

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

**January 25, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on January 25, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry and Van Pearlberg.

Mr. Olens and Mr. Smith had notified Staff that they 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 12/14/09**

Mr. Mabry asked for approval of the minutes of the regular meeting of December 14, 2009. Mr. Austin made a motion to approve the minutes as presented. Mr. Bacon seconded the motion; motion passed 5/0.

**2. Financial Report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the December Financial Report. Page 9 of the Accountant's Compilation Report for the one month ending December 31, 2009 reflects a favorable variance in net income of \$1,383,830. Page 10 of the Accountant's Compilation Report for the twelve months ending December 31, 2009 reflects a favorable variance in net income of \$6,252.261.

Ms. Dwyer also presented the Year-End Financial Report Highlights and the Quarterly Investment Summary Report (copies in file).

**3. Hickory Log Creek Reservoir Dam and Pump Station SCADA Project  
Engineering Contract Recommendation**

Mr. Page referenced the memorandum that was included in the Board package (copy in file). Staff recommended that the Board award the Engineering Contract to design and provide construction services for the SCADA system to operate the HLC Dam and Pump Station to Engineering Strategies, Inc. of Marietta for the proposed fee of \$109,590. Mr. Pearlberg made a motion to approve Staff's recommendation. Mr. Austin seconded the motion; motion passed 5/0.

**4. Macon Soils Residuals Land Application Contract Renewal**

Mr. Page referenced the memorandum that was included in the Board package (copy in file) and noted that this is the final year of a five-year contract with Macon Soils and that bids for a new contract for 2011 through 2015 will be sought in the second half of the year. Staff is recommending extending the contract as allowed under the 2006 contract documents. Mr. Austin made a motion to approve Staff's recommendation to extend the Land

Application Contract with Macon Soils, Inc. for the 2010 calendar at the current unit cost of \$16.91/cy for hauls up to 30 miles and \$25.34 for hauls from 30 to 40 miles. Mr. Crowder seconded the motion; motion passed 5/0.

Mr. Page noted that Cobb County Manager David Hankerson initiated a possible opportunity to reduce some of the cost through an arrangement to haul and spread as much of the material as possible on Cobb County property recently acquired for parks. It also may be possible for Cobb County to use its equipment to both haul and spread some of the material, further reducing some of the costs. Staff will coordinate with Cobb County to include this land in our program, potentially reducing our 2010 contract cost.

#### **5. HLC Mitigation Contractor Prequalification**

Mr. Page referenced the memorandum in the Board package (copy in file). Staff recommends Board approval of the following six teams for prequalification to perform mitigation construction on Hickory Log Creek mitigation areas.

1. C.S. Britton, Inc. / Blount Construction, Inc.
2. PBS&J / Peter Brown Construction, Inc. / River Works
3. J.M. Wilkerson Construction Company, Inc.
4. Environmental Services, Inc. / Meanders Construction, Inc.
5. Aquascape Environmental / W.E. Contracting, Inc.
6. Georgia Developmental Partners / Ecological Solutions, Inc.

Mr. Page noted that other firms will be allowed to bid when the actual projects are advertised, but a complete prequalification package will have to be submitted with the bid. Any deviation from what is requested, or an incomplete package, will render the bid non-responsive. Mr. Pearlberg made a motion to approve Staff's recommendation to approve the listed six teams for prequalification to perform mitigation construction on Hickory Log Creek mitigation areas. Mr. Mabry seconded the motion; motion passed 5/0.

#### **6. Old Business**

Administration Building status – Mr. Page distributed information about a building at 1170 Atlanta Industrial Drive and commented that renovation would be minimal compared to any buildings previously considered. Mr. Page requested that discussion continue during Executive Session.

#### **7. General Manager's Report**

Mr. Page reported that the granite memorial bench for R.L. Jacobs will be ready for installation at the Blockhouse Day Use Area around mid-April. Staff is coordinating with the family to set a time for an unveiling in late April or early May.

**8. Legal**

Mr. Bacon made a motion to approve the Directors' Resolution adopting Flexible Benefits Plan for Cobb County-Marietta Water Authority (copy in file). Mr. Pearlberg seconded the motion; motion passed 5/0.

Mr. Crowder made a motion to approve the engagement letter for WilmerHale to represent the Water Authority in the Tri-State Water Rights Litigation (copy in file). Mr. Mabry seconded the motion; motion passed 4/1 with Mr. Bacon opposed.

Mr. Haynie noted that a similar engagement letter has been sent to the other governing authorities involved in the litigation and that fees are paid through the Intergovernmental Agreement.

Mr. Haynie reported that Mr. Bobby Dyer has been appointed the City Attorney for the City of Canton, and that Mr. Scott Wood is the new City Manager.

**9. New Business**

Mr. Mabry appointed Mr. Crowder to be a member of the Personnel Committee.

**10. Executive Session**

Mr. Pearlberg made a motion to go into Executive Session to discuss property acquisition and potential litigation. Mr. Bacon seconded the motion; motion passed 5/0.

Mr. Bacon made a motion to return to Regular Session. Mr. Pearlberg seconded the motion; motion passed 5/0.

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

  
Becky Mixon  
Assistant Secretary

  
Don Mabry  
Chair

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

**February 15, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on February 15, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members initially present were: Max Bacon, Charlie Crowder, Don Mabry, Van Pearlberg and Earl Smith.

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

**1. Approval of minutes of regular meeting 01/25/10**

Mr. Mabry asked for approval of the minutes of the regular meeting of January 25, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Bacon seconded the motion; motion passed 5/0.

**2. Financial Report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the January Financial Report. Page 9 of the Accountant's Compilation Report for the one month ending January 31, 2010 reflects a favorable variance in net income of \$860,717.

Mr. Olens arrived at this time.

**3. Demand Services Engineering Contracts**

Mr. Page referenced the memorandum in the Board package (copy in file), and stated that the objective of the contracts is to have qualified engineers already under contract to expedite work, while maintaining a competitive environment for selection of those engineers.

Based on the information in the memorandum and the proposals received, evaluated and ranked, staff recommended entering into Demand Services Engineering Contracts with the following firms: Civil Engineering Consultants, Inc. of Marietta; Hazen & Sawyer of Atlanta; and River to Tap, Inc. of Roswell. Mr. Smith made a motion to approve staff's recommendation. Mr. Bacon seconded the motion; motion passed 6/0.

**4. Bid Results – Wyckoff Water Treatment Plant Operations Building Roof Project**

Mr. Page referred to the memorandum in the Board package (copy in file). Mr. Page reported that bids were received for the roof replacement project for the Operations Building at the Wyckoff Plant (part of the Regulatory and Operational Improvements work) on February 8. Only 2 bids were received, both in the range of the Engineer's Estimate of \$1,601,098.

Staff recommended award of the Wyckoff Water Treatment Plant Operations Building Roof Replacement Project to the low bidder, Eastern Corporation of Marietta, for the bid price of \$1,557,000. Mr. Smith made a motion to approve awarding the bid to Eastern Corporation of Marietta for \$1,557,000, subject to further review of the manufacturer's history of performance, including financial strength and open litigation, by the General Manager and the Chair. Mr. Bacon seconded the motion; motion passed 6/0.

**5. Sole Source Request – SolarBee Tank Mixing Systems**

Mr. Page referred to the memorandum in the Board package (copy in file). The purchase and installation of this equipment is included in the Capital Improvement Program under the Asset Renewal & Replacement line item. The Board has previously approved sole-source purchasing of the SolarBee Mixing System for installation in other tanks because there are no competitors in the marketplace for this system. CCMWA has received excellent service from all units installed to date.

Staff requested Board approval to enter into an agreement with the Eshelman Company, Inc. of Marietta to furnish and install three SolarBee mixing systems at a cost of \$184,500. Mr. Pearlberg made a motion to approve staff's request. Mr. Smith seconded the motion; motion passed 6/0.

**6. AWWA Annual Conference, June 20 – 24, 2010**

Mr. Page reported that Mr. Austin, Mr. Smith and Mr. Pearlberg have indicated their interest in attending the AWWA Annual Conference & Exhibition in Chicago, June 20-24, 2010. CCMWA's authorizing legislation requires that all Board travel must be pre-approved for expenses to be reimbursable. Mr. Bacon made a motion to approve reimbursement of allowable expenses for any Board member that wishes to attend. Mr. Smith seconded the motion; motion passed 5/0, with Mr. Olens abstaining.

**7. Old Business**

Administrative Building - Mr. Crowder reported that he and Mr. Bacon had recently toured the building at 1170 Atlanta Industrial Drive. Mr. Mabry had also previously toured the building. Mr. Bacon made a motion to direct staff to proceed with a due diligence review, an appraisal and architectural review. Mr. Olens seconded the motion; motion passed 6/0.

**8. General Manager's Report**

Mr. Page reported on the following:

- Bids for the Austell-West Side Connector are scheduled to be received April 6. Staff expects to present the Board with an award recommendation at the April Board meeting.
- Staff met with Mr. Garvis Sams and his client, Health Care Capital Consolidated, Inc. (HCCC), on January 26 to discuss a proposed development on the 9.6 acre tract immediately adjacent to and west of the Quarles Plant. CCMWA has a 60-foot wide easement across the tract which contains the 30-inch main carrying water to the Blackjack Tank. This main is scheduled to be replaced / upgraded, with engineering to begin in 2015 and construction in 2016. HCCC is seeking to coordinate their construction with our existing location and planned replacement, as well as requesting consideration of a joint stormwater management system located on our property.

Mr. Page reported that staff is disinclined to consider the joint stormwater management system because of concerns with assumed liability during and after HCCC's construction and potential limitations of CCMWA's site use in the future. However, staff believes it may be in CCMWA's best interest to consider accelerating the plans to replace the 30-inch line earlier to avoid an impact to this newly developed site in 2016. Last year, CCMWA received a request from Indian Hills Country Club to accelerate a portion of this project across its driving range, parking lot, and swim and tennis area to coordinate with some planned work there. Once HCCC's plans are more firm and staff

has an opportunity to get a cost estimate and evaluate the impact on the cash flow, staff may bring a request to Board in the next few months to accelerate a portion of the East Cobb Reinforcement Pipeline.

- General Assembly:

Mr. Page noted that staff continues to track the water-related bills that were included in the written GM Report and provides input when necessary.

Mr. Page reported that he and several other water managers were invited to meet with the Lt. Governor to discuss a bill that would require interconnections to ensure redundancy in the event of a water shortage caused by any event, including Judge Magnuson's ruling. The managers submitted some requested language that could meet the Lt. Governor's intent, without requiring the expenditure of great amounts of money with potential of little to no return.

Mr. Page also reported that Daniel White of Haynie, Litchfield and Crane drafted legislation that would address the restrictions in Georgia law against condemnation for required mitigation easements in GA law which have presented problems with land acquisition at Hickory Log Creek. That language was presented to the Lt. Governor and the Cobb delegation.

- ACT:

Mr. Page reported that on February 9, he and Mr. Olens attended a meeting with the Chief Counsel to the Governor to discuss any concerns CCMWA may have in the negotiations regarding the ACT. Staff is in the process of providing information requested to help the State frame the boundaries that are acceptable in the negotiations.

Mr. Page also distributed an update on water resources pertaining to the ACT and ACF.

## 9. Legal

Mr. Bacon made a motion to approve the purchase of First Cherokee Bank property at the appraised value of \$82,000.00. Mr. Smith seconded the motion; motion passed 5/0.

Mr. Pearlberg made a motion to authorize the attorney for the Cobb County – Marietta Water Authority to file eminent domain proceedings regarding the property of ANDREW AND ROBIN MILLER MOORE in Cherokee County, Georgia located in Land Lot 171, District 14th of Cherokee County, Georgia, consisting of a 4.36-acre fee simple acquisition and a 1.49-acre permanent buffer easement acquisition. The Chair of the Authority, the General Manager of the Authority and the Attorney of the Authority are hereby authorized to sign any and all documents in order to carry out this motion, including the authority to file appeals regarding any rulings in this case. The Order Authorizing Condemnation and the subject plat are attached hereto and incorporated herein by reference. Mr. Bacon seconded the motion; motion passed 5/0.

Mr. Pearlberg made a motion to authorize the attorney for the Cobb County – Marietta Water Authority to file eminent domain proceedings regarding the property of JOHNNIE M. MCPHAIL in Cherokee County, Georgia located in Land Lot 171, District 14th of Cherokee County, Georgia consisting of a 5.72-acre fee simple acquisition and a 4.86-acre permanent buffer easement acquisition. The Chair of the Authority, the General Manager of the Authority and the attorney are hereby authorized to sign any and all documents in order to carry out this motion, including the authority to file appeals regarding any rulings in this case. The Order Authorizing Condemnation and

the subject plat are attached hereto and incorporated herein by reference. Mr. Bacon seconded the motion; motion passed 5/0.

Mr. Smith made a motion to approve an Encroachment Agreement between the Cobb County-Marietta Water Authority and the Mulberry Condominium Association, Inc. for the 42" Raw Water Line from the Chattahoochee River to the Lower Roswell Road Treatment Plant, subject to the final approval of the Chair, General Manager and Authority Attorney. Mr. Crowder seconded the motion; motion passed 5/0.

**10. New Business**

Deferred until after Executive Session.

**11. Executive Session**

Mr. Smith made a motion to go into Executive Session to discuss personnel, property acquisition and potential litigation. Mr. Bacon seconded the motion; motion passed 5/0.

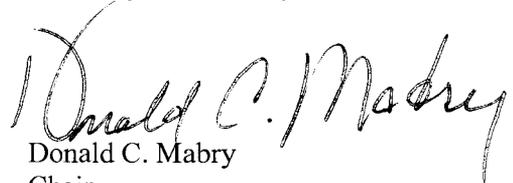
Mr. Bacon made a motion to return to Regular Session. Mr. Pearlberg seconded the motion; motion passed 5/0.

Mr. Smith made a motion to tender an offer of \$600,000.00 to Technology Park Atlanta for property required for the Hickory Log Creek Reservoir project, subject to final approval of the Chair of the Authority, the General Manager of the Authority and the Attorney of the Authority. Mr. Bacon seconded the motion; motion passed 5/0.

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



Becky Nixon  
Assistant Secretary



Donald C. Mabry  
Chair

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

**March 15, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on March 15, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members initially present were: David Austin, Max Bacon, Don Mabry, Van Pearlberg and Earl Smith. Mr. Olens was out of town.

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

**1. Approval of minutes of regular meeting 02/15/10**

Mr. Mabry asked for approval of the minutes of the regular meeting of February 15, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Bacon seconded the motion; motion passed 5/0.

**2. Recognition of Mr. Olens' service**

Mr. Olens was unable to attend the Board meeting to accept an appreciation plaque for his service to the Cobb County - Marietta Water Authority. Ms. Mixon will inquire about presenting it to him at the Cobb County Commission meeting on March 23 and advise the Board.

**3. Financial report**

Ms. Jan Fenton, Legacy Financial Services, presented the February Financial Report. Page 9 of the Accountant's Compilation Report for the one month ending February 28, 2010 reflects a favorable variance in net income of \$467,142. Page 10 of the Accountant's Compilation Report for the two months ending February 28, 2010 reflects a favorable variance in net income of \$1,327,859.

Ms. Fenton reported that Mr. Smith, Finance Committee Chair, signed the engagement letter with Mauldin & Jenkins for the 2009 audit for a price of \$19,500. This is the second year of a three year contract with Mauldin & Jenkins.

**4. Pension Committee report**

Mr. Smith referenced the memorandum in the Board package (copy in file), and made a motion to approve the SunTrust Statements Acknowledging the Annual Fee Schedules for Investment Advisory Services and Administrative Services. Mr. Bacon seconded the motion; motion passed 5/0.

**5. Personnel Committee Report**

Mr. Pearlberg, Personnel Committee Chair, referenced the memorandum in the Board package (copy in file) and made a motion to authorize a transition of the 457(b) Deferred Compensation Plan administrator from Valic Financial Advisors, Inc. to the Principle Life Insurance Company. Mr. Bacon seconded the motion; motion passed 5/0.

**6. Bid Results – Wyckoff Raw Water Pump and Motor Repair**

Mr. Patrick Pherson, Project Manager, referred to the memorandum from Mr. Page in the Board package (copy in file). Mr. Bacon made a motion to award the Wyckoff Raw Water Pump and Motor Repair Project for Pumps 2 and 3 to Heavy Constructors, Inc. for the bid price of \$242,000.00. Mr. Smith seconded the motion; motion passed 5/0.

**7. Sole-Source Request for SCADA Integration Services**

Mr. Pherson referenced the memo (copy in file) from Mr. Page in the Board package. The sole-source request was based on “uniqueness”, as Transdyn has provided a consistent equipment specification, panel design and programming approach, which allows CCMWA staff to efficiently troubleshoot, maintain and operate all components of the network, system-wide. The four projects and the estimated cost of SCADA services and equipment requested to be sole-sourced are:

- Quarles Raw Water Reservoir Rehabilitation and Improvements Project (\$90,000)
- Wyckoff Raw Water Intake and Pumping Station Electrical Improvements Project (250,000)
- Wyckoff Regulatory and Operational Improvements Project (\$3,000,000)
- Hickory Log Creek SCADA Project (\$300,000)

In order to ensure competitive pricing from Transdyn, Mr. Pherson noted that the costs of the SCADA services and equipment will be intensely reviewed and considered to be “not to exceed” budgets.

Mr. Crowder entered at this time.

Mr. Smith made a motion to approve staff’s request to sole-source Transdyn for the above listed projects at the costs noted. Mr. Pearlberg seconded the motion; motion passed 5/0 with Mr. Crowder abstaining.

**8. Old Business**

Administrative Building - Mr. Bob Kenyon, Operations Director, reported staff has received the due diligence report on the building at 1170 Atlanta Industrial Drive and an initial architectural submission and is reviewing them. The appraisal is expected within two weeks. Dependent on the appraisal, Mr. Austin and Mr. Smith would like to tour the building.

Blackjack Concrete Tank Demolition – Mr. Kenyon reported that demolition of the Blackjack Concrete Tank has been put on hold, pending the determination of a move for the administrative and engineering staff.

Wyckoff Roofing project – Mr. Pherson confirmed to the Board that the warranty for the Wyckoff Filter Building Roofing project is 20 years for both the product and the installation.

**9. General Manager's Report**

Mr. Kenyon reported that Mr. Page will meet with the Corps of Engineers on March 25 to discuss reallocation of Allatoona Lake.

Mr. Tom Ginn, Project Manager, reported that preliminary discussions with contractors regarding the Quarles Reservoir Cleaning project have indicated that the current budget may be insufficient.

Mr. Ginn also reported that the current allowance within the bid price for the Quarles Plant 2 Rehabilitation project for owner-directed changes may be insufficient. Staff has discovered a damaged 84" pipe that will need to be either repaired or replaced. Other leaking pipes and structures have also been encountered and will need to be addressed.

**10. Legal**

Mr. Daniel White, Haynie Litchfield and Crane, LLC requested that the legal items be presented after the Executive Session.

**11. New Business**

There was no new business to present.

**12. Executive Session**

Mr. Smith made a motion to go into Executive Session to discuss property acquisition and potential litigation. Mr. Bacon seconded the motion; motion passed 6/0.

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

**Legal**

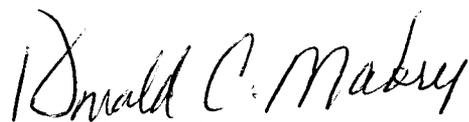
Mr. Austin made a motion to approve the settlement agreement between the Cobb County - Marietta Water Authority and Tyler Nelson Crafton, Paul Martin Crafton and Scott Preston Crafton in the amount of \$750,000.00 subject to the final approval of the Chair, General Manager and Authority Attorney. The motion was seconded by Mr. Mabry; motion passed 6/0.

Mr. Pearlberg made a motion to approve the registration of the Water Authority Attorney for the AWWA Conference subject to the final approval of the Chair and the General Manager. 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 Mixon  
Assistant Secretary



Donald C. Mabry  
Chair

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

**April 19, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on April 19, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, Van Pearlberg, Earl Smith and Woody Thompson.

The meeting was called to order at 3:30 p.m. by Chair Don Mabry. Mr. Mabry welcomed Mr. Thompson as a new Board member.

**1. Approval of minutes of regular meeting 03/15/10**

Mr. Mabry asked for approval of the minutes of the regular meeting of March 15, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Austin seconded the motion; motion passed 7/0.

**2. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the March Financial Report. Page 9 of the Accountant's Compilation Report for the one month ending March 31, 2010 reflects a favorable variance in net income of \$99,046. Page 10 of the Accountant's Compilation Report for the three months ending March 31, 2010 reflects a favorable variance in net income of \$1,426,904.

Ms. Dwyer reported that the annual audit is near completion and will be presented to the Board at the May meeting.

Mr. Smith, Finance Committee Chair, announced that there will be a Finance Committee meeting prior to the Board meeting on May 17. Mr. Smith noted that he has invited Mr. Kessel Stelling, President and Chief Operating Officer of Synovus, parent company of Bank of North Georgia, to attend the May meeting to provide the Board with a status report on the bank.

**3. Wyckoff Sole Source Request**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Page confirmed that the equipment that is identified in the memorandum is unique in some way which makes its direct selection beneficial to the Water Authority, or matches existing equipment which helps with consistency in operation, maintenance and spare parts. Mr. Pearlberg made a motion to approve staff's request to sole source through the construction contract the following equipment for the Wyckoff Regulatory and Operational Improvements Project: 4 Primary Flow Signal high-accuracy venturi meters; 4 Primary Flow Signal and EIM filter rate-of-flow controllers and actuators; 12 Leopold filter underdrains, troughs and filter media; 18 Meurer Research, Inc. hoseless sludge collection systems; 2 Envirex chain and flight solids removal systems; 1 Carter & Verplanck on-site sodium hypochlorite generation system and hose pumps for alum and fluoride feed systems; and 1 Burnett Lime liquid lime storage and feed system. Mr. Austin seconded the motion; motion passed 7/0.

**4. Bid Results – Wyckoff Raw Water Intake and Pump Station Electrical Improvements**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Smith made a motion to award the Wyckoff Raw Water Intake and Pump Station Electrical Improvements to Crowder Construction Company, Inc. of Conyers, Georgia for the bid price of \$4,646,980.00, and to

authorize the General Manager to enter into an Excess Facilities Charge Agreement with Georgia Power Company in the amount of \$207,773.62 to replace the existing 2300 Volt transformer serving the facility with a new 4160 Volt transformer. Mr. Pearlberg seconded the motion; motion passed 7/0. Board member Charlie Crowder confirmed that he has no connection to Crowder Construction Company, Inc.

**5. Bid Results – Wyckoff Granular Activation Carbon Pressure Vessels Pre-purchase**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Austin made a motion to approve the pre-purchase of 28 Granular Activation Carbon Pressure Vessels and to award the bid to Calgon Carbon Corporation of Pittsburgh, PA for the low bid price of \$3,045,840.00. Mr. Thompson seconded the motion; motion passed 7/0. Assignment of the pre-purchase agreement will be made to the contractor awarded the contract for the Wyckoff Regulatory and Operational Improvements project in July.

**6. Bid Results – Quarles Reservoir Rehabilitation and Improvements – Contract No. 1**

Mr. Page referred to the memorandum in the Board package (copy in file). Contract No.1 is specific to the cleaning of the raw water reservoir at the Quarles Water Treatment Plant. The project also includes installation of an HDPE liner to make future reservoir cleaning efforts easier and less costly, and lessen the likelihood of the reservoir dike becoming categorized as a high-hazard dam in the future. Mr. Page commented that, upon award of the bid, staff will explore opportunities with the contractor to reduce the final contract price through modification of the specified project approach. Mr. Pearlberg made a motion to award the Quarles Reservoir Rehabilitation and Improvements Project, Contract No. 1 to Heavy Constructors, Inc. for the low bid of \$4,077,826.00. Mr. Crowder seconded the motion; motion passed 7/0.

**7. Bid Results – Quarles Reservoir Rehabilitation and Improvement – Contract No. 2**

Mr. Page referenced the memorandum in the Board package (copy in file). Contract No. 2 addresses piping interconnections and valve replacements to improve operational flexibility in the reservoir by-pass system. Mr. Thompson made a motion to award the Quarles Reservoir Rehabilitation and improvements – Contract No. 2 to Southern Champion Construction, Inc. for the low bid of \$956,062.00. Mr. Mabry seconded the motion; motion passed 7/0.

**8. Reschedule June 21, 2010 Board meeting**

Mr. Page noted that three Board Members have registered for the American Water Works Association Annual Conference and Exhibition, which will be held in Chicago June 20-25. As a result, there will not be a quorum available for the June 21 meeting. Mr. Page and Mr. Mabry propose rescheduling the June meeting to June 14, one week early. Mr. Smith made a motion to reschedule the June 21 meeting to June 14. Mr. Crowder seconded the motion; motion passed 7/0.

**9. Old Business**

Mr. Mabry made several committee appointments. The current committees are:

**Finance Committee:** Mr. Smith, Ch., Mr. Austin and Mr. Crowder

**Planning Committee:** Mr. Bacon, Ch., Mr. Pearlberg and Mr. Thompson

**Personnel Committee:** Mr. Pearlberg, Ch., Mr. Bacon and Mr. Crowder

**Pension Committee:** Shelia Buckner, Stan Brinkley, Ricky Bennett, Mr. Smith, Mr. Austin, Vonna McClung and Glenn Page

**10. General Manager's Report**

Mr. Page distributed copies of King & Spalding's Summary of Georgia Parties Brief filed in U.S. Court of Appeals for 11<sup>th</sup> Circuit (copy in file).

Mr. Page reported that he authorized an emergency repair of Quarles Raw Water Pump No. 7 which was installed in 2008. The emergency repair has an estimated cost of \$15,500.

Mr. Page also reported that upon further evaluation of Filter No. 16 at Quarles 1, staff changed the recommendation that was presented in the written General Manager's Report and he approved emergency repairs to be coordinated by staff and performed by Rehab Construction Co., Inc. of Conyers to perform a complete cleaning and repair of the filter, and replacement of all support gravel and media to original specification at a price estimated to not exceed \$75,000 (depending on condition of Wheeler ceramic underdrain spheres). Work is to begin as soon as practicable.

Mr. Page reminded the Board of the dedication of the R.L. Jacobs Memorial Bench on April 26 at 4 p.m. and that he will be out of the country May 17-21 and will miss the May Board meeting.

**11. Legal**

Mr. Haynie requested that the legal items be presented after the Executive Session.

**12. New Business**

There was no new business to present.

**13. Executive Session**

Mr. Pearlberg made a motion to go into Executive Session to discuss property acquisition and potential litigation. Mr. Bacon seconded the motion; motion passed 7/0.

Mr. Bacon made a motion to return to Regular Session. Mr. Smith seconded the motion; motion passed 7/0.

**Legal**

The following legal items were presented:

1. Mr. Smith made a motion to deny the claim contained in Ante Litem Notice from Mrs. Johnnie McPhail (copy in file). Mr. Bacon seconded the motion; motion passed 7/0.
2. Mr. Crowder made a motion to deny the claim contained in Ante Litem Notice from Ms. Donna Faye Lawrence (copy in file). Mr. Smith seconded the motion; motion passed 7/0.
3. Mr. Austin made a motion to approve the Order of Condemnation of property owned by Fincher Road Investments on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any

appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Crowder seconded the motion; motion passed 7/0.

4. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Richard Light and Linda Holmes-Rubin on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Mabry seconded the motion; motion passed 7/0.
5. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Tony Watkins on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Smith seconded the motion; motion passed 7/0.
6. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Moore Family Reunion Association on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Crowder seconded the motion; motion passed 7/0.
7. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Glenn Weber and Carol Ann Weber on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Smith seconded the motion; motion passed 7/0.
8. Mr. Bacon made a motion to approve the Order of Condemnation of property owned by Michell Fronebarger on behalf of the Cobb County-Marietta Water Authority by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property. The Authority attorney is hereby authorized and directed to take any and all action necessary

to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. In the alternative, this motion authorizes the purchase of said property upon the approval of the Chair, General Manager and Board Attorney. Mr. Smith seconded the motion; motion passed 7/0.

9. Mr. Bacon made a motion to approve the Intergovernmental Agreement between the Cobb County-Marietta Water Authority and Cobb County for installation of a 24-inch ductile iron water main in the right-of-way of Anderson Mill Road. (See attached). Mr. Smith seconded the motion; motion passed 6/0/1 with Mr. Thompson abstaining.

The Board directed Mr. Page and Mr. Haynie to negotiate with the owners of 1170 and 1190 Atlanta Industrial Drive for the purchase of property for the purpose of a new Administration and Engineering Building.

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



Becky Mixon  
Assistant Secretary



Donald C. Mabry  
Chair

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

**May 17, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on May 17, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, Van Pearlberg, Earl Smith and Woody Thompson.

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

**1. Approval of minutes of regular meeting 03/15/09**

Mr. Mabry asked for approval of the minutes of the regular meeting of April 19, 2010. Mr. Austin made a motion to approve the minutes as presented. Mr. Crowder seconded the motion; motion passed 7/0.

**2. Finance Committee Report**

Mr. Earl Smith, Finance Committee Chair, requested that the Finance Committee Report be advanced in the agenda in order for Mr. Kessel Stelling, CEO of Synovus/Bank of North Georgia, to address the Board. Mr. Stelling thanked the Board for its confidence in the bank and reported that Synovus/Bank of North Georgia continues to operate from a position of strength and stability.

**3. Presentation of 2009 GAWP Gold Awards**

Mr. Jack Dozier, Executive Director of the Georgia Association of Water Professionals, commended CCMWA' staff and announced that both the Wyckoff and Quarles Water Treatment Plants will be receiving GAWP's 2009 Gold Award. The Gold Award is in recognition of 100% compliance with all state and federal regulations during the calendar year.

**4. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the April Report. Page 9 of the Accountant's Compilation Report for the one month ending April 30, 2010 reflects a favorable variance in net income of \$548,850. Page 10 of the Accountant's Compilation Report for the four months ending April 30, 2010 reflects a favorable variance in net income of \$1,999,701.

**5. Presentation of 2009 Audit**

Ms. Dwyer introduced Mr. Adam Fraley and Mr. James Bence of Mauldin & Jenkins, LLC, who presented the 2009 Audit Report (copy in file). Ms. Dwyer commented that Legacy Financial Services, LLC's response to the management letter were included in the Board's financial package.

**6. Presentation by CH2M HILL on the Wyckoff Regulatory and Operational Improvements Project**

Mr. Jim Parsons, Director of Engineering, introduced Mr. Steve Lavinder and Mr. Stuart Jeffcoat of CH2M HILL, who presented a 3-D overview of the upcoming Wyckoff Regulatory and Operational Improvements Project.

**7. Purchase of mitigation credits for the Wyckoff Regulatory and Operational Improvements Project**

Mr. Parsons reference the memorandum from Mr. Page that was in the Board package (copy in file). Mr. Bacon made a motion to approve Wildlands, Inc. for providing mitigation credits for the relocating of a stream on the Wyckoff Plant site from either its Yellow Creek Mitigation Bank or its Bannister Creek Mitigation Bank at a total cost of \$218,890, contingent upon final approval from the U.S. Corps of Engineers. Mr. Thompson seconded the motion; motion passed 7/0.

**8. Demand Services Engineering Contract Modification – Wyckoff Sedimentation Basins 5 and 6 and Filter Valve Rehabilitation – Hazen & Sawyer**

Mr. Parsons referenced the memorandum from Mr. Page that was in the Board package (copy in file). Mr. Smith made a motion to approve a contract modification valued at \$140,284.00 to the Engineering Demand Services Contract with Hazen and Sawyer, PC for the Wyckoff Sedimentation Basins 5 and 6 and Filter Valve Rehabilitation Project. Mr. Pearlberg seconded the motion; motion passed 7/0.

**9. Old business**

Mr. Mabry reminded the Board that the June meeting has been rescheduled from June 21 to June 14.

**10. General Manager's report**

Mr. Bob Kenyon, Director of Operations, referenced the General Manager's report in the Board package and offered to respond to any questions regarding the report.

**11. New business**

There was no new business reported.

**12. Executive Session**

There was no business for an executive session.

**13. Legal**

The following legal items were presented:

1. Mr. Bacon made a motion to approve the contract to purchase 1170 and 1190 Atlanta Industrial Drive from GeoLand Properties, LLC in accordance with the terms and conditions set forth in the attached contract (copy in file). The Chair and/or General Manager, or his designee, are hereby authorized to sign all closing documents in accordance with the contract to purchase. Mr. Pearlberg seconded the motion; motion passed 7/0.
2. Mr. Pearlberg made a motion to approve the lease between the Cobb County-Marietta Water Authority, as Landlord, and GeoLand Properties, LLC, as tenant, for property known as 1660 Barnes Mill Road, and to approve the lease between the Cobb County-Marietta Water Authority, as Landlord, and GeoLand Properties, LLC, as tenant, for property known as 1170 Atlanta Industrial Drive. Mr. Smith seconded the motion; motion passed 7/0.
3. Mr. Smith made a motion to authorize the attorney for the Cobb County – Marietta Water Authority to file eminent domain proceedings regarding the property of William S.

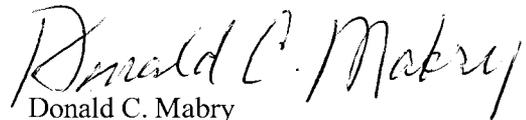
Turner, Susan Turner Black, The Turner Family Trust, Joyce Turner, The Laneal Turner Residuary Trust and the Joyce D. Turner Family, L.P. in Cherokee County, Georgia located in Land Lots 599, 600, 625, 626, 627, 669, 670 AND 671, 3<sup>RD</sup> DISTRICT, 2<sup>ND</sup> Section, Cherokee County, Georgia in fee simple. The Chair of the Authority, the General Manager of the Authority and the attorney are hereby authorized to sign any and all documents in order to carry out this motion, including the authority to file appeals regarding any rulings in this case. The Order Authorizing Condemnation is attached hereto and incorporated herein by reference. Mr. Austin seconded the motion; motion passed 7/0.

4. Mr. Pearlberg made a motion to approve the Agreement of Trust with Principal Financial Group (copy in file). Mr. Crowder seconded the motion; motion passed 7/0.
5. Mr. Bacon made a motion to authorize the attorney for the Cobb County – Marietta Water Authority to file eminent domain proceedings regarding the property of SUMMER WALK HOMEOWNERS ASSOCIATION, INC. in Cherokee County, Georgia located in Land Lot 246, District 14<sup>th</sup>, 2<sup>nd</sup> Section of Cherokee County, Georgia in fee simple. The Chair of the Authority, the General Manager of the Authority and the attorney are hereby authorized to sign any and all documents in order to carry out this motion, including the authority to file appeals regarding any rulings in this case. The Order Authorizing Condemnation is attached hereto and incorporated herein by reference. Mr. Thompson seconded the motion; motion passed 7/0.

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



Becky Mixon  
Assistant Secretary



Donald C. Mabry  
Chair

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

**June 14, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on June 14, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, Van Pearlberg, Earl Smith and Woody Thompson.

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

**1. Approval of minutes of regular meeting 05/17/09**

Mr. Mabry asked for approval of the minutes of the Regular Meeting of May 17, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Thompson seconded the motion; motion passed 7/0.

**2. Finance Report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the May Report. Page 9 of the Accountant's Compilation Report for the one month ending May 31, 2010 reflects a favorable variance in net income of \$375,460. Page 10 of the Accountant's Compilation Report for the five months ending May 31, 2010 reflects a favorable variance in net income of \$2,375,161.

Mr. Earl Smith, Finance Committee Chair, referenced the presentation made at the May meeting by Mr. Kessel Stelling, CEO of Synovus/Bank of North Georgia, and reported that the Finance Committee recommends extending the banking services contract with Bank of North Georgia to December 31, 2011. Mr. Austin made a motion to approve the Finance Committee's recommendation. Mr. Crowder seconded the motion; motion passed 6/0/1 with Mr. Smith abstaining.

**3. Pension Committee Report**

On behalf of Ms. Buckner, Pension Committee Chair, Mr. Page presented the Pension Committee Report (copy in file). Mr. Ron Hunziker, the Pension Investment Advisor, recommended changes to the Statement of Investment Policy, Objectives and Guidelines (see attached) which the Pension Committee adopted and recommends adoption by the Board. Mr. Smith made a motion to approve the updated Statement of Investment Policy, Objectives and Guidelines for the CCMWA Retirement Plan. Mr. Thompson seconded the motion; motion passed 7/0.

**4. Contract Amendment – Hickory Log Creek Dam Monitoring Engineering Services, Contract Modification No. 2**

Mr. Page referenced the memorandum in Board package (copy in file) and noted that the purpose of the contract is to provide the ongoing monitoring activities mandated by

EPD's Safe Dams Program, and to provide any general engineering services related to the operation of the dam. To date, Schnabel has been paid \$270,276 under the contract. There was no cap on the initial contract. Contract Modification No. 2 caps the services at \$500,000, sets a new level on the per-visit cost for monitoring services, allows an annual increase for the site visits based on the CPI, and requires renegotiation for any services beyond December 31, 2013.

Mr. Mabry made a motion to approve Contract Modification No. 2 to the Hickory Log Creek Dam Monitoring Engineering Services Contract with Schnabel Engineering, LLC through December 31, 2013, raising the total contract value to no more than \$500,000. Mr. Austin seconded the motion; motion passed 7/0. Execution of the Contract Modification will be subject to approval by the City of Canton.

## **5. Old Business**

Mr. Page reported the following updates from the Planning Committee meeting that was held prior to the Board meeting:

- Quarles Plant 1, Filter 16 - further investigation of the leak reveals that the leak is located at the common wall of the original construction of Quarles Plant 1 in 1953 and the addition to the building in 1957. The contract with Rehab Construction Co., Inc. to repair the filter bottom has been put on hold until after the leak is repaired. A proposal to repair the leak from Engineered Restorations is expected before June 18. Mr. Page expressed concerns that the foundations of the plant structures may be compromised from the continuous flow of water from the leak, and that he considers the situation an emergency. Mr. Mabry directed staff to proceed with finding a solution to the problem.
- Administration and Engineering Building - meetings with the architect revealed that because the cost of the desired renovations is more than 50 percent of the value of the building, the entire building must be brought up to current building code. This situation will add approximately \$500,000 to the cost of the renovations. After lengthy discussion, Mr. Pearlberg made a motion to proceed with the proposed plan for renovating the building. The motion died for lack of a second. Mr. Smith made a motion to direct Mr. Page to continue discussions with the architect to reevaluate costs and provide a design that would allow staff to move into the building with minimal expense. Mr. Thompson seconded the motion. Motion passed 6/1 with Mr. Pearlberg opposed.

The Board also indicated a desire to visit the building in order to more fully understand the renovation needs. Mr. Crowder asked Mr. Page to perform a review for future staffing to confirm sufficient office space for the long-term.

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

Mr. Page referenced the General Manager's report that was included in the Board package and offered to respond to any questions regarding the report. Mr. Page reported the following:

- Governor Perdue signed the Water Stewardship Act on June 2. Odd-even restrictions on irrigation are no longer in place; however, they still apply to car washing and power washing. No landscape irrigation is allowed between 10 a.m. and 4 p.m.
- Sen. John Wiles, Chair of the Cobb Delegation, has indicated that the delegation plans to wait until after the election (presumably the primary election) to appoint Board members for the new term beginning August 14.
- Oral arguments in Phase II (endangered species issues) of the ACF case were heard June 8 in Jacksonville by Judge Magnuson. The King & Spalding attorneys believe that Judge Magnuson may issue a ruling within 30 days.
- The Wyckoff Regulatory and Operational Improvements Project is scheduled to bid June 25. Three contractors have requested a delay in the bid time; staff will meet June 15 to discuss the request.

**7. New business**

There was no new business reported.

Mr. Austin left at this time.

**8. Executive Session**

Mr. Pearlberg made a motion to go into Executive Session to discuss a settlement.

Mr. Thompson seconded the motion; motion passed 6/0.

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

**9. Legal**

There were no legal items presented:

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



Becky Nixon  
Assistant Secretary



Donald C. Mabry  
Chair

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

**July 19, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on July 19, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members initially present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, and Earl Smith.

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

**1. Approval of Minutes of Regular Meeting 06/14/10**

Mr. Mabry asked for approval of the minutes of the Regular Meeting of June 14, 2010. Mr. Smith made a motion to approve the minutes as presented. Mr. Crowder seconded the motion; motion passed 5/0.

**2. Financial Report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the June Report. Page 9 of the Accountant's Compilation Report for the one month ending June 30, 2010 reflects an unfavorable variance in net income of \$294,304. Page 10 of the Accountant's Compilation Report for the six months ending June 30, 2010 reflects a favorable variance in net income of \$2,080,857.

Mr. Thompson arrived at this time.

Ms. Dwyer also presented the Mid-Year Financial Report Highlights for Six Months Ended June 30, 2010 and the Quarterly Investment Summary Report for the Quarter Ended June 30, 2010.

**3. Recognition of Service of Woody Thompson**

Mr. Mabry presented Mr. Thompson a plaque in recognition of his service on the Authority Board.

**4. Sole Source Procurement Request – Duperon FlexRake Screen Systems**

Mr. Page referenced the memorandum in Board package (copy in file). Mr. Page stated that Duperon is the only manufacturer of this type of intake screen system known to either CCMWA's Engineer or staff. Because of the uniqueness of the Duperon FlexRake Bar Screen System and the desire to match existing equipment, staff requested Board approval of sole-source specification of two units for the Quarles Raw Water Pump Station Maintenance Project. Mr. Smith made a motion to approve staff's request. Mr. Austin seconded the motion; motion passed 6/0.

**5. Bid Results – Wyckoff Regulatory and Operational Improvements Project**

Mr. Page referenced the memorandum in Board package (copy in file). Mr. Page stated that the project is designed to rehabilitate large portions of the Hugh A. Wyckoff Treatment Plant, provide redundant systems to improve treatment capability under all operational conditions, and provide a new treatment process necessary to meet the requirements of the Disinfection / Disinfection by-Product Rule.

Mr. Pearlberg arrived at this time.

Mr. Smith made a motion to award the Wyckoff Water Treatment Plant Regulatory and Operational Project to Archer Western Contractors, Ltd. of Atlanta for the low bid price of \$77,099,444, with the inclusion of Additive Alternate Nos. 1 and 2 at the bid prices of \$3,509,625 and \$134,750, respectively, for a total bid of \$80,743,819. Mr. Thompson seconded the motion.

As a point of disclosure, Mr. Pearlberg stated that he had appointed Mr. Don Gillis, Vice President of Archer Western Contractors, Ltd. to the City of Marietta Planning Commission. Mr. Haynie indicated Mr. Pearlberg does not have a conflict.

Motion passed 7/0.

## **6. Old Business**

Mr. Page gave the following update regarding a workshop held with the Board at the site of the new Administration / Engineering Building on July 13. Six Board members were in attendance.

The Gerding Collaborative presented three options for consideration moving forward.

- Option 1 would allow staff to move in as quickly as possible, but would provide no public meeting / staff training space. The goal would be to minimize initial cost to avoid triggering the threshold requiring major work to upgrade to new codes. The cost for Option 1 was estimated at \$145,000.
- Option 2 would meet current and anticipated staff needs for 10-15 years, and would provide public meeting / staff training space. This option would not include all efficiency measures required to gain LEED certification. The cost for Option 2 was estimated at \$1.2 million.
- Option 3 would add a few space improvements to Option 2, and would include LEED-required improvements, including fees to certify LEED status. The cost for Option 3 was estimated at \$1.3 million.

At the meeting, Mr. Bacon requested staff to seek a commitment from the City of Marietta as to the requirements necessary to improve the building.

Following the July 13 meeting, staff had discussions with Marietta's Assistant City Manager. The City indicated that it cannot put commitments in writing until final plans have been submitted for a permit request.

Mr. Page also stated that he had met with Mr. Scott Tucker, the City's Fire Marshal. Mr. Tucker indicated that neither building use nor occupancy would require addition of sprinklers. However, Mr. Tucker felt that CCMWA would have to include sprinklers if construction cost exceeded the threshold of 50% of the building value. Mr. Tucker offered some suggestions on breaking out "repair" items such as roof replacement and replacement of existing HVAC systems under separate permits. Mr. Tucker offered to walk through the permitting process with CCMWA when plans are ready, and to sit down with Mr. Hal Cosper, Chief Building Inspector, to discuss strategy on permitting.

Mr. Page stated that plans would need to be developed before any progress could be made with the City, and asked the Board for direction. Mr. Smith made a motion to retain Gerding Collaborative to develop plans based on Option 2, which includes 25 offices and a public meeting / training facility. Motion was seconded by Mr. Thompson.

During discussion on the motion, Mr. Bacon stated that he wanted to protect the Authority and that he was disappointed that improvements to the new office were going to carry such a high cost.

Motion passed 6/1, with Mr. Bacon opposed.

**7. General Manager's report**

Mr. Page referenced the General Manager's report that was included in the Board package and offered to respond to any questions regarding the report. There were no questions.

**8. New business**

There was no new business reported.

**9. Executive Session**

Mr. Bacon made a motion to go into Executive Session to discuss real estate. Mr. Pearlberg seconded the motion; motion passed 7/0.

Mr. Bacon made a motion to return to Regular Session. Mr. Smith seconded the motion; motion passed 7/0.

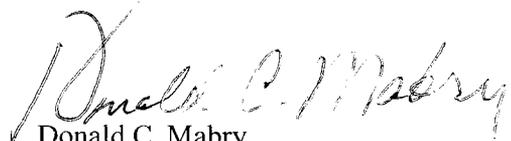
**10. Legal**

There were no legal items presented.

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



Vonna McClung  
Acting Secretary



Donald C. Mabry  
Chair

**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

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

**September 20, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on September 20, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members initially present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, and Earl Smith.

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

**1. Approval of Minutes of Regular Meeting 08/16/10**

Mr. Mabry asked for approval of the minutes of the Regular Meeting of August 16, 2010. Mr. Bacon made a motion to approve the minutes. Mr. Crowder seconded the motion; motion passed 5/0.

**2. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the August financial report. Page 9 of the Accountant's Compilation Report for the one month ending August 31, 2010 reflects a favorable variance in net income of \$819,739. Page 10 of the Accountant's Compilation Report for the eight months ending August 31, 2010 reflects a favorable variance in net income of \$3,816,328.

Mr. Pearlberg and Mr. Lee arrived at this time.

Ms. Dwyer also presented the proposed Capital Asset Policy that had been reviewed by Mr. Smith as well as staff from Mauldin & Jenkins (copy in file). The proposed policy reflects practices that the Authority uses, fulfills the recommendations made by the auditors and will work with the development of the asset management program. Mr. Smith noted that the policy will provide additional guidance for the financial advisors as well as staff. It was noted that as a result of the policy, some assets that fall below specific thresholds will now be expensed instead of capitalized. Mr. Smith made a motion to approve the proposed Capital Asset Policy. Mr. Bacon seconded the motion; motion passed 7/0.

**3. Presentation of Proposed Capital Improvement Program 2011 - 2015**

Mr. Page presented the proposed CIP for the years 2011 through 2015 discussed at the August 30 Planning Committee meeting (copy in file). A correction to the memorandum in the Board Package is that the inflation factor used in the cash flow model was 7% through 2013 and 5% thereafter. In the model used for the proposed CIP the inflation factor used was 0% for 2011, 3% for years 2012 through 2015, and 4% thereafter. Mr. Bacon made a motion to approve the proposed CIP for the years 2011 through 2015. Mr. Smith seconded the motion; motion passed 7/0.

**4. Proposed Rate Program Review and Recommendation**

Mr. Page referred to the memo in the Board package for background of the rate review and recommendation (copy in file). Mr. Smith made a motion to approve the

proposed change in rate program, to include an annual rate increase in both in-county and out-of-county rates of 8% until further notice. Mr. Bacon seconded the motion; motion passed 6/1 with Mr. Austin opposed. Staff will notify wholesale customers of the rate adjustment effective January 1, 2011.

**5. Bid Results – Smithwick Creek Compensatory Mitigation Project**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Smith made a motion to approve the award to W.E. Contracting Company, Inc. of Acworth for \$1,376,033.80 with the following three conditions: 1) contingent on W. E. Contracting furnishing a signed sub-contractor agreement with Aquascape Environmental, Inc. in a form satisfactory to the Chair, General Manager and attorney; 2) contingent upon the Water Authority and the City of Canton acquiring the necessary land for the project; 3) contingent upon the General Manager and Chair renegotiating the final contract price to an amount satisfactory to the Water Authority and City of Canton. Mr. Lee seconded the motion; motion passed 5/2 with Mr. Bacon and Mr. Pearlberg opposed.

**6. Change Order Request – Hickory Log Creek Pump Station**

Mr. Page referred to the memorandum in the Board package. Staff from Canton and CCMWA met with management from Crowder Construction Company on site, and determined that the dredging work proposed in 2009 should still be completed, along with some of the channel modifications. River levels are now favorable to complete the dredging work and to make improvements intended to channel the flow effectively toward the intake screens and minimize future sedimentation. Under the proposed change order, payment will be made to Crowder based on time and expense, so the final amount proposed is an estimate.

Mr. Page noted that Dr. Odgaard from the University of Iowa continues to consult with staff on changes in the river, and may recommend additional work to be performed to minimize sedimentation around the intake screens in the future.

Mr. Austin made a motion to approve the Change Order for \$112,107, based on unit prices. Mr. Lee seconded the motion; motion passed 5/2 with Mr. Bacon and Mr. Pearlberg opposed.

**7. Old Business**

Mr. Mabry inquired about the status of the Hickory Log Creek Reservoir Manager's office. Mr. Page reported that the reservoir manager is taking proposal for utilities to be put on site and that the project is expected to be a design/build project.

**8. General Manager's report**

Mr. Page reported the following:

- Staff will be working on the 2011 budget for the next several weeks and will request a Finance Committee meeting when a draft budget is ready for review.
- Staff will request a meeting of the Personnel Committee to discuss the budget items related to Personnel when the health insurance renewal information is available from The Bottoms Group.

- Staff continues to work on the Strategic Plan approved last year. A workshop was held to finalize the various performance measures that will be focused on to meet CCMWA's long-term goals and objectives.
- Update on Admin/Engineering Building: The Mechanical Engineering consultant has determined that the most cost-effective and efficient system for the building will be a Constant Volume System, which is estimated to cost approximately \$50,000 more than the system quoted in the preliminary estimate by the architect. A design development review meeting will be held on September 29.

**9. New business**

There was no new business presented.

**10. Nominating Committee report and election of officers**

Mr. Pearlberg, Nominating Committee Chair, made a motion from the committee to elect the slate of officers: Chair – Max Bacon, Vice Chair – David Austin, Secretary – Van Pearlberg and Assistant Secretary – Becky Mixon. Mr. Lee seconded the motion; motion passed 7/0.

**11. Executive Session**

Mr. Austin made a motion to go into Executive Session to discuss a potential legal settlement. Mr. Lee seconded the motion; motion passed 7/0.

Mr. Pearlberg made a motion to return to Regular Session. Mr. Austin seconded the motion; motion passed 7/0.

**12. Legal**

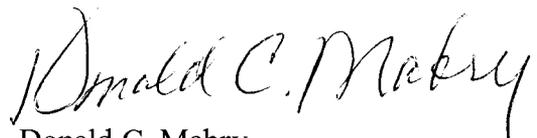
Mr. Smith made a motion to approve the Settlement Agreement and Mutual Release between the Cobb County-Marietta Water Authority and Thalle Construction, whereby Thalle pays to the Water Authority and Canton \$75,000.00 in full settlement of an electrical claim (copy in file). Mr. Lee seconded the motion; motion passed 7/0.

Mr. Pearlberg made a motion to approve the partial settlement in the case of Cobb County-Marietta Water Authority and the City of Canton v. William S. Turner, Susan Turner Black, The Turner Family Trust, Joyce Turner, Joyce Turner As Trustee Of The Laneal Turner Residuary Trust, Joyce D. Turner Family, L.P (copy in file). Mr. Austin seconded the motion; motion passed 7/0.

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



Becky Mixon  
Assistant Secretary



Donald C. Mabry  
Chair

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

**October 18, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on October 18, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members initially present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry and Van Pearlberg. Mr. Smith had informed staff that he would be unable to attend the meeting.

The meeting was called to order at 3:30 p.m. by Chair Max Bacon.

**1. Approval of Minutes of Regular Meeting 09/20/10**

Mr. Bacon asked for approval of the minutes of the Regular Meeting of September 20, 2010. Mr. Austin made a motion to approve the minutes. Mr. Crowder seconded the motion; motion passed 5/0.

**2. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the September financial report. Page 9 of the Accountant's Compilation Report for the one month ending September 30, 2010 reflects a favorable variance in net income of \$1,105,020. Page 10 of the Accountant's Compilation Report for the nine months ending September 20, 2010 reflects a favorable variance in net income of \$4,921,347.

Mr. Lee arrived at this time.

Ms. Dwyer also presented the Quarterly Investment Summary Report for the Quarter Ended September 30, 2010 (copy in file).

**3. Bid Results – Wyckoff Water Treatment Plant Sedimentation Basins 5 & 6 and Filter Valves Replacement**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Page confirmed that the bid documents were clear that the award would be made on the basis of the low bid for Division 1 of the project. Mr. Pearlberg commented for the record that he has appointed Don Gillis, Vice President of Archer Western, to serve on the City of Marietta's Planning Commission. Mr. Lee made a motion to approve the award of the Wyckoff Water Treatment Plant Sedimentation Basins 5 & 6 and Filter Valves Replacement Project to Archer Western Contractors, Ltd. of Atlanta for the total bid price of \$2,398,708 and that, if possible, this work be incorporated into Archer Western's current contract for the Wyckoff Regulatory and Operational Improvement Project as a Change Order. Mr. Austin seconded the motion; motion passed 5/1 with Mr. Mabry opposed.

**4. Bid Results – Quarles Raw Water Intake and Pump Station Maintenance Improvements**

Mr. Page referred to the memorandum in the Board package (copy in file). Mr. Pearlberg made a motion to approve the award of the Quarles Raw Water Intake and Pump

Station Maintenance Improvements Project to Heavy Constructors, Inc. of Marietta for the low bid price of \$739,818. Mr. Mabry seconded the motion; motion passed 6/0.

**5. Amendment No. 3 to Agreement for Consulting Services with RLH Group, LLC**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Austin made a motion to authorize staff to execute Amendment No. 3 to the Agreement for Consulting Services with RLH Group, LLC, extending the period of the contract by 18 months and increasing the contract limit by \$95,000. Mr. Lee seconded the motion; motion passed 6/0.

**6. Old Business**

There was no Old Business to present.

**7. General Manager's report**

Mr. Page provided the following update on the rupture of the 36-inch prestressed concrete cylinder pipe (PCCP) on Paul Samuel Road on October 2:

- This pipe was manufactured prior to the generation of pipe that was the subject of the 1980s settlement with Interpace, and had no history of failure. The explosive-type rupture experienced was a result of elevation, and CCMWA had not experienced a failure of this type since 2003, when 3 occurred over a 15-month period on Shallowford Road.
- Travelers Insurance, CCMWA's General Liability carrier, initially denied claims related to private property damage. After discussion with Mr. Haynie and Bill Smith, Sr. of Little & Smith, CCMWA's insurance advisor and broker, Travelers has reopened the claim. CCMWA will be seeking reimbursement for repairs to private property, as well as to the road and to the 12-inch pipeline belonging to Cobb County Water System.

Mr. Page distributed and presented a review of the Hickory Log Creek Reservoir project status (copy in file).

**8. New business**

Mr. Bacon appointed Mr. Mabry to Chair the Planning Committee and as a member of the Personnel Committee.

Mr. Pearlberg noted that the Personnel Committee will meet Wednesday, October 27, 10:00 a.m. at the Administration Office.

Mr. Crowder proposed initiating work sessions, with specific agendas, to provide an opportunity to discuss in detail proposed projects. Mr. Page will proceed with coordinating a schedule and developing an agenda for the first work session.

Mr. Page noted that it has been suggested to move the December 20, 2010 Board Meeting to December 13, 2010. Mr. Austin made a motion to move the December meeting to December 13. Mr. Mabry seconded the motion; motion passed 6/0.

Mr. Page stated that he anticipates a Financial Committee meeting the first week in November and will be contacting the committee members for their availability to meet.

**9. Executive Session**

There was no need for an Executive Session.

**10. Legal**

Mr. Austin made a motion to deny the claim by Andrew Moore and Robin Miller (ante litem notice attached). Mr. Crowder seconded the motion; motion passed 6/0.

Mr. Mabry made a motion to approve the Georgia Environmental Finance Authority (GEFA) loan modification (copy in file). Mr. Lee seconded the motion; motion passed 6/0.

Mr. Lee made a motion to approve a letter agreement with the Georgia Environmental Finance Authority Loan Acquisition Corporation (copy in file). Mr. Crowder seconded the motion; motion passed 6/0.

Mr. Austin made a motion to authorize a suit against Nasir Enterprises, LLC for relief and damages due to the encroachment of a sign in the Water Authority's easement along Jiles Road (copy in file). Mr. Pearlberg seconded the motion; motion passed 6/0.

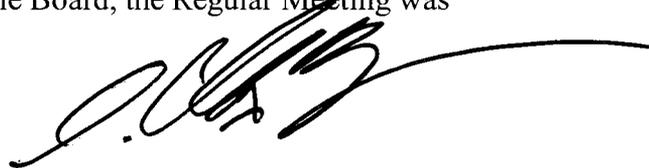
Mr. Pearlberg made a motion to authorize the General Manager and Authority Attorney to obtain any and all necessary appraisals, surveys or other items needed to complete purchases/condemnations for the Hickory Log Creek Reservoir Project. Mr Lee seconded the motion; motion passed 6/0.

Mr. Haynie asked that the Board complete and return the annual Conflict of Interest Questionnaire that Ms. Mixon distributed.

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



Becky Mixon  
Assistant Secretary



A. Max Bacon  
Chair

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

**November 15, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on November 15, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Tim Lee, Don Mabry, Earl Smith and Van Pearlberg.

The meeting was called to order at 3:30 p.m. by Chair Max Bacon.

**1. Approval of Minutes of Regular Meeting 10/18/10**

Mr. Bacon asked for approval of the minutes of the Regular Meeting of October 18, 2010. Mr. Smith made a motion to approve the minutes. Mr. Austin seconded the motion; motion passed 7/0.

**2. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the October financial report. Page 9 of the Accountant's Compilation Report for the one month ending October 31, 2010 reflects a favorable variance in net income of \$574,366. Page 10 of the Accountant's Compilation Report for the ten months ending October 31, 2010 reflects a favorable variance in net income of \$5,495,714.

**3. Personnel Committee Report**

Mr. Pearlberg, Personnel Committee Chair, referenced the Personnel Committee Report of October 27, 2010 that was included in the Board's financial package (copy in file) and noted that all recommendations were included in the proposed 2011 Operating Budget. The Personnel Committee recommended the following items for Board approval:

- Adopt a new On-Call Pay Policy that will pay a weekly stipend to non-exempt employees deemed necessary to be "on-call" to meet critical operational and maintenance needs.
- Add two positions previously discussed as needed for the addition of the GAC Facility and other improvements at the Wyckoff Plant. Operator position will be Grade 2, 3, 4 or 5, depending on certification level of hire. Industrial Electrician will be Grade 5.
- Change the IT Coordinator title to Information Systems Manager and change the pay grade from Grade 5 to Grade 7, and change the IT Technician title to Information Systems Technician and change the pay grade from Grade 3 to Grade 4.
- Adjust pay scales upward by 1% to maintain a competitive position in the marketplace for hiring purposes.

Mr. Smith seconded the recommendation from the Personnel Committee; the recommendation passed 7/0.

**4. Finance Committee Report and presentation of Proposed 2011 Operating Budget**

Mr. Smith, Finance Committee Chair, reported that the Finance Committee met on November 11 to review the First Draft of the 2011 Operating Budget and that a memo outlining highlights of the budget, along with the draft budget, was included in the Board's financial package (copy in file).

Mr. Smith reported that the Finance Committee recommends adoption of the proposed 2011 Operating Budget as presented. Mr. Crowder seconded the recommendation; recommendation passed 7/0.

**5. Bid Results – Chemicals for 2011**

Mr. Page referred to the memorandum in the Board package (copy in file). Mr. Page noted that as presented in the budget, an increase in chemical costs of approximately \$100,000, or 6.5%, is expected in 2011, based on anticipated chemical use and the bids presented.

Mr. Mabry made a motion to award the 2011 Process Chemical Contracts to the vendors listed in the table in the memorandum at the verified low responsive bid prices also listed in the table. Mr. Pearlberg seconded the motion; motion passed 7/0.

**6. Bid Results – Surface Preparation and Painting of Interior and Exterior Surface of Pine Mountain Tank No. 1**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Pearlberg made a motion to award the Surface Preparation and Painting of Interior and Exterior Surfaces of Pine Mountain Tank No. 1 to Llamas Coatings, Inc. of Smyrna, GA for the low bid price of \$372,728. Mr. Smith seconded the motion; motion passed 7/0.

**7. Prequalification of Contractors – Land Application Program Annual Contract**

Mr. Page referenced the memorandum in the Board package (copy in file). Mr. Page presented options to the Board of prequalifying 4 or 5 of the submitting firms and bidding the program in December, or entering into an intergovernmental agreement with Macon Water Authority to continue the program with a negotiated contract with Macon Soils, Inc.

Mr. Bacon appointed an ad hoc committee of Mr. Mabry, Chair, Mr. Crowder and Mr. Austin to review the options presented as well as additional options and to provide a recommendation to the Board at the December meeting.

**8. Old business**

There was no old business to present.

**9. General Manager's report**

Mr. Page reported the following items:

- Mr. John Lamica, Transmission Division Manager, received an e-mail note of appreciation and commendation regarding CCMWA's handling of private property repairs following the pipe break on Paul Samuel Road on October 2. Mr. Page read the note and recognized Mr. Lamica.
- The Calvin F. Simmons Microbiological Laboratory received the Laboratory of the Year Award for Large Water Systems from the Georgia Association of Water Professionals. Mr. Page also recognized Ms. Debbie Anderson representing the Laboratory Division.
- A new graphical report on construction in progress was distributed to the Board. Mr. Bacon had requested an improved means to communicate project progress, rather than monthly updates as in the past. Mr. Austin requested that estimated completion dates be included in the information.
- An update on the new Administrative and Engineering Building included:
  - Design development is complete. Construction plans are 30-50% complete.
  - Interiors selections are being made.
  - GeoSurvey has vacated areas of building needed for Phase I construction.
  - Staff is concerned about keeping the building dry while replacing the roof, and is getting contractor input on how to incorporate required coordination between General Contractor, and roofing, electrical and HVAC subcontractors to ensure

building occupants have limited disruption and leaks are avoided during construction.

- Bidding is anticipated in January or early February.
- Mr. Page will be making some remarks to the Cobb Delegation at their annual Legislative Day on December 6 and plans to present to the delegation two pieces of legislation:
  - Eminent Domain takings of conservation easements for mitigation purposes.
  - Staggering of terms of legislative appointees to the Board.
- Ms. Mixon will coordinate a date for a work session in January. If the construction schedule allows, the meeting will be held at the Wyckoff Plant.
- Reminder that the December meeting was rescheduled for December 13 at 3:30 p.m.

**10. New business**

There was no new business to present.

**11. Executive Session**

Mr. Mabry made a motion to go into Executive Session to discuss personnel. Mr. Austin seconded the motion; motion passed 7/0.

Mr. Smith made a motion to return to Regular Session. Mr. Lee seconded the motion; motion passed 7/0.

Mr. Pearlberg made a motion to approve extension of the General Manager's contract. Mr. Austin seconded the motion; motion passed 7/0.

**12. Legal**

Mr. Haynie reported that he is researching the question of the Water Authority lending money to other jurisdictions.

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



Becky Mixon  
Assistant Secretary



A. Max Bacon  
Chair

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

**December 13, 2010**

The regular meeting of the Cobb County-Marietta Water Authority was held on December 13, 2010 at 3:30 p.m., in the Cobb County-Marietta Water Authority's Board Room. Water Authority Board members present were: David Austin, Max Bacon, Charlie Crowder, Don Mabry, Earl Smith and Van Pearlberg. Mr. Lee had notified staff that he would be unable to attend.

The meeting was called to order at 3:30 p.m. by Chair Max Bacon.

**1. Approval of Minutes of Regular Meeting 11/15/10**

Mr. Bacon asked for approval of the minutes of the Regular Meeting of November 15, 2010. Mr. Austin made a motion to approve the minutes. Mr. Crowder seconded the motion; motion passed 6/0.

**2. Financial report**

Ms. Joanne Dwyer, Legacy Financial Services, presented the November financial report. Page 9 of the Accountant's Compilation Report for the one month ending November 30, 2010 reflects a favorable variance in net income of \$448,962. Page 10 of the Accountant's Compilation Report for the eleven months ending November 30, 2010 reflects a favorable variance in net income of \$5,944,676.

Mr. Gordon Mortin of Knox Wall, a division of Morgan Keegan, reported that the Georgia Environmental Financing Authority (GEFA) is selling Georgia Fund loans through bonds via the Georgia Environmental Loan Acquisition Corporation (GELAC), a subsidiary of GEFA, which includes a Water Authority loan.

**3. Finance Committee Report**

Mr. Smith, Finance Committee Chair, made a motion to approve the Investment Policy and Procedures Update of Appendix C subject to State Bank & Trust providing the appropriate documentation (copy in file). Mr. Crowder seconded the motion; motion passed 6/0.

**4. Pension Committee Report**

Mr. Page presented the Pension Committee Report (copy in file).

**5. Bid Results – Austell-West Side Connector 24” Water Main – Project 29101**

Mr. Page referred to the memorandum in the Board package (copy in file). Mr. Smith made a motion to award the Austell-West Side Connector 24” Water Main to Gary's Grading and Pipeline Co., Inc. for the low bid price of \$2,616,038.50. Mr. Bacon seconded the motion.

Mr. Pearlberg made a substitute motion to award the Austell-West Side Connector 24" Water Main to Unity Construction Co., Inc. for the bid price of \$2,676,597.90. Mr. Austin seconded the motion.

Mr. Smith made a motion to table the award of the Austell/West Side connector 24" Water Main Project. Mr. Crowder seconded the motion; motion passed 6/0.

**6. Reschedule January 2011 meeting to January 24, 2011 due to Martin Luther King, Jr. Holiday**

Mr. Mabry made a motion to reschedule the January 2011 meeting from January 17 to January 24 due to the Martin Luther King, Jr. Holiday. Mr. Pearlberg seconded the motion; motion passed 6/0.

**7. Old business**

Mr. Mabry, Chair of the Ad Hoc Land Application Committee, reported that he had received the memo from Mr. Page and distributed it to committee members, Mr. Austin and Mr. Crowder. Mr. Mabry noted that the detail in the memo emphasized the size and depth of the program and that it appears to be more cost efficient to outsource the services.

Mr. Mabry made a motion to award the land application program to Macon Soils, Inc. under an intergovernmental agreement with Macon Water Authority, and negotiate a 1-year contract renewable up to 5 years. Mr. Smith seconded the motion; motion passed 6/0.

**8. General Manager's report**

Mr. Page reported the following items:

- Quarles Reservoir Rehabilitation - dredging completed.
- Wyckoff Roof – nearing completion
- Wyckoff Storage Yard – nearing completion
- Wyckoff R&O Project - Unsuitable soils and rock have been encountered in area near stream relocation, which will tap into the owner-directed allowances on the project.
- Mr. Austin and Mr. Page recognized the Cobb County and Paulding County middle school winners and their parents at the waterSmart waterArt calendar contest at Big Shanty Art Station on December 2.

**9. New business**

There was no new business to present.

**10. Executive Session**

Mr. Pearlberg made a motion to go into Executive Session to discuss real estate and legal business. Mr. Austin seconded the motion; motion passed 6/0.

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

Mr. Smith made a motion to remove from the table the award of the Austell/West Side Connector 24" Water Main Project. Mr. Mabry seconded the motion; motion passed 6/0.

Mr. Smith made a motion to award the Austell/West Side Connector 24" Water Main Project to Gary's Grading and Pipeline Co., Inc. for the bid price of \$2,616,038.50. Mr. Bacon seconded the motion; motion passed 5/1 with Mr. Pearlberg opposed.

#### **11. Legal**

Mr. Haynie presented a Memorandum of Understanding between the Georgia Department of Community Affairs (DCA) and the Cobb County - Marietta Water Authority to formalize the WaterFirst Community Designation. Mr. Smith made a motion to approve the Memorandum of Understanding between the Georgia Department of Community Affairs and the Cobb County - Marietta Water Authority (copy in file). Mr. Mabry seconded the motion; motion passed 6/0.

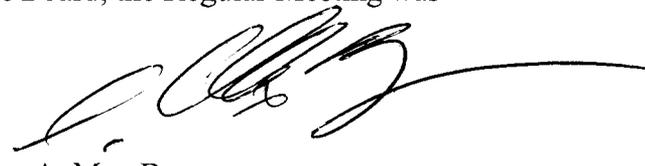
Mr. Mabry made a motion to approve presentation of proposed legislation which will stagger terms of office for members of the Water Authority appointed by the Cobb County Delegation. Mr. Smith seconded the motion; motion passed 6/0.

Mr. Austin made a motion to approve the Authorizing Resolution related to the existing loan with the Georgia Environmental Financing Authority to be used to collateralize bonds to be issued by the Georgia Environmental Loan Acquisition Corporation (copy in file). Mr. Smith seconded the motion; motion passed 6/0.

Mr. Haynie reported on the issue of lending by the Water Authority.

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

  
Becky Mixon  
Assistant Secretary

  
A. Max Bacon  
Chair