

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS OF THE  
WATER WORKS BOARD OF THE CITY OF BIRMINGHAM  
October 9, 2024**

The regular meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, October 9, 2024, at 11:30 a.m.

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

Others present were: Darryl Jones, Interim General Manager; Mac Underwood, Interim Deputy General Manager; Barry Williams, Interim Assistant General Manager of Finance and Administration; Derrick Murphy, Assistant General Manager of Engineering and Maintenance; Philip King, Assistant General Manager of Operations and Technical Services; Michael Parker, Interim Senior Manager of Customer Care; Cynthia Williams, Board Administrator; Anitra Clark, Corporate Governance Specialist; Tammy Wilson, Executive Assistant; Mark Parnell, Parnell Thompson, LLC; Cynthia May, May Law Group, LLC; Bobby Davis, Bobby L. Davis, LLC; Colandus Mason, David Walker, Anthony Hazel, Rick Jackson, April Nabors, Ray Sloan, Charles McGee and Jeff Wade, BWWB employees; Olivia Martin, State of Alabama Office of the Attorney General; General Ronald Burgess; Patrick Flannelly, ARCADIS U.S.; Matthew Arrington, Terminus Municipal Advisors; Frank Adams and Alex Perez, Direct Communications; Phillip Moultrie, Valent Group; Lindsey McAdory and Kyle Adams, CBG Strategies; Brandon Prince, Birmingham Law Group; David Johnson and Tyler Price, BHATE; William R. Muhammad; R. Coleman, Security Guard.

Chairwoman Tereshia Huffman called the meeting to order at 11:31 a.m. Assistant General Manager Derrick Murphy opened the meeting with prayer.

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

Next, Chairwoman Huffman asked to approve 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. William “Butch” Burbage, Jr., that the Board hereby approves the October 9, 2024, Regular Board of Directors’ meeting agenda, as printed.

Resolution No. 9632 is hereby adopted by unanimous vote.”

\* \* \* \* \*

Following, the Board moved to the first item on the agenda, Request Board to approve minutes of Regular Board of Directors' Meetings held July 10, July 24, August 14, and September 18, 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. William “Butch” Burbage, Jr. and seconded by Mr. Tom Henderson, that the Board hereby approves minutes of the following:

- 1.1 Regular Board of Directors' Meeting held July 10, 2024
- 1.2 Regular Board of Directors' Meeting held July 24, 2024
- 1.3 Regular Board of Directors' Meeting held August 14, 2024
- 1.4 Regular Board of Directors' Meeting held September 18, 2024

Resolution No. 9633 is hereby adopted by unanimous vote.”

\* \* \* \* \*

Following, Chairwoman Huffman asked to hear Reports of Committees. Interim General Manager, Darryl Jones announced the Board and Committee Meetings scheduled for the month of October, indicating that it was to be determined if the meeting to be held on October 15, 2024, would be a Finance or Executive Committee Meeting, where the preliminary 2025 budget would be presented. Chairwoman Huffman thanked the Birmingham Water Works (BWW) team for their efforts in organizing and coordinating with Buffalo Rock Company to deliver bottled water to cities in Georgia and North Carolina that were impacted by Hurricane Helene. Ray Sloan and April Nabors were recognized for spearheading this effort. Director Ward asked if details could be provided and if the Board needed to do more to provide additional donations. Interim General Manager Jones responded that more information would come later in the meeting under Item 7. Director Munchus thanked Interim General Manager Jones for the information sent out on the Help To Others (H2O) Foundation. Director Munchus thanked BWW for its efforts in the water donations and he asked for an update on the hiring of internal HUB employees. Interim Assistant General Manager Barry Williams stated that the process is moving along and that there are nine (9) potential candidates so far. He stated the search has been expanded and there are still a couple more weeks before the applications close. Director Munchus asked for a timeframe and Interim General Manager Barry Williams responded that it would close out in two weeks. Interim General Manager Jones announced Customer Service Week was currently underway with various themes each day, culminating Friday; with an Employee Appreciation Day. He stated this will include a tailgate where employees are encouraged to wear their favorite team colors and all Directors are welcome to attend. Assistant General Manager Philip King commended April Nabors for being selected to participate in a highly recognized program through Duke University, specializing in innovative solutions within the water industry. Assistant General Manager King added when he began researching BWW as a potential employer, he specifically looked at employees and their qualities/accomplishments, which impressed him and gave him confidence in the organization.

Following, Chairwoman Huffman asked to hear Reports of Officers. Board Attorney Mark Parnell reminded the Board that the following presentation is part of the ongoing education required under the Self Governance Policy. Assistant General Manager King asked the Board to hear a presentation regarding the Lead and Copper Rule (LCR). He gave an overview of the LCR and explained this is the first time in 30 years the Environmental Protection Agency (EPA) has made changes to the LCR, adding the document is 880 pages in length. Assistant General Manager King stated there would be consequences within the water industry and BWB's response is going to shape the way the community views our organization. First came the Lead and Copper Rule (LCR), next the Lead and Copper Rule Revisions (LCRR), and lastly Lead and Copper Rule Improvements (LCRI). Historically, lead was commonly used in water systems. BWB currently installs and maintains the service line from the water main to the water meter although legally the customer owns the entire service line. Galvanized pipe was briefly discussed and included in the replacement program. Assistant General Manager King stated the LCR established a framework for monitoring lead and copper levels. The Safe Drinking Water Act was adopted January 4, 1989, in the State of Alabama, but pre-existing inventory has the potential of being lead, according to Assistant General Manager King. In 1991, the EPA recognized the risk and came up with the LCR. Assistant General Manager King stated BWB's primary tool of protecting customers is corrosion control and BWB has a very effective technique. In 2021, LCRR key changes came with new requirements; a lead service line inventory, a lead trigger level of 10 ppb, and sampling in schools and childcare facilities. Significant modifications were; proactive public notification and outreach requirements, tap sampling protocol, and a lead service line replacement plan. Assistant General Manager King stated the compliance deadlines begin October 16, 2024. This pro-active approach requires BWB to go out and identify where lead lines are, which is a daunting task, Assistant General Manager King stated. Young children are most impacted by lead service lines and the mandates require testing for elementary schools, day care centers and middle schools that volunteer. Assistant General Manager King stated staff has 30-days to notify customers if lead is identified and a replacement plan has to be ready to go as well. In one week an inventory template will be sent to the Alabama Department of Environmental Management (ADEM), Assistant General Manager King stated and within 30-days all of BWB's customers served by lead will receive a letter notifying them of unknown, galvanized or lead service lines. There will be a website customers can access also. In case the action level is exceeded, BWB will generate a Tier 1 Public Notice. The LCRI moves toward moving the lead services lines within a 10-year period, Assistant General Manager King stated. There have also been a few sampling changes, that will focus more on lead service line sampling sites for the 90<sup>th</sup> percentile, according to Assistant General Manager King. Director Burbage asked if ADEM sent a notification letter regarding a water fountain being tested in a school. Assistant General Manager King stated he would need to check into that, but he was not aware of anything. Director NeSmith questioned if lead is found on the BWB's side that we are responsible for replacing it and if it is found on the customer's side they are responsible for replacing it. Assistant General Manager King stated that was correct and it begins in 2027, under the LCRI. Director NeSmith asked how BWB would enforce this action in regard to the customer. AGM King stated staff is researching how best to handle this. Assistant General Manager Murphy added that state or federal funding may make a way for some assistance, and it is still evolving. Director Munchus asked if the EPA document was 880 pages long and if this is a federal unfunded mandate. Assistant General Manager King stated as he understood it yes. There was no Unfinished Business.

Following, Chairwoman Huffman asked to hear Speakers. William R. Muhammad expressed concerns over the number of consultants that are being hired by the Board and he requested a copy of all of the consultant contracts.

Next, under New Business, the Board moved to the second item on the agenda, Request the Board to approve Board Directors' travel expenses. On a motion duly made and seconded, the following resolution was adopted by a roll call vote:

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

WHEREAS, pursuant to Resolution No. 9494 adopted by the Board of Directors on January 10, 2024, approval was given to attend the 2024 Congressional Black Caucus in Washington, D.C.; and the 2024 Alabama Water Resources Conference in Orange Beach, AL; and

WHEREAS, in accordance with Act. No. 2015-164, approval is requested for the following actual expenses relative to the above referenced conference.

NOW, THEREFORE, BE IT RESOLVED By The Water Works Board of the City of Birmingham, on a motion duly made by Mr. Dalton NeSmith and seconded by Mr. Tom Henderson, that the following board members be reimbursed for their actual expenses pertaining to said conference as follows:

- 2.1 Tereshia Q. Huffman for total actual expenses incurred including conference registration, air travel, lodging, business meals and other expenses in the amount of \$909.60. (as listed on the attached Itemized Travel and Business Expense Reimbursement).
- 2.2 William Burbage for total actual expenses including conference registration, mileage, lodging, business meals and other expenses in the amount of \$2,126.11. (as listed on the attached Itemized Travel and Business Expense Reimbursement).

Resolution No. 9634 is hereby adopted by a roll call vote, as follows:

Director Blankenship, Yes; Director Burbage, Yes on 2.1 and Abstain on 2.2; Director Henderson, Yes; Director Huffman, Abstain; Director Munchus, Yes; Director NeSmith, Yes; Director Taylor, Yes; and Director Ward, Yes.”

\* \* \* \* \*

Following, the Board moved to the third item on the agenda, Request Board to approve invoices. Interim GM Jones read the invoices into the record. 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 Ms. Tereshia Huffman and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves payments of invoices to the following:

- 3.1 Dominick Feld Hyde, P.C., for professional services rendered September 2024, in the amount of \$857.60.
- 3.2 Terminus Municipal Advisors, LLC., for professional services rendered September 2024, in the amount of \$10,500.00.
- 3.3 Fine Geddie & Associates, LLC, for professional services rendered September 2024, in the amount of \$15,000.00.
- 3.4 Jones Group, LLC, for professional services rendered September 2024, in the amount of \$15,000.00.
- 3.5 CBG Strategies, LLC, for professional services rendered in August 2024, in the amount of \$25,350.00.
- 3.6 General Ronald Burgess, for professional services rendered August 18, 2024, Through September 17, 2024, in the amount of \$26,424.42
- 3.7 Direct Communications, for the following:
  - 3.7.1 Professional services rendered September 2024, in the amount of \$33,000.00.
  - 3.7.2 Professional services rendered October 2024, in the amount of \$33,000.00.
- 3.8 ARCADIS U.S., Inc. for professional services rendered June 2024, in the amount of \$310,341.34.

Resolution No. 9635 is hereby adopted by unanimous vote.”

\* \* \* \* \*

Nest, the Board moved to the fourth item on the agenda, Request Board to adopt a resolution to hire Birmingham Law Group, LLC, to provide legal services as required, at an hourly rate of \$300.00 per hour. 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 Ms. Huffman and seconded by Mr. Tom Henderson, that the Board hereby adopts a resolution to hire Birmingham Law Group, LLC, to provide legal services as required, at an hourly rate of \$300.00 per hour; and authorizes the Interim General Manager and/or Assistant General Manager to execute the agreement..

Resolution No. 9636 is hereby adopted by unanimous vote. “

\* \* \* \* \*

Following, the Board moved to the fifth item on the agenda, Request Board to amend an agreement approved by the Board on February 21, 2024, for a temporary construction easement and acquisition of property with the Alabama Department of Transportation (ALDOT) for public purposes on Highway 119, with ALDOT covering the cost, 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. Dalton NeSmith and seconded by Ms. Mashonda Taylor, that the Board hereby amends the Agreement approved by the Board on February 21, 2024, for a temporary Construction Easement and acquisition of property to the Alabama Department of Transportation (Project No. BR-0119(513) for the public purposes, including a public road and appurtenances, drainage, and other public improvements on Highway 119. ALDOT will pay BWW \$26,530.00 for Right of Ways and Easements; and authorizes the Interim General Manager and/or Assistant General Manager to execute the agreements; as recommended by the Engineering and Maintenance Committee.

Resolution No. 9637 is hereby adopted by unanimous vote.”

\* \* \* \* \*

Next, the Board moved to the sixth item on the agenda, Request Board to approve items, as recommended by the Executive Committee; and authorize the Interim General Manager and/or Assistant General Manager to execute applicable documentation. 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 Ms. Tereshia Huffman and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves a thirty-year wholesale customer contract with Helena Utilities Board to provide water service at a 4-inch connection along Highway 93.

Resolution No. 9638.6.1 is hereby adopted by unanimous vote.”

\* \* \* \* \*

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Ms. Tereshia Huffman and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves an agreement with Baker Tilly, an executive search firm, to conduct a national search for the General Manager position for the Water Works Board, at an estimated out-of-pocket cost to the Board of \$58,875.00, not including travel expenses for selected candidates.

Resolution No. 9638.6.2 is hereby adopted by unanimous vote.”

\* \* \* \* \*

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Ms. Tereshia Huffman and seconded by Mr. William “Butch” Burbage, Jr., that the Board hereby approves a one-year agreement with Aon, to provide actuarial valuation services, effective December 1, 2024, through November 30, 2025, at an estimated annual out-of-pocket cost to the Board of \$59,000.00.

Resolution No. 9638.6.3 is hereby adopted by unanimous vote.”

\* \* \* \* \*

Following, the Board moved to the seventh item on the agenda, Request Board to approve the purchase and delivery of bottled water from Buffalo Rock Company, to assist the citizens in Asheville, North Carolina, Wrens, Georgia, Wadley, Georgia, and Louisville, Georgia, with their drinking water needs, due to damage from Hurricane Helene, at a cost of \$43,994.31. 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 Ms. Mashonda Taylor and seconded by Mr. Tom Henderson, that the Board hereby approve the purchase and delivery of bottled water from Buffalo Rock Company, to assist the citizens in the following areas with their drinking water needs, due to damage from Hurricane Helene, at a total out-of-pocket cost to the Board of \$43,994.31:

- 7.1 Asheville, North Carolina, nineteen (19) pallets, at an out-of-pocket cost to the Board of \$11,115.00.
- 7.2 Wrens, Georgia, nineteen (19) pallets, at an out-of-pocket cost to the Board of \$10,928.62.
- 7.3 Wadley, Georgia, nineteen (19) pallets, at an out-of-pocket cost to the Board of \$10,984.69.
- 7.4 Louisville, Georgia, nineteen (19) pallets, at an out-of-pocket cost to the Board of \$10,966.00.

Resolution No. 9639 is hereby adopted by unanimous vote.”

\* \* \* \* \*

Next, Chairwoman Huffman and Director Ward thanked Interim General Manager Darryl Jones and the team for their roles in filling needs in neighboring communities in their time of need. Mr. Sloan added that the need was filled partially due to the good relationship BWW has developed

with Buffalo Rock, who sold us the water at cost and arranged delivery to each of the three cities. Mr. Sloan stated there were a total of 4,560 cases and it was bottled Aquafina (which is BWB's water). Director Ward asked that we keep our eyes open for other opportunities.

Next Director Ward then made a motion to adjourn the meeting and Director Taylor seconded the motion and the meeting was adjourned at 12:14 p.m.

\_\_\_\_\_/S/  
Tereshia Q. Huffman  
Chairwoman

Attest:

\_\_\_\_\_/S/  
Larry Ward  
Secretary-Treasurer