

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
August 12, 2020**

A regular board meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, August 12, 2020 at 11:30 a.m.

The following Board members were present: Ronald A. Mims, Tommy J. Alexander, Brenda J. Dickerson, Deborah Clark, William “Butch” Burbage, Jr., Lucien Blankenship, William Muhammad, Brett A. King, and George Munchus.

Others present were: Michael Johnson, General Manager; Derrick Murphy, Jeffrey Thompson and Iris Fisher, Assistant General Managers; Grace Amison, Executive Assistant to the Board of Directors; Anitra Hendrix, Executive Assistant to the General Manager; Rick Jackson, Marsha Hammonds, Hattye McCarroll, and Colandus Mason, BWWB Employees; K. Mark Parnell, Parnell Thompson Law, LLC; Kelvin Howard, Kelvin Howard, LLC; Emory Anthony, Esq.; Patrick Flannelly, ARCADIS, U.S., Inc.; and Michael Bell, Birmingham Construction Industry Authority.

Chairman Mims declared a quorum in attendance.

Chairman Mims called the meeting to order at 11:31 a.m. and Assistant General Manager Iris Fisher opened with prayer.

Following, Director Blankenship made a motion to approve the agenda and Director Munchus 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. Lucien Blankenship and seconded by Mr. George Munchus, that the Board hereby approves the agenda of the Regular Board of Directors’ Meeting for August 12, 2020. Resolution No. 8423 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, the Board moved to the first item on the agenda, Request Board to approve minutes from the April 15, 2020 Regular Board of Directors' Meeting, April 29, 2020 Regular Board of Directors' Meeting, and May 13, 2020 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 Muhammad seconded the motion. On a motion duly made and seconded:

“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 R. Muhammad, that the Board hereby approves minutes of Regular Board of Directors' Meeting held

April 15, 2020, Regular Board of Directors' Meeting held April 29, 2020, and Regular Board of Directors' Meeting held May 13, 2020. Resolution No. 8424 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye."

Following, the Board moved to the second item on the agenda, Request Board to adopt resolutions authorizing monthly retirement benefits from the Board's Retirement Trust Fund for the following; necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve the item and Director Alexander seconded the motion. Chairman Mims questioned whether these positions have been filled. The General Manager stated the positions have not been filled; however, the positions will be filled expeditiously. Director Munchus questioned whether there are current employees who could fill these positions. Assistant General Manager Derrick Murphy stated there are qualified current employees; however, for the electrical position, an external person would need to be hired. Director Muhammad stated the Board needs to work on its succession planning. He indicated he would like to see a report in 90 days. On a motion duly made and seconded, the following resolutions were adopted:

"WHEREAS, Kathryn Davis, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective September 1, 2020, at an age of 56; and

WHEREAS, Kathryn Davis has 30 years of continuous service with the Board at her retirement date, and, in accordance with the terms of the Trusteed Pension Plan, Ms. Davis is entitled to receive a monthly Retirement payment from the Board's Retirement Trust Fund in the amount of \$5,103.59; 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. George Munchus and seconded by Mr. Tommy Joe Alexander, that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$5,103.59 to Ms. Davis, beginning September 1, 2020, from the Board's Retirement Trust Fund, in accordance with the terms of the Pension Plan.

Resolution No. 8425 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye."

"WHEREAS, Kathryn Davis, an employee of The Water Works Board of the City of Birmingham, is retiring, effective September 1, 2020, after 30 years of service with the Board; and

WHEREAS, management has informed the Board of Kathryn Davis' 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, Kathryn Davis, 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, Kathryn Davis is hereby commended for her efficiency, reliability, and loyal service to the Board.

BE IT FURTHER RESOLVED, that in recognition of Kathryn Davis' 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 Ms. Davis.

Resolution No. 8426 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye."

"WHEREAS, Walter Garner, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective September 1, 2020, at an age of 66; and

WHEREAS, Walter Garner has 12 years and 10 months of continuous service with the Board at his retirement date, and, in accordance with the terms of the Trusteed Pension Plan, Mr. Garner is entitled to receive a monthly Retirement payment from the Board's Retirement Trust Fund in the amount of \$2,897.09; 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. George Munchus and seconded by Mr. Tommy Joe Alexander, that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$2,897.09 to Mr. Garner, beginning September 1, 2020, from the Board's Retirement Trust Fund, in accordance with the terms of the Pension Plan.

Resolution No. 8427 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye."

"WHEREAS, Walter Garner, an employee of The Water Works Board of the City of Birmingham, is retiring, effective September 1, 2020, after 12 years and 10 months of service with the Board; and

WHEREAS, management has informed the Board of Walter Garner'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, Walter Garner, 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, Walter Garner is hereby commended for his efficiency, reliability, and loyal service to the Board.

BE IT FURTHER RESOLVED, that in recognition of Walter Garner'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. Garner.

Resolution No. 8428 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, the Board moved to the third item on the agenda, Request Board to approve reimbursement to the Operating Account for the period ended June 30, 2020 in the amount of \$3,885,425.59; necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve the item and Director Dickerson seconded the motion. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, ARCADIS US, Incorporated, in a Certificate dated July 23, 2020, certified that during the period ending June 30, 2020 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 \$3,885,425.59 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 Dr. Brenda Dickerson, that the Trustee be, and is hereby instructed to immediately transfer \$3,885,425.59 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. 8429 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, the Board moved to the fourth item on the agenda, Request Board to approve payments of invoices; necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve the item and Director Dickerson seconded the motion. Director Blankenship then made a motion to approve the items separately and Director Munchus seconded the motion. The Board agreed to vote separately to approve the invoices. Director Clark stated consultants were asked to decrease their fees and questioned when consultants' fees reverted to the original amount. Director Muhammad stated a resolution was passed to raise the fee for Agency 54 back to its original amount. On a motion duly made and seconded, the following resolution was adopted:

Next, the Board voted on agenda items 4.1 through 4.5. 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. Lucien Blankenship, and seconded by Mr. George Munchus, that the Board hereby authorizes staff to execute payment to the following:

- 4.1 Emory Anthony, Jr.
For professional services rendered May 26, 2020 through July 22, 2020 \$ 4,882.50

Resolution No. 8430 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

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

- 4.2 Terminus Municipal Advisors, LLC
 - 4.2.1 For professional services rendered for June 2020 \$ 6,500.00
 - 4.2.2 For professional services rendered for July 2020 \$ 6,500.00

Resolution No. 8431 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

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

- 4.3 Raftelis Financial Consultants, Inc.
For professional services rendered during June 2020 \$ 19,413.75

Resolution No. 8432 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

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

- 4.4 Agency 54
- 4.4.1 For professional services rendered during May 2020 \$ 25,000.00
- 4.4.2 For professional services rendered during June 2020 \$ 25,000.00

Resolution No. 8433 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Alexander, Aye; Director Clark, Abstain; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

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

- 4.5 Birmingham Construction Industry Authority
- For BWWB Compliance Program Contract Services –
- August 2020 \$ 25,000.00

Resolution No. 8434 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Alexander, Aye; Director Clark, Abstain; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, the Board moved to the fifth item on the agenda, Request Board to take bids for estimated annual quantities of Pipe (Slip joints, Pressure Class pipe and M.J. Fittings) located in Jefferson County, Alabama at an estimated out-of-pocket cost to the Board of \$2,500,708.40, as recommended by the Engineering & Maintenance Committee; necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve the item and Director Dickerson seconded the motion. Chairman Mims questioned the amount of money spent on pipes and fittings last year. Assistant General Manager Murphy responded \$1.2 million was spent in the last couple of years. 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 Dr. Brenda Dickerson , that the Board hereby authorizes staff to take bids for estimated annual quantities of Pipe (Slip joints, Pressure Class pipe and M.J. Fittings) located in Jefferson County, Alabama at an estimated out-of-pocket cost to the Board of \$2,500,708.40, as recommended by the Engineering & Maintenance Committee. Resolution No. 8435 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

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Following, the Board moved to the sixth 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 and 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 Blankenship requested these items be voted on separately. Director Munchus then made a motion to approve the items separately and Director Blankenship seconded the motion. Chairman Mims questioned whether there will be an expected price change. The General Manager responded no. Director Munchus questioned whether there was one bidder on this item. The General Manager responded yes. Director Blankenship questioned what the savings on this item are. Assistant General Manager Murphy stated he would supply a breakdown of the savings. Next, the Board agreed to vote separately to award bids. 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 Mr. Lucien Blankenship, that the Board hereby awards 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, as recommended by the Engineering & Maintenance Committee:

- 6.1 Baird Contracting Co., Inc, the lowest responsible and responsive bidder, for the sinkhole remediation alongside our Lake Purdy Well Site access driveway at an estimated negotiated cost to the board of \$273,000.00.

Resolution No. 8436 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

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“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 awards 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, as recommended by the Engineering & Maintenance Committee:

6.2 For Low-sulfur on-road diesel and mid-grade unleaded gasoline as follows:

- Petroleum Traders Corp., the lowest responsible and responsive bidder, for low-sulfur on-road diesel for an out-of-pocket cost to the Board of \$312,308.00 per year for a 3-year contract.
- Hightowers Petroleum Co., the lowest responsible and responsive bidder, for mid-grade unleaded gasoline at an out-of-pocket cost to the Board of \$313,927.80 per year for a 3-year contract.

Resolution No. 8437 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

“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 awards 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, as recommended by the Engineering & Maintenance Committee:

6.3 For light and heavy-duty truck tires as follows:

- Best One Tire & Service, the lowest responsible and responsive bidder, for light-duty truck tires, at an estimated out-of-pocket cost to the Board of \$236,049.00 per year for a 3-year contract.
- Commercial & Industrial Tire, Inc., the lowest responsible and responsive bidder, for heavy-duty truck tires, at an estimated out-of-pocket cost to the Board of \$745,600.00 per year for a 3- year contract.

Resolution No. 8438 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

“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 awards 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, as recommended by the Engineering & Maintenance Committee:

- 6.4 Global Construction & Engineering, Inc., the lowest responsible and responsive bidder, for the replacement of approximately 6,340' of 2" unlined cast iron pipe / 2" galvanized steel pipe and 950' of 6" unlined cast iron pipe with approximately 1,870' of 4" DICL pipe; 3,630' of 6" DICL pipe; 1,350' of 8" DICL pipe and related appurtenances; and 100 water services along 52nd Place North, 52nd Street North, 55th Street North, 57th Street North, 59th Street North, 2nd Avenue North, 1st Avenue North and Georgia Road located in the Woodlawn Community of the City of Birmingham at a bid amount of \$1,468,133.00; plus estimated cost of materials and Water Board labor in the amount of \$749,785.85; for an estimated out-of-pocket cost to the Board of \$2,217,918.85.

Resolution No. 8439 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye."

Following, the Board moved to the seventh item on the agenda, Request Board to approve scope of services agreements with Nehemiah Engineering, LLC, and ARCADIS, U.S., Inc.; and to authorize the General Manager and/or Assistant General Manager to execute said agreements, as recommended by the Engineering & Maintenance Committee; necessary to perform essential minimum functions of the governmental body. Director Dickerson made a motion to approve the item and Director Munchus 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 Dr. Brenda Dickerson, and seconded by Mr. George Munchus, that the Board hereby approves scopes of service agreements and authorizes the General Manager and/or Assistant General Manager to execute said agreements with the following, as recommended by the Engineering & Maintenance Committee:

- 7.1 Nehemiah Engineering, LLC for providing planning, surveying, design plans, technical specifications and construction inspection for the proposed Sodium Hypochlorite Chemical Feed System at Putnam Filter Plant located in the City of Birmingham, at an estimated out-of-pocket cost to the Board for \$412,000.00.

Resolution No. 8440 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Abstain; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye."

Director Alexander left the meeting at 12:26 p.m.

"BE IT RESOLVED By The Water Works Board of the City of Birmingham ("the Board"), on a motion duly made by Dr. Brenda Dickerson, and seconded by Mr. George Munchus,

that the Board hereby approves scopes of service agreements and authorizes the General Manager and/or Assistant General Manager to execute said agreements with the following, as recommended by the Engineering & Maintenance Committee:

- 7.2 ARCADIS U.S., Inc. for the design, bid and construction of the proposed Sodium Hypochlorite Chemical Feed System and replacement of the existing Chemical Building Motor Control Center (MCC) at Western Filter Plant located in the City of Birmingham, estimated out-of-pocket cost to the Board for \$967,000.00.

Resolution No. 8441 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Alexander, Aye; Director Clark, Abstain; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, the Board moved to the eighth item on the agenda, Request Board to approve an amendment to Resolution Number 8392, establishing a Customer Service Assistance Program in the amount of \$1.2 Million, by removing contingencies two (2) through six (6); necessary to perform essential minimum functions of the governmental body. Director Munchus made a motion to approve the item and Director Dickerson seconded the motion. Director Blankenship stated this item could be tabled due to the timing of this item. Director Munchus stated he felt management should be given flexibility on how to handle this item. The General Manager stated this item needed to be vet properly. Director Blankenship stated a plan and a legal opinion should be given before allocation of funds. A discussion then ensued. Director Clark questioned whether Jefferson County was going to match the funds. Director Munchus responded no. Director Clark stated the Board is being asked to make a decision on a hypothetical situation and it needs more information. 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 Dr. Brenda Dickerson, that the Board hereby approves an amendment to Resolution Number 8392, establishing a Customer Service Assistance Program in the amount of \$1.2 Million, by removing contingencies two (2) through six (6). Resolution No. 8442 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director Clark, No; Director Burbage, No; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, No; and Director Dickerson, Aye.”

Following, the Board moved to the ninth item on the agenda, Request Board to approve a right-of-way acquisition of 1.6 acres from Bold Springs Presbyterian Church / Cemetery for the installation of a portion of the Carson Loop Phase 8G pipeline project, and to authorize the General Manager and/or the Assistant General Manager to execute the necessary documents to acquire said acquisition at an out-of-pocket cost to the Board of \$20,000.00, as recommended by the Engineering & Maintenance Committee; necessary to perform essential minimum functions of the governmental body. Director King made a motion to approve the item and Director Munchus 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. Brett King, and seconded by Mr. George Munchus, that the Board hereby approves a right-of-way acquisition of 1.6 acres from Bold Springs Presbyterian Church / Cemetery for the installation of a portion of the Carson Loop Phase 8G pipeline project, and authorizes the General Manager and/or the Assistant General Manager to execute the necessary documents to acquire said acquisition at an out-of-pocket cost to the Board of \$20,000.00, as recommended by the Engineering & Maintenance Committee. Resolution No. 8443 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, Director Blankenship inquired about who prepares the agenda. Next, there was a discussion relative to revisions to the agenda as some directors did not have the revised agenda for the board meeting. As a result, a motion was made and seconded to suspend the rules to add item 10 to the agenda.

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Lucien Blankenship and seconded by Dr. Brenda Dickerson, that the Board hereby suspends the rules to add item 10 to the agenda. Resolution No. 8444 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Following, the Board moved to the tenth item on the agenda, Request Board to approve a Contract for Sale and Purchase for the purchase of a parcel of property consisting of 492+/- acres located adjacent and near Inland Lake, in Blount County, Alabama from Inland Lake Investment, LLC at an out-of-pocket cost to the Board of \$1,082,400.00, plus purchaser’s closing costs; and to authorize the General Manager and/or the Assistant General Manager to execute said contract from Target Auction and Land Co., Inc. Director Blankenship made a motion to add this item to the agenda and Director Dickerson seconded the motion. The General Manager indicated the Board authorized him to make an offer of up to \$2,000.00 per acre.

Next, Director Dickerson made a motion to approve the item and Director Munchus seconded the motion. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, Inland Lake Investment, LLC owns 492+/- acres located adjacent and near Inland Lake, in Blount County, Alabama (said real estate being more particularly described below and in the exhibits attached hereto); and,

WHEREAS, Inland Lake Investment, LLC has offered said 492+/- acres for sale; and

WHEREAS, The Water Works Board of the City of Birmingham (the Water Works Board”) desires to purchase said 492+/- acres; and,

WHEREAS, the Water Works Board’s General Manager has negotiated, subject to the approval of the board of directors, the terms to purchase said 492+/- acres, said terms and conditions being more particularly described below and, in the exhibits, attached hereto.

NOW THEREFORE, BE IT RESOLVED on a motion made by Dr. Brenda Dickerson and seconded by Mr. George Munchus as follows:

1. The Board of Directors of the Water Works Board hereby approves the purchase of the 492+/- acres of land located in Blount County, Alabama on the terms and conditions more particularly described in the Contract for Sale and Purchase attached hereto as Exhibit “A”.
2. The General Manager is authorized and instructed to execute the Contract for Sale and Purchase attached hereto as Exhibit “A” and further authorized and instructed, with the advice of the Water Works Board’s legal counsel, to execute such other documents and instruments needed and necessary to effectuate the purchase of said 492+/- acres.
3. The General Manager is further authorized to expend the necessary funds to purchase said 492+/- acres, including the Contract Price set forth in the Contract for Sale and Purchase attached hereto as Exhibit “A”, the Water Works Board’s portion of closing costs as set forth in the Contract for Sale and Purchase attached hereto as Exhibit “A”, and any premium to acquire title insurance.

Resolution No. 8445 is hereby adopted by a roll call vote: Director Blankenship, Aye; Director Clark, Aye; Director Burbage, Aye; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye; on August 12, 2020.

Following, the Board moved to the eleventh item on the agenda, New Business. Director Munchus made a motion to accept a scope of services agreement from Environmental Litigation Group and Director Dickerson seconded the motion. Director Clark stated she wanted to see the line of demarcation and what the State of Alabama said it would do. Board Attorney Mark Parnell stated the Alabama Department of Environmental Management entered into a consent order with 3M Company. He indicated he hasn’t seen the consent order and does not know if it applies to the entire State. He also indicated he has not seen the scope of services agreement that was referred to. He indicated part of this discussion was done in Executive Session and cautioned getting into detailed discussion in an open meeting. Director Clark stated this item may need to go back to committee. A discussion then ensued. Director Munchus indicated this is a no cost agreement. Director Clark stated the Board may not want this firm to represent them. Director King stated he has looked at this item and he does not see a downside to engaging Environmental Litigation Group. He stated in his professional opinion this firm does good work. 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 Dr. Brenda Dickerson, that the Board hereby approves a scope of services agreement from Environmental Litigation Group. Resolution No. 8446 is hereby adopted by a roll call vote: Director Blankenship, Abstain; Director

Clark, No; Director Burbage, No; Director Mims, Aye; Director Munchus, Aye; Director Muhammad, Aye; Director King, Aye; and Director Dickerson, Aye.”

Next, Chairman Mims called for the vote to adjourn the meeting. The motion was approved unanimously by a roll call vote.

Chairman Mims adjourned the meeting at 1:25 p.m.

/s/
Ronald A. Mims
Chairman/President

Attest:

/s/
William R. Muhammad
Secretary-Treasurer