

FAIRFAX WATER
Minutes of Board Meeting
February 22, 2024

At 6:15 p.m. on Thursday, February 22, 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 (absent), Ginyard-Jones, Griffin, Roberson (absent), Rubin

Wholesale Customer Representatives: Danziger (absent)

Staff: Aranda, Coneway, Dooley, Goldberg, Hardy, 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: N/A

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

Approval of Minutes

The Board unanimously approved the minutes of the February 8, 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 an update on bills submitted for consideration by the 2024 General Assembly. The Committee specifically discussed Senate Bill (SB) 673, which would direct the Department of Environmental Quality (DEQ) to prioritize drinking water and “food production” in its permitting and regulatory actions. “Food production” is not defined, and its prioritization conflicts with the Code of Virginia.

Based on the recommendation of the Committee, Mr. Rubin moved, with a second by Mr. Griffin, that the Fairfax Water Board authorize Preston Bryant to continue to voice Fairfax Water’s opposition to the bill, which would include testifying in opposition to the bill before the relevant committee and taking other appropriate action in opposition to the bill. The motion passed unanimously.

Matters by Members

- Mr. Day informed the Board that former Fairfax County Supervisor Penny Gross has agreed to be the keynote speaker for the 2024 Drinking Water Summit.

Matters by Staff

- Kim Oates, Director of Finance, gave a presentation on the recently completed Customer Service Modernization Project which was a component of the five-year Technology Master Plan. Ms.

Oates and Christal Hardy, Acting Manager, Customer Service responded to questions from Members on aspects of the new system.

Ms. Hedges addressed the following:

- Highlighted the Customer Kudos handout placed at Members' seats.
- Informed the Board that staff was asked to participate in a meeting with the Federal Office of Management and Budget to discuss the cost impacts of the proposed EPA PFAS drinking water rule.
- Informed the Board that the Lyndhurst tank has a leak, and that staff will be soliciting pricing from contractors to complete emergency repairs. Staff is currently managing the leak by lowering the water levels in the tank, and repair work will be completed as quickly as possible.

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, 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. 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. Day, Mr. Begovich, Chairman Allin, Mr. Rubin, Mr. Griffin, and Ms. Colleton. Ms. Ginyard-Jones did not participate in the Closed Session.

Alternative Counsel

Mr. McGranahan informed the Board that the individual members of the Alternative Legal Counsel Committee recommend hiring Tim Hyland to represent Fairfax Water in the Warrant in Debt recently filed by Jessica Walker. Mr. Griffin moved, with a second by Mr. Day, to hire Tim Hyland as alternative legal counsel for this matter. The motion passed unanimously.

Appropriations

The Board approved an increase in appropriations for five projects totaling \$242,400. A detailed description for each project appropriation is included with the Board packet for this Meeting.

Adjournment

There being no further business, the Meeting was adjourned at 7:41 p.m.

Richard Dotson

Richard Dotson, Secretary