



Minutes - Draft

PWI-Public Works & Infrastructure Committee

Tuesday, May 18, 2021

3:30 PM

This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available

(1) via live stream on DCTV's webpage,

(2) on DCTVChannel23.TV

Meeting Started At: 3:32pm

Attendees: Commissioners Cochran-Johnson, Terry, Patrick, Bradshaw

Present 3 - Commissioner Lorraine Cochran-Johnson, Commissioner Robert Patrick, and Commissioner Ted Terry

I. MINUTES

2021-2570 Commission District(s): ALL
Minutes for the May 4, 2021 Public Works and Infrastructure Committee Meeting
MOTION was made by Ted Terry, seconded by Robert Patrick, that this agenda item be approved. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

II. STATUS UPDATE

CIP Update - Septic Tanks and Sewers

-presentation from Director Wells, Kerry Williams - to review the special division 2.5 in Chapter 25 in the County code that allows septic/sewer conversion for residents via petitions

-Question LCJ: this cost is amortized over a 10 year period, and the tapping fee is a per household fee?

K Williams: that is correct

Can a single resident tap at the full cost?

K Williams: The resident would need to be aware of the costs incurred if a single individual wanted to have this done.

R Wells: part of the process is doing the due diligence to determine whether it is needed to install the gravity sewers; we normally wouldn't bring something to Board to approve an item that serves only 1 resident

M Welch: The code addressed your question; it is a minimum of 5 property owners needed to begin the petition

-Question TT: to clarify the tapping fee, does this have to be made in full at the time?

K Williams: the \$1800 tapping fee will be made to the Planning Dept., and then the process would begin for that tapping service to their home. This is a one-time, up-front fee.

-Question TT: Are there options for someone to spread that out over a period of time?

R Wells: we don't currently have a mechanism to do that; not to say that we can't do this at a later time.

-Question TT: just as we allow the \$7500 to be amortized over at 10 year period for resident, it would be good to have an option that allows residents to also include a payment plan for the tapping fee.

-Question LCJ: how was the tapping fee calculated?

R Wells: this initial capital investment helped cover the costs of the past investment for the tapping that needed to be done

-Question RP: if the street does not have an existing sewer line, that where the minimum resident requirement is placed, and then 51% of the residents receiving that service would need to sign that petition?

K Williams: that is correct.

-RP: investing in water/sewer could be used in the conversion for residents to go from septic to sewer in the ARP funds that Dentons provided a presentation for last week.

-LCJ: when we make allocation decisions, and who would benefit, I'd like to hear from the Law department; it could be a slippery slope in terms of which communities would receive access to these services.

-Question LJ: this has been happening in the Ellenwood area for a while around the landfill area. There is a cost associated. Since we have relief funds coming, this may be an opportunity to see how we can assist seniors and homeowners to come onto sewer; this would be great for our environment as well. This could help us with our Consent Decree also. These ARP funds can be used for infrastructure; it's a matter of commitment at this point.

-Question TT: I concur with the commissioners. I don't understand the history of why some areas were not on the County sewer system; take Scottsdale for instance. Equity is a big part of the ARP; addressing this inequity across the County is important in our approach. We can use ARP funds to support either the laying of the infrastructure or the tap. Let's think about the equity option when it comes to our residents

-M Welch: our code addresses question regarding the tap fees be paid before services are provided

-LCJ: \$1800 for a tapping fee can be quite a stretch. If we move forward without a certain amount of funds collected, I'm not opposed to changing our code; at the same time we could open up the County to losing revenue. We need to think critically about this cost of doing business.

-Attorney Ernestes: all of the points have been good in respect to the American Rescue Plan. There hasn't been real guidance in this regard, but I do believe that this is coming. It does appear a lot of the money is geared toward transit, water/wastewater. Some of the legislative points of that plan focus on those that are impoverished. But it's not just our impoverished, and we need to be strategic in terms of how these funds are spent. I will continue to review how this can be done, and what kind of program we can put together to address the Code and remain flexible.

-Question LCJ: I would like to see the Administration's plan in how we move forward regarding the American Rescue Plan and dissemination of the funds.

COO Williams: as it relates to the funds that should be deposited by the 20th, we will bring forward the budget strategy for the board to react to. We are not currently prepared to communicate the dissemination of those funds within the next couple of weeks; however the administration is steadfastly looking for additional funds; the 2 tranches of the ARP can only go so far. There are infrastructure funding discussions being had at the federal level. We will be presenting strategies on those funds as they become available.

-Question TT: To Director Wells regarding the sewer tax district - we have a sense of how many resident parcels we are thinking of here. Do we have a specific sense of how many households that would be?

R Wells: yes, we know where we don't have public sewer; I don't have a specific customer count, but they are areas where there are a lot of rock present, and not as conducive to build a system around that rock, and whether there was infrastructure

in place to have sewer systems in those areas. What we can do is bring GIS information in where we don't have sewers in the County.

-TT: back to the equity question of impoverished individuals or fixed-income and can't make the tap, can we look at if 25% have a hardship to pay that fee, we collect funds to socialize the system. It would be great to have an understanding of how many households we are talking about here.

R Wells: you are echoing a sentiment that the administration has spoken to as well. I'll have the team look at the best way to present that information, and we'll bring it forth.

-R Wells: next steps on this current policy - this was codified in November 2017; we've had a few instances of expanding the system since then. This system is currently in place.

-LCJ: if there is a change in the code, that's something we would need to address in a separate conversation in committee. If we deviate from the original structure in which the system was created, we would not be economically empowered as a County. That is something I would not vote for. We need to determine if this is something we would bring to the committee, and I would need to see the implications of this policy change.

TT: I wasn't suggesting we get rid of the tapping fee, rather what are the options for individuals who cannot pay up front. My question is are there people who haven't gotten the tap that are interested; also what are the areas that have utilized the tax district. I would like to ask the residents via a survey how that work is going, so that we can have some process improvement if needed.

-COO Williams: we are being mindful of the burden our residents face; at the same time we balance that with everyone needed to pay their share. Let us talk amongst ourselves in the administration; the next time we discuss this we may have some new ideas, payment methodologies, and other ideas provided from commissioners today.

III. AGENDA ITEM

Previously Heard Agenda Items:

2021-2514

Commission District(s): ALL

CO - Change Order No. 3 for Contract Nos.: 1063844 and 1063841 and Change Order No. 4 for Contract Nos.: 1063831 and 1068774 Annual Water & Sewer Construction (Annual Contract with 2 Options to Renew): for use by the Department of Watershed Management (DWM). These contracts consist of primarily providing installation and repair of water and sewer pipes in various sizes. This request is to increase the contract term through September 30, 2021 to Contract Nos.: 1063844 and 1063841 as well as increase funding and the contract term through December 31, 2021 to Contract Nos.: 1063831 and 1068774. Awarded to GS Construction, Inc., SD&C, Inc., Granite Inliner, LLC and The Renee Group/CamKen Consulting (RGI/CamKen JV). Total Amount Not to Exceed: \$2,919,395.00.

MOTION was made by Robert Patrick, seconded by Ted Terry, that this agenda item be recommended for approval to the Board of Commissioners, due back on 5/25/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-COO Williams: today we are addressing the most serious allegation of the internal audit - bid rigging. We take this very seriously; our reputation as a County is next to our DeKalb team in terms of importance. Mr. Wells and CPO Horner will discuss how this item will address any notion of impropriety, and clear the air on this item that has garnered media attention.

-R Wells: there were 2 specific contractors that were awarded in this contract. They used the same sub-contractor. It's perfectly logical for those contractors to have the same line item price for this work. It is not unheard of in this industry to have the same sub-contractor, who happened to also be an LSBE contractor within DeKalb County. There is no bid rigging that took place, and the facts frankly don't support that allegation.

-Question LCJ: the current contract expires the end of this month correct? This is specifically for the Briarcliff project?

R Wells: That is correct, which is why we are asking for the time extension through December.

Z Williams: Briarcliff is one of those projects, but this is not solely for Briarcliff.

Attorney Ernstes: this is an annual, on-call contract for water services; this was put out for bid in 2016 and awarded in 2017. The change order allows you to extend beyond the current process; a new ITB is going to be underway after the existing one expires in 2 weeks.

CPO Horner: under the leadership of M Houser, Purchasing and Contracting, and Watershed Management, we are working closely to review the indefinite quantities. In 2021 we instituted an affidavit in the ITB that requires vendors to show that they have fair pricing, gives vendors notice that balanced bidding and fair prices are important to the County, and provides for litigation for those who do not. We ensure all parties necessary have a seat at the table to ensure this is done in a transparent and fair manner.

COO Williams: the departments have come together today like never before; the difference is people, not the process.

Everyone has a seat, voice, and vote. We look forward to bringing the new ITB recommendation to you in a matter of months. We have provided the Board our responses to the report last week

-Question LCJ: once the audit was complete, were the administration's responses sent to the auditors?

COO Williams: we had not yet sent the administration's responses to the auditor; typically in an audit there should be entrance/exit interviews, as well as discussion had before the information is disseminated; we just never got there.

J Greene: we did not do a review of this particular item on the floor today. The audit being discussed in the report was done previously by another auditor; when we do an audit, the protocols of entrance/exit interviews, findings and recommendations to the administration and then let the administration work on the process. Usually when bid rigging is discussed an auditor would then talk with those parties, and that wasn't done in this report.

-Attorney Ernstes: the report that was done in 2019 was related to the 2016 ITB. The new ITB is being reviewed and underway now. The item before you today is a change order to get to the new ITB.

-TT: it seemed almost irresponsible for the previous audit to push forward those bid rigging claims but not push for deeper interpretation from the parties afterward. In regards to the change order before us today, the change order recognizes that the previous contract needs more work to be done?

Z Williams: this is for both the funding ceiling and time. Before this expires by the end of the month we will bring this back to the Board. If Mr. Greene were to come back by Tuesday 5/25 we could have the Board request OIIA to review before then. R

Wells: Watershed did respond; the auditor wasn't open to the opportunity of a response and interview from the department.

Z Williams: this document was not how audits are done, or released. We are comfortable today with moving forward with the ITB before the Board, and addressing the issues raised in the audit.

J Greene: Not sure we can turnaround within the week to get a detailed review done by Tuesday.

-RP: I have reviewed the report, listened to the administration's response as well. When it comes to doing bid reviews, it's not unusual to have multiple contractors under prime contractors. Today I am ready to move forward, taking into account today's discussion.

New Agenda Items:

[2021-2518](#)

Commission District(s): 3 and 6

LB - Invitation No. 21-101352 Household Hazardous Waste Collection Events (Annual Contract with 2 Options to Renew): for use by Public Works - Sanitation. Consists of collecting, handling, packing and lawfully transporting household hazardous waste. Recommend award to the sole bidder who is responsive and responsible: MXI Environmental Services, LLC. Amount Not To Exceed \$125,000.00.

MOTION was made by Ted Terry, seconded by Robert Patrick, that this agenda item be recommended for approval to the Board of Commissioners, due back on 5/25/2021. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

-Question TT: does this operate like a C.H.A.R.M. facility? What happens once the waste is collected?

T Hutchinson: they are basically like a CHARM; they provide receipts in where everything lands; the paint is the biggest category, and they are governed by EPA regulations as it relates to disposal

Meeting Ended At: 5:06pm

MOTION was made by Ted Terry, seconded by Robert Patrick, that this agenda item be adjourned meeting. The motion carried by the following vote:

Yes: 3 - Commissioner Cochran-Johnson, Commissioner Patrick, and Commissioner Terry

Barbara H. Sanders-Norwood CCC, CMC