

**FAIRFAX WATER**  
**Minutes of Board Meeting**  
**February 8, 2024**

At 7:10 p.m. on Thursday, February 8, 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:** Danziger (absent)

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

**Counsel:** John McGranahan, Hunton Andrews Kurth LLP

**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 January 25, 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 recommended that the Fairfax Water Board express its concern regarding Senate Bill (SB) 673 to the Fairfax County Delegation to the General Assembly.

Mr. Rubin moved, seconded by Mr. Griffin, that the Fairfax Water Board express its concern regarding SB 673 to the Fairfax County Delegation to the General Assembly. The motion passed unanimously.

**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. Ms. Oates, Director of Finance, gave a presentation on Fairfax Water's Courtesy Leak Adjustment (CLA) policy. The Committee then discussed whether to amend the policy.

Mr. Griffin moved, seconded by Mr. Dotson, to amend the CLA policy to delete the word "unknown" within the "Courtesy Leak Adjustment" section of the policy and to keep the remaining portions of the policy intact. The motion passed unanimously.

**Matters by Members**

- Chairman Allin wished Ms. Hedges a happy birthday.
- Mr. Roberson provided an update on cybersecurity discourse within the water sector over the last three weeks. Mr. Griffin commented that he had seen similar conversations in the media.

- Ms. Colleton inquired about the status of the previous request made by Ms. Ginyard-Jones to hold an off-site planning activity for Board Members and Fairfax Water Senior Management. The Board discussed tabling this activity until after the Drinking Water Summit, scheduled for April 4, 2024.
- Mr. Day revisited concerns previously raised at the Meeting of January 25, 2024, relating to the efficacy of electric trucks when deployed under winter weather conditions. Mr. Day noted that he did find research that suggests a degradation in the battery function of electric vehicles in winter weather conditions but did not find research specific to trucks. Ms. Goldberg provided the findings of preliminary research conducted on the subject. She noted that battery life under winter weather conditions is an area that would be tracked throughout the pilot program.
- Mr. Cammarata revisited the CLA policy previously discussed during the Report of the Finance and Audit Committee Meeting.
  - Mr. Cammarata moved, with a second by Mr. Day, to adjust the CLA policy to cover 100% of the cost for two consecutive billing cycles. The motion failed, with Mr. Begovich, Mr. Cammarata, and Mr. Day voting aye and the remaining seven Members voting nay.
  - Mr. Cammarata moved, with a second by Mr. Day, to modify the current cap on billing adjustments outlined within the CLA policy to provide a 100% adjustment up to the first \$5,000 and then an unlimited 50% adjustment for the remaining bill amount. Mr. Cammarata withdrew the motion before a vote was called.
  - Mr. Cammarata then asked staff to present additional information about the potential effects of such modifications to the Board at the next Meeting. Chairman Allin suggested referring the request to the Finance and Audit Committee. Mr. Griffin, as Chair of the Finance and Audit Committee, will work with staff to bring back options for discussion at the next Committee meeting.
- Chairman Allin informed the Board that the Fairfax County Economic Development Authority (FCEDA) asked to host its Water Technology Innovation and Industry Trends event at Fairfax Water's Griffith Plant on May 20, 2024. Members received copies of a draft memo outlining the event details. Seeing no objections from Members, Chairman Allin confirmed that he would notify the FCEDA that Fairfax Water could host the event at the Griffith Plant.

### **Matters by Staff**

Ms. Hedges addressed the following:

- George Mason University's Civil Engineering Institute luncheon will be held on March 21, 2024. Members were provided a copy of the invitation for review. Ms. Hedges noted that there are five available seats and asked that Members contact her directly should they wish to attend.
- Informed Members of a letter sent by the Fairfax County Director of Public Works to the Town of Vienna Public Works Director, which advises the Town that their rates for water are not in compliance with County code for the portion of the water system that provides service to Fairfax County customers outside of the Town boundaries. It also requests that the Town either align its rates with Fairfax Water by July 1, 2024, or submit a written report to the County to justify the higher rates by March 31, 2024. A copy of the letter was provided to each Member.
- Noted that Drinking Water Summit invitations were emailed earlier today and that staff has already received a handful of RSVPs.

### **Appropriations**

The Board approved an increase in appropriations for two projects totaling \$201,500. A detailed description for each project appropriation is included with the Board packet for this Meeting.

### **Bylaw Revisions**

After a brief discussion, which resulted in no changes to the proposed amendments, the Board approved the revisions to the Fairfax Water Bylaws. A copy of the amended Bylaws is included in the Board packet for this evening's Meeting.

### **Purchase of Vehicles**

The Board awarded contracts and appropriated funds to Project 3653 as outlined below:

Vendor	Utilizing Contract	Amount	Division
Sheehy Automotive	Virginia Sheriffs' Association Contract 22-05-0917RR	\$531,559	Division 1 - Vehicles
James River Equipment	Sourcewell Contract 032119-JDC	\$333,763	Division 2 – Heavy Equipment
James River Equipment	Sourcewell contract 092922-MNR	\$43,663	Division 2 – Heavy Equipment

### **ESRI Enterprise Agreement**

The Board awarded a three-year contract for GIS Software Licensing, Maintenance, and Support to ESRI, Inc. based on the Virginia Information Technology Agency (VITA) contract in the amount of \$564,000. The Board also authorized staff to renew licenses, maintenance, and premium support for the term of VITA's contract.

### **Closed Session**

Mr. Begovich moved, with a second by Mr. Dotson, 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, new home construction in the City of Fairfax, and a Warrant in Debt filed by Jessica Walker, 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 a cybersecurity briefing.

Upon conclusion of the closed session, the open session resumed, whereby Mr. Begovich moved, seconded by Mr. Dotson, 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 items related to new home construction in the City of Fairfax, a Warrant in Debt filed by Jessica Walker, and the cybersecurity briefing. Ms. Ginyard-Jones did not participate in the portions of the Closed Session related to PFAS.

#### **Motion following Closed Session**

Mr. Dotson moved, with a second by Mr. Begovich, in connection with retaining John A.C. Keith and his firm, Blakingship and Keith, PC, the Board consents to Blankingship and Keith's continued representation of SCA-SPE LLC in connection with the potential acquisition by Fairfax Water of a storage tank site on the Willston Apartment property owned by SCA-SPE, which is entirely unrelated to Blankingship and Keith's representation of Fairfax Water in connection with the new home construction matter in the City of Fairfax. The motion passed unanimously.

#### **Adjournment**

There being no further business, the Meeting was adjourned at 8:51 p.m.



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Richard Dotson, Secretary