

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS OF THE
WATER WORKS BOARD OF THE CITY OF BIRMINGHAM
March 6, 2024**

The regular bi-monthly meeting of the Directors of The Water Works Board of the City of Birmingham was held on Wednesday, March 6, 2024, 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 Blankenship, William “Butch” Burbage, Jr., Tereshia Huffman, George Munchus, Dalton NeSmith, Jr., and Larry Ward. Director Henderson was available by phone. Director Taylor was absent.

Others present were: Michael Johnson, General Manager; Derrick Murphy, Iris Fisher and Philip King, Assistant General Managers; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Tammy F. Wilson, Executive Assistant to Derrick Murphy and Philip King; Elyse Page, Executive Assistant to General Manager Michael Johnson; Mark Parnell, Parnell Thompson, LLC; Kelvin Howard, Kelvin Howard, LLC; Rosalind Jones, Comptroller; Colandus Mason, Information Technology Manager; Anthony Hazel, Security Superintendent; Akhi King, Security Systems Technician; Rick Jackson, Public Relations Manager; Brad Steffens and Michael Tartt, Public Information Officers; Joi Dulaney, Communications Coordinator; Paul Lloyd, Human Resources Manager; Platon Crowell, Talent Management Officer; Cassandra Bell, Accounting Manager; Charles McGee, and Jeff Wade, Electrical and Mechanical Shop; Jeremy Ervin, Workforce Development Administrator; Olivia Martin, State of Alabama Office of the Attorney General; Patrick Flannelly, ARCADIS U.S.; Bill Todd, O2 Ideas; Francis Malapoti, Karma Management, Inc.; Philip Bleu, MPO; Hal Humphrey, Hazen and Sawyer; Alyssa Thomas COB Mayor’s Office; Clarence Wrencher, BWB Customer/Speaker; , 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, six directors were present; therefore, there was a quorum in attendance.

Next, the Board was asked to approve the agenda for March 6, 2024. 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 the March 6, 2024, Regular Board of Directors’ meeting agenda, as printed.

Resolution No. 9523 is hereby adopted by unanimous vote.”

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Following, there were no Minutes for Approval. Under Reports of Committees, General Manager Michael Johnson announced the meetings scheduled for March 2024. Under Reports of Officers, Chairwoman Huffman asked GM Johnson for a report, previously requested, on company vacancies. Reports (four documents) were provided to the Board on staffing information (a copy of which is on file in Diligent BoardBooks). The number of vacant part-time and full-time positions totaled 106.18 according to GM Johnson. Chairwoman Huffman stated she would like to hear the vacant positions by department. GM Johnson read the vacant positions, by department, into the record. Chairwoman Huffman asked about the recent resignation of the Purchasing Manager, which she received an email about this morning and the plans for a replacement. GM Johnson responded that the Purchasing Manager position is planned for posting this Friday, March 8th and it will also be advertised at the upcoming Job Fair. Chairwoman Huffman questioned the number of vacancies in the Engineering department. Chairwoman Huffman asked for the number of resignations in the last two years, by the end of the meeting today. Chairwoman Huffman stated that it is not realistic to believe that 100 plus positions can all be filled at a Job Fair. GM Johnson indicated that there is a strategy for filling vacant positions, and it is on the first document handout, which is to streamline our process; cut the number of posting days, a job fair and streamlining the process for hiring temporary employees. Chairwoman Huffman also addressed the fact that the temporary employment agency Birmingham Water Works (BWW) was using was recently fired. GM Johnson responded that BWW is looking to hire another agency as a replacement. Chairwoman Huffman stated posting is not an issue and interviewing is not an issue; however, getting qualified candidates appears to be an issue and she asked how this will be addressed. GM Johnson responded that the latest BWW data over the last 90-days shows that it is tough to acquire and retain employees. Unemployment is pretty low in our five-county service area, so that plays a part GM Johnson stated. GM Johnson stated Staff is not happy that 25 people were hired, but 25 people resigned. Director Ward asked if we are actively recruiting at junior colleges and high schools. Assistant General Manager Iris Fisher asked Jeremy Ervin, Workforce Development Administrator, to provide an update on recruiting. Mr. Ervin talked about the strategy Human Resources implemented and that he believed it will work. Mr. Ervin stated that recruiting interns and apprentices along with visits to colleges such as Miles, Lawson State and Talladega should produce results, but it will take time. Our internal pipeline is working with Alabama Power Company also Mr. Ervin stated. Chairwoman Huffman asked for a report on the progress in 90 days. Director NeSmith asked if they are looking at outlying counties and junior colleges such as Wallace State and Snead State. Mr. Ervin stated that his team is actively recruiting at junior colleges in outlying counties to include schools like Beville State and they are also soliciting in Blount County. Job postings are being shared in Chamber of Commerce meetings in Vestavia, Shelby, Pell City and Oneonta, according to Mr. Ervin. Director Munchus commended the work that is being done and asked if this has been shared with the Employee Association, adding if not, to please share with them. Director Munchus asked about the Birmingham Urban League. GM Johnson stated we have involvement with the Housing Authority regarding jobs but not the Birmingham Urban League. AGM Fisher stated she expected to see improvements in the job vacancies in a 6-month time frame, but an update will be provided in 90 days. Chairwoman Huffman asked GM Johnson how many churches had recently contacted BWW with leak issues. GM Johnson responded three churches had contacted BWW regarding leak or billing issues. Chairwoman Huffman asked GM Johnson to walk through the process when leaks are reported. AGM Johnson stated a meter reader gets a notification and they take a photo to verify the abnormal usage. The customer receives a call letting them know that their consumption is higher than normal. Chairwoman Huffman stated she is getting numbers of calls and complaints regarding

customer billing issues, and she questioned whether customers are actually being notified. Some discussion took place regarding what percentage of an increase in customers' consumption generates notification. GM Johnson stated it would be somewhere around a 300% increase. Director NeSmith stated that would be about \$210.00 for a dollar amount. GM Johnson stated additional meter readers would need to be hired if the percentage is lowered. GM Johnson went over the billing process. Chairwoman Huffman suggested that the percentage may be too high and that she would like to see the percentage a little lower. Chairwoman Huffman stated her social media has become the BWW, she is getting so many calls. GM Johnson stated one of the things customers need to be made aware of is common leaks and that the larger portion of their bill is the sewer portion. AGM Fisher clarified that the alert percentage is 400%, for a dollar amount of \$280.00. AMG Fisher explained the reason for this is related to irrigation systems and swimming pools. Other utilities we have contacted seem to be in line with what ours is as far as tolerance. We are looking to see if this can be changed per customer though AGM Fisher stated. Director Ward stated we need to confront the media in a more positive way. Director Ward stated he is hearing that BWW is not getting back to the customer, and we need to be sure that this happens. AGM Fisher indicated that there are clarification cases that are worked on a routine basis. Notes are made on the account documenting actions. Some discussion took place regarding oversight. Chairwoman Huffman stated she just received a text with a customer stating a leak was reported 2 weeks ago with no response from BWW. AGM Fisher stated she would follow-up with this in terms of quality control. AGM Fisher stated during the Business Process Review meetings this was noted as well. Director NeSmith asked which department is responsible for call backs. AGM Fisher responded that it would be the Call Center who handles these issues and makes notes, and we rely on their good word. There are 36 to 37 Call Center representatives so the number of employees should not be the issue, according to AGM Fisher. Director NeSmith asked about the sewer portion charge on customer's bills. GM Johnson responded that the sewer portion is two thirds of the bill as an estimate, and it graduates based on consumption. Director NeSmith stated we need to get the message out more directly about the sewer charges because customers are complaining about water and not sewer simply because BWW sends out the bills. Director Munchus asked where we are on the customer assistance program. Also, Director Munchus asked where we are on the HUB program. Director Munchus mentioned former Board Director Mims, adding that these programs were passionate to him as well. GM Johnson stated three vendors had given presentations on their HUB program. Staff plans to make a recommendation at the Executive Committee Meeting in April. Director Blankenship asked if there is a way to address the technology system to help with follow-up to customers. Colandus Mason stated we are about 60 days out from implementing the new phone system and there is a call-back disposition button that will schedule a call-back, so the ball should not be dropped during the process. Director NeSmith asked if the new system will record the calls. Mr. Mason responded that the new system should record the calls, adding that the current system records the calls. Rick Jackson talked about leaks and particularly toilet leaks, leaking faucets and valves, which are the main culprits. During "Fix a Leak Week", March 18 -24, we will be providing complementary home inspections and toilet flappers to customers, according to Mr. Jackson. Director Huffman asked what type of commercial customers they will be talking to. Mr. Jackson responded that they would be talking to churches and commercial customers in buildings where they are not occupied a lot of the time. Some discussion occurred regarding whether churches are considered commercial. Attorney Parnell stated there was not a law and he did not believe it is harmful to churches to be classified this way. GM Johnson stated their meters are larger also. GM Johnson recognized Elyse Page, the General

Manager’s assistant, and the newest member of the Executive Team. Director Ward exited the meeting at 12:25 p.m. and returned at 12:27 p.m.

Next, there was no unfinished business. Chairwoman Huffman read the Speakers statement and Mr. Clarenc Wrencher was recognized to speak. Mr. Wrencher asked the Board to consider giving a larger adjustment on a leak he had in May of 2023, stating he did not believe he was given a fair adjustment, and he did not receive any adjustment for the sewer portion. Chairwoman Huffman asked GM Johnson to confirm if it was the policy of BWW to issue a one-time adjustment. GM Johnson confirmed and added that he believed the customer has a pool, which would need to be considered. GM Johnson asked the customer to meet with Ms. Shirley Russell, BWW Call Center Manager, who was available today. Some discussion occurred surrounding the sewer adjustment and it was confirmed that sewer adjustments are made when water does not go through the service line. Chairwoman Huffman asked for an email update on Mr. Wrencher’s complaint.

Under New Business, the Board was asked to adopt a resolution authorizing surviving monthly spouse benefits for Anitra Robinson, as set forth in agenda Item 1. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, Anitra Robinson, a retiree of The Water Works Board of the City of Birmingham (“The Board”), passed away on February 17, 2024; and

WHEREAS, Anitra Robinson was receiving, up until the time of her death, monthly retirement benefits from the Board’s Retirement Trust Fund in the amount of \$1,089.89 and under the terms of the Board’s Retirement Plan, her spouse is now entitled to receive 50% of that monthly benefit until such time as he either remarries or passes away; and

WHEREAS, the surviving spouse, Cedric L. Robinson will begin receiving his surviving spouse monthly benefit of \$544.95, effective April 1, 2024, and a onetime retroactive payment for the month of March 2024

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. Dalton NeSmith and seconded by Ms. Tereshia Huffman, that the Trustee be, and is hereby instructed to pay a pension of \$544.95 per month to Cedric L. Robinson from the Board’s Retirement Trust Fund, in accordance with the terms of the Trustee Pension Plan, with the payment to be effective April 1, 2024.

Resolution No. 9524 is hereby adopted by unanimous vote,”

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Next, the Board was asked to approve payments of invoices as set forth in agenda Items 2.1 through 2.5. GM Johnson read the items for the record. Director Huffman questioned why January and February 2023 invoices had not been received for ARCADIS. GM Johnson explained that there is a lag time with ARCADIS invoices. Assistant General Manager Derrick Murphy stated BWW works on a 40-day schedule with ARCADIS invoices, and they have a process to

verify charges. GM Murphy stated that ARCADIS does not withhold subcontractor payments though. 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 Ms. Tereshia Huffman, that the Board hereby approves payments of invoices to the following:

- 2.1 Fine Geddie & Associates, for professional services rendered February 2024, in the amount of \$15,000.00.
- 2.2 Agee Law, LLC, for professional services rendered February 2024, in the amount of \$18,690.00.
- 2.3 Raftelis Financial Consultants, Inc., for professional services rendered January 2024, for consolidated invoices, in the amount of \$20,557.50.
- 2.4 Kelvin W. Howard, for professional services rendered January 2024, in the amount of \$31,440.00.
- 2.5 ARCADIS U.S., Inc., as follows:
 - 2.5.1 For professional services rendered November 2023, in the amount of \$306,594.57.
 - 2.5.2 For professional services rendered December 2023, in the amount of \$302,461.66.

Resolution No. 9525 is hereby adopted by unanimous vote. “

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Following, the Board was asked to approve various items recommended by the Human Resources Committee, as set forth in agenda Items 3.1 through 3.4. Director Munchus asked about the cost associated with Item 3.1. GM Johnson responded that as positions are filled we will know the cost. 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. Larry Ward and seconded by Ms. Tereshia Huffman, that the Board hereby approves the following items, as recommended by the Human Resources Committee:

- 3.1 A one-year agreement with the following recruitment/staffing firms; Human Capital Services, InSight Global, ITAC, and Innova Solutions, effective May 1, 2024, through April 30, 2025, to provide recruiting and/or contract staffing services to assist with staffing positions as needed.
- 3.2 A proposal with Human Resource Management, Inc., to update the Salary Administration Plan, at an estimated out-of-pocket cost to the Board of \$33,600.00.

- 3.3 A Statement of Work with Onsite Health Diagnostics, to complete the 2024 Biometric Screenings prior to open enrollment, at an estimated out-of-pocket cost to the Board of \$36,000.00.
- 3.4 A one-year renewal agreement with Veritas Prime, LLC, for SAP Payroll/HR support, effective April 1, 2024, through March 31, 2025, at an out-of-pocket cost to the Board of \$187,200.00.

Resolution No. 9526 is hereby adopted by unanimous vote.”

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Next, Attorney Parnell certified an Executive Session to discuss matters that are appropriate under Ala. Code Section 36-25A-7, as set forth in agenda Item 4. Attorney Parnell stated that there would be action following from two lawsuits to be discussed and two resolutions associated with the suits. The Board, Senior Staff and Board attorneys entered Executive Session at 12:43 p.m. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Larry Ward and seconded by Ms. Tereshia Huffman, that the Board hereby enters an Executive Session to discuss matters that are appropriate under Ala. Code Section 36-25A-7.

Resolution No. 9527 is hereby adopted by unanimous vote.”

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Following, the meeting reconvened at 12:58 p.m. The agenda was amended to add action items to the agenda. 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 amends the March 6, 2024, agenda to include an action item following the Executive Session.

Resolution No. 9528 is hereby adopted by unanimous vote.”

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Next, was a request for the Board to approve settlements for two cases and to adopt a resolution authorizing the Board’s legal counsel, Parnell, Thompson, LLC, and the General Manager to execute all necessary documents. 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 amends the agenda to add the following action items:

5. Request Board to approve settlement for the following two cases and to adopt a resolution authorizing the Board’s legal counsel, Parnell Thompson, LLC, and the General Manager to execute all necessary documents:

5.1 To settle that certain lawsuit pending on the Circuit Court for Jefferson County bearing Civil Action Number 21-CV-90036 for \$612,500.00; and to cause the lawsuit to be dismissed with prejudice.

5.2 To settle that certain lawsuit pending on the Circuit Court for Jefferson County bearing Civil Action Number 19-CV-900600 for \$575,000.00; and to cause the lawsuit to be dismissed with prejudice.

Resolution No. 9529 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 Burbage and the meeting was adjourned unanimously at 1:00 p.m.

/S/
Tereshia Q. Huffman
Chairwoman

Attest:

/S/
Larry Ward
Secretary-Treasurer