

FAIRFAX WATER
Minutes of Board Meeting
January 25, 2024

At 7:01 p.m. on Thursday, January 25, 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, Colleton, Day, Dotson, Ginyard-Jones, Griffin, Roberson, Rubin

Wholesale Customer Representatives:

Staff: Dooley, Goldberg, Grimes, Hedges, Kingsbury, Love, S. Miller, B. Nguyen, Oates, Prelewicz

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

Others: Alex Jacobs, AVI-SPL

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

Approval of Minutes

The Board was presented a revised draft of the minutes of the January 11, 2024, Meeting, which clarified that the Board authorized the General Manager, in consultation with the Chairman, to engage alternative legal counsel outside of the usual Ad-Hoc Counsel Committee process due to the exceptional urgency of the situation presented in Closed Session.

Additionally, Mr. Griffin motioned, with a second by Mr. Dotson, to further amend the minutes of the January 11, 2024, Meeting to reflect that two Members of the Board, Chairman Allin and Mr. Rubin, recused themselves from the discussion and vote on the Verizon Wireless Lease at the Beacon Hill tank.

The Board unanimously approved the minutes of the January 11, 2024, Meeting with the abovementioned amendments.

Report of the Government Relations Committee Meeting

Mr. Rubin reported to the Board on the Government Relations Committee meeting held earlier in the evening. Preston Bryant provided an update on bills submitted for consideration by the 2024 General Assembly. Mr. Bryant noted that action from the Board was not needed at the time of the Meeting and that he will continue to monitor for legislation that may be of special interest to the organization.

Report of the Bylaws Committee Meeting

Mr. Day reported to the Board on the Bylaws Committee Meeting held earlier in the evening. The Board voted to consider the Committee's recommendation to approve the amended bylaws at the February 8, 2024, Meeting.

Matters by Members

- Chairman Allin wished Mr. Rubin a happy birthday.
- Chairman Allin announced Mr. Cammarata as the new Ad-Hoc Alternative Legal Counsel Committee Chair and Mr. Griffin as the new Finance and Audit Committee Chair.
- Chairman Allin inquired whether Mr. McGranahan planned to discuss recusals. Mr. McGranahan shared that he intends to discuss this matter at the February 8, 2024, Meeting.
- Mr. Day commented that he has concerns about the efficacy of electric pickup trucks should they be deployed under winter weather conditions. Mr. Roberson and Ms. Ginyard-Jones requested to be presented with data on the matter before holding further discussion.
- Chairman Allin informed the Board that a representative from the A/V system company was present at the Meeting to observe the system's functionality. The Board agreed that the system function had improved since the January 11, 2024, Meeting.

Closed Session

Mr. Begovich moved, with a second by Mr. Roberson, 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, and 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 PFAS-related Litigation and Potential Recovery of PFAS-related Costs.

Upon conclusion of the closed session, the open session resumed, whereby Mr. Begovich made a motion, 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: Mr. Cammarata, Mr. Day, Mr. Dotson, Mr. Begovich, Chairman Allin, Mr. Roberson, Mr. Rubin, Mr. Griffin, and Ms. Colleton. Ms. Ginyard-Jones recused herself from the Closed Session.

Matters by Staff

Ms. Hedges addressed the following:

- Noted a reminder that Statement of Economic Interest (SOEI) forms are due to Fairfax County by February 1, 2024, for all Board Members.
- Informed the Board that, in consultation with the Chairman, Staff has chosen May 16, 2024, as the date of the Employee Awards Banquet. Ms. Hedges also noted that the event would be held at the Griffith Water Treatment plant, with a day-time Board Meeting to follow.
- In conjunction with Mr. McGranahan, briefed the Board on email use best practices. Requested that the Board complete the provided "communication preferences" survey.
- Announced that Fairfax Water was recently issued a Water Fluoridation Award by the Center for Disease Control and Prevention (CDC), copies of which were provided to each Board Member for reference.

- Fairfax Water Distribution staff responded to 91 Main breaks since Saturday, January 20, 2024. Main break repairs are ongoing, with numbers staying in the double digits over the course of the week due to continued freezing temperatures. Ms. Hedges thanked Distribution staff for their dedication to the organization and keeping customers in service and noted that water was restored to customers during this period within four hours on average.

Administrative Items Discussion

Chairman Allin motioned, seconded by Mr. Rubin, for discussion of the Administrative Items.

Appropriations

The Board approved an increase in appropriations for one project totaling \$35,000. A detailed description of the project appropriation is included with the Board packet for this Meeting.

Verizon Wireless Lease at Beacon Hill Tank

Ms. Hedges and Ms. Goldberg presented the final lease terms for the Verizon Wireless antennae on the Beacon Hill tank to the Board for approval. Mr. Cammarata motioned, with a second by Mr. Day, to accept the lease terms outlined by staff, with one amendment to change the yearly rent escalation amount from 3% to 4%. Chairman Allin, Mr. Roberson, and Mr. Rubin recused themselves from the discussion and did not vote on the motion. The motion was approved by a 7-0 vote.

Oracle Licensing Agreement

The Board awarded a one-year contract in the amount of \$114,028.32 to Mythics, LLC, for the purchase of the Oracle database software maintenance. The Board also authorized Staff to renew the contract for four additional one-year periods as long as prices remain fair, reasonable, and consistent with contractual terms and conditions.

Cross Connection Control Program

Ms. Goldberg gave a presentation on the status of the Cross Connection Control Program (Program). Ms. Goldberg thanked Mr. Griffin for participating in the Staff discussions with Fairfax County Staff and Board of Supervisors Chairman McKay. Mr. Roberson noted concern with the number of planned communications to customers in the period outlined in the work plan that may be concurrent with communications on the lead and copper rule. Staff will review the timeline and make updates as needed. Staff presented a draft memorandum prepared in response to specific questions about the Program from Fairfax County Board of Supervisors Chairman McKay. Mr. Cammarata suggested clarifying changes to the memo, which Staff will incorporate.

Adjournment

There being no further business, the Meeting was adjourned at 9:02 p.m.



Richard Dotson, Secretary