

Middle Chattahoochee Regional Water And Sewer Authority Meeting Minutes

Monday, July 19th, 2021
Union City-City Hall
5047 Union St., Union City, GA 30291

- I. Chairwoman Mayor Elizabeth Carr-Hurst called the meeting to order at 7:00 pm.
- II. Roll Call was taken by Secretary Jessica Davis with the following board members present:

The Honorable Chairwoman Mayor Elizabeth Carr-Hurst

The Honorable Mayor J. Clark Boddie	The Honorable Councilwoman Laura Mullis
The Honorable Mayor Vince Williams	The Honorable Councilwoman Shayla Nealy
The Honorable City Manager Sonja Fillingame	The Honorable Councilman James Whitmore

The attendance of the board constituted a quorum and the meeting proceeded.

III. Approval of Water Authority Minutes:

The Motion to approve the June 8th 2021, Middle Chattahoochee Regional Water and Sewer Authority (MCRWSA) Meeting Minutes was made by Mayor Williams and the second was provided by Councilman Whitmore. **Vote: 7-0; Motion Carried**

IV. New Business:

- A. The adoption of the MCRWSA Water Rate Resolution:

Attorney Dennis Davenport submitted a draft Water Rate Resolution which outlined the importance of providing an adequate fiscal foundation for the proper functioning of its water system, an automatic annual increase in water rates, and promoting the public health, safety, and welfare for the authority. The draft doesn't provide an exact number for the starting rate, but it does have a 3% annual increase for every year after. As the authority becomes closer to the water treatment plant coming online, the board can revisit and insert the water rate chosen. The water rate will be increased every year by a percentage.

Mayor Boddie made a Motion to defer the Water Rate Resolution agenda item to a later date. Councilwoman Nealy requested a rationale for Mayor Boddie's deferred Motion. Mayor Boddie informed the body that the City of Palmetto is in no hurry to pass the vote. Mayor Williams stated that the Board requested Attorney Davenport to prepare the Water Authority Resolution. Mayor Williams asked Attorney Davenport if the resolution encumbers the Authority?

Attorney Davenport stated that the board directed him to prepare the resolution for the board to discuss, consider, or defer. He used 3% as a talking point, and the board can decide on the actual percentage they would like to pass.

Mayor Boddie further informed the board that the City of Palmetto just adopted its budget and raised its water and sewer rates by 5%.

The Motion to withdraw the Water Authority Resolution item from the Agenda was made by Mayor Boddie and seconded by Councilwoman Mullis. Chairwoman Carr-Hurst, Mayor Williams,

Councilman Whitmore, Councilwoman Nealy, and City Manager Fillingame opposed the Motion. The Motion to withdraw the Water Authority Resolution item from the Agenda failed, 5-2.

Councilwoman Nealy made a Motion to approve the Water Authority Resolution as it stands, and Mayor Williams provided the second. **Vote: 5-2; Motion Carried**

Favor: 5- (Chairwoman Carr-Hurst, Mayor Williams, Councilwoman Nealy, Councilman Whitmore, and City Manager Fillingame)

Opposed: 2- (Mayor Boddie and Councilwoman Mullis)

V. Discussion: Water Authority Secretary Employment Agreement-

Attorney Davenport submitted a list of job duties and descriptions for the water authority secretary position.

Chairwoman Carr-Hurst informed the board that Ms. Davis prepared the Secretary Agreement, and she opened the floor for questions and comments.

Mayor Boddie asked Attorney Davenport to give the board a brief analysis of an employment agreement because he's not familiar with its purpose. He further stated that he doesn't use an employment agreement in his current position.

Attorney Davenport stated that the water authority had at least two other people in the secretary position, and he's not aware of an employment agreement for the secretary. He further stated that the board discussed an hourly rate, and the duties and responsibilities will be in a job description. The job descriptions are in the current bylaws.

Chairwoman Carr-Hurst stated the water authority had a secretary/clerk for the last 20 plus years. When the Authority requested more detailed minutes or additional work, the secretary resigned. Ms. Davis is Chairwoman Carr-Hurst's Executive Assistant for the City of Fairburn, and she has been doing this work since the Authority lost the secretary. Chairwoman Carr-Hurst further stated that she doesn't have an issue with Ms. Davis doing the work. Whether or not this Authority gives Ms. Davis a contract/agreement doesn't matter because, at any given time, Ms. Davis is prepared to render a 30-day notice. Therefore, the Authority can look for a secretary or clerk. Chairwoman Carr-Hurst informed the board of directors as to where she stands regarding this issue. Chairwoman Carr-Hurst further stated that she and the board members received job descriptions that the former secretary did not carry out. The job description asked for degrees such as a Bachelor's degree, and Ms. Davis has a degree from Georgia State. Chairwoman Carr-Hurst expressed that it is unfair that the job descriptions are in place now but were not in place for the former secretary. Therefore, the Authority is prepared to not have a secretary. Mayor Carr-Hurst and Ms. Davis have been completing the secretary duties because of their positions as chair and executive assistant to the Mayor. Due to the unfairness and over-the-top job descriptions Ms. Davis received to perform the duties of the water authority secretary, a 30-day notice can be issued. Chairwoman Carr-Hurst suggested the board have a further discussion due to the unfairness in what is being required for Ms. Davis to do and what the last secretary did. Chairwoman Carr-Hurst concluded by informing the board members that she expects Ms. Davis to get paid for the June 8th and July 19th meetings.

Mayor Williams began his comment by informing the board that it is time for the authority to come out of the dark ages of not having the appropriate resources to fulfill a task. During Ms. Davis' short tenure, her

performance is an example of her meeting more than the written requirements. Ms. Davis supersedes all the job descriptions, and Mayor Williams is ready to move forward with supporting and locking in the opportunity to have the professionalism that Ms. Davis displays along with the proper compensation that goes with it. Mayor Williams further stated that he doesn't see anything wrong with the Secretary Employment Agreement submitted by Ms. Davis and informed the board that employment agreements are proper. When the water authority was established, there were inferences in the bylaws. Mayor Williams concluded his comment with, "Ms. Davis meets and supersedes the job description."

Councilwoman Nealy began her comment by informing the authority that Ms. Davis prepared the document requested by the body during the June 8th water authority meeting. Councilwoman Nealy agreed with Chairwoman Carr-Hurst and Mayor Williams' comment regarding the job description submitted for the body to review. Councilwoman Nealy indicated she would like to move forward with revamping the duties to ensure they are all in line. Councilwoman Nealy concluded by informing the board that Ms. Davis has shown forth professionalism and the tone of what is needed going forward for the body and supports Ms. Davis.

Mayor Williams stated that the board needs to move forward with the minimum qualifications in all things within the Authority. Ms. Davis has what the Authority needs. She supersedes the requirements and is ready to move forward with supporting and approving her agreement.

Mayor Boddie stated that he believes his question on appointment was misconstrued as not being in support of Ms. Davis for the position. Mayor Boddie has worked with Ms. Davis for several months and stated he has never had an issue with her performance. He further expressed that just because he asked a question on the agreement doesn't mean he's against Ms. Davis obtaining the position or her professionalism.

City Manager Fillingame stated that she is well pleased with the work done thus far and believes Ms. Davis has done a great job. City Manager Fillingame appreciated the packet presented to the board and stated that it speaks to Ms. Davis' professionalism and is ready to move forward with her agreement.

Councilman Whitmore stated he has worked with Ms. Davis for over three years. Ever since she became the Executive Assistant to Mayor Elizabeth Carr-Hurst, she has displayed layers of professionalism. Everything Ms. Davis does is in excellence. He has seen her work and has had numerous occasions to communicate with Ms. Davis regarding the City of Fairburn. She always had answers and resources to accompany her in her position. Councilman Whitmore concluded his comment by informing the board that Ms. Davis would do a fine job for the Authority and supports her a million percent.

The Motion to approve the Water Authority Secretary Employment Agreement was made by Mayor Williams and seconded by City Manager Fillingame. **Vote: 7-0; Motion Carried**

VI. Reports:

A. Water Authority Attorney-

- a. Attorney Davenport did not have a report as the authority attorney

B. Financial Manager-

- a. Attorney Davenport provided a financial review on behalf of Financial Manager Dan Post.

1. Requisition # 221:

- For the board to approve Requisition # 221 in the amount of \$68,889.98. The Motion to approve requisition # 221 was provided by Councilwoman Nealy and seconded by Councilman Whitmore. **Vote: 7-0; Motion Carried**

C. Project Managers-

Project Manager Benz informed the board that Project Manager Gray was on vacation in Alaska. Moving forward, both Project Managers will prepare their Memo for Ms. Davis to distribute to the board of directors before each meeting.

Project Manager Benz distributed the EPD checklist, but the authority has yet to receive comments regarding the treatability. Once they are received, the Project Managers will provide them to the board of directors. EPD is requesting Krebs provide a presentation going through the treatability. The board members agreed to participate, and Project Manager Benz will email the zoom meeting information to the board of directors.

At the June 8th water authority meeting, Councilwoman Nealy tasked the Project Managers with gathering information regarding their system upgrades. All three cities are still working on it and hope to have it in the next couple of weeks.

The RFP proposals from all future services are placed on hold until the authority receives proper feedback from EPD.

The Mulberry Creek Site entered its final mitigation banking instrument documentation. The board is awaiting EPD's comments. The authority will receive about \$5,000 per acre for the property. Currently, the board is holding \$7,500 of earnest money. The royalty payments will be received upon the sale of the mitigation. The authority is awaiting the final MBI stating how many credits it has. The current contract provides for 4% of a credit and no less than 1200 per credit. Under the 2018 SOP's, a credit equals an acre. As soon as it is final, Project Manager Benz will advise the board.

As far as the resale mitigation credits, the monastery is still holding 2.30 reserved credits, and the board has until the end of the year to complete the closing. If the credits are not sold, or if the credit contract should fall through, they should sell for a higher price; and give the Authority a higher royalty payment.

Project Manager Benz distributed to the Authority the S.F. Municipal Regional Water & Sewer Authority Mitigation Credit Sales updated spreadsheet. Per Ms. Benz, some credit sales did not have reservations. The Authority will receive a deposit of \$352,335.47 for the credit sales that occurred last month for the blue creek. The bank underwent a mitigation banking modification which extended the release of their credits. The banker agreed to prepare a proposal to the board to purchase the remaining interest in the credits. Project Manager Benz will provide the completed proposal to the board of directors for consideration.

At the June 8th meeting, the board of directors charged the Project Managers to prepare the GEFA application. Project Manager Benz sought further direction from the board as to whether the board wants to file for the September deadline or the January deadline. If the board chooses to file on September 1st, the GEFA application will be considered at the November GEFA Meeting. If the Authority waits to file, the consideration will be held during the January meeting. There are several requirements for the filing process. One of the requirements is that each city must pass a resolution pledging their full faith and credit to support the loan. The Project Managers teamed up with Attorney

Davenport and presented a draft resolution for consideration to each of the three cities and their attorneys. If the board chooses to have an application submitted in August for the September meeting, the Project Managers would like to have the resolutions passed before the meeting. If the board waits for the September deadline, the funds will be awarded in November, and it will deem the authority's 25 million for the 2021 calendar year. If the committee chooses to wait until the January award, the authority will only be eligible for the \$25 million available in the 2022 calendar year and have forgone the 2021 funding year opportunity. The Project Managers submitted all documentation for the 10.5 million dollars GEFA loan. The Authority will proceed with the execution after the Project Managers receive the loan modification documents.

On June 29th, Governor Brian Kemp announced that he has 4.8 billion dollars of COVID relief funds that he's looking to provide for the following:

1. The expansion of high-speed internet access
2. The water and sewer infrastructure
3. The offset of the economic harm of the COVID-19 epidemic

Project Manager Benz provided the board of directors with a listing of individuals on the water infrastructure committee. The last page of the Project Manager's memo lists the considerations for the application. The application deadline is August 31st, and grants are anticipated in October. Project Manager Benz informed the body that they will be eligible as cities and an authority to request the money.

Mayor Williams met with Governor Kemp on Thursday, July 15th, to discuss the Covid relief grants and is looking forward to scheduling a meeting with Mayor Boddie and Mayor Carr-Hurst for further discussion with Governor Kemp.

Project Manager Benz sought direction from the board as to whether the authority would like to pursue the application and the associated resolution for the GEFA loan for September 1st.

Chairwoman Carr-Hurst informed the body that the September deadline is not ample for the City of Fairburn due to Fairburn having only one Council Meeting in August.

Councilwoman Nealy asked, when will the funds be appropriated for the September deadline? Per Project Manager Benz, the award will not be awarded until the November meeting. The resolutions are due after the application deadline.

Mayor Williams stated he would like to move forward with the September deadline.

Councilwoman Nealy would like to continue with the application to see where the body stands to ensure the Authority has the proper resources to accommodate the project.

Project Manager Benz will continue the application and bring the draft application to the August 16th meeting.

Chairwoman Carr-Hurst informed the body that the City of Fairburn is in budget season and will have to present to the Fairburn Council some infrastructure numbers. Chairwoman Carr-Hurst inquired about the numbers, and the board will receive them within the next 10-15 days.

City Manager Fillingame informed the body that the City of Union City is going through their budget process and are inquiring about the numbers.

Mayor Williams informed the board that the Authority must move forward with assisting Ms. Davis with her equipment needs. Chairwoman Carr-Hurst stated that she received an email stating that the equipment is located at the Palmetto City Hall. Mayor Boddie informed the body that the equipment was turned in but is outdated and suggest the Authority purchase new equipment for Ms. Davis to utilize.

The board requested Ms. Davis to provide a listing of equipment needed at the August 16th meeting.

Chairwoman Carr-Hurst requested Project Manager Benz to attend the City of Fairburn's August 23rd City Council Meeting.

Mayor Williams expressed his appreciation to Mr. Tom Owens and Mr. David Gray for their outstanding presentation during the City of Union City's retreat.

- VII.** The Motion to adjourn the meeting at 7:56 pm was made by Mayor Williams and seconded by Councilwoman Nealy. **Vote: 7-0; Motion Carried**



Mayor Elizabeth Carr-Hurst, Chair



Jessica Davis, Secretary