

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
June 22, 2022**

A regular meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, June 22, 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., and Lucien Blankenship. Director Ronald A. Mims participated in said meeting via telephone. Director Dalton NeSmith 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; Tracey Godbold, Executive Assistant to the General Manager; Rick Jackson, Jeff Wade, Charles McGee, Colandus Mason, and David Walker, BWWB Employees; K. Mark Parnell, Parnell Thompson, LLC; Byron Perkins, Perkins Law, LLC; Kelvin Howard, Esq.; Michael Bell, Birmingham Construction Industry Authority; Martha Bozeman, Agency 54; LLC; Patrick Flannelly, ARCADIS, U.S.; Olivia Martin, and Sherri Richardson, State of Alabama Attorney General’s Office; Theo Johnson, and Mia Welch, Jacobs; Roy Johnson, AL.com; County Commissioner Shelia Tyson, and Greg Jones, Jefferson County Commission; and James Jones, Issam Bajalia, and Yaikinsha Coles, BWWB Customers.

Chairman Rice declared a quorum in attendance.

Chairman Rice called the meeting to order at 11:33 a.m. and Board Employee Colandus Mason opened with prayer.

Following, Chairman Rice asked the Board to approve the agenda. Director Blankenship arrived at the meeting at 11:38 a.m. 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. Thomas Henderson, that the Board hereby approves the agenda for the June 22, 2022 Regular Board of Directors’ Meeting and moves Speakers after Unfinished Business. Resolution No. 9066 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 a Finance Committee Meeting would be held June 23, 2022 at 12 p.m.

Following, Chairman Rice asked to hear Reports of Officers. Chairman Rice stated the Board will take a look at processes and procedures in regard to billing. He indicated the billing issues will be addressed immediately and explained to the public what is going on. He stated the situation is embarrassing and there will be a plan implemented to address the concerns. Director Munchus stated he agreed with Chairman Rice and stated the public needs to be educated on BWWB billing. He indicated he would like to be educated by staff before making any decision. He stated the Board isn’t trying to get into day to day operations; however, he wants to get the billing issues resolved. Chairman Rice stated Automated Metering Infrastructure (AMI) can be addressed; however, the Board needs to be prudent when it comes to that. He indicated the Board will have accurate data and the right people in place. Next, the General Manager recognized the Employee Award Recipients for the 4th Quarter of 2021 and 1st Quarter of 2022. He then presented the Board with a handout. A copy of the handout is on file in Diligent. He then gave an overview of the different types of awards. He stated

the goal of the awards was to make it more comprehensive. Director Munchus questioned whether the awards are spread throughout the organization and how were the recipients chosen. The General Manager responded the awards are given throughout the organization. He stated the recipients are chosen from recommendations by various positions held by employees up to Assistant General Manager. Director Munchus questioned whether there is any cash involved. The General Manager responded yes; and stated the MVP Award is given \$250.00; the All Star Leader Award is given \$250.00; the Dream Team Award is given \$50.00; and there is also a luncheon held for award recipients. Following, the General Manager recognized Jamekia Bies and Theo Johnson, Help To Others (H2O) Foundation. Ms. Bies gave an overview of the H2O Foundation. She stated the Foundation partners with the Salvation Army. She then gave an overview of client assistance. She indicated 556 neighbors have been assisted between January 2022 through April 2022. She then gave an overview of updates for the Foundation which includes a new contract with the Salvation Army; program income guidelines; and monthly reporting from the Salvation Army. Ms. Bies gave an overview of the Foundation's staff. She then gave an overview of the financial summary. She indicated the Foundation has \$1.3 million in assets. She indicated the Foundation received its first grant from the City of Birmingham on June 21, 2022. She stated she would like to see how BWWB can provide further assistance to the Foundation. Chairman Rice questioned the Foundation's status. Ms. Bies responded 501(c)3. Chairman Rice questioned the financial statement showing revenue. The General Manager stated the revenue is really contributions. He indicated the Foundation can show a profit or loss. Chairman Rice questioned whether the Board can see a list of customers that have been assisted by the Foundation. The General Manager stated a list could be provided; however, the list can't include customer's information. Board Attorney Mark Parnell stated the information needs to be reviewed to see how detailed it could be. He stated BWWB contributes to the Foundation; therefore, there has to be a demarcation of the two entities. He indicated the Foundation can look at how they can get BWWB the information it is requesting. Chairman Rice stated he would like to ensure the funds are helping BWWB Customers. Mr. Parnell indicated the funds can only be used in the service area of the BWWB even though some of the program is administered by the Salvation Army. Chairman Rice stated he would like to receive the information within 10 days.

Following, the Board moved to Speakers. Mr. James Jones spoke regarding his billing issues. Jefferson County Commissioner Shelia Tyson reiterated Mr. Jones' billing issues and she pointed out that others in her District are experiencing similar billing issues. Director Huffman stated there needs to be a stronger communication strategy to address billing issues; therefore, as Chair of the Communications Committee she plans on calling a Communications Committee Meeting to review BWWB's strategy to communicate with customers and to be transparent. Chairman Rice stated the Board needs to see action to address the billing issues. He indicated when the Board requests information, the response should be timely. The last speaker was Mr. Issam Bajalia, owner of Salon U. He spoke of alleged damages that were incurred at his business by a BWWB employee. Director Ward left the meeting at 12:15 pm. Chairman Rice assured Mr. Bajalia staff would respond to him to address his claim. Director Ward returned to the meeting at 12:18 p.m.

Following, the Board moved to the first item on the agenda, Request Board to approve payments for the following. 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 Huffman, and seconded by Mr. Thomas Henderson, that the Board hereby authorizes staff to execute payment to the following:

- 1.1 Dominick Feld Hyde, PC for the following:
 - 1.1.1 For professional services related to the Pension Plan rendered May 3, 2022 through May 12, 2022 in the amount \$3,050.40.
 - 1.1.2 For professional services related to Other Post Employment Benefit Plans rendered May 2, 2022 through May 27, 2022 in the amount \$4,496.80.

- 1.2 Terminus Municipal Advisors, LLC for professional services rendered May 2022 in the amount of \$8,500.00.
- 1.3 The Jones Group, LLC for professional services rendered March 2022 in the amount of \$10,000.00.
- 1.4 Raftelis Financial Consultants, Inc. for the following:
 - 1.4.1 For professional services related to Financial Support rendered May 2022 in the amount of \$3,280.00.
 - 1.4.2 For professional services related to Bill Frequency rendered May 2022 in the amount of \$3,540.00.
 - 1.4.3 For professional services related to Strategic Plan Support, including Dashboard rendered May 2022 in the amount of \$9,127.50.
- 1.5 Birmingham Construction Industry Authority for professional services rendered for April 30, 2022 in the amount of \$25,000.00.
- 1.6 Parnell Thompson, LLC for professional services rendered May 2022 in the amount of \$65,157.00.

Resolution No. 9067 is hereby adopted by unanimous vote.”

Following, the Board moved to the second item on the agenda, Request Board to approve payment of invoice from Hilliard, Smith & Hunt, LLC for professional services rendered May 2022 in the amount of \$13,000.00. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus, and seconded by Mr. Thomas Henderson, that the Board hereby authorizes staff to execute payment to Hilliard, Smith & Hunt, LLC for professional services rendered May 2022 in the amount of \$13,000.00. Resolution No. 9068 is hereby adopted by Directors Rice, Burbage, Ward, Henderson, Blankenship, and Mims voted yes; and Director Huffman abstained from voting.”

Following, Chairman Rice made a motion to vote on agenda items three through six together and Director Ward seconded the motion. 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. Chris Rice, and seconded by Mr. Larry Ward, that the Board hereby authorizes staff to award bid to Spectrum Reach/Charter Enterprise, the lowest responsible and responsive bidder, for Secondary Internet Services, at an estimated out-of-pocket cost of \$64,294.00; and authorizes the General Manager and/or the Assistant General Manager to execute said contract, as recommended by the Engineering and Maintenance Committee. Resolution No. 9069 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 Mr. Chris Rice, and seconded by Mr. Larry Ward, that the Board hereby authorizes staff to award bid to Midsouth Paving, the lowest responsible and responsive bidder, for Asphalt HOT Mix for a one-year period, at an estimated out-of-pocket cost of \$1,767,460.00; and authorizes the General Manager and/or the Assistant General Manager to execute said contract, as recommended by the Engineering and Maintenance Committee. Resolution No. 9069 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 Mr. Chris Rice, and seconded by Mr. Larry Ward, that the Board hereby authorizes staff to execute a contract with NET SPI to perform Penetration Testing as a Service to the BWB computer network, at an estimated out-of-pocket cost of \$31,589.10; and authorizes the General Manager and/or the Assistant General Manager to execute said contract, as recommended by the Engineering and Maintenance Committee. Resolution No. 9069 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 Mr. Chris Rice, and seconded by Mr. Larry Ward, that the Board hereby approves a Reimbursable Agreement with the city of Mountain Brook, Alabama for the relocation of a water main along Caldwell Mill Road that crosses Little Shades Creek extension at an estimated out-of-pocket cost to the Board of \$61,800.00; and authorizes the General Manager and/or the Assistant General Manager to execute said agreement, as recommended by the Engineering and Maintenance Committee. Resolution No. 9069 is hereby adopted by unanimous vote.”

Following, the Board moved to the seventh item on the agenda, Request Board to approve an amended contract with Security One, Inc., for a continuation of security guard services on a month-to-month basis, effective July 1, 2022, at all sites referenced in the contract at an out-of-pocket monthly cost not-to-exceed \$60,000.00; and to authorize the General Manager and/or the Assistant General Manager to execute said document. Director Munchus questioned was a Request For Proposals (RFP) sent out and is the contract for three years. The General Manager responded an RFP needs to be sent out and the agreement is for one year. Chairman Rice questioned why staff was waiting to the last minute to present this item and whose responsibility was it to know when the contract would expire. The General Manager stated ultimately the responsibility is his. He indicated there were changes in the Security Department that affected the RFP. Chairman Rice questioned whether there was a central location for expirations of contracts and whose department does the contract fall under. The General Manager responded yes; and stated the contract should have been reviewed. He stated the contract falls under Assistant General Manager Jeff Thompson. Chairman Rice questioned Mr. Thompson why the contract was late. Assistant General Manager Thompson stated it was an oversight due to a transition from one division to another division. He indicated it would not happen again. Chairman Rice questioned what the action plan is to ensure this won’t happen in the future. Assistant General Manager Thompson stated the action plan is to have the contracts on a calendar so they can be handled in a timely manner. Director Blankenship questioned whether there is an issue with Security One. The General Manager responded no. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Thomas Henderson, and seconded by Mr. William Burbage, that the Board hereby approves an amended contract with Security One, Inc., for a continuation of security guard services on a month-to-month basis, effective July 1, 2022, at all sites referenced in the contract at an out-of-pocket monthly cost not-to-

exceed \$60,000.00; and authorizes the General Manager and/or the Assistant General Manager to execute said agreement. Resolution No. 9070 is hereby adopted by unanimous vote.”

Next, Director Huffman then made a motion to adjourn the meeting and Director Blankenship seconded the motion. On a motion duly made and seconded, the motion was approved, and the meeting was adjourned at 12:25 p.m.

Christopher B. Rice
Chairman/President

Attest:

_____/s/
Raymond L. Ward
Secretary-Treasurer