

**MINUTES OF THE REGULAR MEETING OF DIRECTORS  
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM  
February 13, 2019**

The regular meeting of the Directors of The Water Works Board of the City of Birmingham was held on Wednesday, February 13, 2019 at 11:30 a.m., at 3600 First Avenue North, Birmingham, Alabama.

The following Directors were present: William "Butch" Burbage, Jr., Tommy Joe Alexander, Brett A. King, Brenda J. Dickerson, George Munchus, Ronald A. Mims, Deborah Clark and Sherry W. Lewis. Director William R. Muhammad was absent.

Inasmuch as eight Directors were present, a quorum was in attendance.

The meeting was also attended by: Michael Johnson, Interim General Manager and Assistant General Manager of Finance and Administration; Sonny Jones, Assistant General Manager of Engineering and Maintenance; Tammy Wilson, Executive Assistant to Assistant General Manager, Sonny Jones; Grace Amison, Executive Assistant to the Board of Directors; George Anderson, Paul Lloyd, Joyce Agee, John Dansby, Barry Williams, Rick Jackson, Steve Franks, Ben Sorrell, Terrell Jones, Anthony Gates, Board Employees; Mark Parnell and Mary Thompson, Parnell Thompson, LLC; Kelvin Howard, Kelvin Howard Attorney; Tommy Palladino, Agency 54; Brian Ruggs, ARCADIS; Matthew Arrington, Terminus Municipal Advisors; Chandra Abesingha, CE & Associates, Inc.; Theo Johnson, Volkert & Associates; Kayla Currie, Attorney General Office; Isaac Ballard and Nelda Thompkins, BWWB retiree; City of Birmingham Police Officer; Ken King, City of Birmingham.

Interim General Manager, Michael Johnson called the meeting to order at 11:32 a.m. Information Technology Manager, George Anderson opened the meeting with prayer.

Next, Interim GM Johnson asked the Board to adopt a resolution recognizing and commending the Security Department for their outstanding efforts toward the BWWB being ranked in the "Security 500" magazine for the 7th straight year, as set forth in agenda item 1. Assistant General Manager, Sonny Jones commended the Security Department. Manager of Security, Scott Starkey complemented his department for their hard work and talked about some of the training classes they offer to employees. The Security Department presented the Board Members with gifts. 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 Dr. George Munchus and seconded by Mr. Ronald A. Mims, that the Board hereby recognizes and commends; members of the Security Department: Jimmy Bonner, Philip Henson, Chris Hill, Terrell Jones, Raheem Long, Ingra McCurdy, Kevin Miller, Reginald Shepherd, Scott Starkey and Cynthia Williams for their outstanding efforts towards the BWWB being ranked in the "Security 500" for the 7th straight year.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the minutes of the Water Works Board of the City of Birmingham.

Resolution No. 8016 is hereby adopted by unanimous vote.”

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Following, the Board was asked to adopt resolutions authorizing monthly retirement benefits form the Board’s Retirement Trust Fund for Johnny Bittles, Senior Mechanic in the Electrical and Mechanical Department, for 31 years and 3 months of service, as stated on the respective retirement calculation, effective March 1, 2019, and commending Mr. Bittles for his years of service, as set forth in agenda item 2. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, Johnny Bittles, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective March 1, 2019, at an age of 51; and

WHEREAS, Johnny Bittles has 31 years and 3 months of continuous service with the Board at his retirement date, and, in accordance with the terms of the Trusteed Pension Plan, Mr. Bittles is entitled to receive a monthly Retirement payment from the Board’s Retirement Trust Fund in the amount of \$5,795.08; 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 A. Mims and seconded by Dr. George Munchus, that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$5,795.08 to Mr. Bittles, beginning March 1, 2019, from the Board’s Retirement Trust Fund, in accordance with the terms of the Pension Plan.

Resolution No. 8017 is hereby adopted by unanimous vote.”

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“WHEREAS, Johnny Bittles, an employee of The Water Works Board of the City of Birmingham, is retiring, effective March 1, 2019, after 31 years and 3 months of service with the Board; and

WHEREAS, management has informed the Board of Johnny Bittles’ 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, Johnny Bittles, 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, Johnny Bittles is hereby commended for his efficiency, reliability, and loyal service to the Board.

BE IT FURTHER RESOLVED, that in recognition of Johnny Bittles' 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. Bittles.

Resolution No. 8018 is hereby adopted by unanimous vote.”

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Next, the Board was asked to amend monthly retirement benefits from the Board's Retirement Trust Fund for Joe Cordes from \$928.44, which became effective January 1, 2019 to \$879.12, effective March 1, 2019, as stated on the revised retirement calculation. This reduction in monthly retirement benefits is because Mr. Cordes' final average earnings were calculated using a three-year final average rather than a five-year final average, as required for employees who were hired on or after January 1, 2008, as set forth in agenda item 3. Director Mims stated he did not know how this happened. Interim GM Johnson stated the Payroll Department made a mistake and upon review of the calculation discovered this was the first employee retiring to fall into the five-year final average calculation. Director Alexander stated it was bad to tell a man his retirement figure was \$928.44 and then reduce it to \$879.12, adding it was not the employees' fault. Some discussion occurred regarding changes to the OPEB Plan in 2007 which reduced the amount of the Board's Retirement Trust liability. Director Clark asked if some of the people who conduct retirement calculations are ones who were recommended for increases on the recent salary survey. Interim GM Johnson stated the grading is based on the job requirements. Director Lewis voiced concern that this was another mistake on a retirement calculation and there should be checks and balances. Director Lewis stated there should be some accountability. Interim GM Johnson stated the five individuals are double checking the calculations now. Director King stated this was the first time a mistake was made on a retiree under these circumstances. Director Lewis stated this was a serious matter and if it happens again, the record will show her concern. Director Munchus stated he was with Director King on this. Director Burbage gave an example of receiving four different amounts on his monthly Social Security check. Director Burbage asked Interim GM Johnson to express to the five individuals the Board's concerns on this matter. 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. Ronald A. Mims and seconded by Ms. Deborah Clark, that the Board hereby amends the monthly retirement benefits of Joe Cordes from \$928.44, which became effective January 1, 2019, to \$879.12 per month from the Board's Retirement Fund, effective March 1, 2019, as stated on the revised retirement calculations. This reduction in monthly retirement benefits is because Mr. Cordes' final average earnings was calculated using a three-year final average rather than a five-year final average, as required for employees who were hired on or after January 1, 2008.

Resolution No. 8019 is hereby adopted by Directors Burbage, Alexander, King, Dickerson, Munchus, Mims and Clark. Director Lewis Abstained.”

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Following, the Board was asked to approve minutes of Regular Board of Directors' Meetings from December 20, 2018, as set forth in agenda item 4. 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 Dr. Brenda J. Dickerson and seconded by Dr. George Munchus, that the Board hereby approves minutes of the Regular Board of Directors' Meeting held on December 20, 2018.

Resolution No. 8020 is hereby adopted by unanimous vote.”

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Next, the Board was asked to approve Director King's mileage expense reimbursement for January 2019 in the amount of \$71.92, as set forth in agenda item 5. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, the Board of Directors has adopted a Travel Expense Reimbursement Policy, as amended; and

WHEREAS, in accordance with Act No. 2015-164, approval is requested for the following mileage expense reimbursement.

NOW, THEREFORE, BE IT RESOLVED, on a motion made by Ronald A. Mims and seconded by Dr. Brenda J. Dickerson, that the following board member(s) be reimbursed for his mileage expense reimbursements as follows:

- Brett King for mileage expense reimbursement for January 2019 in the amount of \$71.92 (as shown on the attached “Itemized Travel and Business Expense Reimbursements”).

Resolution No. 8021 is hereby adopted by a roll call vote: Director Alexander, Yes; Director Clark, Yes; Director Dickerson, Yes; Director Burbage, Yes; Director Mims, Yes; Director Lewis, Yes; Director Munchus, Yes; and Director King, Yes.”

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Following, the Board was asked to approve payment of invoices, as set forth in agenda items 6.1 through 6.6. Director Dickerson raised concerns on items 6.3 and 6.5 regarding their invoices not being itemized. Interim GM Johnson stated The Jones Group would be at the Executive Committee Meeting and he would ask then to resume itemizing their invoices as they have done in the past. Director Dickerson stated she was not familiar with item 6.6, Ellis Head Owens & Justice Attorneys at Law, adding that invoice was not itemized either. Attorney Parnell responded that Bent Owens was representing four employees on the Startley General Contractors lawsuit associated with this invoice. Attorney Parnell stated there is the concern that detailed billing reflects strategy, so there is an effort to minimize that. The invoices are available for Board

Members to view in detail in Interim GM Johnson’s office according to Attorney Parnell. Director Clark asked if the attorneys could update the Board in Executive Session. Attorney Parnell responded that Cory Watson can update the Board, but Bent Owens cannot because he is representing the individual employees. Attorney Thompson stated she would ask if Ernie Cory could put a generalized summary in their invoice without going into detail. 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 Dr. George Munchus and seconded by Mr. Ronald A. Mims that the Board hereby authorizes staff to execute payments to the following:

6.1	<u>Carl Dalton NeSmith, Jr. LLC</u> For retainer fee for January 2019	\$ <u>500.00</u>
6.2	<u>Dominick Feld Hyde, P.C.</u> For Pension Plan work performed from January 9 to January 31, 2019	\$ <u>1,139.20</u>
6.3	<u>Cory Watson Attorneys</u> For professional services rendered from December 14, 2018 to January 18, 2019	\$ <u>4,690.47</u>
6.4	<u>Terminus Municipal Advisors, LLC</u> For professional services rendered for January 2019	\$ <u>6,500.00</u>
6.5	<u>The Jones Group, LLC</u> For professional services rendered for January 2019	\$ <u>7,500.00</u>
6.6	<u>Ellis Head Owens &amp; Justice Attorneys at Law</u> For professional services rendered from April 4 to December 14, 2018	\$ <u>29,978.08</u>

Resolution No. 8022 is hereby adopted by unanimous vote.”

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Next, under New Business, Director Alexander stated the Board is missing out on \$7,000.00 of income per year from Lake Purdy and recommended having a Business and Economic Development Committee Meeting scheduled to discuss the renewal of the concession agreement with Ken Delap. Some discussion occurred regarding a request from the Boy Scouts to use Lake Purdy. There are potential revenue sources at Lake Purdy Director Alexander and King expressed. Director Lewis stated there have been some concerns and liabilities associated with revenue opportunities in the past.

Following, Director Burbage handed out a booklet of potential search firms for the position of General Manager and he asked the Board Members for feedback at the Executive Committee Meeting scheduled for Thursday, February 21<sup>st</sup> or at least by the next Regular Board Meeting scheduled for Thursday, February 28<sup>th</sup>.

Next, Director King announced that Stantec would be present at the next Engineering and Maintenance Committee Meeting, scheduled for Tuesday, February 19th to give a second opinion on the Lake Purdy Dam rehab project. Director Munchus asked who recommended this. Director King responded that he and Director Clark wanted to consider another opinion for this project. Some discussion occurred regarding a fee and Director King responded there was no fee associated with Stantec giving their opinion.

As there was no further business before the Board, a motion was made and seconded, and the meeting was adjourned at 12:05 p.m.

\_\_\_\_\_/s/\_\_\_\_\_  
William "Butch" Burbage, Jr.  
Chairman/President

Attest:

\_\_\_\_\_/s/\_\_\_\_\_  
Ronald A. Mims  
Secretary-Treasurer