

**BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA**  
**January 4, 2021**

The Board of Water and Sewer Commissioners of the City of Mobile met virtually this Monday in their regular session at 2:00 p.m. at MAWSS' Park Forest Plaza.

**PRESENT:**

Mr. Walter Bell, Chair  
Ms. Sheri N. Weber, Vice Chair  
Mr. Thomas Zoghby, Secretary-Treasurer  
Ms. Barbara Drummond, Commissioner  
Mr. Kenneth Nichols, Commissioner  
Ms. Maria Gonzalez, Commissioner  
Mr. Raymond L. Bell, Jr., Commissioner

Mr. Charles E. Hyland, Jr., Director  
Mr. Douglas L. Cote, Assistant Director  
Mr. Bud McCrory, Assistant Director  
Mr. Bradley Dean, Attorney

Chair W. Bell called the meeting to order and Commissioner Nichols gave the invocation. There were no **Committee Reports**, Commissioner Nichols mentioned to the Board that he gave a report on the **Property Committee** meeting in December and those minutes are now available for viewing in BoardVantage.

There were no **Visitors** present.

The **Minutes of December 21, 2020** were presented for approval. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. Chair W. Bell commented for clarity in record keeping, going forward, the minutes will distinguish between himself and Commissioner R. Bell by including their initials when indicated. The Recording Secretary has labeled the November 9, 2020 and December 21, 2020 Board minutes with a disclaimer. The motion then carried with the unanimous vote of the Board.

**Bids and Purchasing** was next:

**Item 4A            IFB 20-046 Annual Contract – Rotary Kiln Quick Lime**

Supplier: Cheney Lime  
Contract Period: 2/1/21-1/31/22  
2021 Est Value: \$160,000  
2020 Est Value: \$180,000

Mr. Cote addressed the Board and said there were four bidders and the low price was \$211.97 per ton. The 2021 estimated value of \$160,000 is less than the 2020 estimated value of \$180,000 even though there was an increase in price per ton. This is due to the Myers Water Treatment Plant moving to liquid lime, no longer using rotary kiln lime for the treatment of water. The amount of \$160,000 is for the Stickney Plant only. We ask the Board to approve the award to Cheney Lime in the amount of \$211.97 per ton with an estimated value of \$160,000 in 2021. Commissioner Nichols moved for approval and Commissioner Weber seconded.

Chair W. Bell queried, last year there were two plants on the contract at an estimated value of \$180,000. This year, there is one plant with an estimated value of \$160,000? Mr. Cote said that is correct, when we bid annual contracts, the previous price is three years old. Commissioner Zoghby said the \$180,000 amount is an estimate, not the amount actually spent? Mr. Cote said yes, it is an estimate and he will provide the actual numbers to the Board after the meeting. The motion then carried with the unanimous vote of the Board.

**Item 4B            Annual GIS Software Support Agreement 2021**

Supplier: ESRI, Inc.  
Contract Period: 2/1/21-1/31/22  
2021 Value: \$32,300  
2020 Value: \$32,300

## Minutes of the meeting of the Board January 4, 2021, continued

Mr. Russell presented this item to the Board. This annual support agreement originated in 2010 and the rate at that time was \$29,000. The current renewal value of \$32,300 has been the same since 2017. We ask the Board to approve the 2021 agreement. Commissioner Drummond moved for approval and Commissioner Zoghby seconded. Commissioner Nichols asked if this item is in correlation with Item 7B and if so, once the upgrade is completed, will the pricing increase? Will MAWSS receive a credit in the event that we move forward on this item and then complete the upgrade project?

Mr. Russell stated that the maintenance referenced in Item 7B is to inform the Board of the maintenance fee for 2022 after the upgrades have been completed within the GIS programming. The maintenance costs will not overlap. Commissioner Nichols continued and said the annual maintenance fees will double, how long will the implementation of the GIS upgrade take until completion? Mr. Russell responded and said the upgrade will last all of 2021.

Mr. Cote said the upgrades will include additional software and modules that will allow for better functionality and will increase the number of available seats for employees to use the system. The GIS data will push out to field employees giving them the ability to edit data in real time versus only a look and view. A look and view is currently done in the field and the field employee has to turn the information over to the GIS department for data entry.

The software will give staff the ability to enter data spatially allowing for better decision making processes during emergency situations occurring in the field. As detailed in the supporting documents, valve tracing relates to a line failure within the system being identified with GIS and each valve located and closed in order to isolate the break and complete the repair. This functionality will assist with emergency response and during hurricane events.

Commissioner Drummond asked if the GIS data information will be archived for future use. Mr. Cote said yes, the GIS is a living system and the data is constantly being upgraded. As we continue to move through our system and identify changes we note and enter those changes into GIS allowing for greater accuracy of exactly what is underground within our system. Due to the age and structure of the system we are unaware of changes that have occurred until we excavate. Acquiring photos of our findings, entering data into the GIS, and making that data accessible to crews in the future is one of the benefits we are attempting to accomplish.

Commissioner Zoghby commented that technology is in a constant state of change and it is also very important. Do we have a *technology* strategic plan detailing the next few years on these upgrades? Having a document indicating what each upgrade is related to would be appreciated. Mr. Cote said we have technology in the master plan as it relates to SCADA, our pump stations and various instrumentation in our plants. In the strategic plan we discuss items relating to IT in general and the pursuit of an IT Master Plan.

Mr. McCrory said an IT Master Plan is in the beginning stages with 2021 being a tentative implementation date. Commissioner Zoghby said as a Board member, he looks forward to viewing the plan. He is aware staff has been involved with strategic planning over the last five or six months and would like to have had more participation with the planning. When staff presents their plan to the Board, it should not be 100%, rather a request for guidance from the Board to detail priorities.

Mr. Hyland said staff has a strategic planning session on Wednesday, January 6. He will have a list of broad goals for the Board by the end of the week. Chair W. Bell stated in addition to this, the Board may have a retreat at the end of the first quarter of 2021 in order to review past items and the direction moving forward with the master plan.

Chair W. Bell said in returning to the item presented for approval, the agreement included a *Complimentary User Conference Registration* last year, was the conference an in-person or virtual event? Mr. Sanders answered and said the 2020 conference was a virtual event due to COVID-19. The 2021 conference is tentatively scheduled for late spring and as soon as details are confirmed, he will inform Mr. Russell. MAWSS receives four slots to attend the conference and that is included in the service agreement pricing. The motion then carried with the unanimous vote of the Board.

**Minutes of the meeting of the Board January 4, 2021, continued**

**Item 4C            Annual Service Agreement for Microsoft Enterprise 2021**

Supplier: SHI  
Contract Period: 4/1/21-3/31/22  
2021 Value: \$147,895.29  
2020 Value: \$163,752.35

Mr. Butt reviewed this item for the Board. This service agreement is for all MAWSS applications that are Microsoft based. As we continue our commitment with SHI, the annual price will decrease. We ask the Board to approve this agreement in the amount of \$147,895.29. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. Commissioner Zoghby asked if the agreement includes Office 365 and enterprise networking capabilities. Mr. Butt confirmed they are included in the service agreement. The motion then carried with the unanimous vote of the Board.

**Item 4D            Annual Support for Wonderware SCADA Software 2021 – Year 1 of 3**

Supplier: InSource Solutions  
Contract Period: 1/1/21-12/31/22  
Value: \$56,248

Mr. Butt continued addressing the Board and said in an effort to remain in compliance with the SCADA software, an audit was performed in 2020. It was determined that MAWSS was not in compliance with our Wonderware SCADA Software applications. We ask the Board to approve this contract in the amount of \$56,248. Commissioner Nichols moved for approval and Commissioner Gonzalez seconded. Chair W. Bell questioned, MAWSS did not have this contract in 2020, and it will be different each year going forward? Mr. Butt said that is correct. The motion then carried with the unanimous vote of the Board.

**Legal** was next and Attorney Dean said there is one matter appropriate for discussion in an Executive Session.

There were no items of **Unfinished Business**.

**New Business** was next and they are as follows:

**Item 7A            Duncan Street Water & Sewer Improvements (Rebid) Project No. 50108991**

Mr. Cote addressed the Board and said on November 9, 2020 we bid the referenced project. There were three bidders and the engineers estimate was \$794,295.28. The low responsive and responsible bidder was Ballcon, Inc. in the amount of \$780,185 and we ask the Board to approve the award in that amount. Commissioner Drummond moved for approval and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board.

**Item 7B            MAWSS GIS Upgrade Project – ESRI**

Mr. Russell addressed the Board and said we are asking the Board's approval in the amount of \$92,000 for the GIS upgrade plan. The features detailed earlier in this meeting by Mr. Cote are included in this plan. Commissioner Nichols moved for approval with a question and Commissioner Zoghby seconded. Commissioner Nichols said he feels this is a definite step in the right direction and this will be a great tool for MAWSS. It was explained in the earlier discussion that implementation of the upgrades will last all of 2021. How will our field level employees be trained on using the updated software?

Mr. Russell answered and said once software upgrades are in place and the integration is running smoothly with all of our various systems, our GIS Department staff will be integral in the training of all other users. ESRI will be available on a limited basis, mostly with the integration of software upgrades. ESRI will train Mr. Sanders and his staff, who will then in turn train all other users.

## **Minutes of the meeting of the Board January 4, 2021, continued**

Mr. Sanders commented that this will aid our system in being more integration ready, but amalgamation with our work order system is not included. ESRI will train the GIS Department, after which, my staff will train MAWSS employees as needed. Commissioner Nichols thanked Mr. Sanders and complimented the detail of his supporting documentation. The motion then carried with the unanimous vote of the Board.

### **Item 7C M5712-2697 2021 Annual Contract to Install and Replace Sewer Laterals and Related Sewer Mains within Rights of Way**

Mr. Cote presented this item for approval to the Board. There were three bidders and the recommendation for award is to Construction Labor Services, Inc. who was the low responsive and responsible bidder in the amount of \$699,360. We ask the Board to approve the spending authority be limited to the budget of \$50,000 without prior approval from the Board. The reason for the difference between the bid amount and the budget amount is two-fold. First, the bid amount includes contingency items that we do not anticipate needing unless there is an unforeseen emergency and we have unit pricing foregoing the need for a change order. Second, we expected a larger budget at the beginning of 2020 but we reduced it as the year progressed and the reduction in revenues became apparent.

We feel \$50,000 is a good starting point for 2021 and we will revisit if deemed necessary. Commissioner Nichols moved for approval and Commissioner Weber seconded. Commissioner Drummond asked the basis of the \$50,000 threshold. Mr. Cote responded and said we compared last year's numbers for lateral replacements within rights of way that we are unable to address safely in-house due to extreme depth. As we video, investigate and proceed with the repairs, it was determined that we had a small number in 2020. Mr. Lomax stated there might have been five or six replacements in 2020. Mr. Cote continued and said based on that number, staff felt it was reasonable to request \$50,000 for 2021. If that is determined not to be enough, staff will ask for an increase derived from our sewer repair budget.

Chair W. Bell said this is the low responsive and responsible bidder. There was another bidder, which led to a previous discussion. Mr. Hyland emailed information to the Board from the Attorney General in that regard and the Board is standing on fact with this award based on the Attorney General's information. The motion then carried with the unanimous vote of the Board.

### **Item 7D Master Plan CWSRF Supplemental Application**

As we continue with funding Master Plan projects related to wastewater treatment plants, force mains and lift stations, there are two actions needed. The first is to approve the ADEM resolution designating Mr. Cote as the official representative of the CWSRF. The second is to approve submittal of the supplemental application for the 2021 CWSRF loan in the amount of \$36,000,000.

Mr. Cote said this application does not obligate the Board to close on the loan. The purpose of the application is to inform ADEM of our interest in the funding and later in the year, we can decide if we will be closing the loan. ADEM will earmark the funds in the event we choose to move forward with the closing. The anticipated closing date is February 2022 with projects being pushed back until April 2021. We were initially going to bid the projects in November 2020, but by moving them back, we are able to move the closing of the loan as well. We ask the Board to approve the supplemental application and assign authority for the official representative as requested.

Commissioner Drummond moved for approval and Commissioner Gonzalez seconded. Commissioner R. Bell said as indicated in the supporting documents, this is the third loan. He asked Mr. Cote for detail on the other two loans and if it is expected that the Board will need others as we move forward. Mr. Cote responded and said the first CWSRF loan was in the amount of \$32,250,000 and the second loan was in the amount of \$36,000,000. There will be a fourth loan in the amount of \$36,000,000 for a total CWSRF loan amount of \$140,250,000 *[note: during the meeting Mr. Cote mistakenly stated the total loan amount will be \$134,250,000]*. The fourth loan will go through the application process in 2022 with anticipated closing in 2023. ADEM has informed us they are willing to work with staff and there will not be an issue if we should decide to push the 2023 date.

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Initially, staff was not going to pursue loans in 2023 since all SRF projects were to be completed in 2022. Due to the reduction in revenues we are pushing everything back at least one year. We will evaluate each year going forward in relation to our revenues and rate increases.

Mr. McCrory stated that a Financial Model was created when we began the Master Plan. We plugged the numbers into the model to determine our debt service ratio and where it stands with cash on hand. As Mr. Cote speaks on the SRF loans, those numbers were placed in the model and we have adjusted the initial modeling plan twice since we have experienced our revenue reductions. We will continue to model those numbers and update the Board as we move forward. During each quarterly review with the Board, staff will use that model to accurately determine our standing.

Mr. Hyland commented that this topic would be listed for discussion during the upcoming Board Retreat. We will review the progress of all projects, how much has been spent to date and what staff has planned for the future. We will be sending a request for dates of availability in order to conduct the retreat hopefully in February 2021.

Chair W. Bell said in the agenda packet it shows the loan will close in November 2021. But as Mr. Cote has stated, it will not happen in November 2021. The anticipated closing date will be February 2022, is that correct? Mr. Cote said yes, that is correct. Chair W. Bell requested that it be indicated in the paperwork that the closing date will be February 2022 as opposed to November 2021. Mr. Cote said he will take care of it. The motion then carried with the unanimous vote of the Board.

### **Item 7E Master Plan DWSRF Supplemental Application**

Mr. Cote continued and said this item is for projects related to portable water treatment and conveyance. Approval is requested to designate Mr. Cote as the official representative for the DWSRF loan. This is the second of three DWSRF loans in the master plan. This loan is in the amount of \$10,850,000 and we ask the Board to approve designating the official representative and also the submittal of the supplemental application as stated therein. Commissioner R. Bell moved for approval with a question and Commissioner Weber seconded.

Commissioner R. Bell said the Board has approved a purchase for upgrades to the SCADA system, but it seems some of the loan proceeds will also be applied to the SCADA system. Can staff speak as to why there are two different avenues of procurement for SCADA at this time? Mr. Cote answered and said the SCADA system used at the plants is very outdated and not up to par with current technology. As the systems were developed over the years, they were not developed using the same software platforms. The Myers Plant uses one platform and our wastewater, water treatment plants and lift stations use others. As a part of the master plan, we are overhauling the SCADA system so that we are using one platform with an individual learning that system and being able to work on it at each plant, which alleviates differences. We are transferring to an easier software application and changing the human machine interfaces. In order to implement the software, we have to upgrade the hardware.

Those changes are the master plan aspect of the SCADA upgrades. Mr. Butt earlier presented the maintenance agreement for the existing SCADA software, which is Wonderware. That is the current software, which will ultimately no longer be used, but we have to maintain it until all of the upgrades have been completed and the new system is in place.

Commissioner R. Bell questioned if this project will take three years, as the maintenance contract for Wonderware was approved on a three-year basis. Mr. Cote responded and said that at the current budgeted rate in the master plan, we are looking at an approximate five-year plan for the replacement.

Chair W. Bell stated that he would like to clarify that the expected closing date was November 2021 for the DWSRF loan but we will also be pushing it back to February 2022. Mr. Cote said yes, that is correct and he will take care of it. The motion then carried with the unanimous vote of the Board.

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### Item 7F Reports on COVID-19 Pandemic

Mr. Hyland directed attention to page 101 in the Board Agenda packet. He stated that he sent the COVID-19 update as of December 30, 2020; today he will provide an update to those numbers. As of January 4, there are 25 employees in quarantine, which is down from 42 as indicated on December 30. There have been two additional positive cases bringing the total number to 44 employees since the beginning of the pandemic. This number represents approximately 11% of our workforce.

The efforts of our managerial staff in continuing to do everything possible to ensure the safety of our employees is very much appreciated. Protocols are being revisited and steps have been taken in areas that can be improved upon. In determining the positive cases we have experienced, we are fortunate to have not experienced a cluster in one specific area or department. The positive cases were wide spread and the steps taken internally to continue social distancing, mask wearing and sanitization are helping as much as possible.

On December 27, the President signed the new stimulus bill, which included emergency relief funding for individuals in business. There is a provision in the package that will provide funding to water and sewer utilities to assist with delinquent accounts and rates charged to low income households. The relief efforts will be administered through the Department of Health and Human Services. It appears grants will be given to the state, who will then disburse the funding to the utilities. This is the first opportunity for recompense available to MAWSS and we will be pursuing that funding, as it will be necessary to help some of our customers.

As mentioned previously, we did contact the Governor's office, but we have not been made aware of any progress with that request. Since the signing of the new bill, we will resurrect our efforts with the state in our pursuit of available monies, as it seems that will be the route through which monies will be distributed.

Dumas Wesley Community Center was able to assist MAWSS with fifteen delinquent accounts totaling approximately \$4,500. Kate Carver [*Executive Director*] initially contacted Mr. Hyland to inform him they were able to help customers in the 36607 and 36617 zip code areas. Ms. Carver stated they were under a timeline in which to spend the grant funding, therefore staff compiled a listing of our customers within that area and forwarded the information. Their help to MAWSS and our customers is very much appreciated.

We are continuing discussions with Mobile County Health Department in regards to our status with the available vaccinations. Our employees are being presented for a place on the list of qualified recipients. Information was sent to our local health department and AWWI, in addition to our earlier contacts.

Mr. Hyland continued with his report and referenced the new stimulus package. An issue that needs mention and possible discussion is the *Family First Coronavirus Response Act Mandated Leave*; it was not extended past December 31. In the first CARES Act, it was mandated that businesses allow employees eighty hours of leave time. Referenced here for review:

- *Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

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Businesses were to be compensated for this additional expense by receiving a credit on payroll taxes. The only problem with this is, public entities are exempt from that, which means MAWSS could not benefit from receiving the credit, although we are mandated to allow employees to take up to the eighty hours of leave.

Staff met and discussed the matter since it would be expiring on December 31, 2020 which was before the January 4, 2021 Board meeting. It was determined we would continue operating as we had been, and then bring it to the Board today for direction. Since the mandate was put in place, 155 employees have utilized some portion of the eighty (80) hours leave. The resulting expense to MAWSS is approximately \$186,000. This too has been mentioned to the state and we will continue seeking avenues of reimbursement although it may be unsuccessful.

We would like to ask the Board to consider a proposal; the eighty hours of leave, if *not* used by an employee, staff will allow this to be used for the next month or two months. If an employee *has* exhausted the mandated leave, they must use their *personal* sick leave or vacation leave to address time off for COVID-19 related issues.

The only item allowed in the mandated CARES Act that we were *not* going to allow, was the Emergency Family Medical Leave Act allowed employees caring for their children whose school and/or daycare was closed due to COVID-19 or related reasons were allowed to use leave. Staff reached the decision *not* to extend leave for this purpose. We would extend leave only if an employee tested positive for COVID-19 and had not used the leave prior to the end of 2020 or if the employee was in quarantine due to close contact with a positive source prior to the end of 2020. Mrs. King affirmed this phraseology is correct for the proposal staff is asking the Board to consider.

Mr. Hyland asked if the Board is in agreeance to extend use of unexhausted leave until February 1 at which time staff will bring it back to the Board for further discussion. The mandate may be revisited with the incoming administration. It was a surprise to many that the mandate was not extended in the approved stimulus signed on December 27.

Chair W. Bell questioned the correlation with our short-term disability benefits. Mr. Hyland said in his opinion, since it was mandated in the CARES Act, it would come before short-term disability benefits. Ms. Washington joined the discussion and stated an employee has to be out of work a pre-determined amount of time prior to short-term benefits becoming an option. The mandated leave would help the employee get paid prior to those benefits. The time limit prior to receiving short-term disability benefits was 60 days, but a new time limit of 30 days has been approved for short-term disability benefits.

Mr. Hyland said during discussions with staff, it was noted there is an increase of cases within Mobile County and at MAWSS. This is a continuous and unplanned expense and it appears we will not be reimbursed for it. We are trying to allow employees that did not use the time in 2020, be allowed to use the mandated leave. Employees that have already used the leave in 2020 will be required to use their personal leave. Chair W. Bell asked for clarification, if employees that have not used the time in 2020 are allowed to use the time in 2021, it would have to be a COVID-19 related issue, either exposure or a positive result; is that correct? Mr. Hyland responded and said yes, but also if you quarantined after exposure and were waiting on a negative test result.

Chair W. Bell said his perspective is that it is obvious we are not out of this pandemic. It will be a while before a large percentage of the population has received a vaccine, so this seems the proper step to take at this time. Commissioner Nichols agreed with Chair W. Bell's standpoint, but said those that were affected and had to use time in 2020 should not be penalized for an occurrence that may have been outside their control.

Commissioner Drummond questioned if it was dealing with childcare, staff would not allow mandated time to be an option. Should we not decide on a case-by-case basis? Many facilities for childcare are closing due to COVID-19 and a large number of employees have school age or younger dependents. Has staff considered variations in their decision? Is working from home still an option for an affected employee?

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Mr. Hyland responded and said yes, if the employee can work from home and be productive, that option is available. If they are unable to work from home, and the childcare dilemma presented itself, they are able to use their own leave time. They would just not receive the additional mandated eighty hours of leave [*if they had already used all of the time in 2020*]. Actually, the mandated eighty hours from the CARES Act would not be used for childcare issues whether time had been exhausted by an employee in 2020 or had not been exhausted. The carryover would be for an employee that tested positive or had to enter quarantine due to exposure and had *not* used the time in 2020.

This is a tough time and staff is trying to find a medium where we help our employees as much as possible, all while considering the total finances for this organization.

Commissioner Drummond said she understands the predicament, but young parents with small children are dealing with an issue out of their control. She hopes we can find a better answer and look to considering each case as they come versus a pat answer for all.

Ms. Washington stated the emergency FMLA allotted 400 hours at 2/3 the employees rate of pay. An employee could be off work for 10 weeks and receive 2/3 their rate of pay. It was taxing for our organization because many employees utilized that benefit for children up to the age of 18. Giving parents of small children the option of using the eighty hours can be revisited, but the option of the additional 400 hours is not viable.

Commissioner Zoghby asked if there was an additional 400 hours with FMLA, which applies to COVID-19. Ms. Washington responded and said it was a total of twelve weeks allotted. This translated to the eighty hours related to any COVID-19 purpose for yourself or someone needing care. If an individual had children and the schools or daycares closed, they were given another ten weeks which was paid at 2/3 rate of pay.

Mr. McCrory stressed that additional 10-week option ended December 31, 2020. Commissioner Drummond asked if this was renewed for 2021. Ms. Washington said it did end December 31, but in the CARES Act, it gives employers the choice to continue using it until March 31, 2021 on a voluntary basis. Staff is voluntarily choosing *not* to use this option.

Mr. McCrory said for complete understanding, individuals that received that option through the CARES Act will receive a tax credit. MAWSS does not receive that payroll tax credit. Staff will meet in early February 2021 and determine how many (*if any*) cases have come up, if there has been a large number; staff will bring it back to the Board for further direction.

Commissioner Zoghby and Commissioner Drummond said they feel that proposal will be reasonable. Chair W. Bell asked if staff is requesting we extend this for thirty days or the next Board meeting, which is February 1, 2021? Mr. McCrory said we are asking for the extension based on Mr. Hyland's statement regarding the eighty hours for those that have *not* used the time. The process will be reviewed between now and February 2021 to see if what has been implemented is working.

Mr. Hyland said if the issue of childcare is brought to staff during the upcoming thirty days, and that individual has *not* already used the leave prior to December 31, 2020; we will consider allowing that leave to be used for childcare purposes. Chair W. Bell said he thinks that is a good proposal. Commissioner Zoghby asked if a motion is needed and Mr. Hyland said if the Board agrees, staff will continue as they have been. Chair W. Bell said that is fine and staff will be giving a report on this matter to the Board at the February 1 meeting.

Mr. Hyland thanked the Board and concluded his report by mentioning that the new bill is voluminous, hence as interested parties review it, information pertaining to each organization will be discovered. Mrs. King shared information on Thursday of last week showing the bill includes a provision to end the practice of surprise medical billings. This means it will hold patients harmless from surprise medical bills including air analyst providers. It will also prohibit out-of-network providers from balance billing. *Not insignificant to employee sponsored health plans, the bill allows for an independent dispute resolution process to address surprise medical billings. Under this independent dispute resolution process, the self-insured employer (not the contracted insurance carrier) would be*



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*responsible for settling claims disputes*'. Staff will review this discovery with our insurance consultants to determine the resulting impact to MAWSS.

Commissioner Zoghby queried the number of positive cases within MAWSS; have those results led to serious illnesses? Mr. Hyland responded and said, unfortunately, we experienced one death within that number last summer. An employee on the list has recently been admitted to the hospital. We are unsure of the condition of the employee at this time, but the employee is being treated at the hospital.

Commissioner Drummond said she is aware Mr. Hyland has contacted the Mobile County Health Department, has it been designated by the industry if utilities are considered frontline essential workers? Mr. Hyland responded and said in March 2020, we were designated essential workers by the Department of Homeland Security. If you look at the CDC Guidance on the vaccinations, essential workers are divided into two categories. There is a frontline essential worker group and there is an 'other' essential workers group. As of today's date, our organization is classified as 'other' essential workers. States are moving separately on these classifications. It is ever changing, but we are currently in the second category of essential workers. Staff continues to move determinedly forward in our efforts in keeping abreast of the changes.

Staff conducted an anonymous survey with our employees to gauge how many are willing to receive the vaccine if it were available. There was a heavy emphasis on our Treatment Plant Operators because they are subject to work in small groups. They have done an excellent job with social distancing and rearranging shifts. There have been a few positive cases with them, but not a cluster within our plants. The survey was conducted during the holidays, so the resulting numbers may be low due to employees being off for the holiday and/or scheduled vacations.

- Treatment Plant Operators – 20 said they are ready to take the vaccine if available
- Repair Crews – 12 said they were ready to take the vaccine if available

This is a small segment of our workforce and those numbers should rise as employees return to the office. We are in contact with Dr. Murphree and Dr. Eichold at the Mobile County Health Department and indicated that we do have the list of essential workers ready if there should be surplus vaccine available.

Mr. McCrory addressed the Board to give a brief update on the organizations **financial** status. We are still seeing a potential water loss of 248 million gallons down indicated from revenues collected and consumption billed. On the commercial side, we are seeing a loss of 11.6%. Although late fees and delinquencies have resumed, we have not seen a positive turn in numbers at this time. An in-depth report should be ready for presentation at the February meeting. It will include 2020 in its entirety.

Mr. Hyland stated he has attended several webinars with Directors with utilities from all over the country. The steady trend indicates utilities that did not disconnect services during the pandemic, once late fees and regular practices resumed, did not see an increase in revenue for several months. We are looking forward to after the first of the year in hopes we will see our numbers change for the better. If we are able to receive some funding from the bill that passed on December 27, it will help our lower income customers catch up on their delinquencies.

### **Item 7G EEOC Report on COVID-19 Vaccinations and Employment Laws**

With distribution plans underway, questions surrounding the rights of both employers and employees in relation to the vaccinations have been raised. This is especially so, should the vaccine become a requirement within the workplace. EEOC has released a report with guidance on the employment laws. Included in the agenda packet are two articles that shed light on this topic and may be of interest. Staff and Attorney Dean will continue to monitor these developments. Mr. Hyland ended his reports and said based on staff discussions, we will encourage our employees receive the vaccination as it becomes available, but it will not be a requirement at this time. We must be cautious due to laws that are in place to protect employees. In his opinion, once the vaccine is available, most of our employees will be willing to receive it without it being a requirement. Based on the survey sent to employees over the holiday period, we have received 122 responses so far:

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- Yes, I am interested in taking the Coronavirus Vaccine when it is available (61 responses) 50%
- No, I am not interested in taking the Coronavirus Vaccine (24 responses) 19.7%
- I am waiting on more information about the Vaccine before making a decision to take it or not (37 responses) 30.3%

We are expecting more responses from employees to come in as we move further into this week. Dr. Murphree will supply an information sheet on the Moderna COVID-19 Vaccine. The sheet will detail possible side effects and explain the vaccine administration process.

Staff will continue to monitor the status of the vaccine and it being voluntary versus a requirement of employees.

Items presented to the Board for **Information Only** were:

### Item 8 Information Only

- A. Ext 2 Annual Contract MAWSS 19002 – Sulfur Dioxide  
**Third and Final Year**  
Supplier: DPC  
Contract Period: 3/1/21 – 2/28/22  
2021 Est Value: \$70,808  
2020 Est Value: \$70,808
- B. Jacobs Project No. D3385400  
Three Mile Creek Severe Weather Attenuation Tank No. 1 Rehabilitation Project  
[Confirmation of Directors Award]  
Low Bidder: Tank Pro, Inc.  
Amount: \$2,330,081 – which includes additive alternate #2
- C. M5712-2650 Eslava Creek Force Main Replacement Phase 3-1A  
Broad Street to Baker Street  
Change Order No. 1 (FINAL)  
Original Contract Amount: \$2,766,615.00  
Change Order Amount: (\$489,883.13)  
Total Contract Amount: \$2,276,731.87  
Percentage of Contract Amount: (17.71%)
- D. M5712-2701 Coalesway Drive Emergency Sewer Repair  
Change Order No. 1 (FINAL)  
Original Contract Amount: \$115,326.00  
Change Order Amount: (\$4,104.85)  
Total Contract Amount: \$111,221.15  
Percentage of Contract Amount: (3.5%)
- E. Holiday Wishes from Chair Bell

Commissioner Nichols commented on Item 8C, this change order significantly decreased the cost of the project. Can staff elucidate as to where the cost savings came from? This project is in the early stages, should we expect to continue to see change orders such as this? Mr. Cote responded and said Hemphill Construction Company, Inc. is an excellent company. They are also installing the trunk sewer for Three Mile Creek. They have 28 pipe laying crews and they specialize in this type of work and perform exceedingly well. With this performance, time was saved and there was a reduction in the materials used. The referenced project was a relocation and the job was completed in an expeditious manner.

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Hemphill Construction Company, Inc. is in the process of constructing Phase III from Baker Street, Broad Street, and leading to the Williams Wastewater Treatment Plant. This contractor has been consistent thus far in coming under the engineers estimate.

Commissioner Nichols asked if Mr. Cote was able to specify which items were able to have such a drastic reduction. Mr. Cote said he does not have the information on hand, but he will gather it and forward the information to the Board. Commissioner Nichols said with a 20% reduction in the actual work performed versus what was bid, does that mean there was an error in the consultants plans that was not found until construction began? Mr. Cote said it may have been some contingency items on the project. As we construct this line across the State Port Authority, we do not know if we may encounter contaminated soils that has to be removed and mitigated. There may have been units for that work included in the bid which they ended up not needing. Commissioner Nichols said he was pleased with the change order and he does not need a detailed listing, he just wanted to know if it was a specific item that was reduced by \$500,000.

Chair W. Bell asked Mr. Cote to send a memo to the Board detailing the change order for Item 8C. Mr. Cote said he would do that.

Mr. McCrory summarized information he sent via email concerning a question the Board had about the *Annual Service Agreements for enQuesta Programs 2021* which was discussed at the December 21, 2020 Board meeting. In 2017, MAWSS entered a five-year maintenance contract with Systems & Software and agreed to place \$50,000 in an 'escrow account'. The funds can be used for any project or programming that may arise during or after the contract period. We are currently on version IV of enQuesta and will be upgrading in 2022. This will be a major expense, but since there is the \$50,000 per year 'escrow account', we have \$250,000 which can be applied to that upgrade as needed. As mentioned during the December 21 meeting, MAWSS is obligated to Systems & Software and they are our main billing systems programmer and we use them on a daily basis.

Mr. Hyland mentioned that the relationship with Systems & Software will be reassessed prior to the end of the current contract expiration date in December 2021. Mr. McCrory further stated staff will be renegotiating the contract and if the Board feels we do not need to continue the 'escrow account', we will cancel it. The relationship with Systems & Software will continue for our maintenance agreement.

Chair W. Bell asked, does Systems & Software or MAWSS hold the 'escrow account'; what is the reasoning of a \$50,000 deposit per year? Commissioner Zoghby said staff can always bring requests for additional work back to the Board; there is no reason for Systems & Software to be holding funds in an 'escrow account'.

Mr. McCrory responded and said MAWSS pays the amount to Systems & Software. The amount is held by Systems & Software and they will deduct it from any project or upgrade. Chair W. Bell stated Systems & Software has \$250,000 in an account at this time; the contract will need to be reevaluated prior to negotiations.

There being no further business to come before the Board at 3:30 p.m., Commissioner Zoghby moved to go into **Executive Session** with Attorney Dean and Commissioner Weber seconded. Chair W. Bell thanked everyone and requested that staff disconnect from the videoconference.

The next regular meeting is scheduled for February 1, 2021 at 2 p.m.



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Thomas Zoghby, Secretary-Treasurer