

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
July 28, 2021**

A regular meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, July 28, 2021 at 11:30 a.m.

The following directors were present: Ronald A. Mims, William “Butch” Burbage, Jr., Lucien Blankenship, Tom Henderson, Dalton NeSmith, Tereshia Huffman, Chris Rice, Larry Ward, and George Munchus.

Others present were: Michael Johnson, General Manager; Derrick Murphy, Jeffrey Thompson and Iris Fisher, Assistant General Managers; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Rick Jackson, Valecia Dulaney, Katie Baasen, Terrell Jones, Jeff Wade, Paul Lloyd, April Nabors, Charles McGee and Colandus Mason, BWB Employees; K. Mark Parnell, Parnell Thompson, LLC; Walter Gonsoulin, and Laura Ware, Jefferson County Board of Education; Martha Bozeman, and Jessica Fadlevion, Agency 54; Byron Perkins, Perkins Law; Chandra Abesingha, CE Associates; and William Muhammad, Committee to Save Jefferson County.

Chairman Mims declared a quorum in attendance.

Chairman Mims called the meeting to order at 11:30 a.m. and Assistant General Manager Iris Fisher opened with prayer.

Following, Chairman Mims stated he would like the Board to consider agenda item 23 after agenda item 12 and to table agenda item 26 until the first meeting in August. Director Munchus stated he had a letter to share in Executive Session regarding pending litigation. Director Blankenship then made a motion to approve the agenda as amended, including moving agenda item 23 to succeed agenda item 12, 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 agenda item 23 be moved to succeed agenda item 12, tables agenda item 26 until the next board meeting. Resolution No. 8801 is hereby adopted by Directors Mims, Munchus, Huffman, Henderson and Blankenship; and Directors Burbage, NeSmith, Ward and Rice voted no.”

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Next, Director Blankenship made a motion to table agenda item 26, Request Board to approve a revision to the By-Laws, as recommended by the Executive Committee, until the next board meeting, 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 agenda item 26 be tabled until the next board meeting. Resolution No. 8802 is hereby adopted by

Directors Mims, Munchus, Huffman, Henderson and Blankenship; and Directors Burbage, NeSmith, Ward and Rice voted no.”

Following, the Board moved to the first item on the agenda, Request Board to approve minutes from the May 26, 2021 and June 9, 2021 Regular Board of Directors’ Meetings. Director Munchus made a motion to approve the item and Director Ward 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. George Munchus, and seconded by Mr. Larry Ward, that the Board hereby approve minutes from Regular Board of Directors’ Meetings held May 26, 2021 and June 9, 2021. Resolution No. 8803 is hereby adopted by Directors Mims, Munchus, Huffman, Burbage, Ward, Rice, NeSmith, and Henderson; and Director Blankenship abstained from voting.”

Following, the Board moved to the second item on the agenda, Request Board to adopt a resolution authorizing surviving monthly retirement benefits from the Board's Retirement Trust Fund in accordance with the terms of the pension plan and as stated on the attached memo, effective August 1, 2021, for Ms. Caprice Canter, the surviving spouse of Billy Colburn. Director Munchus made a motion to approve the item and Director Huffman seconded the motion. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, Billy Colburn, a retiree of The Water Works Board of the City of Birmingham (“The Board”), passed away on July 8, 2021; and

WHEREAS, Billy Colburn was receiving, up until the time of his death, monthly retirement benefits from the Board’s Retirement Trust Fund in the amount of \$5,589.82, and under the terms of the Board’s Retirement Plan, his spouse is now entitled to receive 50% of that monthly benefit until such time as she either remarries or passes away; and

WHEREAS, the surviving spouse, Caprice R. Canter will begin receiving her surviving spouse monthly benefit of \$2,794.91, effective August 1, 2021.

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 Ms. Tereshia Huffman, that the Trustee be, and is hereby instructed to pay a pension of \$2,794.91 per month to Caprice R. Canter from the Board’s Retirement Trust Fund, in accordance with the terms of the Trustee Pension Plan, with the payment to be effective August 1, 2021.

Resolution No. 8804 is hereby adopted by unanimous vote.”

Following, the Board moved to the third item on the agenda, Request Board to approve reimbursement to the Operating Account for the period ended May 31, 2021 in the amount of

\$4,489,896.02. Director Munchus then made a motion to approve the item and Director Ward seconded the motion. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, ARCADIS US, Incorporated, in a Certificate dated July 15, 2021, certified that during the period ending May 31, 2021 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 \$4,489,896.02 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 Mr. Larry Ward, that the Trustee be, and is hereby instructed to immediately transfer \$4,489,896.02 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. 8805 is hereby adopted by unanimous vote.”

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Following, the Board moved to the fourth item on the agenda, Request Board to approve payment of invoice from Ellis Head Owens Justice & Arnold for professional services related to Startley Contractors v. BWWB rendered April 2, 2021 through June 23, 2021 in the amount of \$405.00. Director NeSmith made a motion to approve agenda items 4 through 13 and Director Burbage seconded the motion. Director Munchus questioned whether it would take unanimous consent of the Board to pass all of the items Director NeSmith mentioned. He stated each of the items should be read so the public can hear what is being voted on. Board Attorney Mark Parnell stated the motion made was proper and does not require unanimous consent. He indicated if the Board does not want to take all of the items mentioned at one time, they can vote it down. Director Munchus questioned Director NeSmith if he did not want the items read aloud. Director NeSmith stated Chairman Mims could read the items aloud. Director Blankenship questioned Director NeSmith if he was asking for unanimous consent and Director NeSmith responded no. Director Munchus questioned whether the items could be read into the record. The General Manager stated that would not be problem. Director Blankenship stated he has a concern that in the future a director could have an unreadiness about voting on items all together. The General Manager then read the items. Director Munchus questioned whether agenda item 4 is still in the State and Federal courts. Mr. Parnell stated the case has been resolved and is not in either court. He stated there is an appeal pending regarding attorney fees that were granted in the amount of \$160,000.00. Director Munchus questioned whether the mediator in the case is a retired circuit court judge, a retired supreme court judge, or an acting lawyer. Mr. Parnell stated the mediator that has been agreed upon by both sides would be a practicing attorney; however, the mediator has not been appointed yet. 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. William Burbage, that the Board hereby authorizes staff to execute payments to the following:

4. Ellis Head Owens Justice & Arnold for professional services related to Startley Contractors v. BWB rendered April 2, 2021 through June 23, 2021 in the amount of \$405.00.
5. Dominick Feld Hyde, P.C. for professional services related to Audit Letter performed June 11, 2021 through June 17, 2021 in the amount of \$735.60.
6. Raftelis Financial Consultants, Inc. for professional services related to Financial Support and Bill Frequency for the month of June 2021 in the amount of \$4,030.00.
7. Terminus Municipal Advisors for professional services rendered June 2021 in the amount of \$6,500.00.
8. The Bolling Law Firm, LLC for professional services rendered per invoice dated July 16, 2021 in the amount of \$8,104.50.
9. The Jones Group, LLC for professional services performed March 2021 in the amount of \$10,000.00.
10. Agency 54 for professional services performed June 2021 in the amount of \$25,000.00.
11. Birmingham Construction Industry Authority for professional services related to Contract Compliance Program Services Retainer Agreement-May 31, 2021 in the amount of \$25,000.00.
12. Parnell Thompson, LLC for professional services rendered June 2021 in the amount of \$52,282.50.
13. ARCADIS U.S., Inc. for professional services performed during the month of March 2021 in the amount of \$277,574.41; and for professional services performed during the month of April 2021 in the amount of \$160,561.55.

Resolution No. 8806 is hereby adopted by Directors Mims, Munchus, Burbage, Huffman, Ward, NeSmith, Rice and Henderson; and Director Blankenship voted no.”

Following, the Board moved to the twenty-third item on the agenda, Request Board to hear a presentation from the Jefferson County Board of Education on their Internet initiative program and consider a small partnership, as recommended by the Engineering and Maintenance Committee. After the presentation, the Board decided to take action on this item. Chairman Mims asked for a motion to amend the agenda. The General Manager stated this item is subject to review by the Board’s Attorney. Director Munchus questioned whether it is good practice to approve this item prior to attorney review. Mr. Parnell stated it is common to approve an item subject to legal review. Director Blankenship questioned what revenue this will generate. Assistant General Manager Derrick Murphy stated there is no revenue generation associated with this partnership. The General Manager then recognized Dr. Walter Gonsoulin, Jefferson County Board of

Education. Dr. Gonsoulin stated virtual schools have issues accessing the internet and other technology. He indicated students can be out of school up to 14 days due to quarantining, including returning to school to be exposed and having to quarantine again. He stated it is important for students to have access to teachers. Director Munchus questioned whether AT&T is providing any assistance. Dr. Gonsoulin responded not at this time. Director Munchus suggested Dr. Gonsoulin contact the AT&T Foundation and if he has any push back to let him know. Director Blankenship stated he supports the partnership and questioned if there is a fee to change the devices. April Nabors, BWWB Employee, stated there are several other companies participating in this program. She indicated there would be three small antennas attached to the rails on one BWWB tank, the Clay Palmerdale tank. Director Blankenship questioned whether there will be expansion. Ms. Nabors stated the current plan doesn't include expansion, but there could be a possibility down the road. Chairman Mims questioned whether the sites are under lock and key. Assistant General Manager Murphy responded yes. The General Manager asked the Board to approve the item. Director Burbage stated the item on the agenda is listed asking the Board to hear a presentation not taking action on the item. Chairman Mims then asked for a motion to amend the agenda to take action on 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. George Munchus, and seconded by Mr. Dalton NeSmith, that the Board hereby amends the agenda for the July 28, 2021 Regular Board of Directors’ Meeting to add taking action on agenda item 23 regarding Jefferson County Board of Education. Resolution No. 8807 is hereby adopted by unanimous vote.”

Next, the Board took action on 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. Dalton NeSmith, and seconded by Mr. George Munchus, that the Board hereby approves a partnership with Jefferson Board of Education on their Internet initiative program, subject to review and approval by the Board’s legal counsel. Resolution No. 8808 is hereby adopted by unanimous vote.”

Following, the Board moved to the fourteenth item on the agenda, Request Board to award bid to Layer3, the lowest responsible and responsive bidder, for Palo Alto Firewalls-PAN 5250 for a 1 year agreement, at an out-of-pocket cost to the Board of \$292,746.00; and to authorize 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. Director Munchus made a motion to approve the item and Director NeSmith 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. George Munchus, and seconded by Mr. Dalton NeSmith, that the Board hereby authorizes staff to award bid to Layer3, the lowest responsible and

responsive bidder, for Palo Alto Firewalls-PAN 5250 for a 1 year agreement, at an out-of-pocket cost to the Board of \$292,746.00; 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. Resolution No. 8809 is hereby adopted by unanimous vote on July 28, 2021.”

Next, the Board moved to the fifteenth item on the agenda, Request Board to award bid to REV Construction, Inc., the lowest responsible and responsive bidder, for the replacement of approximately 3,190’ of 2” galvanized steel pipe / 2” unlined cast iron pipe and 650’ of 2” cast iron cement lined (CICL) pipe with approximately 2,740’ of 8” DICL pipe; 1,380’ of 6” DICL pipe; 80’ of 4” DICL pipe and related appurtenances; and 71 water services along Parklawn Avenue SW; College Avenue SW; Carlos Avenue SW; Dowell Avenue SW; 24th Street SW and 26th Street SW located in the City of Birmingham, Alabama at a bid amount of \$647,315.60; plus estimated cost of materials and Water Board labor in the amount of \$289,251.85; for an estimated out-of-pocket cost to the Board of \$936,567.45; and to authorize 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. Director Munchus made a motion to approve the item and Director Huffman 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. George Munchus, and seconded by Ms. Tereshia Huffman, that the Board hereby authorizes staff to award bid to REV Construction, Inc., the lowest responsible and responsive bidder, for the replacement of approximately 3,190’ of 2” galvanized steel pipe / 2” unlined cast iron pipe and 650’ of 2” cast iron cement lined (CICL) pipe with approximately 2,740’ of 8” DICL pipe; 1,380’ of 6” DICL pipe; 80’ of 4” DICL pipe and related appurtenances; and 71 water services along Parklawn Avenue SW; College Avenue SW; Carlos Avenue SW; Dowell Avenue SW; 24th Street SW and 26th Street SW located in the City of Birmingham, Alabama at a bid amount of \$647,315.60; plus estimated cost of materials and Water Board labor in the amount of \$289,251.85; for an estimated out-of-pocket cost to the Board of \$936,567.45; 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. Resolution No. 8810 is hereby adopted by unanimous vote on July 28, 2021.”

Following, the Board moved to the sixteenth item on the agenda, Request Board to award bid to Gillespie Construction, LLC, the lowest responsible and responsive bidder, for the replacement of approximately 5,090’ of 2” galvanized steel pipe / 2” unlined cast iron pipe and 2,950’ of 2” cast iron cement lined (CICL) pipe with approximately 4,730’ of 6” DICL pipe; 1,870’ of 4” DICL pipe and related appurtenances; and 125 water services along Boise Avenue SW; Beulah Avenue SW; Steiner Avenue SW; 35th Street SW; 65th Street, 66th Street, 67th Street, in Court "N" and Avenue "O" in Ensley located in the City of Birmingham, Alabama at a bid amount of \$1,112,045.10; plus estimated cost of materials and BWB labor in the amount of \$441,034.36; for an estimated out-of-pocket cost to the Board of \$1,553,079.46; and to authorize 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. 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. Tom Henderson, that the Board hereby authorizes staff to award bid to Gillespie Construction, LLC, the lowest responsible and responsive bidder, for the replacement of approximately 5,090’ of 2” galvanized steel pipe / 2” unlined cast iron pipe and 2,950’ of 2” cast iron cement lined (CICL) pipe with approximately 4,730’ of 6” DICL pipe; 1,870’ of 4” DICL pipe and related appurtenances; and 125 water services along Boise Avenue SW; Beulah Avenue SW; Steiner Avenue SW; 35th Street SW; 65th Street, 66th Street, 67th Street, in Court "N" and Avenue "O" in Ensley located in the City of Birmingham, Alabama at a bid amount of \$1,112,045.10; plus estimated cost of materials and BWWB labor in the amount of \$441,034.36; for an estimated out-of-pocket cost to the Board of \$1,553,079.46; 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. Resolution No. 8811 is hereby adopted by unanimous vote.”

Next, Chairman Mims questioned whether BWWB was increasing jobs/workload such as these and Assistant General Manager Murphy responded yes. Assistant General Manager Murphy stated 2021 has a had a better start with approved projects versus 2020. Director Munchus questioned whether the projects were ahead of the budget. Assistant General Manager Murphy stated staff is performing well with the pipeline replacement program.

Subsequently, the Board moved to the seventeenth item on the agenda, Request Board to approve expenditures with Thompson CAT, a sole source provider, to purchase one (1) New Caterpillar 299D3XE Track Loader, for use by the Distribution Chemical Plant Division, at an out-of-pocket cost to the Board of \$97,456.00, as recommended by the Engineering and Maintenance 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. George Munchus, and seconded by Mr. Dalton NeSmith, that the Board hereby approves expenditures with Thompson CAT, a sole source provider, to purchase one (1) New Caterpillar 299D3XE Track Loader, for use by the Distribution Chemical Plant Division, at an out-of-pocket cost to the Board of \$97,456.00, as recommended by the Engineering and Maintenance Committee. Resolution No. 8813 is hereby adopted by unanimous vote.”

Following, the Board moved to the eighteenth item on the agenda, Request Board to approve a scope of services agreement with AECOM Technical Services, Inc. for the design and inspection of the rehabilitation and storm water improvements of Inland Lake Road for a total out-of-pocket cost to the Board of \$134,936.00, as recommended by the Engineering and Maintenance 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. George Munchus, and seconded by Ms. Tereshia Huffman, that the Board hereby approves a scope of services agreement with AECOM Technical Services, Inc., for

the design and inspection of the rehabilitation and storm water improvements of Inland Lake Road for a total out-of-pocket cost to the Board of \$134,936.00, as recommended by the Engineering and Maintenance Committee. Resolution No. 8814 is hereby adopted by unanimous vote.”

Following, the Board moved to the nineteenth item on the agenda, Request Board to review and determine to purchase or forego purchase of the structures and improvements on Lot 15-A located at Inland Lake, per the recreational site agreement. The Board must exercise its right of first refusal within 90 days of receipt of the sales contract, which was June 8, 2021, at a price of \$300,000.00; as recommended by the Engineering & Maintenance Committee. Chairman Mims questioned the recommendation from the Engineering & Maintenance Committee regarding this item. Assistant General Manager Murphy responded the recommendation was to purchase the property. Director NeSmith then made a motion to purchase the property and Director Blankenship seconded the motion. Chairman Mims stated the price seems a little high and questioned the valuation of the property. He then questioned whether this property is a need. The General Manager stated it has been the practice of this Board to acquire the properties along the lake when they become available to control access. Chairman Mims stated he felt the Board should own each of them and his concern is paying \$300,000.00 for a piece of property. Director Munchus questioned whether the Board has the right to eminent domain. Mr. Parnell stated these are licenses and the Board owns the real estate, the Board is buying the improvements on the property. He indicated under the current license agreement the Board has the right of first refusal. He stated the Board does have the power of eminent domain. 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. Lucien Blankenship, that the Board hereby approves purchase of the structures and improvements on Lot 15-A located at Inland Lake, per the recreational site agreement. The Board must exercise its right of first refusal within 90 days of receipt of the sales contract, which was June 8, 2021, at a price of \$300,000.00; as recommended by the Engineering & Maintenance Committee. Resolution No. 8815 is hereby adopted by unanimous vote.”

Following, the Board moved to the twentieth item on the agenda, Request Board to approve for employees (and covered spouses) and under 65 retirees (and covered spouses) to be credited as having completed a biometric screening for the purpose of their 2021 health insurance premiums due to the impact of COVID-19 on completing a biometric screening, as recommended by the Human Resources 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 approves for employees (and covered spouses) and under 65 retirees (and covered spouses) to be credited as having completed a biometric screening for the purpose of their 2021 health insurance premiums due to the impact of COVID-19 on completing a biometric screening, as recommended by the Human Resources Committee. Resolution No. 8816 is hereby adopted by unanimous vote.”

Following, the Board moved to the twenty-first item on the agenda, Request Board to approve an amendment to the Emergency Pay Policy to allow the option for earned Comp Time by exempt employees to be paid out in salary or in time off, as recommended by the Human Resources Committee. Chairman Mims questioned Director Blankenship whether the Human Resources Committee reviewed this item and Director Blankenship responded yes. 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 Ms. Tereshia Huffman, that the Board hereby approves an amendment to the Emergency Pay Policy to allow the option for earned Comp Time by exempt employees to be paid out in salary or in time off, as recommended by the Human Resources Committee. Resolution No. 8817 is hereby adopted by unanimous vote.”

Following, the Board moved to the twenty-second item on the agenda, Request Board to approve a revision to the Vacation Policy for the current year (2021) to waive the mandatory taking of five (5) consecutive days of vacation for 2021 relative to employees with fiduciary or internal control responsibilities due to the impact of COVID-19 on employees using paid time off, as recommended by the Human Resources Committee. Director Rice questioned whether it was mandatory for employees to take five consecutive days of vacation. The General Manager responded yes. Assistant General Manager Iris Fisher stated best practices suggest any employee with fiduciary or financial control responsibility recommends that employers mandate five consecutive days of vacation to review whether the employee is doing too much work, is the employee doing something improperly, opportunity for cross training, and to revive employees; however, last year the Board approved to waive this requirement. She indicated Supervisors are strongly encouraged to be flexible with employees with their schedules. Director Rice questioned whether this is for the year 2021 and Assistant General Manager Fisher responded yes. Director Ward stated all federal financial institutions require their employees to take one or two weeks running on the assumption that if something is wrong it will popup. He then questioned is the Board covered if there is a problem. Assistant General Manager Fisher responded no, and she could not reassure the Board would be covered if there was a problem. She stated there are other internal controls in place in addition to employees taking the vacation days. Director Ward recommended Executive Management to stay on top of this. On a motion duly made 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. Chris Rice, and seconded by Mr. Tom Henderson, that the Board hereby approves a revision to the Vacation Policy for the current year (2021) to waive the mandatory taking of five (5) consecutive days of vacation for 2021 relative to employees with fiduciary or internal control responsibilities due to the impact of COVID-19 on employees using paid time off, as recommended by the Human Resources Committee. Resolution No. 8818 is hereby adopted by unanimous vote.”

Following, the Board moved to the twenty-fourth item on the agenda, Request Board to hear comments from Director Larry Ward, Chairman, Finance Committee. Director Ward stated the Board's bond transaction closed at 9:00 a.m. He indicated Staff did a remarkable job and he didn't think the Board has had a better transaction. He stated the Board reduced its overall debt by \$35 million which will yield an annual savings of up to \$2 million for the next 5 years and an additional savings of \$1.5 million for the remaining 17 years. He stated Moody's and Standard & Poors gave the Board a bond rating of AA and the Board used a diverse finance team. He then gave an overview of the finance team, including minority owned firms. He then expressed his gratitude for everyone's fine work on this transaction.

Following, Chairman Mims stated before going into Executive Session, he would like to recognize speakers. The General Manager then recognized Mr. William Muhammad, The Committee to Save Jefferson County, to speak.

Following, the Board moved to the twenty-fifth item on the agenda, Request Board to enter Executive Session to discuss ongoing litigation. Mr. Parnell certified the Executive Session stating ongoing litigation would be discussed and Director Munchus had an item that needed to be discussed regarding litigation. 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. Dalton NeSmith, that the Board hereby enters Executive Session to discuss ongoing litigation. Resolution No. 8819 is hereby adopted by unanimous vote.”

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The Board entered Executive Session at 12:45 p.m. Director Rice left the meeting at 12:45 p.m.

Next, Director Burbage made a motion to come out of Executive Session and Director Henderson seconded the motion. The Board voted unanimously to come out of Executive Session. The Board came out of Executive Session at 1:35 p.m.

Next, Director Blankenship then made a motion to adjourn the meeting and Director Huffman seconded the motion. On a motion duly made and seconded, the motion was approved, and the meeting was adjourned at 1:35 p.m.

/s/
Ronald A. Mims
Chairman/President

Attest:

/s/
William Burbage, Jr.
Secretary-Treasurer