

**FAIRFAX WATER**  
**Minutes of Board Meeting**  
**April 18, 2024**

At 7:01 p.m. on Thursday, April 18, 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 (remote), Griffin, Roberson, Rubin

**Wholesale Customer Representatives:** Danziger

**Staff:** Bolton, Dooley, Goldberg, Grimes, Hedges, Kingsbury, Long, Love, S. Miller, B. Nguyen, Oates, Sinopole

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

**Others:** Preston Bryant, McGuire Woods Consulting, Queenie Cox, Gum Springs Homeowners Organization/West Ford Legacy Foundation

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. Griffin, that Ms. Ginyard-Jones' request to participate in the Board Meeting by means of electronic communication was consistent with the Board's policy, and the Board approved her request pursuant to Virginia Code Section 2.2-3708.3(B)(4). Ms. Ginyard-Jones participated by means of electronic communication from Houston, Texas, where she had traveled for business.

**Approval of Minutes**

The Board unanimously approved the minutes of the March 21, 2024, Meeting.

**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 updates on the status of the State Budget and an overview of the 2024 General Assembly Session. The Committee thanked Mr. Bryant for his work during the 2024 General Assembly session.

**Report of the Finance and Audit Committee Meeting**

Mr. Griffin reported to the Board on the Finance and Audit Committee Meeting held earlier in the evening. Michael Garber, Partner, PB Mares LLP, discussed the results of the annual audit of Fairfax Water's financial statement for the year ending on December 31, 2023, and informed the Board that there were no audit findings or adjustments. The Committee revisited the Courtesy Leak Adjustment policy, previously discussed at the Meeting of February 8, 2024, and took no further action.

### **Matters by Members**

- Mr. Roberson reported that the National Security Council has sent a letter to governors asking states to prepare cybersecurity plans for the water sector. He noted that the request seemed optional, but that most governors will likely comply. Mr. Roberson will provide additional updates as they become available.
- Chairman Allin invited Queenie Cox to the lectern to speak to the Board on behalf of the Gum Springs Homeowners Organization and the West Ford Legacy Foundation regarding the potential addition of a mural to one of the Gum Springs water tanks located on Fordson Road.
- Ms. Colleton congratulated staff on the success of the 2024 Drinking Water Summit, which was held earlier in the month. Mr. Begovich added that the Mayor of the City of Fairfax shared that she took away a great deal from the information presented and expressed her hope that Fairfax Water would continue to hold the event yearly.

### **Matters by Staff**

Ms. Hedges discussed the letter that staff sent to the Upper Occoquan Service Authority (UOSA) earlier in the week discussing UOSA's Ozone Biofiltration Project and concerns with PFAS in UOSA effluent discharged to the Occoquan, a copy of which was provided to each Member at their seat.

### **Motion Regarding Letter to UOSA**

Ms. Colleton moved, with a second by Mr. Griffin, for the Chairman to send a letter to UOSA expressing the Board's disappointment in their decision to proceed with the project, and request that they reconsider that decision and respond to the General Manager's letter. The motion passed unanimously.

### **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)1 for discussion or consideration of assignment, promotion, resignation, and performance of specific public employees of Fairfax Water, 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 potential recovery of PFAS-related costs.

Upon conclusion of the closed session, the open session resumed, whereby Mr. Begovich moved, seconded by Mr. Day, 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. Cammarata, Mr. Day, Mr. Dotson, Mr. Begovich, Chairman Allin, Mr. Roberson, Mr. Rubin, Mr. Griffin, and Ms. Colleton. Ms. Ginyard-Jones' affirmative vote only applied to the item related to discussion or consideration of assignment, promotion, resignation, and performance of

specific public employees of Fairfax Water. Ms. Ginyard-Jones did not participate in the portions of the Closed Session related to PFAS.

#### **Motion Regarding PFAS Polluters**

Mr. Cammarata moved, with a second by Mr. Day, to form an ad hoc committee to evaluate and develop strategies for placing the responsibility and financial cost of PFAS remediation on the polluters. The motion was passed unanimously. Chairman Allin then appointed Mr. Cammarata, Mr. Roberson, Mr. Rubin, and Ms. Ginyard-Jones to the Committee, with Mr. Cammarata designated as the Committee Chair.

#### **Appropriations**

The Board approved an increase in appropriations for seven projects totaling \$372,000. A detailed description for each project appropriation is included with the Board packet for this Meeting.

#### **Existing Wireless Communications Facilities at Beacon Hill Tank Site**

The Board authorized the General Manager to execute an agreement with the Federal Bureau of Investigation for its wireless communications equipment installation at the Beacon Hill tank site. A copy of the agreement is included with the Board packet for this Meeting.

#### **Laboratory Equipment and Supplies**

The Board awarded contracts to Government Science Source (GSS), Colonial Scientific, Thomas Scientific, and VWR International, utilizing the COVA Contracts CTR005907 – CTR005910, in the estimated amount of \$100,000 annually. Annual expenditures may be more or less subject to actual requirements. The Board also authorized staff to renew the contracts annually for an additional one-year period through March 14, 2026, to coincide with the COVA renewals, so long as prices remain fair, reasonable, and consistent with contractual terms and conditions.

#### **Commercial Diver Services to Clean Potomac River Offshore and Onshore Intakes**

The Board awarded a one-year contract to Specialty Underwater Services in accordance with IFB 23-067 for Commercial Diver Services to clean the Potomac River Offshore and Onshore Intakes for an annual estimated amount of \$200,000. Annual expenditures may be more or less subject to actual requirements. The Board also authorized staff to renew the contract annually for four additional years so long as prices remain fair and reasonable.

#### **Revision of the General Manager's Contract Authorization and Change Order Limits**

The Board voted to revise the General Manager's contract authorization limit under the Procurement Policy to \$200,000 and update change order limits consistent with the proposed change to the General Manager's contract authorization limit per the attachment to the Board item.

#### **Adjournment**

There being no further business, the Meeting was adjourned at 8:44 p.m.

*Richard Dotson*

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Richard Dotson, Secretary