chairwoman

Attest:

/s/
Raymond L. Ward
Secretary-Treasurer