

BUSINESS OFFICE, 4725 MOFFETT ROAD, MOBILE, ALABAMA
October 4, 2021

The Board of Water and Sewer Commissioners of the City of Mobile met virtually this Monday in their regular session at 1:30 p.m. at MAWSS' Park Forest Plaza.

PRESENT:

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| Mr. Walter Bell, Chair | Mr. Bud McCrory, Jr., Director |
| Ms. Sheri N. Weber, Vice Chair | Mr. Douglas L. Cote, Assistant Director |
| Mr. Thomas Zoghby, Secretary-Treasurer | Mrs. Calressia Clark, W&S Engineering Manager |
| Ms. Barbara Drummond, Commissioner | Mr. Daryl Russell, W&S Engineering Manager |
| Mr. Kenneth Nichols, Commissioner | Mr. Bradley Dean, Attorney |
| Ms. Maria Gonzalez, Commissioner | |
| Mr. Raymond L. Bell, Jr., Commissioner | |

Chair W. Bell called the meeting to order and then gave the invocation. There were no **Committee Reports**.

Visitors was next and Mr. McCrory read the following Resolution for Retiree into record:

WHEREAS, MS. ANNIE CRENSHAW, Utility Billing Supervisor, began her employment with the Board of Water and Sewer Commissioners on January 2, 2001, as a classified employee, and has worked continuously since; and

WHEREAS, she served the System faithfully for over 20 years, performing her duties with the highest quality, working in a cooperative spirit with her fellow employees, and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE that **MS. ANNIE CRENSHAW**, whose retirement was effective October 1, 2021, be recognized and commended for her years of service to the Board of Water and Sewer Commissioners of the City of Mobile and to the citizens of Mobile.

ADOPTED this 4th Day of October, 2021.

Ms. Crenshaw was always customer service oriented, willing to help and was a great asset during the AMI transition in the Billing Department. We would like to congratulate her as she enters into a new phase in her life and say that she will be missed and we wish her well in her retirement.

Chair W. Bell introduced the new agenda format; presented the **Consent Agenda Items** for approval, and they are as follows:

Item 3A IFB 21-027 Annual Contract for Corrosion Control Chemicals

Supplier: Carus Corporation
Contract Period: 11/1/21-10/31/22
2021 Est Value: \$124,400
2020 Est Value: \$131,880

Item 3B IFB 21-039 Roof Replacement at C. C. Williams Garage

Supplier: E Cornell Malone Corp
Project #M5712-2716
Value: \$86,520

Item 3C Sole Source Purchase of a Ford Hall Weir-Wolf Cleaning System

Supplier: Ford W Hall Co. Inc.
Value: \$76,524

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Item 3D Annual Software Licensing of Xenmobile Premium Service for Citrix Mobile Data Management (MDM)

Supplier: MCG Business Solutions
Contract Period: 9/14/21-9/13/24
2021 Value: \$64,680
2018 Value: \$89,700

Commissioner Nichols joined the meeting at 1:37 p.m.

Mr. Cote addressed the Board and directed attention to Consent Agenda Item 3A *IFB 21-027 Annual Contract for Corrosion Control Chemicals*. The estimated dollar value for 2021 should be updated to reflect the new bid amount of **\$210,500** instead of \$124,400 as presented in the agenda packet. The cost of the chemical has doubled.

Chair W. Bell thanked Mr. Cote for the explanation as he had noticed the price difference upon reviewing the agenda information. He then asked for clarification of Item 3B *IFB 21-039 Roof Replacement at C. C. Williams Garage* which indicates the contractor has six months to replace a 2,200 square foot roof. Mr. Cote explained that he believes that is the time span the engineer placed in the performance period of the project. It is more than likely associated with the availability of materials. It is a built up commercial roof and even though six months is long, that is the scheduled completion time.

Commissioner Zoghby moved for approval of the Consent Agenda and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board.

The **Minutes of September 13, 2021** were presented for approval. Commissioner Zoghby moved for approval and Commissioner R. Bell seconded. The motion then carried with the unanimous vote of the Board.

Item 5A McCrory & Williams Project No. M5712-2714 2022 Annual Contract for Cured-In-Place Pipe for Small Diameter Sanitary Sewer Rehabilitation

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|--------------------------|--------------------|-------------------------|--------------------|
| Original Estimate: | | Current Estimate: | |
| Construction: | \$1,000,000.00 | Construction: | \$1,000,000.00 |
| Engineering: | <u>\$ 6,000.00</u> | Engineering: | <u>\$ 6,000.00</u> |
| Total Original Estimate: | \$1,006,000.00 | Total Current Estimate: | \$1,006,000.00 |

Mr. Cote addressed the Board and stated the engineers estimate was \$1,000,000.00 and there were four bidders. The apparent low bidder was S&P Liner, LLC in the amount of \$996,750.00

Item 5B McCrory & Williams Project No. M5712-2717 2022 Annual Contract for Painting

| | | | |
|--------------------------|--------------------|-------------------------|--------------------|
| Original Estimate: | | Current Estimate: | |
| Construction: | \$125,000.00 | Construction: | \$125,000.00 |
| Engineering: | <u>\$ 5,000.00</u> | Engineering: | <u>\$ 5,000.00</u> |
| Total Original Estimate: | \$130,000.00 | Total Current Estimate: | \$130,000.00 |

The engineers estimate for this project was \$125,000.00 and there was one bidder. The apparent low bidder was Melvin Pierce Painting, in the amount of \$101,935.00

Item 5C Volkert Project No. 1025619 C.C. Williams P3 Digester Dome Repairs

| | | | |
|--------------------------|---------------------|-------------------------|---------------------|
| Original Estimate: | | Current Estimate: | |
| Construction: | \$675,000.00 | Construction: | \$675,000.00 |
| Engineering: | <u>\$101,000.00</u> | Engineering: | <u>\$101,000.00</u> |
| Total Original Estimate: | \$776,000.00 | Total Current Estimate: | \$776,000.00 |

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Mr. Cote continued, the engineers estimate for this project was \$675,000.00. There was one bidder, and the apparent low bidder was Rob't J. Baggett, Inc. in the amount of \$916,680.00. This item is a critical component of the C. C. Williams Plant and staff would like to ask approval of a Directors Award after review of the bid has been completed. If it is concluded that the increased cost cannot be addressed with a rebid after reviewing various unit prices, staff would ask the Board to award this project to the apparent low bidder and authorize a Directors Award. There is only one other digester being used as a backup and if the second unit fails, we will have issues with compliance, leading to emergency work and increased costs.

Commissioner Dummond moved for approval and Commissioner R. Bell seconded. Commissioner Nichols commented that not being privy to the specifics of the project, as the engineer moves closer to construction, it would be good to try and bring the value as close to the engineers estimate as possible. Mr. Cote responded and said staff will look into that as they review the unit pricing. There were actually three contractors in attendance at the pre-bid meeting for this project, but only one chose to submit a bid. The motion then carried with the unanimous vote of the Board.

Item 6 Discussion Topic: Giant Salvinia Invasive Species at Big Creek Lake

Mr. Moore addressed the Board and directed attention to a power point presentation, displaying timelines and photographs of the ongoing process of the removal of Giant Salvinia at Big Creek Lake. The species was discovered in Big Creek Lake in July 2021. It is a thick mass that can grow up to three feet deep and is able to double in size every five to seven days when there are ideal conditions. It is spread mainly through boat and wind traffic leading to a number of issues with our water treatment processes.

- Potential mechanical failures of pumping equipment if growth is left unchecked
- Screens can become clogged due to thick matting growth
- Increased organic composition of the lake due to the killing of other species
- Increased treatment costs

Staff has been able to eliminate a large area of the invasive species and we are now endeavoring to remove mats that have been identified near the shoreline by continuously spraying those areas. The boom will remain in place but during Hurricane Ida, we unfortunately experienced spread because of the winds and staff is working to contain and eradicate those areas as well.

Within this past week, staff has begun mechanical removal in which a vessel is powered through the clumps and a net collects anything the vessel drives through. The results have not been as we anticipated, so this may be a one and done method of removal. So far it has been determined that spraying is the most effective course of removal.

Spraying is the most economical, with mechanical removal costing four to ten times more as well as being a slower method. Staff is researching using the South American Weevil which has an incredibly specific diet and has been used effectively in Texas and Louisiana to eradicate Giant Salvinia. Unfortunately, the weevil is not suited for cold environments, and will often fail to establish a colony if introduced close to the winter season. We may look into this option next spring to assist in the harder to reach areas near the tree lines.

As we move forward, there are several steps which will need to be addressed in order to fully control or eradicate the species from the lake. One of which is the installation of a boat wash facility. Staff is currently in the design phase of a two bay boat launch. We have been in contact with Fish and Wildlife to gather information on the boat launches they utilize in the Midwest areas. They have eliminated the risk and experienced full removal of Giant Salvinia and other invasive plant species through the use of boat wash facilities.

Mr. McCrory commended Mr. Cote and all staff at Big Creek Lake for their efforts in the removal of this species. They have performed very well and have done a tremendous job. It is something we have not experienced before and after visiting the site last week, it is apparent they are making great headway with this problem.

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Chair W. Bell said it is evident from the presentation that the staff at Big Creek Lake has been doing everything they can to continue to protect the lake which provides our drinking water. The boat wash design does seem to be the best option as we move forward and protect that area.

Commissioner Drummond spoke and said she agrees with the wonderful job staff is doing as we learn and move through this process. In addressing the boat launch, can staff indicate where it will be placed, how will boat washing be mandated and how will the costs be distributed? Mr. McCrory responded and said the facility will be constructed upstream of Howells Ferry Road from Fox's Landing, *well before* you arrive at the landing from which the boats are actually launched. Staff expects to bid the project by the end of 2021 and it is anticipated that the launch will be operational by May 2022.

It should be understood there will be a *trained* attendant who will need to be onsite at all times once the launch is in place to ensure all vessels are using the facility. The current fee is \$5.00; which will more than likely be increased. There may also be restrictions as to the number of boats allowed onto the lake and how long they can be on the lake at a time. Once the lake is ready to be accessible to residents, changes will have to be made in order to control and maintain the lake to the best of our ability.

Mr. Moore said boat washes are prevalent in the Midwest and there are also some in the Great Lakes, Texas and Louisiana. It is unfortunate that the law is not as strict in the Southeast, meaning there are not many boat washes in this area and efforts are more reactionary versus preventative. In saying this, due to this occurrence and the learning curve we have had to adjust to, the lake will be brought to even better standards than before, in terms of invasive prevention.

Mr. Cote stated public relations and education should not be downplayed, those efforts will be very critical once the design phase is completed and brought to the Board for approval. Currently Fish and Wildlife has a public relations campaign notifying the public about the invasive species. Once we have received approval to move ahead with the boat wash and the lake is reopened and the facility is ready for use by the public, Ms. Allen will revamp public relations and educational efforts to inform the public about all of the changes.

Commissioner Drummond thanked staff for their responses and said she is pleased that some of the costs will be placed on the frequent users of the lake.

Legal was next and Attorney Dean said there are two matters appropriate for discussion in an Executive Session.

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

New Business was next and they are as follows:

Item 9A Municipal Park (Langan) Purchase and Sale Agreement

Mr. McCrory said as discussed previously, at the committee and Board level, all documentation has been signed and the City of Mobile has approved the documents. We ask the Board for approval to sign the agreement for the referenced purchase and sale. Commissioner Nichols moved for approval with a question and Commissioner Weber seconded.

Commissioner Nichols asked Attorney Dean in respect to *Item 2, Reversionary Rights*; will the City of Mobile be supplying Mobile Area Water and Sewer System with an affidavit that releases the reversionary interests? In his experience, when you place something in a contract as has been done here, one party may not be fully protected from a future claim. Attorney Dean responded and said to his knowledge these documents are similar to the Ziebach documents. In his opinion, it effectively reverses and erases any interests of the City of Mobile, but he will express Commissioner Nichols' concerns with outside counsel to confirm and report his findings to the Board.

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Commissioner Nichols continued and said if assuming all the documentation listing the assets, including this, were turned over from the City of Mobile to the Board in probate with respect to land records, to err on the side of caution, he feels we should have an affidavit for the record.

Chair W. Bell questioned why the Board is sharing in closing costs since we are giving this property to the City of Mobile. Does staff know the amount of the closing costs? Attorney Dean responded and said that was the arrangement made with the City of Mobile from the start of discussions, that the appraisal and closing costs would be shared equally. The costs should not be very significant. The motion then carried with the unanimous vote of the Board.

Item 9B Proposed Changes to Investment Policies and Procedures for the Section 115 Discretionary Trust (GASB 45) (OPEB)

Mrs. Cassidey addressed the Board and stated at the September 13, 2021 Finance/Risk Management Committee meeting it was recommended that the range for fixed income investments be changed from 40% - 60% to 35% - 60% and the range for equities be changed from 40% - 60% to 40% - 65%. This would provide room to go lower on the fixed income side and higher on the equity side based on the current market conditions.

Also discussed was the funding policy for the OPEB Trust. The committee agreed that the policy should be updated to include language stating that budgeted amounts shall be based on the actuarially determined contribution, which is the GFOA best practice and this is the amount we should be funding each year. Other cosmetic changes include references to new GASB statements, and a name change from *Investment* Committee to *Finance* Committee.

Commissioner Zoghby moved for approval and said the current stock environment mentioned by Mrs. Cassidey has been the same environment for a number of years and has been exacerbated by the current low interest policies. These changes will give the Board a broader range on equities and the ability to go a little lower on fixed income. This is the only investment we can put anything into equity, most of the other investments we have to put into fixed incomes because of the bond indenture. Commissioner R. Bell seconded.

Chair W. Bell commented that as mentioned in the committee minutes, staff will wait another three months on the bond refinancing. Rates are continuing to rise, has staff reviewed this before the ninety day period? Commissioner Zoghby responded and said the rate increases are not very different than before, and he agrees, the numbers can be run again. Legal counsel has our bond filing ready for filing with approximately thirty days notice.

Mr. McCrory said he will have a sensitivity analysis ran in preparation for the upcoming Finance/Risk Management Committee meeting on October 11th. The motion then carried with the unanimous vote of the Board.

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

Item 10 Information Only

- A. Ext 2 Annual Contract MAWSS 19014 Sale of Scrap Metal
Third and Final Year
Supplier: ASM Recycling
Contract Period: 12/1/21-11/30/22
2021 Est Income Value: \$92,000
2020 Income Value: \$112,388

- B. Professional Service – Taylor Solution Upgrade
Supplier: Taylor Communications
Value: \$29,490

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- C. Semi-Annual Support for Oracle (enQuesta) CIS Hardware and Software 2021
Supplier: Mythics
Contract Period: 9/25/21-3/24/22
2nd 2021 Value: \$22,126.55
1st 2021 Value: \$21,027.67
- D. 2021 Holiday Gift Cards
- E. Consultant Project Status Reports
(August 2021)
 - 1. Asarisi & Associates, LLC
 - 2. CERM (No Active Projects)
 - 3. Constantine Engineering
 - 4. Dewberry
 - 5. Driven Engineering, Inc.
 - 6. GMC
 - 7. HDR
 - 8. Isaiah Engineering, Inc.
 - 9. Jacobs
 - 10. McCrory Williams
 - 11. Mobile Group, Inc.
 - 12. Mott McDonald
 - 13. Neel Schaffer, Inc.
 - 14. Stantec
 - 15. Volkert, Inc.

Mr. McCrory mentioned the 2021 Eagle Awards Luncheon and Ceremony will be held Friday, October 8, 2021 at 11:30 a.m. If the Board is interested in attending, please contact the Recording Secretary to take care of the arrangements.

Mr. McCrory continued and said he would like to thank South Alabama Utilities for coming forward and assisting MAWSS with a water main break at the Polo Place Subdivision. We contacted them and they met us onsite the very next day, completed the repair and reconnected the services. It was very nice to have a utility working side by side with us to make a repair for the public and in doing that we did not have to schedule an emergency bid which would have been quite costly and also developed a relationship that will be beneficial to both utilities.

Chair W. Bell requested that all Commissioners block their schedules for the upcoming Board Retreat tentatively scheduled for November 1st, prior to the regularly scheduled Board meeting.

There being no further business to come before the Board at 2:15 p.m., Chair W. Bell adjourned the meeting and instructed the Board to reconvene at 2:25 p.m. for an **Executive Session**.

At 3:08 p.m. Commissioner R. Bell moved to convene into regular session. Commissioner Drummond seconded and the motion then carried with the unanimous vote of the Board.

Attorney Dean asked the Board to authorize the filing of a counterclaim amongst other legal statutes in regards to the Mobile County Water, Sewer and Fire Protection Authority. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

Attorney Dean continued and requested approval in regards to the Consent Decree with the State of Alabama and ADEM on the Clean Water Act Lawsuit. The information has been explained in depth to the Board. Commissioner R. Bell moved for approval and Commissioner Drummond seconded. The motion then carried with the unanimous vote of the Board.

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Chair W. Bell adjourned the meeting at 3:10 p.m.

The next regular meeting is scheduled for November 1, 2021 at 1:30 p.m.



Thomas Zoghby, Secretary-Treasurer