

**Cobb County-Marietta Water Authority  
Minutes of Regular Meeting**

**August 16, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on August 16, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: Max Bacon, Charlie Crowder, Tim Lee, Don Mabry, Earl Smith and Van Pearlberg. Mr. Austin had notified staff that he would be unable to attend.

The meeting was called to order at 3:30 p.m. by Chair Don Mabry.

**1. Approval of Minutes of Regular Meeting 07/19/10**

Mr. Mabry asked for approval of the minutes of the Regular Meeting of July 19, 2010. Mr. Bacon requested two corrections to the minutes. Mr. Smith made a motion to approve the minutes as corrected. Mr. Crowder seconded the motion; motion passed 6/0.

**2. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the July financial report. Page 9 of the Accountant's Compilation Report for the one month ending July 31, 2010 reflects a favorable variance in net income of \$915,732. Page 10 of the Accountant's Compilation Report for the seven months ending July 31, 2010 reflects a favorable variance in net income of \$2,996,589.

Ms. Dwyer distributed additional information related to the Mid-Year Financial Report Highlights that was presented at the July meeting (copy in file).

Mr. Mabry commended staff on their efforts in continuing to control expenses of plant operations.

Ms. Dwyer reported that the Finance Committee had met prior to the Board meeting to discuss closing the GEFA Phase 2 loan. Mr. Smith, Finance Committee Chair, made a motion to approve the Modification of the Phase 2 Loan Agreement between the Cobb County-Marietta Water Authority and the Georgia Environmental Finance Authority, subject to final approval by the Chairman, the Finance Committee Chairman, the General Manager, the Attorney and the Financial Advisor. Mr. Mabry seconded the motion; motion passed 6/0.

**3. Personnel Committee report**

Mr. Pearlberg, Personnel Committee Chair, reported that the Personnel Committee met on August 9, 2010 and discussed the following items:

- The Committee considered updates to the Employee Personnel Policy Manual as proposed by staff. Following a review of the policies and a brief question and answer period, the Committee voted to approve the policies and authorize their distribution to all employees.
- The Committee discussed and approved a revision to the Salary Scale Grid to add a grade 2A to the existing grid to allow flexibility in the assignment of the salary range for new or changed classifications. This will allow staff to bring forward in the 2011 budget an adjustment for positions that have been affected by a state mandated change in qualifications and title.
- The Committee briefly discussed the 2011 budget preparation for personnel services.

**4. Nominating Committee report**

Mr. Mabry deferred the Nominating Committee report to the September meeting.

**5. Pension Committee report**

On behalf of the Pension Committee Chair, Mr. Page reported that the Pension Committee did not meet for its regularly scheduled quarterly meeting because of a lack of agenda items. Mr. Page noted that the Committee received the Quarterly Review and Analysis from Advisor Rob Hunziker and that the detailed report is available to any Board Member requesting it.

**6. Bid Results – Wyckoff Pipe Yard Relocation Project**

Mr. Page referred to the memorandum in the Board package (copy in file). Civil Engineering Consultants has verified the bids, and has issued a letter of recommendation of award with which staff concurs. Mr. Bacon made a motion to award the Wyckoff Pipe Yard Relocation Project to Unity Construction Company, Inc. of Powder Springs, GA for the low bid price of \$312,529.35. Mr. Smith seconded the motion; motion passed 6/0.

**7. Old Business**

**a. Mitigation Credits for Wyckoff Regulatory & Operational Improvements Project**

Mr. Page referenced the memorandum in the Board package (copy in file). The U.S. Army Corps of Engineers has concluded its review and issued its provisional authorization for the required Section 404 Permit, but determined the credits required were slightly higher than those estimated by CH2M HILL. In addition, the Corps is requiring a Section 401 Water Quality Certification, which will add a storm water treatment pond upstream of the detention pond for the Granular Activated Carbon facility. At this time, staff does not have an estimate of the increase in project cost

for this pond, which was not required by Cobb County for the Land Development Permit.

Staff requests authorization to increase the number of stream mitigation credits to be purchased from Wildlands, Inc. to a total of 4,709 credits, at the previously agreed-to price of \$50 per credit, for a total of \$235,450. Wildlands, Inc. has confirmed it has additional credits available at the two banks approved by the Corps.

Mr. Bacon made a motion to approve the purchase of the additional credits from Wildlands, Inc. for a total of \$235,450. Mr. Pearlberg seconded the motion; motion passed 6/0.

#### **8. General Manager's report**

Mr. Page referenced the General Manager's report that was included in the Board package and noted that a corrected engineering project list had been distributed. Recent updates from the report include:

- The date of the meeting with Congressman Gingrey's Water Advisory Board has been changed to August 26<sup>th</sup>.
- ACT Update: CCMWA received the requested letter from the EPD Director acknowledging EPD's allocation of releases from Hickory Log Creek to CCMWA for withdrawal from Allatoona Lake, and supporting CCMWA's position that those releases be fully credited to the storage account in Allatoona Lake. Staff will now complete the proposal to the Corps of Engineers for the conjunctive use of the two reservoirs in meeting CCMWA's withdrawal needs.

#### **9. New business**

Mr. Mabry appointed Mr. Lee to the Planning Committee.

Mr. Page noted that he will request a Planning Committee meeting the week of August 30 to review the draft CIP for 2011-2015 and associated rate effects.

#### **10. Executive Session**

Mr. Haynie requested that the Executive Session be deferred until after Legal.

#### **11. Legal**

Mr. Bacon made a motion to approve a Revocable License Agreement between the State Properties Commission and the Cobb County – Marietta Water Authority which grants access by the Water Authority to certain property of Chattahoochee Technical College to allow for the protection of water quality for Hickory Log Creek Reservoir (agreement attached). Mr. Haynie reported that during next year's legislative session, the State Properties Commission will present a permanent easement to the Assembly for consideration and approval. This motion grants to the Chair, General Manager and Authority Attorney the

right to accept the permanent easement from the State Properties Commission when and if granted by the General Assembly. Mr. Pearlberg seconded the motion; motion passed 5/0/1 with Mr. Smith abstaining.

Mr. Smith made a motion to approve a Quitclaim Deed to River Plantation Association subject to the approval of the Chair, General Manager and Authority Attorney and subject to the recipient paying any legal fees connected therewith (request attached). Mr. Crowder seconded the motion; motion passed 6/0.

Mr. Mabry made a motion to approve a Sublease Agreement whereby Verizon Wireless subleases to Conterra Ultra Broadband for a term ending September 15, 2016. The primary lease is for space located at the Pine Mountain Tank location. Mr. Smith seconded the motion; motion passed 6/0.


Mr. Haynie reminded the Board that the creating legislation for the Water Authority provides that Board members, once appointed, serve "until their successors are appointed and qualified."


#### **Executive Session**

Mr. Pearlberg made a motion to go into Executive Session to discuss a potential settlement. Mr. Lee seconded the motion; motion passed 6/0.

Mr. Bacon made a motion to return to Regular Session. Mr. Smith seconded the motion; motion passed 6/0.

There being no further business to come before the Board, the Regular Meeting was adjourned.

  
Becky Nixon  
Assistant Secretary

  
Donald C. Mabry  
Chair