

# Middle Chattahoochee Regional Water And Sewer Authority Meeting Minutes

Tuesday, November 9<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 Mullis  
The Honorable Councilwoman Shayla Nealy              The Honorable City Manager Sonja Fillingame  
The Honorable Councilman James Whitmore

The Honorable Mayor Vince Williams was absent

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

### III. Approval of Water Authority Minutes:

The motion to approve the October 12<sup>th</sup> MCRWSA meeting minutes reflecting Mayor Williams' comment before Councilman Nealy's was made by Mayor Boddie and seconded by Councilwoman Mullis.

**Vote: 6-0; Motion Carried**

### IV. New Business:

#### ▪ Hawks Environmental

The presenters for Hawks Environmental presented after requisition #225 was approved. Ms. Laurie Hawks is the president of Hawks Environmental. She started her firm two years ago. Ms. Hawks currently works with Danielle Murray, the former City Engineer for the City of Roswell. Ms. Murray helped implement Roswell's water treatment plant. Ms. Hawks inquired about the protocol for contracts and other pertinent documents. Chairwoman Carr-Hurst instructed Ms. Hawks to send the information via email to all board members and cc Secretary Davis.

Ms. Hawks explained the difference between an owner's engineer and an on-call engineer. An owner's engineer is more of a long-term partner. As an on-call engineer, the authority is responsible for writing task orders for the on-call engineer to implement. Ms. Hawks recommend that the board move forward with an owner's engineer. Ms. Hawks asked if there were any other arching goals that the authority would like for her to consider? The board members did not have any other goals to be considered.

Hawks Environmental's goal is to have decision points at the authority's regular meetings to keep the process going. Hawks Environmental will send documents in between the regular meetings for review and decision-making at the regular meeting. Hawks Environmental anticipates having the information ready by mid-February 2022. There are some minimum requirements of time to advertise. The task includes RFQ preparation, review, advertising, evaluation, interviews, selection, and notification.

Hawks Environmental is proposing to draft the initial RFQ by November 2021. The authority will have two weeks to make comments, and Hawks Environmental will incorporate the comments for

the December 14th water authority meeting. The final document will be available for distribution at the end of December 2021. Hawks Environmental will bring the final RFQ for approval at the January 2022 regular meeting. If approved, Hawks Environmental will post it a week after the January 2022 meeting. They will need at least 30 days or more to advertise the RFQ. After the advertising, the authority will enter the period of procurement where Hawks Environmental is tasked with answering questions, evaluating responses, checking references, providing summaries, etc. By March 2022, Hawks Environmental expects to have a list of firms available for interviewing by late March or early April. Ms. Hawks asked if the authority would have a sub-committee, or will the full authority participate in the selection committee? The full authority will participate in the selection committee.

Councilwoman Nealy asked if Hawks Environmental could host the pre RFQ meeting before it drops so that once the engagement takes place, the authority can have some momentum? Hawks Environmental believes that the pre RFQ meeting is a great idea.

Councilwoman Nealy asked to be excused from this discussion due to her working for a firm that is interested in the project.

Hawks Environmental informed the board that the owner's engineer typically does the public outreach on behalf of the authority. The owner's engineer will assist with the whole system from every aspect.

## **V. Discussion and Approval:**

### **▪ Water Authority Website Renewal**

Secretary Davis informed the board that the water authority currently utilizes the Weebly website builder to promote the authority's website. Unfortunately, Weebly has been experiencing glitches in its system. As a result, the content is out of order. Secretary Davis and Project Manager Gray have unsuccessfully attempted to resolve the issue. Secretary Davis requested that the board approve the Wix website builder for \$ 49.00 a month.

Councilwoman Nealy asked if the reviewer would receive the same informational content displayed on the current website? Secretary Davis informed everyone that the content remains the same, and if approved, the board will need to discuss payment options. Chairwoman Carr-Hurst agreed to pay for the website for a year and seek reimbursement from the board. City Manager Fillingame informed the board that she is familiar with Wix and stated it is a widely used standard platform. Project Manager Gray informed Secretary Davis that she has been paying for the water authority website in the past and is seeking reimbursement. Chairwoman Carr-Hurst asked Project Manager Gray how long has she been paying and not being reimbursed? Project Manager Gray has been paying without reimbursement since she took over the website from Mr. Jeff Dickerson in 2017. The Weebly website payments were not included on Project Manager Gray's monthly invoice. Chairwoman Carr-Hurst stated that the authority expects to receive a bill from Project Manager Gray for reimbursement for the website cost from 2017- current for \$470.00.

City Manager Fillingame asked Secretary Davis if she will have ample time to transfer the Weebly website content to the Wix website builder? City Manager Fillingame stated that she would like Secretary Davis to be comfortable with the time frame. Secretary Davis will have enough time to transfer the documents. Councilwoman Mullis asked if Ms. Gray will incur any charges on her account? Per Project Manager Gray, Secretary Davis will transfer to the new system using a new credit card.

The motion to approve the water authority website renewal with the Wix website builder was made by Councilman Whitmore and seconded by Councilwoman Mullis.

**Vote: 6-0; Motion Carried**

▪ **Middle Chattahoochee Municipal Water and Sewer Authority Draft Financial Report- December 31, 2017**

Chairwoman Carr-Hurst informed the board that the authority should have received an email from Mr. Doug Moses dated Wednesday, October 27th, to Chairwoman Carr-Hurst and Secretary Davis. Mr. Moses stated in the email that he would call Chairwoman Carr-Hurst on October 28th. Chairwoman Carr-Hurst hasn't heard from Mr. Moses since the email on the 27th of October. The email provides details of what's occurring with the audit from 2017-present.

Councilwoman Nealy expressed her concerns about the timeline of the items mentioned in the email. Councilwoman Nealy noticed that Mayor Williams was copied on a few emails while attempting to reach Mr. Post. During that time, Mayor Williams was not the chair. Unfortunately, the chair did not receive nor was aware of some of the items. Councilwoman Nealy further stated that she was unaware of the timeline for the transactions.

Chairwoman Carr-Hurst stated that the email begins with 2017 and goes all the way to September 30, 2021, when he had a conversation with Chairwoman Carr-Hurst concerning trying to work with one of his colleagues to get the audit for 2017, 2018, 2019 up to snuff by bringing on Mr. Steven Garber. For Mr. Steven Garber to come on board, his contract will have to come before the board for discussion and approval. Mr. Garber works for Mauldin & Jenkins and the City of Fairburn.

City Manager Fillingame stated that the board needs to acquire a resource to help the authority with the financials. City Manager Fillingame further stated that it might be prudent to continue with Mr. Post because bond payments need paying, credit ratings could be affected, and information is needed to complete the audits. City Manager Fillingame recommends that the board allow Mr. Post to finish the audits and give the new accountant everything they need.

Chairwoman Carr-Hurst informed the board that there was an October 28th, 2021 letter from Mr. Raymond James, and he also noted grave concerns that could affect bonds with the audits not being completed.

Councilwoman Nealy stated that the board discussed that she would be doing some of the requisitions and getting those items taken care of before having a discussion with Attorney and Mr. Post on continuing service. Councilwoman Nealy asked, "If Mr. Post is unable to make it, does he expect to receive service?" Chairwoman Carr-Hurst stated that she has not had a conversation with Mr. Post and asked Attorney Davenport whether he has had a conversation with Mr. Post regarding his intentions to continue to assist the authority?

Attorney Davenport assured the board that Mr. Post plans to assist the authority if the board desires through the end of the year. If the board wants Mr. Post's service extended, he will be amenable to whatever the authority is requiring. Mr. Post is aware of the bond payment due in

January 2022 and intends to have that payment paid. His office has provided Attorney Davenport with checks and financials for the November 9th meeting. Mr. Post is prepared to transition out at the end of next month if it's the board's desire or; to stay as the authority may need him to make sure there's a smooth transition to someone new. Attorney Davenport suggests since the motion at the October 12th meeting was to have the relationship terminated effective immediately to at least modify the motion to have Mr. Post transition at the end of the year or whatever time frame the board deem appropriate.

Councilman Whitmore asked if the board is looking at some legal document to have Mr. Post continue in that capacity until the board switch over, or will the board continue to operate in the status quo?

Per Attorney Davenport, the Post firm has never had a written contract with the authority. If the board agrees to continue service with Mr. Post until the end of the year, he will continue to provide the checks, financials, and make bond payments. Mr. Davenport received a list from Mr. Post's office with the duties and responsibilities the firm performs. Mr. Davenport will share the list with the authority upon his return to the office. By the first quarter of next year, Mr. Post will obtain the liability insurance and other insurance for the authority directors and will have contact information available.

Councilman Whitmore expressed that Mr. Post's service will be needed beyond December with bringing on a firm to complete all the audits. He has a lot of key information for the authority. The authority may need to go further than January once the other firm is in place and begin the audits.

The motion to amend the motion to terminate the services of Mr. Dan Post per the October 12th meeting until services are no longer needed by the authority was made by Mayor Boddie and seconded by Councilwoman Mullis. **Vote: 6-0; Motion Carried**

**Discussion to the Motion:** Councilwoman Nealy stated that a motion was made to extend Mr. Dan Post's service until no longer needed and asked will the board also retain someone for a transitional period during that time? Mayor Boddie replied "yes" to Councilwoman Nealy's question. Councilwoman Nealy asked the board to be mindful that the authority will have two payments for the financier. Councilwoman Mullis asked, what are the payments? Councilwoman Nealy informed Councilwoman Mullis that the payments are based on the aspects listed on the invoice. Councilwoman Mullis inquired about the auditing during Mr. Post's transition and stated that the authority must have Mr. Post on board to transition.

Chairwoman Carr-Hurst stated that there is a lot of information on the email from Mr. Moses and asked Attorney Davenport to forward it to Mr. Post. A discussion will need to take place regarding Mr. Steven Garber's service to the authority. Mauldin & Jenkins informed the board that they are unable to complete the audit without having someone coming in and doing some work. City Manager Fillingame stated that she knows Mr. Steven Garber and he has done exceptional work for the city.

The motion to bring aboard Mr. Steven Garber to assist with the audit preparation was made by Mayor Boddie and seconded by Councilman Whitmore. **Vote: 6-0; Motion Carried**

Mayor Boddie asked Attorney Davenport if he had the opportunity to review the red print in the email from Mr. Moses and wanted to know if anything needed to be addressed during tonight's meeting? Attorney Davenport stated that he has to review and check the file and rectify it at the December 14th meeting.

Chairwoman Carr-Hurst stated that companies normally wouldn't conduct business without a signed engagement letter and informed the board that they have to receive something in writing. The second bullet in red stated that Mauldin & Jenkins has not received a response from the authority attorney regarding any pending or threatened litigation against the authority.

Attorney Davenport indicated to the board that whenever he receives letters, his firm turns them around by the end of the year for all clients. If there is a need for a 2017 litigation letter, Attorney Davenport is happy to double-check his files and report back to the board.

## **VI. Reports:**

### **A. Water Authority Attorney-**

Attorney Davenport emailed a letter to the authority about a lease expiring with the 92 South Sportsmen's Club. In 2016, there was a two-year agreement in place with the Club. The Club would pay the authority \$7,308 per year to have access to the 440 acres for hunting. At the same time, it was a benefit to the authority because they assisted with trespassing and enforced issues of that nature. In 2018, the authority entered a 4-year lease with the Club. 92 South Sportsmen's Club understands that the authority can sell the property in 30 days or can find someone else who can lease it in 30 days. This lease is written in such a way that the authority can give the Club a 30-day notice even though it's 4 years, 30 days is all it takes to terminate the lease. In 2018, the annual amount was increased by 10.5%. The Club pays that amount every year no later than February. The Executive Director of the Club asked if the board would like to continue this arrangement and renew the lease for another 4-year term? The Club is interested in purchasing the property if the authority chooses to sell it.

The motion to renew the 4-year lease between 92 South Sportsmen's Club and the Middle Chattahoochee Regional Water & Sewer Authority was made by Councilwoman Mullis and seconded by City Manager Fillingame.

Attorney Davenport asked the authority if they would like to renew the \$8,078 a year lease as is or incorporate the 10.5% increase? The last increase was 10.5%, and Attorney Davenport asked the board if they wanted to do another 10.5% on top of that? If so, the price will increase from \$8,078 to \$8,926 per year.

Councilwoman Mullis made a motion to continue the lease at \$8,078 and City Manager Fillingame asked to withdraw her second from the motion. Mayor Boddie placed a substitute second motion to approve the lease without the additional 10.5% added.

Councilwoman Mullis informed the board that the Club is a good steward of the authority's property and the 10.5% isn't that much value to the authority.

**Vote: 2-4; Motion Failed**

**Favor: Councilwoman Mullis and Mayor Boddie**

**Opposed: Chairwoman Carr-Hurst, City Manager Fillingame, Councilwoman Nealy, and Councilman Whitmore**

The motion to engage with another 4-year contract with an increase of 10.5% at \$8,926.00 was made by Councilman Whitmore and seconded by City Manager Fillingame. **Vote: 4-2; Motion Carried**

**Favor: Chairwoman Carr-Hurst, City Manager Fillingame, Councilwoman Nealy, and Councilman Whitmore**

**Opposed: Councilwoman Mullis and Mayor Boddie**

Attorney Davenport will bring the revised contract to the board for final execution. Attorney Davenport discussed the letter from Raymond James & Associates. Mr. Tom Owens stated that the authority does not have full-time staff, and Raymond James didn't want to alarm the board with the letter. Mr. Owens further stated that there are not enough avenues to put things officially on the record with the authority's membership and addressed a few concerns in writing for the authority's review.

#### **B. Financial Manager-**

Attorney Davenport presented one item to the authority on behalf of the Financial Manager Post. Councilwoman Nealy did not present due to her not receiving the information timely.

- **Attorney Davenport presented to the board requisition #225 for \$14,025.90.**

Chairwoman Carr-Hurst informed the authority that the board members' \$1,800 includes the \$150 that was not paid for the September 28th Special Called Meeting.

The motion to approve requisition #225 in the amount of \$14,025.90 was made by Councilman Whitmore and seconded by Councilwoman Mullis. **Vote: 6-0; Motion Carried**

***Chairwoman Carr-Hurst allowed Hawks Environmental to present. Please visit the New Business section of the minutes.***

#### **C. Project Managers- 1:09:57**

Project Manager Gray began her discussion on the USGS Gage. USGS conducted a site visit and proposed two locations. The project managers pitched the location that the authority has access to on November 2nd. EPD approved it. The next step in moving forward is the completion of a contract with USGS which is usually five years, with an option to renew with another five years. USGS needs two pieces of information from the authority, a technical and an administrative point of contact. They will need to appoint someone before hiring an owner's engineer. Mayor Boddie asked if the project managers can place their name as the technical contact. They have agreed to do so. The administrative point of contact will be the authority Mayor from each city. Project Manager Benz will provide language that reflects "interim to the appointed." The earliest the gages will be installed is the end of the 1st quarter of 2022.

**Preliminary Engineer Study:** At the October meeting, Krebs was in attendance, and they provided an updated memo and an updated PER to EPD. Krebs addressed all 16 items, and EPD approved 15 of the 16 items requested. The final item which is the memo is Krebs' response on November 4th to the one additional item. Krebs addressed EPD's response and is awaiting a response from EPD.

**Mitigation Site:** The project managers are hoping to have a contract or a proposal for the remaining of the authority's credits in the blue creek. Per Project Manager Benz, there are some personnel matters, the point of contact had to take a short leave of absence. The contract is not ready, but Project Manager Benz has started working with someone else in the corporate office. They're not sure if they will have it completed by December but January 2022.

Project Manager Gray is working with GEFA regarding the pending application. November 1st was the deadline, but now they're looking at the March 1st, 2022 deadline to be heard at the May GEFA meeting.

Project Manager Benz informed the board that the OPB grant closes at the end of October. All of the applicants received an email requesting a summary sheet. As of right now, it's in review and progress. As far as the district update plan, hopefully, all the utilities are being contacted. The authority will be listed as a provider.

Project Manager Gray discussed the Environmental Information Document. The project managers have the cultural resources report, and the ecological solutions report. They will keep those on file until the board is ready to submit with the GEFA Application.

- VII.** The motion to adjourn the meeting at 8:16 pm was made by Councilman Whitmore and seconded by Councilwoman Mullis. **Vote: 6-0; Motion Carried**

  
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Mayor Elizabeth Carr-Hurst, Chair

  
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Jessica Davis, Secretary