

# Middle Chattahoochee Regional Water And Sewer Authority Meeting Minutes

Tuesday, October 12<sup>th</sup>, 2021  
Fairburn City-City Hall  
56 Malone St. S.W. Fairburn, GA 30213

- 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 September 14<sup>th</sup> MCRWSA Meeting minutes reflecting Mayor Boddie's signature was made by Mayor Williams and seconded by Councilwoman Nealy.

**Vote: 7-0; Motion Carried**

The motion to approve the September 28<sup>th</sup> MCRWSA Special Called Meeting minutes was made by Mayor Boddie and seconded by Councilwoman Mullis.

**Vote: 7-0; Motion Carried**

**IV. New Business:**

Mayor Williams had a great concern regarding the absence of Financial Manager Dan Post. Mr. Post missed several consecutive meetings and has not provided the necessary documentation regarding the authority's audits. Chairwoman Carr-Hurst attempted to contact Mr. Post two weeks ago. Unfortunately, Mr. Post did not respond to Chairwoman Carr-Hurst nor the Project Managers. Mayor Boddie informed the board that he communicated with Mr. Post before the meeting began. Per Mayor Boddie, Mr. Post is out with his father on medical issues. However, Mr. Post informed Mayor Boddie that the Post Association completed the 2016 audit and not 2017. The 2017 audit was the responsibility of Mauldin & Jenkins.

Chairwoman Carr-Hurst had a conversation with Mr. Doug Moses, Mauldin & Jenkins. Mr. Moses stated that he has yet to receive the appropriate documentation needed from Mr. Post to complete the 2017 audit. Mauldin & Jenkins cannot move forward with the 2018 audit until the 2017 audit is completed and closed out. Mr. Moses and members of the Mauldin & Jenkins firm have unsuccessfully tried to contact Mr. Post. Chairwoman Carr-Hurst stated it would have been nice for Mr. Post to respond and inform both the authority and the firm of what's going on and whether he can deliver the documentation the firm is requesting. Chairwoman Carr-Hurst further stated that the water authority is currently at a standstill and asked the board to discuss where they will go from here. The water authority has missed the November deadline for the GEFA Loan application and may miss the January deadline due to Mr. Post's absence and noncommunication. Chairwoman Carr-Hurst expressed her sympathy for Mr. Post.

Mayor Boddie informed the board that he only had knowledge of Mr. Post being absent for the October 12th meeting.

Mayor Williams informed the board that the authority has yet to see any financial statements. The lack of Mr. Post's attendance is a great concern on so many levels. Mr. Post is a vital member of the team, and he should at least let the board know what is occurring. His actions are not professional, and if the authority continues to allow this to happen, we are not professionals.

Councilwoman Nealy stated that Mr. Post does not have representation in his absence. His absence is hindering the water authority's serviceability. Councilwoman Nealy suggested potential termination and that the board seeks another financial advisor expeditiously.

Councilwoman Mullis stated that without Mr. Post's service and professionalism, the requested documentation for the 2017 audit is hindering the authority.

City Manager Fillingame expressed that it's disconcerting that the chair reached out to Mr. Post, and he didn't respond.

Mayor Boddie informed the board that he received a phone call from Mr. Post at 4:30 pm. During their conversation, Mayor Boddie and Mr. Post discussed turning the numbers over to Mauldin & Jenkins. Mayor Boddie asked, "when did we find out we didn't have the numbers?"

Chairwoman Carr-Hurst stated that the authority gained knowledge when the project began. Mr. Moses informed Chairwoman Carr-Hurst that there were certain items he needed from Mr. Post to complete the audit. Chairwoman Carr-Hurst reiterated that Mauldin & Jenkins is not able to move forward with the 2018 audit until he closes out the 2017 audit. Chairwoman Carr-Hurst agrees with Mayor Williams and Councilwoman Nealy on moving the authority forward. Chairwoman Carr-Hurst further stated that the authority will not stop working due to the lack of someone not attending the meetings. It is very disrespectful and unprofessional knowing Mr. Post did not have the courtesy of sending an email to the chair.

Councilman Whitmore stated that it is alarming when Mr. Post doesn't respond to the chair.

Mayor Williams provided the board with several examples regarding what would occur if Mayors and employees didn't show up to meetings or work. Mayor Grant was removed from his seat because he missed three consecutive meetings. Mayor Williams further stated that there is also a level of ownness and responsibility to Mauldin & Jenkins to inform the board that they're having difficulties retrieving or securing the authority's items. The board members will have a conversation with Mauldin & Jenkins regarding the issue.

Councilwoman Mullis' concern is whether the requested information will be available and accurate when needed.

Project Manager Laura Benz stated that the authority requested from Mr. Post itemized statements a couple of years ago.

Project Manager Andrea Gray informed the board that she requested the audits from Mr. Post in May and June, and he provided her the financial statements for each of the four years. They consisted of short summaries and not audits.

Councilwoman Nealy asked that the documents be compiled and forwarded to the chair for the auditors.

Project Manager Benz spoke with a representative from Mauldin & Jenkins and reported the firm was hired in 2019 to do the 2017-2019 audits. Mauldin & Jenkins do not have a signed engagement letter for 2020 or 2021.

Mayor Williams asked if Mauldin & Jenkins sent the letter? Per Project Manager Benz, the letter was sent, and Mauldin & Jenkins stated that a draft of the 2017 audit was submitted for review and comment in early 2020 to the authority. Project Manager Gray has been trying to track it down with numerous emails.

Chairwoman Carr-Hurst informed the board that the last three chairs are currently present, and neither has received the letter.

Mayor Williams was Chairman of the water authority when Mauldin & Jenkins was hired, and Mayor Williams advised them to connect with Mr. Post to get the necessary information required.

Chairwoman Carr-Hurst stated that the board is requesting a copy of the draft, and the authority does not have any packets or information on the meetings. Secretary Davis has not been provided with any documents to go back. The board members are not sure how former Secretary Beth Williford kept the files.

Mayor Boddie informed the board members that there's a file cabinet in Palmetto that houses documents that were filed by former Secretary Williford.

Attorney Ali Cox stated that a representative from Mr. Post's office dropped off a folder of financials.

Chairwoman Carr-Hurst suggested that the authority move forward with the hiring of a new accountant. Attorney Dennis Davenport or Attorney Cox will prepare a letter of termination to Mr. Post and ask him to forward all documentation in his possession belonging to the authority in a certain period.

The motion to terminate Mr. Dan Post and to secure another accountant for the Middle Chattahoochee Water & Sewer Authority and to authorize Attorney Dennis Davenport to prepare the termination letter effective immediately was made by Mayor Williams and seconded by Councilwoman Nealy.

**Vote: 7-0; Motion Carried**

**V. Reports:**

**A. Water Authority Attorney-**

1. Attorney Ali Cox was in representation for Attorney Davenport. There was no report from Attorney Davenport's office.

**B. Financial Manager-**

1. Attorney Cox presented one item to the authority on behalf of Financial Manager Post.
  - Attorney Cox presented to the board requisition #224 for \$17,715.69.

Chairwoman Carr-Hurst informed the board that requisition #224 documents contain several errors. Councilwoman Nealy stated that the requisition should be dated October 2021 instead of October 2014. Chairwoman Carr-Hurst reminded the authority that when there is a Special Called Meeting, those members who attend the meeting receive a stipend. A Special Called Meeting took place on September 28th. The pay for those members in attendance is not reflected in requisition #224. Attorney Cox informed the board the checks will be included in the upcoming approved requisition. Attorney Cox informed the board that an RFP is needed to acquire a new accountant. The board members agreed to allow Attorney Davenport's firm to prepare the RFP for a new accountant and the termination letter to Mr. Post.

Councilwoman Mullis asked if the account temporarily transfers to another representative and who will be responsible for issuing the checks until the board acquires a new accountant? Chairwoman

Carr-Hurst stated that there are three signatories for the water authority checks. Mayor Boddie asked the board members should the authority amend the termination to a later date? Attorney Cox stated that the termination letter can be quick and will provide Mr. Post enough time to respond with documents.

Mr. Tom Owens suggested that the treasurer receives the checkbook and be removed temporarily as an authorized signer on the checks until the accountant comes on board. Mayor Williams stated that instead of removing Councilwoman Nealy as a signer, she doesn't have to sign the water authority checks.

The Motion to secure an RFP in 60 days was made by Mayor Williams and seconded by City Manager Fillingame.

**Vote: 7-0; Motion Carried**

Chairwoman Carr-Hurst reiterated to the board members that a letter is going out to Mr. Dan Post terminating his service immediately. There will be an RFP for 60 days out. Councilwoman Nealy will have possession of the authority's checkbook, and there are still two signatories on the checks. All invoices will be submitted to Councilwoman Nealy, and she will be responsible for getting the checks to the authority.

Councilwoman Nealy stated that she will need itemized information and asked if the attorneys will be reviewing her information before it is presented to the body?

Mayor Williams stated that Councilwoman Nealy will also need the quality data process forms and that Mr. Post will need to turn in all the documents immediately so the authority can function.

Chairwoman Carr-Hurst asked Attorney Davenport's office to facilitate the process. She informed the board that she will contact Mauldin & Jenkins because the authority hired the firm to complete the audits, and the water authority was unaware of the issues. Mauldin & Jenkins could have informed the board of what was occurring.

Mayor Boddie asked if the authority ever paid Mauldin & Jenkins for auditing any years since none of the audits were completed?

Mr. Owens stated that a bond payment is due January 1st. Typically, the bond is paid on December 15th.

The Motion to approve requisition #224 with corrections was made by Mayor Williams and seconded by Mayor Boddie.

**Vote: 7-0; Motion Carried**

Chairwoman Carr-Hurst asked Attorney Cox to please note that a check is missing for the five board members who attended the September 28th Special Called Meeting: Chairwoman Carr-Hurst, Mayor Boddie, City Manager Fillingame, Councilwoman Nealy, and Councilman Whitmore.

### **C. Project Managers-**

Project Managers Gray and Benz submitted the GEFA Loan application on September 1st. GEFA is holding the application and ready to process once the audits are received. If the audits are received by November 1st, the application will be processed in January 2022. The 2022 dates have yet to be published.

The COVID Relief Grant application was submitted on August 28th. Project Manager Benz asked the board members to submit to her any COVID assessments. The authority has until the end of the month to supplement the application.

USGS did a site visit on September 14th. They were able to locate an area in the Chattahoochee River for a functional gage. USGS was concerned that the inflows from Bear Creek may show higher flows than what the river has. USGS kept scouting the area and looked about 4000 feet upstream. They found a location that they thought was better. The only access the authority has to both points is through Mr. Carl Bouckaert property. The water authority currently has permission to access the location near Bear Creek. The water authority has easements and access to that location. If the water authority were to move it 4000 feet upstream, the water authority will have to go back to Mr. Carl Bouckaert and ask for additional easements to access it at that point. The ultimate decision-maker is EPD. The body will have to decide with USGS recommendations on what the authority wants to present to EDP.

The motion to pitch the original site to EPD was made by Mayor Boddie and seconded by Councilwoman Mullis.

**Vote: 7-0; Motion Carried**

Initially, the project managers spoke with the board regarding finding someone to write an RFP. The project managers have changed their recommendation to seeking an RFP for an on-call or owner's engineer firm. Currently, the authority does not have an on-call engineering firm to walk the water authority through the process. Hiring an on-call engineering firm will be more technical as the water authority moves through construction and design. The on-call engineering firm will oversee the process. The project managers are recommending the board to do an RFP for an RFP writer. The RFP writer will help find the owner's engineer, someone who will be very fluent based on the comments received from EPD and what needs to change for the authority.

The project managers received one response from Ms. Laurie Hawks, an environmental scientist who partnered with Danielle Murray, an engineer.

Councilwoman Nealy stated that she understands that this is one of the largest projects that the metro area has seen in decades and that this process itself was going to be hard to get someone to do. Councilwoman Nealy personally knows Ms. Laurie Hawks. She previously worked for Councilwoman Nealy as a contractor with the Clayton County Water Authority, and Ms. Hawks knows the industry.

The motion to appoint Ms. Laurie Hawks to provide the RFP documentation for the authority was made by Councilwoman Nealy and seconded by Mayor Williams.

**Vote: 7-0; Motion Carried**

The project managers received the cultural resources desktop study today. Project Manager Gray will send the document via email to the board members. The ecological solution was delayed due to the rain. They anticipate starting their fieldwork the week of October 11th. They will complete the project by the November 1st deadline.

Blue Creek confirmed the adjustment of credits, and the authority will receive an additional percentage. They will provide a proposal for the water authority's purchase of rights within the remaining credits.

Krebs received 16 comments from Georgia EPD on August 31st. Most of the comments requested clarification or confirmation regarding the minimum standards. Krebs addressed the comments and prepared a technical memorandum that outlined the comments and their response to each comment. Also included was a revision to the initial report. EPD has acknowledged the memorandum and Krebs is looking forward to hearing from EPD. Mayor Boddie inquired about the raw water storage. Per Mr. Jarred Jackson, part of the reason the raw water storage was provided is to provide the ability to react to any change in the water quality in the Chattahoochee River. The current demand for the three cities combined is over 3 million gallons a day.

Ms. Rebecca Lindsay stated based on everything she knows; 1 million gallons of storage is equivalent to having nothing. She suggests that the board speak to Mr. Dan Johnson regarding direct withdraws from the Chattahoochee River. When there are heavy rain events and conditions when water quality is bad, water is not withdrawn for days. Ms. Lindsay recommends the board get information about how other entities are withdrawing from the Chattahoochee River during rain events. Water quality is not treatable during rain events.

Per Mr. Jackson, the reservoir was removed from the scope of the project, and the raw water storage was added. Although it's small, it does give some ability to react to the change in water quality.

Ms. Lindsay will provide the board information on entities who withdraw from the Chattahoochee River and strongly advises the authority to speak directly to entities and see what they're doing in terms of raw water storage and what they do in rain events.

Mr. Jackson stated that Columbus Water Works has multiple water treatment facilities and Fort Benning Plant is a direct withdraw without a reservoir. The EPD response included in the packet shows the treatment process and other pertinent information. Mr. Jackson will send the information to the board members.

Chairwoman Carr-Hurst requested information on both the raw water storage and the reservoir. Mayor Williams asked, if 1 million gallons of storage is not enough, what is?

- VI.** The motion to adjourn the meeting at 8:06 pm was made by City Manager Fillingame and seconded by Mayor Williams. **Vote: 7-0; Motion Carried**

  
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Mayor Elizabeth Carr-Hurst, Chair

  
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Jessica Davis, Secretary