

CLAYTON COUNTY WATER AUTHORITY
Regular Board Meeting
Zoom Meeting

Present at the meeting were: Chairman Robin Malone, Vice Chairman Marie Barber, Secretary/Treasurer Rodney Givens, Board Member John Westervelt, Board Member John Chafin, Board Member Dr. Cephus Jackson, Board Member Vivian Baldwin, General Manager Bernard Franks, Assistant General Manager Teresa Worley, Assistant General Manager Keisha Thorpe, Legal Counsel Steve Fincher, Executive Coordinator Amanda La Pierre and other CCWA staff and visitors.

Invocation

Rodney Givens introduced Call Center Specialist I Dru Martin to perform the invocation.

Adoption of Agenda

UPON MOTION by Dr. Cephus Jackson and second by Marie Barber to adopt the agenda as presented, it was unanimously

RESOLVED to adopt the agenda as presented.

Approval of Minutes

Chairman Robin Malone called for any omissions or additions to the Minutes of the Regular Board Meeting held on July 9, 2020.

UPON MOTION by Dr. Cephus Jackson and second by John Chafin, it was unanimously

RESOLVED to approve the Minutes of the Regular Board Meeting held on July 9, 2020.

Financial and Statistical Reports

Finance Director Allison Halron reviewed the financial information distributed to the Board for the period ending June 30, 2020. Information only, no action taken.

New Business

CCWA Sovereign Immunity Legislation Resolution 2020-09: General Manager H. Bernard Franks presented a summary of the CCWA Sovereign Immunity Legislation Resolution 2020-09. This resolution was a formality to update the Law and Policy Manual based on action taken by the Georgia State Legislation therefore it did not require a vote of the board to approve this resolution. Information only, no action taken.

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2020-09

A RESOLUTION BY THE CLAYTON COUNTY WATER AUTHORITY BOARD OF DIRECTORS TO AMEND CHAPTER 1 ("LAWS ENACTED GOVERNING THE AUTHORITY"), SECTION 1 ("CCWA ENABLING LEGISLATION") IN THE CLAYTON COUNTY WATER AUTHORITY LAW AND POLICY MANUAL; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Water Authority ("Authority") and its Board of Directors ("Board") were created on March 7, 1955 by the Georgia General Assembly (Ga. L. 1955, p. 3344); and

WHEREAS, the enabling legislation creating the Authority has been amended several times since its enactment—most recently in 2018 (Ga. L. 2018, p. 3711) and in 2020 (Ga. L. 2020, p. __ (Act No. 488; H.B. 869)); and

WHEREAS, the Board desires to amend the Authority's Law and Policy Manual to incorporate the recent amendments to the Authority's enabling legislation.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT: The Clayton County Water Authority Law and Policy Manual is hereby officially amended by striking the existing text in Chapter 1 ("Laws Enacted Governing the Authority"), Section 1 ("CCWA

Enabling Legislation") and adopting in lieu thereof, the text set forth below:

"SECTION 1 CCWA ENABLING LEGISLATION

(Ed. The following represents an editorial compilation of both the original enabling legislation, as well as those amendments subsequently adopted and represents the current version of the acts governing the Authority. Reference: Ga. L. 1955, p. 3344; Ga. L. 1961, p. 3130; Ga. L. 1963, p. 2967; Ga. L. 1966, p. 3107; Ga. L. 1982, p. 3721; Ga. L. 1987, p. 5488; Ga. L. 1999, p. 4673; Ga. L. 2001, p. 4325; Ga. L. 2005, p. 3827; Ga. L. 2018, p. 3711; Ga. L. 2020, p. __ (Act No. 488; H.B. 869)).

CLAYTON COUNTY WATER AUTHORITY ACT NO. 367 (H.B. 390)

An Act to create the Clayton County Water Authority and to authorize such Authority to acquire, construct, and thereafter operate and maintain projects embracing sources of water supply and the distribution and sale of water and related facilities to individuals, private concerns, governmental agencies and municipalities; to confer powers and impose duties on the Authority; to provide for the membership of the Authority, their tenure of office and their compensation; to authorize the Authority to contract with others pertaining to the water utilities and facilities and to execute leases and do all things deemed necessary or convenient for the operation of such undertakings or projects; to authorize the issuance of revenue certificates of the Authority payable from the revenues of the Authority from tolls, fees, charges and earnings of the Authority and to pay the cost of such undertakings and projects and to authorize the collection and pledging of the revenues and earnings of such Authority for the payment of such certificates; to authorize said Authority to establish a sewer system or systems in said county so as to vest in the Clayton County Water Authority the same powers, jurisdiction and authority it has by virtue of this Act, so as to vest such Authority with the same powers and authority with reference to a sewer system or systems as it may have to establish, operate and maintain a water system; to provide that all of the acts of said Authority shall be approved by the county governing authority; to provide for the separate enactment of each of the provisions of this Act, and to provide that the rights and powers conferred by this Act shall be cumulative and in addition to the existing laws; to repeal conflicting laws and for other purposes.

Be it enacted by the General Assembly of Georgia as follows:

Section 1. That the County of Clayton shall have the right, power and authority to operate, build and maintain a waterworks system, together with the right to acquire lands, construct waterworks facilities, including projects embracing sources of water supply and related facilities; to sell water and its related facilities to individuals, private concerns, governmental agencies and municipalities and counties of this State and to further authorize the said County of Clayton to accept franchises for that purpose granted by other municipalities and by counties of this State to said County of Clayton.

Section 2. The powers granted by this Act shall authorize the County of Clayton to lay or construct water mains and water distribution systems both within and without the limits of said county, and to issue water revenue-anticipation certificates for such purposes as may be authorized by law.

Section 3. The said County of Clayton shall have the right, power and authority to exercise police powers over the entire water system and shall have the right and authority to make rules and regulations governing the construction, operation, and maintenance, extension and connections with any water main within or without the limits of said county and shall have the right and authority to require all users of water who connect with the water mains to install proper meters and make connections in

accordance with the rules and regulations provided therefor and shall have the right and authority to refuse to sell or furnish water to any person, firm, county, corporation or municipality who fails or refuses to comply with such rules and regulations as may be promulgated for the operation of said water system. Nothing contained herein shall be construed as requiring the county to furnish water to any consumer if in the discretion of said county it is not deemed feasible or desirable to do so.

Section 4.

(a) There is created a body corporate and politic, to be known as the Clayton County Water Authority, which shall be deemed to be a political subdivision of the State of Georgia and a public corporation by that name, style, and title, which has as its purpose the administration of delegate powers of government as provided herein, and whose corporate purpose is in all respects for the public benefit of performing an essential governmental function in the exercise of the powers conferred upon it herein. The authority may contract and be contracted with, bring and defend actions, sue and be sued, implead and be impleaded, and complain and defend in all courts. Nothing in this subsection shall be construed to constitute a waiver of the authority's sovereign immunity, which immunity is extended to the authority to the same extent as Clayton County, Georgia; provided, however, that regardless of any waiver of the authority's sovereign immunity, the authority shall in no event be liable for any tort committed by its officers, agents, or employees. The authority shall construct, maintain, and operate the water system for and on behalf of Clayton County, Georgia. The authority shall consist of a seven-member board. The members of the board shall be appointed by the governing authority of said county. The terms of the members shall be five years. The terms of the members shall be staggered.

The staggering of the terms of future members shall be consistent with the staggered terms of those members in office on June 30, 2001. It is not the intent of this section to increase nor decrease the term of any member in office on June 30, 2001. It is the intention of this section to continue the mechanism existing on June 30, 2001, providing staggered terms. All members shall serve until their successors are appointed and qualified. The governing authority of the county shall fill any vacancy which occurs on the authority for the unexpired term. The members shall elect a chairperson, vice chairperson, and secretary who shall serve for such periods as shall be fixed by the authority. The authority shall make a report of its actions to the grand jury for the November term of the superior court of said county. A majority of the members shall constitute a quorum for the transaction of business. A regular meeting shall be held once each month on a day to be set by the authority. Either the chairperson or a majority of the other members of the authority shall have the right to call a special meeting. Each member of the authority shall be given at least 24 hours' notice of each special meeting. Such notice shall be delivered in person, by telephone, by fax, or by written notice delivered to such member's regular place of abode. The authority shall employ an attorney and provide for his or her compensation and shall employ such other employees as the authority shall deem proper for the transaction of business and provide the compensation therefor. All such compensation shall be payable out of the earnings of said authority. No member of the present Clayton County Water Authority shall be eligible to hold an elective public office of the state, the county, or a municipality unless first resigning as a member of the authority. No person shall be eligible for future appointment to the Clayton County Water Authority who is serving in an

elective public office of the state, the county, or a municipality. The authority shall succeed to and be vested with all the powers, duties, and authority of the authority presently existing and it shall be a continuation of the presently existing authority.

(b) All members shall be compensated in the amount of \$ 525.00 per month, which shall be payable out of the earnings of the authority.

Section 5. Said board shall have general supervision and control over the entire water system or systems that may be constructed and placed in operation for said county, together with the right to expand or curtail such operations as it may deem advisable. The board shall regulate and provide for the use of its water, fix the time, place and rates for such usage, and in default may cause such services to be discontinued until all arrears are fully paid, and may issue executions for any amount that may be past due and the secretary or clerk of said board is hereby authorized and empowered to issue execution therefor, which may be levied and collected as other executions. The board shall have power to construct, alter, expand and maintain such water system with the funds made available to it by the county governing authority by the issuance and sale of bonds, or revenue anticipation certificates issued by said county, and by funds arising from the operation of said water system. The Authority shall have the right to join with the county in the issuance of revenue anticipation certificates and pledge the revenues of the Authority to the payment of any such certificates so issued.

Section 5 A. The said Authority is authorized, with approval of the county governing authority, to acquire by eminent domain such property as it may require for the expansion and development for its water and sewerage system together with right of ways, easements, and such other rights as may be proper for the development and expansion of said system.

Said Authority shall have, with approval of the county governing authority, in addition to the rights granted by this Act all of the authority as provided by the Code of Georgia in Chapters 87-8 entitled 'Revenue Bonds' and especially the powers as defined in Code section 87-802 and 87-803 and section in sequence thereof and as fully and completely as if they were set out in this act, and all property or rights so secured shall be construed to be the property of Clayton County, and as an act of said County.

Section 6. The board is hereby charged with the duty of collection for all services rendered by said water system of said county and is hereby required to keep money so collected in a bank or banks as may be required by the county governing authority. Any person handling any of such funds shall be required to give a surety bond in such amount as may be required by said board and approved by the county governing authority. The board at all times shall maintain a schedule of fees, rates and tolls for the services of said water system as shall be sufficient to retire any revenue certificates, or other indebtedness incurred in the construction, maintenance, operation, and expansion of said water system,

and to provide for any reserves and funds required to be maintained by the county in connection with the issuance of any such revenue certificates, together with sufficient amounts to pay the current operating costs of such water system. Any funds accumulated in excess of those required for the above purposes and not needed in the operation, maintenance, and expansion of such system, shall be transferred to the county governing authority to retire any general obligation water bonds that may be outstanding and any excess over the payments that may be due on such bonds shall be used by said county for any legal purposes for which taxes may be levied or expended.

Section 7. The board shall have power to employ or discharge its employees at its pleasure. It shall make quarterly reports to the county governing authority of all monies it has received and expenditures made in the operation of said water system.

Section 8. Said board shall be amenable to the county governing authority and subject to removal from office for neglect of duty or malfeasance in office.

Section 9. The said Clayton County Water Authority is hereby authorized to construct a county sewerage system in said county, and all rights conferred to said board to construct, operate, and maintain a water system for said county and to join with the county in the issuance of revenue anticipation certificates for that purpose, shall likewise apply the construction operation and maintenance of a sewerage system for said county.

Section 10. Any water or sewerage systems that may be constructed under the provisions of this Act shall be construed to be property of Clayton County, and nothing in this Act shall be construed to limit the said County of Clayton in issuing bonds, revenue certificates or any other means of financing as are now or hereafter recognized by law for the development of such water or sewerage facilities. The powers and rights conferred by this Act shall be cumulative to the powers and rights that now exist.

Section 11. The county governing authority may in its discretion alter, change, modify or repeal any of the rules or regulations adopted by the water authority.

Section 12. The term county governing authority used in this Act shall be construed to mean the regularly elected commissioner or commissioners of roads and revenues of said county.

Section 13. Be it further enacted by the authority aforesaid that if any section, portion, provision, sentence, paragraph, or part of this Act shall be held invalid, the whole of this Act shall not become void, but only so much of the same as may be declared void.

Section [sic] 13. Be it further enacted by the authority aforesaid that all laws or parts of laws in conflict with this Act, be and the same are hereby repealed.”

IT FURTHER RESOLVED THAT once Act No. 488 (H.B. 869) is codified in the State of Georgia’s Session Laws for 2020 (Ga. L. 2020, p. __), staff is authorized to insert the appropriate page number in the editorial note provided in Chapter 1, Section 1 of the Law and Policy Manual without need of an additional Resolution of the Board.

IT FURTHER RESOLVED THAT this amendment shall be immediately effective upon adoption of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

SO RESOLVED this 6th day of August, 2020.

CLAYTON COUNTY WATER AUTHORITY:

Robin Malone, Chairman

ATTEST:

Rodney Givens, Secretary/Treasurer

APPROVED AS TO FORM:

Attorney for Clayton County

Water Authority

Walnut Creek Lift Station Bid Recommendation and Services During Construction:
General Services Director Brent Taylor presented a recommendation on the Walnut Creek Lift Station Bid and Services During Construction.

The General Services Department is responsible for maintaining a total of 43 lift stations plus two more in the future. All stations belong to Clayton County Water Authority. These lift stations vary in age and size. General Services, in conjunction with Program Management and Engineering, have an annual assessment program set up for all the lift stations. Currently, the Walnut Creek lift station is in the greatest need of replacement. It is in Lovejoy near four detention facilities and takes a great deal of abuse from debris that the inmates flush. The lift station was originally built in 1985 and has had limited modifications/improvements made to it. It has become a high risk not only to keeping flows steady, avoiding SSOs, but also with the frequent flooding of the pump room near the electrical gear.

Bid Tabulation

<u>Contractor</u>	<u>Bid</u>	<u>SLBE Usage</u>
Reynolds Construction of Georgia, LLC	\$2,729,400	2.27%
SOL Construction, LLC (Prime)	\$3,640,000	100%
GS Construction Inc., LLC	\$4,073,271	9.43%

Recommendation:

CCWA staff recommended awarding the bid to Reynolds Construction of Georgia, LLC in the amount of \$2,729,400.00 along with awarding Hazen and Sawyer the Services During Construction portion of this project.

UPON MOTION by Dr. Cephus Jackson and second by Rodney Givens, it was unanimously

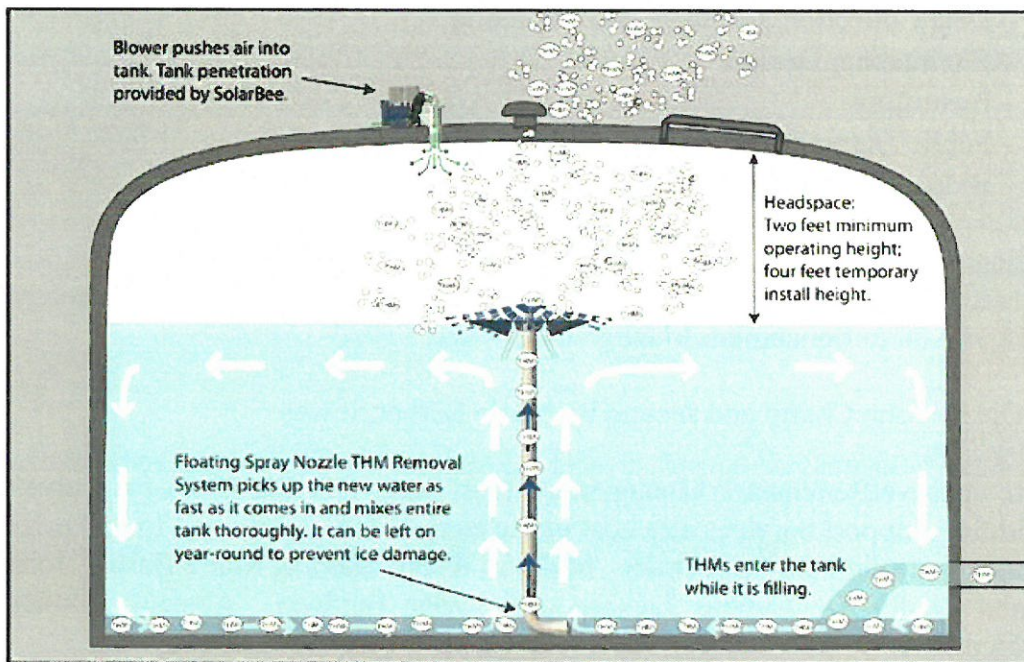
RESOLVED to award the Walnut Creek Lift Station Bid to Reynolds Construction of Georgia, LLC. for the total amount of \$2,729,400.00 along with awarding Services During Construction to Hazen and Sawyer for the total amount of \$361,817.00; contingent upon

approval of bonds and insurance as required and to authorize the General Manager to sign the contract.

Blowers for Aeration Systems Recommendation: Water Production Director Coty McDaniel presented a recommendation on the purchase of Blowers for the Aeration Systems.

In April of 2014, Clayton County Water Authority installed Solar Bees in our ground storage tanks. Clayton County Water Authority was one of the first utilities to try this technology. These Solar Bee aeration units help fight against disinfection by products, such as TTHM's (total trihalomethanes) and HAA's (haloacetic acids). We have a total of (4) aeration units in our distribution system.

These Solar Bees were designed and are currently maintained by Medora Corporation. Clayton County Water Authority participates in Medora's "Beekeeper Service" on a bi-annual basis to ensure these unique aeration systems continue to work properly. All parts and services performed for this equipment is sole sourced to Medora due to the specialized design of this system. The original blowers, however, are obsolete, are not currently supported by Medora, and Medora can no longer provide replacement parts. Medora's recommendation is to replace all the blowers, due to their critical nature as a main component to these aeration systems.



Recommendation:

CCWA staff recommended awarding the replacement of (4) aeration blowers to Medora Corporation at a price of \$81,180.00.

UPON MOTION by John Chafin and second by Rodney Givens, it was unanimously

RESOLVED to award the replacement of four (4) aeration blowers to Medora Corporation at a total cost of \$1,180.00.

Culvert Design and Bidding Support Service Recommendation: Stormwater Director Kevin Osbey presented a recommendation on Culvert Design and Bidding Support Service.

The Clayton County Water Authority's (CCWA) Stormwater Utility (Utility) has used an aggressive infrastructure inspection plan to 1) comply with our Stormwater Permit through Georgia Environmental Protection Division (GA EPD); and 2) ensure that our roadways are safe for all pedestrians and motorists. With the high number of waterways running through Clayton County, there are numerous roadways that cross over various rivers, creeks, and streams. Several crossings are actual bridges but many more were constructed using Corrugated Metal Pipe (CMP).

As part of the Utility's ongoing inspections, staff found six locations where larger culverts need rehabilitation or the repairs are needed on heavily travelled thoroughfares. To supplement CCWA's internal capabilities, staff reached out to Benchmark Management for support. Task Order BE-SW-20-01 will provide engineering, design, permitting, and bidding phase support services to renew the infrastructure. These services include:

- Task 1 – Project Management and QA/QC Review
- Task 2 – Data Collection, Geotech, and Modeling
- Task 3 – Engineering Design
- Task 4 – Permitting
- Task 5 – Public Outreach and Community Engagement
- Task 6 – Bidding Phase Support

Recommendation:

CCWA staff recommended approval of Task Order BE-SW-20-01 in a not to exceed amount of \$418,702.00 to Benchmark Management.

UPON MOTION by John Chafin and second by Marie Barber, it was

RESOLVED to approve Benchmark Management Task Order BE-SW-20-01 for Culvert Design and Bidding Support Services at a cost not to exceed \$418,702.00 and to authorize the General Manager to sign the Task Order. In favor: Robin Malone, Marie Barber, John Westervelt, John Chafin, Dr. Cephus Jackson and Vivian Baldwin. Abstain: Rodney Givens. Motion passes.

Mud Creek Property Acquisition Follow-Up: Stormwater Director Kevin Osbey presented a follow-up on the Mud Creek Property Acquisition.

The Clayton County Water Authority's (CCWA) Stormwater Utility (Utility) performed a Watershed Master Plan on the Upper Flint River area in 2010. Within that study, Mud

Creek was identified as a stream segment that has been impacted by stormwater runoff from large amounts of impervious surfaces in the northern part of the County. This increased runoff has caused high rates of stream erosion, impacted water quality, and increased flood risks.

One section of trail way has been identified along Mud Creek, a smaller tributary to Flint River. This section was identified based on several opportunities including connectivity with proposed trails along the Flint River and areas to the east, like the State Farmers Market. The Conservation Fund (TCF) was contacted by a property management firm that represents two properties located on Mud Creek.

At the August 2019 CCWA Board Meeting, Staff made a recommendation to work with TCF in moving forward on the acquisition. Staff followed up with the Board at the October 2019 Board meeting to provide an updated estimated acquisition cost of \$179,000.00. This cost included a purchase price of \$160,000 plus 5% overhead fees, site survey, appraisal, and environmental compliance report.

After TCF completed acquisition activities for the two properties, there were additional costs that were not initially included in the original acquisition amount (highlighted below). Please note, TCF reduced their overhead fee from 5% to 3%. Therefore, the final total costs are as follows:

Purchase Price	\$ 160,000.00
Overhead Fee (3% of PP)	\$ 4,800.00 (Discounted \$3,200)
Environmental Compliance Report of \$1,700)	\$ 2,155.00 (Original Estimate of \$1,700)
Site Survey	\$ 7,500.00
Accrued Interest (228 days @ 21.92/day)	\$ 4,997.26
Taxes, Title, and Insurance	\$ 1,236.91
Closing Costs	\$ 2,889.00
Appraisal	\$ 1,800.00
Total Acquisition Amount	\$185,378.17

Recommendation:

CCWA staff recommended entering an agreement with The Conservation Fund to acquire the properties for a not-to-exceed amount of \$185,378.67. All site survey information, property appraisal, and environmental compliance report will be provided to CCWA prior to acquisition.

UPON MOTION by John Chafin and second by Marie Barber, it was unanimously

RESOLVED to approve entering into an agreement with The Conservation Fund to acquire the Mud Creek Property for a cost not to exceed \$185,378.67 and to authorize the General Manager to sign the contract.

Cayenta Update: Assistant General Manager Teresa Worley provided an update on Cayenta.

When a property is being sold, the lawyers (or Title company) require information about the status of the property's water bill. Each month CCWA receives between 300 to 1,300 lawyers requesting this information via fax or email. This information is needed for a closing therefore has a deadline. In our research, many utilities are charging a fee for this administrative service.

Recommendation:

CCWA staff recommended that CCWA begin charging \$10.00 for each lawyer's request as of September 1, 2020.

UPON MOTION by Rodney Givens and second by Marie Barber, it was unanimously

RESOLVED to approve a charge of \$10.00 for each documentation request submitted to CCWA by a legal office or title company beginning on September 1, 2020.

Updates from the Board Members and General Manager

Program Management and Engineering Director Kelly Taylor presented an update on Engineering Services. Information only, no action taken.

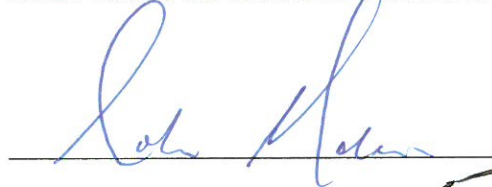
General Manager H. Bernard Franks presented an update on a recent bid award. Information only, no action taken.

General Manager H. Bernard Franks presented an update on a request to supply water to Spalding County. Information only, no action taken.

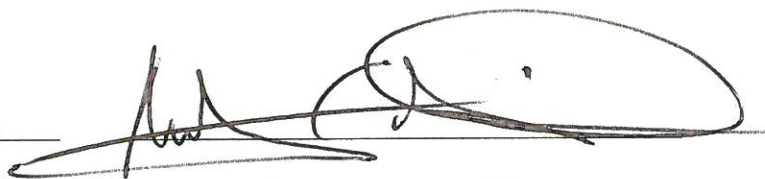
Adjourn

UPON MOTION by John Chafin and second by Rodney Givens, it was unanimously

RESOLVED to adjourn the Board Meeting at 4:19 p.m., there being no further business to come before the Board of Directors.



Robin Malone, Chairman



Rodney Givens, Secretary/Treasurer