

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS OF THE
WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
December 6, 2023**

The regular bi-monthly meeting of the Directors of The Water Works Board of the City of Birmingham was held on Wednesday, December 6, 2023, at 11:30 a.m., at 3600 First Avenue North, Birmingham, Alabama, Training Room. The Public has the option to listen by phone by calling (888) 398-2342 Code: 5608731.

The following Directors were present via roll call: Lucien B. Blankenship, William “Butch” Burbage, Jr., Tereshia Huffman, George Munchus, Dalton NeSmith, Jr., Mashonda Taylor, and Larry Ward. Director Tom Henderson was absent.

Others present were: Michael Johnson, General Manager; Iris Fisher and Derrick Murphy, Assistant General Managers; Cynthia Williams, Board Administrator; Tammy F. Wilson, Executive Assistant; Mark Parnell, Parnell Thompson, LLC; Kelvin Howard, Kelvin Howard, LLC; Tiffanie Agee, Agee Law; Marsha Hammonds, Brandon Sims, David Walker, Anthony Hazel, Akhi King, Drusilla Hudson, Rick Jackson, Derrick Gray, Charles McGee, and Jeff Wade, Jeremy Ervin, BWWB Employees; Olivia Martin, State of Alabama Office of the Attorney General; Michael Bell, Birmingham Construction Industry Authority; Patrick Flannelly and Zakiya Seymour, ARCADIS U.S.; Bill Todd, O2 Ideas; Lindsey McAdory, CBG Strategies; Alicia Rudolph, Phillip Guin and Jason Leggett, Neel-Schaffer; Joseph Bryant and Roy Johnson, AL.com; Iva Williams, urbanham.com; Kamilah Lewis and Alyssa Thomas, COB; and COB Police Officer.

Chairwoman Tereshia Huffman called the meeting to order at 11:30 a.m. Assistant General Manager Iris Fisher opened the meeting with prayer.

Following a roll call, eight directors were present; therefore, there was a quorum in attendance.

Next, the Board was asked to approve the agenda for December 6, 2023, with the addition of an item allocating \$10,000.00 from funds budgeted for its Community Education Program in support of the 56th Annual Equal Opportunity Dinner, as Item 7, as follows. 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. Larry Ward, that the Board hereby approves the December 6, 2023, Regular Board of Directors’ meeting, adding Item 7, as recommended by the Finance Committee, a request to approve the allocation of \$10,000.00 from funds budgeted for its Community Education Program in support of the 56th Annual Equal Opportunity Dinner highlighting community leadership and the pursuit of equal opportunities hosted by the Birmingham Urban League.

Resolution No. 9454 is hereby adopted by unanimous vote.”

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Following, there were no Minutes for Approval. Assistant General Manager announced the meetings for the month of December. Under Reports of Directors, Director Munchus made a request for the Media Policy (Resolution No. 9073, voted for in the July 13, 2022, Regular Board of Directors’ Meeting) to be added back to the next Board Meeting agenda, even though he voted in the affirmative for the new policy, adding he would vote no. Director Munchus stated he has been made aware that employees felt that they were unable to speak to the media as individuals.

Next, under New Business, the Board moved to Item 1 on the agenda, a request for the Board to approve payment of an invoice to 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 Mr. William “Butch” Burbage, Jr. and seconded by Mr. George Munchus, that the Board hereby authorizes staff to execute payment to Hilliard, Smith & Hunt, LLC, for professional services rendered November 2023, in the amount of \$13,000.00.

Resolution No. 9455 is hereby adopted by unanimous vote.”

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Following, the Board moved to Item 2 on the agenda, a request for the Board to approve expenditures with Insight Public Sector, for a Shure Mic Microphone System. 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 Mr. George Munchus and seconded by Ms. Mashonda Taylor, that the Board hereby approves expenditures with Insight Public Sector, for a Shure Mic Microphone System, at a total out-of-pocket cost to the Board of \$84,241.57; and authorizes the General Manager and/or Assistant General Manager to execute the necessary documents, as recommended by the Engineering and Maintenance Committee. [NOTE: This service is exempt from bidding under Insight Public Sector and Omina Partners contract 23-6692-03]

Resolution No. 9456 is hereby adopted by unanimous vote.”

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Next, the Board moved to Item 3 on the agenda, requests for the Board to approve scopes of service with Neel-Schaffer, Inc, and A. G. Gaston Engineering, LLC, for design and inspection services. 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 Mr. Dalton NeSmith and seconded by Mr. George Munchus, that the Board hereby approves scopes of service with the following, as recommended by the Engineering and Maintenance Committee:

- 3.1 Neel-Schaffer, Inc., for the design and inspection of the relocation of Birmingham Waters Work Board facilities in conflict with ALDOT Project No. STPBH-5939(200), Widening Camp Horner Road (CR-1277)/Caldwell Mill Road (CR-29) from Heatherwood Drive (CR-370) to Acton Road (CR-2311) and Cahaba River Bridge Replacement in Jefferson and Shelby Counties, at an estimated out-of-pocket cost to the Board of \$510,000.00, less estimated ALDOT reimbursement totaling \$510,000.00, at an estimated out-of-pocket cost to the Board of \$0.00. [NOTE: Historically underutilized business (HUB) participation is 25.9%]
- 3.2 A.G. Gaston Engineering, LLC, for the design and inspection of two (2) water main replacement projects. The 1st water main replacement project is located along 7th Court South; 78th Street South and 80th Street South in the Eastlake Community and the 2nd water main replacement project is located along 34th Avenue North; 35th Avenue North; Fairmont Way North and Boydga Road in the North Birmingham Community, at an estimated out-of-pocket cost to the Board of \$591,491.40. [NOTE Historically underutilized business (HUB) participation is 100%]

Resolution No. 9457 is hereby adopted by unanimous vote.”

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Following, the Board moved to Item 4 on the agenda, a request for the Board to approve agreements with Gartner Inc., Layer3 Communications and NVINT/Element Four. 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 Mr. Dalton NeSmith and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves agreements with the following, as recommended by the Engineering and Maintenance Committee:

- 4.1 Gartner Inc., for IT Leaders Reference and Research, for a one-year agreement, at an out-of-pocket cost of \$33,810.00. Historically underutilized business (HUB) participation is 0%. [NOTE: This service will be purchased utilizing the NASPO Value Point contract 186840]
- 4.2 Layer3 Communications for Palo Alto 3250 and 5250 Firewall Subscription & Support Renewal, for a one-year agreement, at an out-of-pocket cost of \$204,869.76. Historically underutilized business (HUB) participation is 0%. [NOTE: This service is exempt from bidding under Alabama law 41-15-21, this service will be purchased utilizing Alabama State Contract MA220000003246].
- 4.3 NVINT/Element Four, for Cloud Managed Backup Services, for a three-year agreement, at an out-pocket cost of \$291,222.36. Historically underutilized business (HUB) participation is 0%. [NOTE: This service is exempt from bidding under State of Alabama and Carahsoft contract MA190000000277 999]

Resolution No. 9458 is hereby adopted by unanimous vote.”

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Next, the Board moved to Item 5 on the agenda, a request for the Board to approve agreements with Message Point Media, O2 Ideas and CBG Strategies. 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 Mr. William “Butch” Burbage, Jr., and seconded by Ms. Tereshia Huffman, that the Board hereby approves agreements with the following, as recommended by the Communications Committee:

- 5.1 Message Point Media to provide services for BWWB-TV for the period of January 1, 2024, through December 31, 2025, at a total out-of-pocket cost to the Board of \$86,500.00.
- 5.2 O2 Ideas to provide internal communications for the period of January 1, 2024, through December 31, 2024, at a total out-of-pocket cost to the Board of \$215,000.00.
- 5.3 CBG Strategies to provide external communications for the period of January 1, 2024, through December 31, 2024, at a total out-of-pocket cost to the Board of \$304,200.00.

Resolution No. 9459 is hereby adopted by unanimous vote.”

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Following, the Board moved to Item 6 on the agenda, a request for the Board to approve a Revised Cross-Connection Control and Backflow Prevention Policy Manual, as recommended by the Engineering and Maintenance Committee. Assistant General Manager, Derrick Murphy reminded the Board of his presentation in the previous Engineering and Maintenance Committee Meeting regarding this item. Chemicals used at sports facilities and lawn care chemicals create instances where back-flow prevention is necessary. Director Munchus asked if there is a cost to the customer and if so, could Birmingham Water Works (BWW) offset the cost. AGM Murphy responded that the customer does incur a cost, adding that it would be up to legal to determine whether BWW could offset the cost. AGM Murphy stated a backflow spigot attachment for regular garden hoses may be purchased by homeowners at Home Depot. 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 Mr. Dalton NeSmith and seconded by Mr. Larry Ward, that the Board hereby approves a “Revised” Cross-Connection Control and Backflow Prevention Policy Manual based upon current industry standards and practices, as recommended by the Engineering and Maintenance Committee.

Resolution No. 9460 is hereby adopted by unanimous vote.”

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Next, the Board moved to Item 7, as recommended in the Finance Committee Meeting, a request for the Board to approve the allocation of \$10,000.00 from funds budgeted for its Community Educational Program in support of the 56th Annual Equal Opportunity Dinner highlighting community leadership and the pursuit of equal opportunities hosted by the Birmingham Urban League. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, pursuant to Resolution No. 8908, The Water Works Board of the City of Birmingham has established its Community Educational Program (the “Program”); and,

WHEREAS, pursuant to the Program, the Water Works Board may participate in events and functions if the Water Works Board’s participation: protects its water sources and its consuming public; obtains optimum utility management, improves water quality and system reliability; improves reliability of high-quality water; provides educational, scientific and technological information about the Water Works Board to its consuming public; ensures access to and the wise use of water resources and the protection of the environment; and, engages in such activities that are beneficial to the entire water system and that are otherwise necessary, appropriate and consistent with the Water Works Board’s corporate powers (all of which is hereinafter referred to as “Corporate Purposes”); and,

WHEREAS, under the Program, the Water Works Board has identified non-ratepayer funding that may be used for funding the Program (the “Funds”); and,

WHEREAS, on December 9, 2023, the Birmingham Urban League, Inc. will host its 2023 Equal Opportunity Dinner that will have a beneficial impact on the Water Works Board’s service area; and,

WHEREAS, the Birmingham Urban League, Inc’s. Equal Opportunity Dinner presents the Water Works Board with an opportunity to accomplish its Corporate Purposes; and,

WHEREAS, the Water Works Board desires, subject to the below, to sponsor the Birmingham Urban League, Inc’s. Equal Opportunity Dinner in a way that will accomplish the Water Works Board’s Corporate Purposes.

NOW THEREFORE, BE IT RESOLVED on a motion made by Mr. William “Butch” Burbage, Jr. and seconded by Ms. Tereshia Huffman as follows:

1. It is hereby found and declared that the Water Works Board’s participation in the Birmingham Urban League, Inc’s. Equal Opportunity Dinner will accomplish its Corporate Purposes. Specifically, the Water Works Board’s participation in the Birmingham Urban League, Inc’s. Equal Opportunity Dinner will allow it to: provide educational information about the Water Works Board to its consuming public; help ensure access to and the wise use of water resources; have signage and distribute educational materials about the positive role that drinking water has

on a person's health; and, otherwise engage in activities that are beneficial to the entire water system and is appropriate and consistent with the Water Works Board's corporate powers.

2. That the General Manager is authorized and instructed to take such steps as is necessary to sponsor the Birmingham Urban League, Inc's. Equal Opportunity Dinner. Such sponsorship shall include the Water Works Board accomplishing the corporate purposes set forth above.

3. The sponsorship shall not exceed \$10,000.00 and shall be paid from the Funds. Furthermore, any and all expenses incurred by the Water Works Board such as employee time and educational martials shall also only be paid from the Funds.

Resolution No. 9461 is hereby adopted by unanimous vote.”

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Following, as there was no further business before the Board, a motion was made by Director Ward and seconded by Director Taylor to adjourn the meeting. On a motion duly made and seconded, the meeting was adjourned unanimously at 11:54 a.m.

_____/S/
Tereshia Q. Huffman
Chairwoman

Attest:

_____/S/
Larry Ward
Secretary-Treasurer