

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

**August 21, 2023 – 2:30 p.m.**

The regular meeting of the Cobb County-Marietta Water Authority was held on August 21, 2023, at 2:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were James Scott, Dan Buyers, Grif Chalfant, Lisa Cupid, Charlie Crowder, James Balli, and Corkey Welch.

The meeting was called to order at 2:30 p.m. by Chair James Scott.

- 1. Invocation and Pledge of Allegiance**
  - a. Ms. Rebecca Watkins offered the invocation and led the Pledge of Allegiance.
  
- 2. Approval of Minutes of Regular Meeting of July 17, 2023**
  - a. Mr. Scott asked for approval of the minutes of the Regular Meeting of July 17, 2023. Ms. Cupid made a motion to approve the minutes as presented. Mr. Chalfant seconded the motion; motion passed unanimously 7/0.
  
- 3. Approval of Minutes of Executive Session of July 17, 2023**
  - a. Mr. Scott asked for approval of the minutes of the Executive Session of July 17, 2023. Mr. Crowder made a motion to approve the minutes as presented. Mr. Balli seconded the motion; motion passed unanimously 7/0.
  
- 4. New business**
  - a. Mr. Scott discussed a request from the Board Attorney, Mr. Haynie to increase the hourly rate of compensation for legal services from Haynie, Litchfield & White PC. Mr. Balli made a motion to increase the rate from \$135 to \$180 per hour. Ms. Cupid seconded the motion; motion passed unanimously 7/0.
  
- 5. Financial report**
  - a. Ms. Allison Clements, Director of Finance, presented a summary of the July 31, 2023, Financial Statements (copy in file). Operating income for July was \$4,315,425 exceeding the budget expectation by \$557,678. Net income for July was \$4,568,376 exceeding the budget expectation by \$664,696.
  
- 6. Finance Committee Motions**

- a. Mr. Crowder, Finance Committee Chair, and Ms. Clements, Director of Finance, gave the report from the August 03, 2023, meeting of the Finance Committee (copy in file). Ms. Cupid made a motion to approve the addition of Servis First Bank to the list of approved banks in the Investment Policy. Mr. Buyers seconded the motion; motion passed unanimously 7/0.
  - b. Mr. Crowder made a motion to approve proposed revisions to the Procurement Policy (copy in file) as described in the August 03, 2023, Finance Committee Report. Mr. Chalfant seconded the motion; motion passed unanimously 7/0.
- 7. Cost Proposal Results – 2024 Blow-Off & Critical Valve Replacements – 7th Round Groups A & B**
- a. Mr. Blackwell referred to the memorandum in the board package (copy in file). Mr. Balli made a motion, through CCMWA’s Transmission System Emergency and On-Call contract, to approve the award of the 2024 Blow-Off & Critical Valve Replacements Projects 7A & 7B to Unity Construction Company, Inc. of Powder Springs, GA for the verified low-cost proposals of \$1,310,950.00 for Group 7A and \$906,085.00 for Group 7B. Mr. Chalfant seconded the motion; motion passed unanimously 7/0.
- 8. Nominating Committee Appointments**
- a. Mr. Scott appointed a Nominating Committee for officers to report at a future meeting. The Committee officers were named Grif Chalfant – Chair, Lisa Cupid, and James Balli.
- 9. Old business**
- a. There were no old business items to present.
- 10. General Manager’s report**
- a. Mr. Blackwell provided the following updates to the published General Manager’s Report (copy in file):
    - i. Wyckoff 6 MG Clearwell Addition
      1. The project lost another 30 days and is now 469 days behind schedule, according to IHC. The clearwell was put into service on June 30<sup>th</sup>. IHC achieved substantial completion on July 30, 2023.
      2. IHC Construction has submitted many claim notices on this project. Types of claims include testing of rock anchors, pipe cost escalation, fasteners (bolts), leak testing, unsuitable soil, concrete supply, rock excavation, supply chain delays and pipe testing.
      3. Most claim notices do not disclose an associated dollar value. However, the claim notices with dollar value total \$6,979,829 and 479 days of delay.

4. In the contract, IHC is responsible for attendant overtime construction engineering costs and attendant construction engineering costs beyond the contractual project completion date.
  5. On July 11, 2023, IHC filed for partial (50%) release of retainage. As of July 31, 2023, approximately \$1,505,895 was being held in retainage.
  6. As of July 31, 2023, accrued engineering costs and liquidated damages liable to IHC were approximately \$1,400,000.
- ii. Blackjack Mountain 36-Inch Water Main Replacement Project
    1. The contractor, Garney continues to do project cleanup, grassing, paving, and is working to install the final ~200 feet of pipe.
    2. Most of the remaining pipe to be installed requires excavation through rock, and progress over the last month has been very slow.
    3. A short section of Barnes Mill Road, west of the Merritt / Wallace Road intersection (as pictured) will be shut down from August 21<sup>st</sup> through September 1<sup>st</sup> for pipeline construction.
    4. Project substantial completion is anticipated in September.
    5. The project is expected to be completed within contract value.
  - iii. Wyckoff Filter Underdrain Replacements
    1. The project will replace underdrains in six filters (1,3,4,6,7,8) at Wyckoff, which are prone to premature failures, resulting in expensive emergency repairs.
    2. The contractor, REHAB Construction Company, Inc., continues the removal of underdrains for Filters 1 and 4. Replacement underdrains and media arrived on site in July.
    3. Installation of the underdrain in Filter 4 began the week of August 14<sup>th</sup>.
  - iv. Mars Hill Church Road to Pine Mountain 36-inch Water Main Replacement
    1. This project involves the replacement of approximately 22,000 linear feet of 30-inch and 36-inch pre-stressed concrete cylinder pipe (PCCP) with 36-inch ductile iron pipe (DIP) in northwest Cobb County.
    2. Engineer, Freese and Nichols (FNI) has submitted 100% design drawings for staff review.
    3. Staff is coordinating with Cobb County DOT on a resurfacing Memorandum of Agreement (MOA) and Cobb County Water System regarding construction.
    4. A project public information meeting will be held at the West Cobb Regional Library on August 22, 2023, from 4:00 pm to 8:00 pm.
    5. The project will be advertised for bid later this year.
  - v. Hickory Log Creek Reservoir Pipeline Request by the City of Canton
    1. On August 18, 2023, at the Hickory Log Creek Reservoir (HLCR) Board of Managers meeting, the City of Canton requested an

- amendment to the Joint Project Agreement to allow the city to tap the raw water pipeline used to make releases from and pump water to HLCR.
2. The Joint Project Agreement in Article X, Section 1001 prohibits the use of HLCR raw water pipeline to supply a water treatment plant.
  3. Staff are reviewing the feasibility of using the raw water pipeline to supply a drinking water treatment plant and will report back with a recommendation at the September 18, 2023, board meeting.
  4. The City of Canton plans to issue an RFP for engineering services related to the design of a new drinking water treatment plant late this year.

**11. Executive Session**

- a. Ms. Cupid made a motion to go into Executive Session to discuss Pending Litigation. Mr. Balli seconded the motion; motion passed unanimously 7/0.
- b. Ms. Cupid made a motion to return to the Regular Meeting. Mr. Welch seconded the motion; motion passed unanimously 7/0.

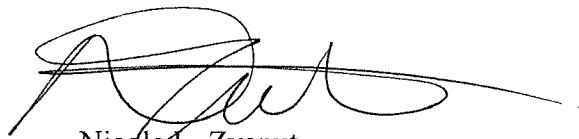
**12. Legal**

- a. Mr. Scott appointed an Ad-Hoc Group for Contractual Matters. The group participants are Doug Haynie, CCMWA Board Attorney; Corkey Welch, CCMWA Board Member; James Balli, CCMWA Board Member; and group convener Cole Blackwell, CCMWA General Manager.
- b. Mr. Haynie discussed Class Action Representation in the *In re Aqueous Film-Forming Foams Products Liability Litigation*. Mr. Balli made a motion for the Cobb County-Marietta Water Authority to retain the law firms of Pope McGlamry, Hall Booth Smith, and The Ferraro Law Firm to represent it in the 3M and DuPont/Chemours class action settlements currently pending in the *In re Aqueous Film-Forming Foams Prods. Liab. Litig.*, (D. South Carolina), and to investigate and as warranted and mutually agreed with the law firms, pursue civil remedies arising out of surface water contamination by Per- and Polyfluoroalkyl Substances (“PFAS”). All such actions are subject to the approval of the Chair, the General Manager, and the Board Attorney. By approving this motion, the Cobb County-Marietta Water Authority believes that there are no previously existing actions, or inactions, which constitute improper conduct on behalf of the Cobb County-Marietta Water Authority. The Client Fee Agreement is hereby approved subject to revisions to the Client Fee Agreement as approved by the Chair, General Manager, and Board Attorney. Any funds received in a settlement shall be placed in a separate designated Cobb County-Marietta Water Authority account. The funds in the account and expenditures therefrom shall be managed by the Cobb County-Marietta Water Authority Board of Directors for the purpose of PFAS remediation and testing. A portion of the funds in such designated account shall be expended towards communications with Cobb County-Marietta

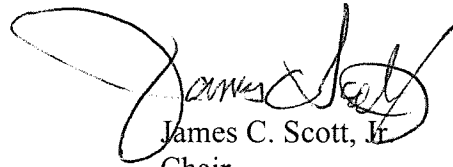
Water Authority customers, the public at large within Cobb County, and the public at-large within the cities within Cobb County concerning PFAS remediation and safety. The law firms of Pope McGlamry, Hall Booth Smith, and The Ferraro Law Firm shall, as part of their scope of work, aid and counsel CCMWA in developing public communications concerning PFAS remediation and safety. The balance of such funds shall be disbursed as directed by the Cobb County-Marietta Water Authority Board of Directors. Ms. Cupid seconded the motion; motion passed unanimously 7/0.

- c. Mr. Haynie presented a Memorandum of Agreement (MOA) between Cobb County and Cobb County-Marietta Water Authority (CCMWA) (copy in file). Mr. Buyers made a motion to approve the MOA between Cobb County and CCMWA for Transportation Facility Improvements regarding road resurfacing associated with the Cobb County-Marietta Water Authority Mars Hill Church Road to Pine Mountain 36-inch Water Main Replacement project. Mr. Welch seconded the motion; motion passed unanimously 7/0.

There being no further business, the meeting was adjourned at 04:10 pm.



Nicole L. Zvanut  
Assistant Secretary



James C. Scott, Jr.  
Chair