

FAIRFAX WATER
Minutes of Board Meeting
June 6, 2024

At 6:00 p.m. on Thursday, June 6, 2024, a Meeting of the Fairfax Water Board was held in the Bill G. Evans Boardroom at 8570 Executive Park Avenue, Fairfax, Virginia, with the following in attendance:

Members: Allin, Begovich, Cammarata (absent), Colleton, Day, Dotson, Ginyard-Jones, Griffin (absent), Roberson (remote), Rubin

Wholesale Customer Representatives: Danziger

Staff: Aranda, Dooley, Farley, Goldberg, Grimes, Hedges, Holmes, Kingsbury, Love, S. Miller, B. Nguyen (remote), Oates, Prelewicz

Counsel: John McGranahan, Hunton Andrews Kurth LLP, Kyle McGee, Grant & Eisenhofer P.A. (attended Closed Session only)

Others: Jeff Ballard and Andrew Wang, Ballard Spahr, LLP

Upon separate motions duly made, seconded, and unanimously carried, unless otherwise noted, the following actions were taken:

Approval of Participation by Electronic Communication

Mr. Dotson moved, with a second by Mr. Begovich, that Mr. Roberson's request to participate in the Board Meeting by means of electronic communication was consistent with the Board's policy, and the Board approved his request pursuant to Virginia Code Section 2.2-3708.3(B)(4). Mr. Roberson participated by means of electronic communication from Fairfax, Virginia, where he was located due to a temporary medical condition.

Approval of Minutes

The Board unanimously approved the minutes of the May 16, 2024, Meeting.

Report of the Board Retreat Planning Committee

Ms. Ginyard-Jones reported to the Board on the inaugural Meeting of the Board Retreat Planning Committee, which was held on June 4, 2024. During that Meeting, Committee Members discussed the purpose of the event, potential agenda items, and event logistics.

Matters by Members

- Chairman Allin presented Mr. Rubin with his 40-year service pin.
- Mr. Dotson gave a report on the Tower Street (Poplar Heights) Water Tank public meeting, which was held earlier in the week.
- Ms. Ginyard-Jones thanked staff in advance for hosting Supervisor James Bierman, Jr., and his staff at the Corbalis Water Treatment Plant for a meeting and plant tour, which were planned for the following day.

Motion Regarding Naming of Willard Road Maintenance Facility

Mr. Doston moved, with a second by Mr. Rubin, that the Fairfax Water Board name the Maintenance Facility currently under construction on Willard Road the “Philip W. Allin Maintenance Facility.” With Chairman Allin being the subject of the motion, the gavel was passed to Vice-Chairman Begovich for Board Member discussion. After discussion amongst the Board Members, Mr. Dotson’s motion was withdrawn. The Board agreed to discuss implementing a facility naming policy at their retreat this fall.

Matters by Staff

Ms. Hedges addressed the following:

- Announced that Fairfax Water received a principal forgiveness loan, from the Virginia Department of Health (VDH) to support Lead Service Line Inventory efforts. A copy of the letter confirming that the funding was awarded was provided to each Member at their seat.
- Discussed the 2024 bond resolution documents included in the Board Packet for the evening’s Meeting and noted that staff recently presented to bond rating agencies Moody’s and S&P and expect to receive ratings before the end of June. Fitch recently affirmed Fairfax Water’s AAA rating.
- Highlighted the Summer 2024 customer newsletter, a copy of which was provided to each Member at their seat, noting the articles on the lead and copper rule and PFAS.
- Informed the Board about the Virginia Freedom of Information Act (VFOIA) request that Fairfax Water received from a Charlottesville-based law firm which seeks information on PFAS data and studies related to sources of PFAS. A copy of the request was provided to each Member at their seat.
- Highlighted two letters sent between Brian Steglitz, Executive Director of the Upper Occoquan Service Authority (UOSA) and the Virginia Department of Environmental Quality (DEQ), regarding the Ozone Biofiltration Project/PFAS matter. Copies of both letters were provided to Members at their seats.
- Informed the Board that a high-level outline of potential discussion topics for the Board Retreat was included in their Handouts packet for this evening’s Meeting.

Appropriations

The Board approved an increase in appropriations for three projects totaling \$317,000. A detailed description for each project appropriation is included with the Board packet for this Meeting.

Utility Locating/Marking Services

The Board awarded a one-year contract for utility locating/marketing services to the lowest responsive and responsible bidder, Pro Comm E.L.S., LLC, in the estimated amount of \$1,518,000. Actual expenditures may be more or less, depending on the number of locates required. The Board also authorized staff to renew this contract annually for up to four additional one-year periods so long as prices remain fair, reasonable, and consistent with contractual terms and conditions.

**Project 2770, Division 1 – Chain Bridge Pumping Station to Langley Pumping Station
Transmission Main Replacement**

The Board appropriated funds in the amount of \$280,000 to Project 2770, Division 1 and authorized the General Manager to execute a task order with Kimley-Horn and Associates in the amount of \$255,036 for survey and preliminary engineering services for the Chain Bridge Pumping Station to Langley Pumping Station Transmission Main Replacement.

Water Revenue Bonds, Series 2024 and Additional Refunding Bonds

The Board adopted the resolution included in the Board Packet for this meeting and authorized staff to proceed with the issuance of the additional bonds, subject to the terms of the resolution.

Group Term Life and AD&D Insurance

The Board awarded a three-year contract for Basic Life Insurance, Accidental Death and Dismemberment, and Supplemental Life Insurance to Securian Life Insurance Company in the estimated amount of \$571,000 annually. The Board also authorized staff to renew the contract annually for up to two additional one-year periods so long as pricing remains fair, reasonable, and consistent with the contractual terms and conditions.

Closed Session

Mr. Begovich moved, with a second by Mr. Rubin, that the Board go into closed session pursuant to Virginia Code Section 2.2-3711(A)7 for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body specifically relating to PFAS related litigation, including the pending multi-district federal litigation, Virginia Code Section 2.2-3711(A)8 for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically relating to potential recovery of PFAS-related costs, and Virginia Code Section 2.2-3711(A)19 for discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; or discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building, or structure specifically relating to the recent trespass of the Backlick facility.

Upon conclusion of the closed session, the open session resumed, whereby Mr. Begovich moved, seconded by Mr. Rubin, certifying, in accordance with Section 2.2-3712 of the Virginia Freedom of Information Act that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open Meeting requirements under Chapter 37 of Title 2.2 of the Virginia Code, and (ii) only such public business matters as were publicly identified in the motion by which the just concluded closed Meeting was convened, were heard, discussed, or considered by Fairfax Water in closed session. This motion was approved, with the following Members voting in the affirmative by roll-call vote: Ms. Ginyard-Jones, Mr. Day, Mr. Dotson, Mr. Begovich, Chairman Allin, Mr. Roberson, Mr. Rubin, and Ms. Colleton. Ms. Ginyard-Jones' affirmative vote only applied to the item related to the recent trespass of the Backlick facility. Ms. Ginyard-Jones did not participate in the portions of the Closed Session relating to PFAS.

Motion Following Closed Session

Mr. Rubin moved, with a second by Mr. Day, that the Chairman work with counsel and the General Manager to follow up with 3M to allow the Board to consider, within the necessary time frames, further action at the June 20, 2024, Meeting, as discussed in Closed Session. The motion passed unanimously.

Adjournment

There being no further business, the Meeting was adjourned at 8:04 p.m.



Richard Dotson, Secretary