

FAIRFAX WATER
Minutes of Board Meeting
November 16, 2023

At 7:20 p.m. on Thursday, November 16, 2023, 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: Danziger

Staff: Aranda, Atapoor, Dooley, Farley, Goldberg, Grimes, Hack, Hedges, Kingsbury, S. Miller, B. Nguyen, Oates, Prelewicz, Siminari, Sinople, Spiesman

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

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

Approval of Minutes

The Board approved the Minutes of the November 2, 2023, Meeting.

Government Relations Committee Meeting

Mr. Rubin briefed the Board on the Government Relations Committee Meeting. Mr. Rubin made a motion, seconded by Mr. Griffin, that the Board adopt the list of legislative items of interest with an additional item, for support of legislation to mandate that industrial and wastewater discharges be monitored for PFAS and that the Board tasks Preston Bryant with the furthering of legislation to achieve that result. The motion passed unanimously.

Water Quality and Supply Committee Meeting

Mr. Roberson briefed the Board on the Water Quality and Supply Committee Meeting. The Committee received updates on PFAS watershed studies and an update on the Occoquan PFAS bench-scale testing.

Matters by Members

- Mr. Cammarata noted his discussion with Supervisor Storck on the proposed Board Member compensation increase.
- Mr. Roberson will meet with Supervisor Walkinshaw next week to discuss PFAS.
- Mr. Griffin notified the Board of an upcoming County staff presentation on the cross-connection control program to Chairman McKay on December 1, 2023, that he will attend with Traci Goldberg.

- Chairman Allin inquired about the building maintenance team since George Hoke retired. Ms. Hedges noted that the team now reports to Rodney Collins, Manager, Distribution.
- Mr. Griffin complimented General Manager Jamie Hedges on her recent presentation to the Vienna Town Council.

Matters by Staff

Ms. Hedges addressed the following items:

- A draft 2024 Board Meeting Schedule was provided to Members, along with a request for Members to provide any feedback before the next Meeting.
- Asked Members to provide requests for changes in their committee assignment by November 24.
- Staff is preparing the 2232 Special Exception application for the Poplar Heights Replacement Tank.
- The Customer Service Modernization Project is scheduled to go live on Monday, November 27. There will be a shutdown of the Customer Portal over the Thanksgiving weekend, and staff will post a message on our website and social media.
- Staff provided an overview of PFAS this week at the Vienna Town Council Meeting. Ms. Colleton and Mr. Griffin attended to support staff in this effort.
- A memo regarding the staff vacancy rate, in response to a question at the recent Finance and Audit Committee Meeting, was included in the handouts for this Meeting.
- Two discussion items for this meeting:
 - Paid Family and Medical Leave (PFML) Policy.
 - Alternative Delivery Procedures for Capital Infrastructure Projects. Included is a one-page replacement for page 8 of the procedures for the Alternative Project Delivery which adds the word “critical” as per state guidance.
- Nat Atapoor, Director of Planning and Engineering will be leaving Fairfax Water in December. Ms. Hedges thanked Mr. Atapoor for his contributions and leadership over the last twelve years.

Recognition of Mr. Atapoor

Mr. Griffin remarked on his prior work with Mr. Atapoor at Fairfax County and thanked him for his contributions to Fairfax Water. Members joined in thanking and recognizing Mr. Atapoor for his contributions to Fairfax Water.

Closed Session

Mr. Begovich moved, with a second by Mr. Griffin, that the Board go into closed session pursuant to 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. Begovich, Mr. Cammarata, Mr. Day, Mr. Dotson, Chairman Allin, Mr. Roberson, Mr. Rubin, Mr. Griffin, and Ms. Colleton. Ms. Ginyard-Jones recused herself from the meeting prior to the closed session.

Motions Following Closed Session

- Mr. Begovich motioned that the Board direct the Chairman to work with the General Manager and legal counsel to take all necessary steps to opt out of the proposed Settlement Agreement with the 3M Company in the multi-district litigation cases related to PFAS and associated with In Re: Aqueous Film-Forming Foams Products Liability Litigation, and to file appropriate litigation consistent with discussion in closed session. Mr. Dotson seconded the motion, and the Board approved it with a 9-0 vote. Ms. Ginyard-Jones abstained.
- Mr. Begovich motioned that the Board direct the Chairman to work with the General Manager and legal counsel to take all necessary steps to opt out of the proposed Settlement Agreement with the collective Dupont Entities in the multi-district litigation cases related to PFAS and associated with In Re: Aqueous Film-Forming Foams Products Liability Litigation, and to file appropriate litigation consistent with discussion in closed session. Mr. Dotson seconded the motion, and the Board approved it with a 9-0 vote. Ms. Ginyard-Jones abstained.

Appropriations

The Board approved an increase in appropriations for four projects totaling \$329,000. A detailed description for each project appropriation was included with the Board packet.

Climate Vulnerability Assessment

The Board appropriated \$173,000 to Project 2749, Division 1, and authorized the General Manager to execute a task order with Jacobs Engineering Group in the amount of \$165,013 for a Climate Vulnerability Assessment.

Griffith Alternate Power Feed

The Board appropriated funds in the amount of \$617,000 to Project 0915, Division 268 and authorized the General Manager to execute a task order with Black and Veatch in the amount of \$437,800 for the design of the Griffith Treatment Plant Alternate Power Feed project.

Procurement Policy

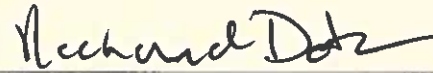
The Board adopted Construction Management and Design-Build Procedures to facilitate alternative project delivery.

Paid Family and Medical Leave

The Board adopted changes to the Fairfax Water Leave Policy to add Paid Family and Medical Leave, Section 6.12 of the Human Resources Policy Handbook.

Adjournment

There being no further business, the Meeting was adjourned at 8:29 p.m.

A handwritten signature in black ink, appearing to read "Richard Dotson", written in a cursive style.

Richard Dotson, Secretary