

SUMMARY OF REGULAR BOARD OF DIRECTORS' MEETING

HELD Wednesday, October 14, 2020

at 11:30 a.m. – In Person (Electronically [via video and telephone])

[THESE ARE NOT THE OFFICIAL MINUTES]

The Governor's Open Meeting Act ("OMA") Proclamation allows members of governmental bodies to hold said meeting electronically (via video and telephone, etc.) for purposes of establishing a quorum, deliberating and taking action; and via electronic equipment allows members of the public to listen to the meeting.

The Regular bi-monthly meeting of the directors of The Water Works Board of the City of Birmingham was held on Wednesday, October 14, 2020 at 11:30 a.m., in person at 3600 First Avenue North, Birmingham, Alabama.

The following Directors were present: Tommy Joe Alexander, Lucien Blankenship, Deborah Clark, Brenda J. Dickerson, Brett A. King, Ronald A. Mims, William Muhammad and George Munchus. Director Burbage was absent.

Others present were: Michael Johnson, General Manager; Derrick Murphy, Jeffrey Thompson and Iris Fisher, Assistant General Managers; K. Mark Parnell, Parnell Thompson Law, LLC; Emory Anthony, Attorney; Cynthia Williams, Board Administrator; Grace E. Amison, Executive Assistant to the Board of Directors; Tammy F. Wilson, Executive Assistant to Assistant General Managers Derrick Murphy and Jeff Thompson; Tim Garrett, Technical Support Analyst I; Systems Support Supervisor; Terrell Jones, Interim Security Manager; Lawanda Bonner, Security Coordinator; Colandus Mason, Information Technology Manager; Rick Jackson, Public Relations Manager; Patrick Flannelly, ARCADIS U.S., Inc.; Olivia Martin and Elise Massey, Attorney General Office; Sheriff Moon, Blount County; Judge Chris Green, Blount County; Philip Moultrie, Jeff Drew and Kurt Close, The Valent Group; Reverend Majadi Baruti; Beth Stewart, Cahaba River Society; David Butler, Cahaba River Keepers; Sarah Stokes, Southern Environmental Law Center.

Chairman Mims called the meeting to order at 11:33 a.m. and Assistant General Manager, Iris Fisher opened the meeting with prayer.

Eight directors were present, so a quorum was in attendance.

Following, Chairman Mims offered some changes to the agenda order. Item 3 was moved to Item 2, Item 12 was moved to Item 5 and a presentation was to be given by Reverend Baruti as Item 5A. The agenda was approved unanimously with the changes.

Next, some discussion occurred regarding items from the Engineering and Maintenance Committee moving forward. General Manager, Michael Johnson stated there was a miscommunication regarding that. Attorney Parnell stated that the agenda had already been approved however; a two-thirds vote could add the items to the Board agenda for today's meeting. Some directors stated they had not seen the information that was presented at that Committee meeting. On a motion made and seconded, the item failed to pass by a two-thirds vote in a roll call vote, with five yes votes and three no votes.

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Following, a motion was made and seconded to authorize monthly retirement benefits from the Board's Retirement Trust Fund for Grace Amison, as set forth in agenda Item 1. The referenced item was approved unanimously. Chairman Mims thanked Ms. Amison for her years of service.

Next, Sheriff Moon spoke on behalf of the Blount County Sheriff's Department, as set forth in agenda Item 3. Mr. Moon spoke out for racial equality and indicated that his sheriffs were grateful for the opportunity to serve the Birmingham Water Works Board (BWVB) as security at Inland Lake. Judge Chris Green from Blount County also spoke saying Blount County was not as diverse as some other counties with only 1.7% African American residents. Judge Green assured the Board that the comments made by Mr. Calvert of the Blount County Commission were not indicative of the residents of Blount County. A Board member stated he would like to see repentance from Commissioner Calvert.

Following, The Cahaba River Keepers, Cahaba River Society and Southern Environmental Law Center presented information on the Conservation Easement agreement the BWVB entered in 2001, as set forth in agenda Item 2. Attorney Sarah Stokes represented the environmental groups and they were requesting an amendment to the agreement citing that a party cannot hold an easement on their own property. On a motion duly made and seconded the item was unanimously referred to the Executive Committee for further discussion.

. Next, The Valent Group presented information on BWVB's property and liability insurance. General Manager, Michael Johnson stated that the renewal premium for excess property would be higher in 2021 and he wanted the Board to be informed. Philip Moultrie with The Valent Group talked about some of the drivers behind the potential increase. More information would be available in the next Budget meeting.

Following, Reverend Baruti spoke on behalf of multiple organizations regarding demands they collectively have pertaining to continuation of the BWVB water and wastewater services disconnection moratorium and non-payment late fees until the end of the health crisis, and at least until December 31, 2020, as set forth in agenda Item 5A. On a motion duly made and seconded the item was unanimously referred to the Executive Committee for further discussion.

Next, a motion was made and seconded to approve a Scope of Services agreement with The Novak Group for the Effective Utility Management Assessment portion only, as set forth in agenda Item 12. Two Directors were not present for the vote. The referenced item passed with four yes votes.

Following, a motion was made and seconded to approve Director King's mileage reimbursement for May and September 2020, as set forth in agenda Item 5. The referenced item was approved unanimously by a roll call vote.

Next, a motion was made and seconded to approve reimbursements to the Operating Account for the period ended July 31, 2020 and August 31, 2020, as set forth in agenda Item 6, no vote was taken. Another motion was made and seconded to table reimbursements to the Operating

Account for the period ended July 31, 2020 and August 31, 2020 due to clarity issues. The referenced item was unanimously tabled.

Following, invoices were voted on separately, as set forth in agenda items 7.1 through 7.9. Item 7.1, Raftelis Financial Consultants, Inc., was tabled due to a request for clarity. Item 7.2, Dominick Feld Hyde, P.C., was approved unanimously. Item 7.3, Wallace Ellis Attorneys, was tabled due to a request for case status.

Next, a Director asked to suspend the rules to move into Executive Session. After a motion duly made and seconded, the Board entered into Executive Session at 2:43 p.m. as Attorney Parnell certified the session due to a potential real estate transaction and potential litigation. The meeting re-opened at 3:30 p.m.

Following, on a motion duly made and seconded, the Board unanimously approved the Terminus Municipal Advisors, LLC invoice as set forth in agenda Item 7.4. On a motion duly made and seconded, the Board unanimously approved the Hilliard, Smith & Hunt, LLC invoice as set forth in agenda Item 7.5. On a motion duly made and seconded, the Board unanimously approved the Emory Anthony invoice as set forth in agenda Item 7.6. On a motion duly made and seconded, the Board unanimously approved the Jones Group invoice as set forth in agenda Item 7.7. On a motion duly made and seconded, the Board tabled the Cory Watson invoice as set forth in agenda Item 7.8, due to a request for case status, with one no vote. On a motion duly made and seconded, the Board unanimously approved the Birmingham Construction Industry Authority invoice, as set forth in agenda Item 7.9.

Next, on a motion duly made and seconded, the Board unanimously approved to take bids for 2021 annual Chemicals to be used to treat the water at the filtration plants, as set forth in agenda Item 8.

Following, on a motion duly made and seconded, the Board approved to award a bid to Tank Pro, Inc. for tank repairs and painting, as set forth in agenda Item 9. There were four yes votes and two no votes.

Next, on a motion duly made and seconded, the Board approved Scopes of Services agreements with A.G. Gaston Engineering, LLC and ARCADIS U.S., Inc., as set forth in agenda Items 10.1 and 10.2. There were five yes votes and one abstention.

Following, on a motion duly made and seconded, the Board unanimously approved expenditures with Electric Machinery Company and Flowserve Pump Company/Jim House and Associates, both sole source providers, for motors and pumps; respectively, as set forth in agenda Item 11.1 and 11.2.

Under new business, a motion was made and seconded to pass a resolution in support of a non-discrimination policy for expenditures over \$50,000.00. The item failed and was referred to the Engineering and Maintenance Committee.

As there was no further business before the Board, a motion was made and seconded and the Board approved to adjourn the meeting at 4:03 p.m.