

1 **BYLAWS OF THE AFFORDABLE HOUSING ADVISORY COUNCIL**

2
3
4 **Draft 1-10/11/21 Draft November 3, 2023**

5
6 **ARTICLE I – NAME**

7
8 The name of this organization is the Affordable Housing Advisory Council, hereinafter
9 referred to as the “AHAC.”

10
11 **ARTICLE II – PURPOSE**

12
13 The Affordable Housing Advisory Council (AHAC) has been established by the Board of
14 Supervisors of Fairfax County, Virginia (“Board of Supervisors”), pursuant to Virginia
15 law for the purpose of providing recommendations to the Board of Supervisors,
16 consistent with the One Fairfax policy, regarding the implementation and achievement of
17 the Communitywide Housing Strategic Plan, County resource requirements identified in
18 the annual Budget Guidance, any additional adopted affordable housing development or
19 preservation guidance, as well as recommendations on overarching policies and programs
20 that support, promote and synthesize County efforts related to both ensuring housing
21 affordability, accessibility and ending homelessness.

22
23 These bylaws are effective as of July 1, 2021, as amended XXXX, 2023

24
25 **ARTICLE III – MEMBERSHIP AND TERM OF OFFICE**

26
27 Appointments. The Affordable Housing Advisory Council will cultivate an inclusive
28 culture by including diverse perspectives and interests represented by individuals who
29 reflect the County’s diversity and are committed to housing affordability for all
30 throughout the County.

31 Membership and appointments to the Affordable Housing Advisory Council include
32 appointments made by the Board of Supervisors, Boards, Authorities and Commissions,
33 and by the Director, Housing and Community Development Department. Members will
34 serve for such term or terms as established by the June 22, 2021 Board of Supervisors
35 approved Action Item.

36 Each council member will serve two-year terms on alternating annual fiscal year cycles.
37 The Co-Chairs will each serve four-year terms on alternating biennial fiscal year cycles.

38
39 Resignations and Vacancies. In the event a member cannot serve or resigns from office,
40 then the Chairpersons, or the County staff coordinator will advise the Clerk for the Board
41 of Supervisors of the vacancy in writing.

42
43 Holdovers. In the event a member completes his or her term of office, remains qualified
44 to serve as a member, and the Board of Supervisors has not reappointed that member to

45 another term or appointed a successor member, then that person may continue to serve
46 until such time as the member is reappointed or a successor member is appointed.

47

48 **ARTICLE IV – OFFICERS AND THEIR DUTIES**

49

50 Officers. The AHAC will be served by two officers, who will serve as Co-Chairpersons.
51 The Chairpersons will be appointed by the Board of Supervisors. The Co-Chairs will
52 each serve four-year terms on alternating biennial fiscal year cycles.

53

54 Co-Chairpersons. The Chairpersons preside over meetings of the AHAC and are eligible
55 to vote at all times. The Chairpersons have the authority to delegate appropriate functions
56 to AHAC members and to request assistance from the County staff supporting the
57 AHAC. The Co-Chairperson with the greatest seniority will determine how any dispute
58 between the Co-Chairpersons will be resolved.

59

60 Replacement Officers. If the seat of a Co-Chairperson becomes vacant for any reason,
61 then the remaining Chairperson, the clerk, or the County staff coordinator will advise the
62 Clerk for the Board of Supervisors of the vacancy in writing.

63

64 **ARTICLE V – MEETINGS**

65

66 VFOIA. All meetings will be open to the public except as provided under the Virginia
67 Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA").
68 Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings
69 including work sessions, when sitting physically, or through electronic communication
70 means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i)
71 as many as three members or (ii) a quorum, if less than three, of the constituent
72 membership, wherever held, with or without minutes being taken, whether or not votes
73 are cast, of any public body. The AHAC may hold public hearings and report its findings
74 to the Board of Supervisors on AHAC issues that affect the public interest.

75

76 Notice and Agenda. Notice and the agenda of all meetings will be provided as required
77 under the VFOIA. All meetings will be preceded by properly posted notice stating the
78 date, time, and location of each meeting. Notice of a meeting will be given at least three
79 working days prior to the meeting. Notice of emergency meetings, reasonable under the
80 circumstances, will be given contemporaneously with the notice provided to AHAC
81 members. Notices of all meetings will be provided to the Office of Public Affairs for
82 posting at the Government Center and on the County Web site. All meetings will be
83 conducted in public places that are accessible to persons with disabilities.

84

85 Frequency. The AHAC will meet quarterly or as determined by the Chairperson.
86 Meetings will be held at a time agreed to by a majority of the AHAC's members, and at a
87 place arranged by the staff of the supporting County department.

88

89 Voting. A quorum is necessary for a vote. A majority of the membership of the AHAC
90 will constitute a quorum. In making any recommendations, adopting any plan, or

91 approving any proposal, action will be taken by a majority vote of AHAC members
92 present and voting. Upon the request of any member, the vote of each member on any
93 issue will be recorded in the minutes. All votes of AHAC members will be taken during a
94 public meeting, and no vote will be taken by secret or written ballot or by proxy.

95
96 Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings
97 will be conducted in accordance with *Robert's Rules of Order, Newly Revised*. Except as
98 specifically authorized by the VFOIA, which permits remote participation if a policy has
99 been enacted for this purpose, no meeting will be conducted through telephonic, video,
100 electronic, or other communication means where the members are not all physically
101 assembled to discuss or transact public business.

102
103 Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and,
104 unless exempt under the VFOIA, all materials furnished to AHAC members will be made
105 available for public inspection at the same time such documents are furnished to the
106 AHAC members. Pursuant to the VFOIA, any person may photograph, film, record, or
107 otherwise reproduce any portion of a meeting required to be open, but such actions may
108 not interfere with any AHAC proceedings.

109
110 Records. The Chairpersons or a clerk to the council will ensure that minutes of meetings
111 are recorded as required under the VFOIA. Minutes will include: (1) the date, time, and
112 location of each meeting; (2) the members present and absent; (3) a summary of the
113 discussion on matters proposed, deliberated, or decided; and (4) a record of any votes
114 taken. Such minutes are public records and subject to inspection and copying by citizens
115 of the Commonwealth or by members of the news media. The supporting County
116 department will provide staff support to review and approve records and minutes of the
117 meeting.

118
119 Attorney-Client Privilege. Records containing legal advice from counsel to the AHAC,
120 and advice provided in closed session by legal counsel to the AHAC, are protected by the
121 attorney-client privilege and from disclosure under the VFOIA. Any such records or
122 advice should not be disclosed by members of the AHAC to any third party, or the
123 privilege against disclosure may be waived. Questions regarding the handling of records
124 or advice subject to attorney-client privilege should be directed to the AHAC's legal
125 counsel.

126 127 **ARTICLE VI - ATTENDANCE AND PARTICIPATION**

128
129 Any AHAC member who misses three consecutive meetings or more than half of the
130 scheduled meetings within a 12-month period, or who fails to participate in the work of
131 the AHAC without good cause acceptable to a majority of the other AHAC members may
132 be subject to removal from the AHAC.

133
134
135
136

137 **ARTICLE VII - REMOVAL**

138

139 Any AHAC member(s) may be recommended to the Board of Supervisors for removal
140 from the AHAC for cause, including but not limited to cause as set forth in Article VI, by
141 a two-thirds majority vote of all of the AHAC members. The members' authority to
142 recommend removal under these bylaws neither limits nor waives the Board of
143 Supervisors' authority to remove members from the AHAC as provided by law.

144

145 **ARTICLE VIII – COMMITTEES**

146

147 Standing. The Chairpersons may appoint standing committees and a chairperson for each
148 with the consent of a majority of the AHAC members present and voting.

149

150 Special. The Chairpersons may appoint special committees and a chairperson for each
151 with the consent of a majority of the AHAC members present and voting.

152

153 ~~Continuum of Care. The Affordable Housing Advisory Council will include the~~
154 ~~Continuum of Care Committee (CoC). The Council and the CoC will each have separate~~
155 ~~governing documents to enable the successful implementation of duties and to ensure~~
156 ~~that the CoC's operations and procedures comport with applicable federal regulations.~~
157 ~~See 24 C.F.R. § 578. To ensure continuity between the Council and its Committee, the~~
158 ~~Chair of the CoC Committee will serve on AHAC.~~

159

160 All meetings of any such committees will comply with the notice and other requirements
161 of the VFOIA. To the extent practicable, any such committees will be composed of at
162 least four members. Committee meetings may be held at the call of the Chairpersons or
163 at the request of two members, with notice to all members.

164

165 **ARTICLE IX – ANNUAL REPORT**

166

167 The AHAC will prepare an annual written report that describes the actions of the AHAC
168 and plans for future actions and activities. This report will be provided to the Clerk to the
169 Board of Supervisors for distribution to the members of the Board of Supervisors, the
170 Fairfax County Redevelopment and Housing Authority, and to the County Executive.

171

172 **ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY**

173

174 The AHAC will comply with all Virginia laws, including, but not limited to, the VFOIA,
175 and the Virginia State and Local Government Conflict of Interests Act, Virginia Code
176 § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies
177 concerning the activities of its boards, authorities, and commissions. AHAC will conduct
178 its business and meetings in a manner consistent with the One Fairfax Policy. In case of a
179 conflict between a provision of these bylaws and any applicable ordinance or law, the
180 provisions of the applicable ordinance or law, as the case may be, will control.

181

182

183 **ARTICLE XI – AMENDMENT OF BYLAWS**

184

185 These bylaws may be amended by the AHAC by adopting the proposed amendment or
186 amendments and by presenting those proposed changes for approval to the Board of
187 Supervisors. Any such amendments to bylaws will become effective upon approval by
188 the Board of Supervisors.

DRAFT