

BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was called by a majority of the City Council Members and notices having been placed by the Clerk of Council at 2:41 p.m. Wednesday, November 9, 2022 in the Clerk of Council's Office, electronic notifications to all Council Members, on the City's website and on the public bulletin board in City Hall, relative to: (1) Order authorizing the Mayor to execute a contract with waterTalent, LLC to provide water operators for the City's water treatment plants. The meeting was convened in the Council Chambers located at 219 S. President Street at 3:00 p.m. on November 10, 2022 being the second Thursday of said month, when and where the following things were had and done to wit:

Present: Council Members: Ashby Foote, Council President, Ward 1 (via teleconference); Angelique Lee, Council Vice President, Ward 2; Brian C. Grizzell, Ward 4 and Virgi Lindsay, Ward 7. Directors: Safiya Omari, Chief of Staff; Shanekia Mosley-Jordan, Clerk of the Council, Sabrina Shelby, Chief Deputy Clerk of Council and Catoria Martin, City Attorney.

Absent: Kenneth I. Stokes, Ward 3; Vernon Hartley, Ward 5 and Aaron Banks, Ward 6.

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The meeting was called to order by **Vice President Lee**.

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ORDER AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WATERTALENT, LLC TO PROVIDE WATER OPERATORS FOR THE CITY'S WATER TREATMENT PLANTS.

WHEREAS, the City of Jackson Department of Public Works is in need of additional Certified Class A Water Operators for both of its water treatment plants, O.B. Curtis and J. H. Fewell; and

WHEREAS, due to the requirements for obtaining a Class A Operator license through the Mississippi State Department of Health, recruitment and retention of Certified Class A Water Operators by the City is difficult at this time; and

WHEREAS, waterTalent, LLC, a California limited liability company with offices at 15233 Ventura Boulevard, Suite 615, Sherman Oaks, California 91403, specializes in providing specialty technical staffing services to accommodate utilities and industries with temporary and temporary-to-hire operators who are experienced in waste water treatment, water treatment, and water distribution; and

WHEREAS, waterTalent, LLC proposes to provide four (4) Class A operators and one (1) class B operator as early as Monday, November 14, 2022 through a period up to February 28, 2023, each working twelve (12) hour shifts, for four to five shifts per week; and

WHEREAS, the temporary contract operators will provide the following services:

- Perform inspections of water treatment plants and well systems; monitor and document plant operations by reading plant equipment gauges, dials, graphs and other instrumentation.
- Operate and adjust treatment plant pumps, motors, feeder and other equipment to maintain appropriate plant operations.
- Monitor treatment plant facilities and water wells; recommend changes in raw water and finish water flows; change chemical feeder dosages as necessary.
- Maintain, compile and update plant operations logs and reports; document amount of chemicals used; report material or equipment needs to supervisor.

- Monitor chemicals in the water; mix and adjust chemical residuals including chlorine, chloramine, pH and other related elements.
- Collect liquid samples and perform a variety of routine water quality laboratory tests. Ensure the adherence to safe work practices by assigned plant operations personnel; and

WHEREAS, the temporary contract operators will be compensated at a rate of \$160.00 per hour; and

WHEREAS, overtime will accrue as follows:

Workweeks are defined as 5 days @ 8 hours per day. Overtime hours, according to the Fair Labor Standard Act, are defined as any work in excess of 40 hours in any one workweek. These overtime hours shall be compensated at the rate of no less than one and one-half (1.5) times the regular rate of pay. If Operator is expected to work on a federally declared/observed holiday, Operator's hours shall be compensated and billed at a rate of 1.5x for all standard hours up to 40 in a week, as well as 2.0x for any hours worked over 40 in a week; and

WHEREAS, the temporary contract operators will be compensated for on-call support as follows:

- Standby On-Call: if waterTALENT Operator is expected to remain in the vicinity of the Client system and in a ready-to-respond status during off hours on a day where they have already worked a shift, this time will be compensated as one (1) regular hour of time. On days where they have not worked a shift and are expected to remain in a ready-to-respond status (off days), time will be compensated as two (2) regular hours of time.
- Activated On-Call: if waterTALENT Operator is called to respond to a system alarm or emergency after hours to Client system, then this time will be charged at a minimum of two (2) hours or for the total duration of time from departure from domicile to return to domicile, whichever is greater. Standard labor laws shall apply if Operator happens to have accrued the appropriate amount of hours to constitute overtime; and

WHEREAS, the estimated cost of the providing four (4) class A operators and one (1) class B operator is estimated to be approximately \$420,000.00 for ten (10) weeks; and

WHEREAS, either party may terminate the contract at any time for any reason or no reason, by giving thirty (30) days' notice in writing to the other party; and

WHEREAS, the City acknowledges that waterTALENT, LLC has gone to considerable expense to recruit the operators that it is supplying to the City and agrees that if the City, either directly or indirectly, including through any company or entity within the City's control or a company affiliated with the City, hires a Temporary Employee of waterTALENT as an employee, consultant, independent contractor of the City, or utilizes the Temporary Employee's services through another temporary or outsourcing service during such Temporary Employee's employment by waterTALENT or an affiliate of waterTALENT, or within twelve (12) months after conclusion of this person's temporary assignment by waterTALENT at the City, the City agrees to pay waterTALENT a direct hire/conversion fee stipulated by the parties to be set forth in a Fee Schedule to be amended to this agreement or, in the case of a direct placement or temp-to-hire conversion, a fee equal to twenty-five percent (25%) of the employee's annualized wage or salary offered to Temporary Employee by the City; and if the offer to Temporary Employee is not considered full-time, the conversion fee shall be calculated by the average amount of hours worked on a weekly basis then annualized on a schedule for a 12-month/52-week period; and

WHEREAS, the Department of Public Works recommends that the Mayor be authorized to enter into a contract and the associated task order for waterTALENT, LLC to provide the City with temporary contract certified water operators consistent with the terms set forth above.

IT IS, THEREFORE, ORDERED that the Mayor is authorized to execute an agreement with waterTalent, LLC and any associated task orders, in an amount not to exceed \$720,000.00,

which reflects temporary staffing services to be performed for approximately fifteen (15) weeks between November 14, 2022 and February 28, 2023.

Council Member Grizzell moved adoption; **Council Member Lindsay** seconded.

Vice President Lee recognized **Robert Lee, Interim City Engineer**, who introduced **Ted Henifin, US Water Alliance, Third Party Administrator**, who provided a brief overview of said item.

Vice President Lee recognized **Fidelis Malembeka, Chief Financial Officer**, who provided a brief overview of funding for the proposed contract. Said funding will come from Fund 31 (Enterprise Fund).

President Foote moved, and **Council Member Grizzell** seconded, to amend said order in the 4th and 9th whereas, to remove "Class B operator". The motion prevailed by the following votes:

Yeas – Foote Grizzell, Lee and Lindsay.
Nays – None.
Absent – Banks, Hartley and Stokes.

Thereafter, **President Foote** called for a vote on said order, as amended:

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WHEREAS, the City of Jackson Department of Public Works is in need of additional Certified Class A Water Operators for both of its water treatment plants, O.B. Curtis and J. H. Fewell; and

WHEREAS, due to the requirements for obtaining a Class A Operator license through the Mississippi State Department of Health, recruitment and retention of Certified Class A Water Operators by the City is difficult at this time; and

WHEREAS, waterTalent, LLC, a California limited liability company with offices at 15233 Ventura Boulevard, Suite 615, Sherman Oaks, California 91403, specializes in providing specialty technical staffing services to accommodate utilities and industries with temporary and temporary-to-hire operators who are experienced in waste water treatment, water treatment, and water distribution; and

WHEREAS, waterTalent, LLC proposes to provide four (4) Class A operators as early as Monday, November 14, 2022 through a period up to February 28, 2023, each working twelve (12) hour shifts, for four to five shifts per week; and

WHEREAS, the temporary contract operators will provide the following services:

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WHEREAS, the estimated cost of the providing four (4) class A operators is estimated to be approximately \$420,000.00 for ten (10) weeks; and

WHEREAS, either party may terminate the contract at any time for any reason or no reason, by giving thirty (30) days' notice in writing to the other party; and

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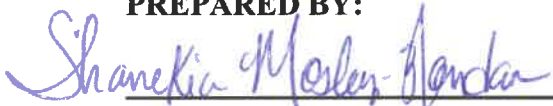
Yeas – Foote Grizzell, Lee and Lindsay.
Nays – None.
Absent – Banks, Hartley and Stokes.

There were no reports/announcements provided during the meeting.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the Special City Council Meeting at 2:00 p.m. on November 15, 2022. At 3:32 p.m., the Council stood adjourned.

PREPARED BY:

APPROVED:



CLERK OF COUNCIL



COUNCIL PRESIDENT DATE



MAYOR

ATTEST:



CITY CLERK
