

**ATHENS MUNICIPAL WATER AUTHORITY**  
**November 28, 2016, Special Joint Session**

The Board of Directors of the Athens Municipal Water Authority ("AMWA") met in Joint Special Session, with the City of Athens Council, on Monday, November 28, 2016, 4:00 P.M. at the Athens Partnership Center, with the following members present, to-wit:

Mike Peek, President  
Ed Gatlin, Vice President  
Don Foster, Secretary  
Milburn Chaney, Board Member  
Frank Lunceford, Board Member

others present: Bill Casey, AMWA Executive Director; Martin Bennett, AMWA Attorney; Beth McConnell, AMWA;

present from the Athens City Council: Jerry Don Vaught, Mayor; Monty Montgomery, Councilmember; Joe Whatley, Councilmember; Edwin McCain, Councilmember; Tres Winn, Council Member; Philip Rodriguez, City Administrator; Lawrence Cutrone, Director of Public Works; Mike Finney, Water Superintendent; Bonnie Hambrick, City Secretary

constituting a quorum at which time the following proceedings were enacted to wit:

**CALL TO ORDER**

The meeting was called to order on behalf of the Authority by President Peek at 4:02 P.M.

**DECLARATION OF CONFLICT OF INTEREST**

No conflicts of interest declared.

**JOINT SESSION WITH MEMBERS OF THE ATHENS CITY COUNCIL**

At this time a joint meeting was held between the Authority's Board of Directors and the Athens City Council. The purpose of this meeting was to open a dialogue and discuss matters pertaining to the operations and management of all facilities subject to the agreement between the Authority and the City of Athens, as well as to discuss the working relationship between the two entities.

Authority President Peek and City of Athens Mayor Vaught gave opening statements summarizing that both entities were meeting to work on providing safe, clean, quality and affordable water to the citizens of Athens.

Mayor Vaught brought up the Texas Commission on Environmental Quality ("TCEQ") violations at the Authority owned water treatment plant. President Peek informed the City Council that the operations, including violations, at the water treatment plant are the City's responsibility, due to the contract signed by both parties in October 2014. While TCEQ may still write the violation in the Authority's name, due to ownership, the 50-year contract makes it plain that the City of Athens is responsible for any violations.

Councilman Whatley stated that TCEQ is difficult to deal with and is currently showing that the Authority is furnishing the City with treated water instead of raw water.

The Authority's Executive Director Casey stated that he has exhausted the personnel resources in the public water department at TCEQ, trying to get the Authority listed as a non-treated water source. In the meantime, any public notice of violation that is required to be sent only needs to be sent to the Authority's one customer (the City of Athens), and TCEQ approved the action to be listed as:

*Notifying the contractually responsible party, the operator of the water treatment plant (City of Athens TX1070005) of this violation, so that they may take corrective action.*

Additionally, Executive Director Casey spoke about a sampling points for TCEQ, using the example of whether the City would receive a violation for haloacetic acids downtown and one for the water treatment plant.

Mayor Vaught at this time stated that the contract that was agreed to after the lawsuit is confusing to staff.

President Peek asked the Mayor, "What is confusing about the contract?"

Mayor Vaught stated that the sections classifying what is a capital improvement versus what is a repair is confusing.

Authority Legal Counsel Bennett read the legal definition of a capital improvement, as provided in the contract.

At this time the conversation evolved into a debate of chlorine contact time studies and what TCEQ would need to move the chlorination point at the water treatment plant. It is agreed that moving the chlorination point to after the filters at the plant may solve some of the haloacetic acid issue.

Councilman Montgomery was involved in the negotiations between the Authority and the City of Athens, stated that the intent of the contract was that the City of Athens is responsible to fix and repair things that break at the water treatment plant and for the Authority to take care of major changes, and improvements to the plant.

Councilman McCain asked why the Authority did not just give the water treatment plant to the City of Athens. Since he is a fiscal conservative and both the Authority and the City of Athens are tax payer funded, why the need for the strict separation of the two entities? He also stated that anyone who does not feel as though they are a fiscal conservative as well should leave.

Director Lunceford stated, "Because the voters wanted it that way."

Councilman Whatley asked why the Authority does not retain the plant operators and the Authority operate the plant.

City Administrator Rodriguez stated that the City may be open to purchasing treated water in bulk at a reasonable rate.

Councilman Montgomery feels that the Authority is doing the City of Athens a favor. The City has done water rate studies that inform the Council of how much they should charge the citizens of Athens for water to pay for things like replacing pumps and valves. He would never be in favor of turning the water treatment plant operations over to anyone, including the Authority.

President Peek, then said that the two entities need to be focused on "putting out the immediate fire." Solving the haloacetic acid issue that has plagued the City of Athens for more than a year should be the primary goal. President Peek also asked why the City is not running the well to dilute the surface water and reduce the haloacetic acid levels.

City of Athens Public Works Director Lawrence Cutrone stated, "The well needs more capital improvements."

An engineer from Garver stated that there was a hammering issue.

Director Gatlin concisely stated that if you run the well, you will reduce the needs of the plant, therefore prolonging the life of all plant systems, including the backwash system and filtration media. Additionally,

by running the well, you combat the haloacetic acid issue and there is no need to move the chlorination point at the water treatment plant.

Executive Director Casey then pointed out that the latest violation at the water treatment plant was not for the turbidity meters being non-operational, but was for using manual sampling for the turbidity for more than the maximum time allowed (14 days), which, as the Authority does not operate the plant, could not have any control over.

Mayor Vaught at this point lashed out at Executive Director Casey, saying, "You don't need to take this so personally and you just need to get over it."

At this point, Director Gatlin stated the mayor had gone too far and moved to adjourn.

**ADJOURN**

A motion was made by Director Gatlin and seconded by Director Chaney to adjourn the meeting at 5:23 P.M. This motion carried unanimously.

**PASSED AND APPROVED on this 14<sup>th</sup> day of December, 2016.**

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Mike Peek, President

ATTEST:

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Donald A. Foster, Secretary