

**Summary of Comments/Proposed Changes
To the August 2023 Draft EQAC By-Laws
November 2023**

(This document does not include the “Discussion Points for EQAC ByLaws” that was prepared by EQAC staff and distributed at the September 13, 2023 EQAC meeting)

Article I – Name

No Comments or proposed changes

Article II – Purpose

1) Renee Grebe’s proposed change: line 20, after the word “quality”, insert “, including, but not limited to, how they relate to the goals or areas noted in the County’s Policy Plan, Environmental Vision, One Fairfax Policy, or other guidance documents”

Renee’s comment: “I liked staff’s recommendation to put something like this in here.”

2) Ken Gubin’s proposed change: line 26, after the word “matters,” insert “including climate change,”

Ken’s comment: “Not an issue in practice, but just to clarify that the mission of EQAC is broader than environmental issues of direct, targeted impact on Fairfax County.”

3) Larry Zaragoza’s proposed change: line 35, after the words “School Board,” insert “Tree Commission, Park Authority (others?), Exception Review Committee?,”

4) Larry Zaragoza’s comment regarding lines 38-41: “In order for EQAC to provide sound advice to the Board, information from county and county related agencies is essential. There are legal obligations to respond to the public and this language sets the expectation that county agencies and county-related agencies need not respond to EQAC requests!”

Rick Healy’s comment: This language was put in at county staff’s suggestion. Upon further reflection, I share Larry’s concern on about possible impacts.

5) Rich Weisman’s comments:

---“I am not sure I understand item “E”. Can it be revised to more closely match what we do in this regard? If I’m understanding it, “D” seems more like our mode of action.”

---“Item “G” refers to the School Board but that is outside our area for providing recommendations.”

6) Renee Grebe’s comments on lines 33-36 (G): “I see that G. is unchanged (I think?) from the current charter. I’m assuming this means things like NVSWCD and the FCPA Board? If we’re going to mention the School Board, I’d think we’d want to explicitly

mention the FCPA Board. Or, take off the School Board and lump them into "other" as well. This is similar to staff's recommendations."

Article III – Mission

1) Larry's comment: "staff suggests that this be worked into the purpose—EQAC feedback appropriate here"

2) Rich's comment: "The Mission statement seems like a run-on sentence. Can the part about access be moved to a part about EQAC operations?"

3) Rene's comment: "This is interesting. I don't think we've ever engaged the CoEx in my time on EQAC. Maybe we should. Lol"

4) Rick's comment: The mission language is taken directly from EQAC's charter and appears unique in the scope and authority it provides. That is why I retained it. I know of a least one other county commission that has a separate mission statement.

Article IV – Membership and Term of Office

1) Larry's comment regarding county student member: "Does this exclude students in private school?"

Rick's reply: No. According to the EQAC website "Eligible public school, parochial, private school, and homeschooled students are encouraged to apply."

2) Larry's comment on Resignation and Vacancies: "In the past, the member has communicated resignations to the board member appointing them. Which process do we want to use? Is this model language for all appointed bodies?"

3) Ken Gubin's proposed change: line 60, after the word "year." insert "Such student member will be selected by vote of the members of the Council, which selection need not be ratified by the Board of Supervisors"

Ken's comment: "To align this provision with how the selection of the student member has been implemented in practice."

4) Rich's comment: "Should we say the student member must live in the county?"

5) Renee's comment: "I'd be a fan of having term limits. Maybe just limit consecutive terms? It is not helpful to have any of us in the same seat for too long - we need to perspectives and new ideas. But, industry knowledge is also really useful, so I would suggest something like 4-5 consecutive term limit. Then take one term off and if you're very missed and want to come back you can ask again."

Article V – Officers and their Duties

1) Ken Gubin’s proposed changes: line 89, after “nomination” strike “the” and insert “each”. Line 89, strike “their” and insert “his or her”. Line 91, strike “from among the willing nominees”. Line 92, after the period, insert “If the candidate nominated by the Chairperson is not approved by the Council, then other candidates shall be nominated by members of the Council. A vote according to Article VI will determine the winner.”

Ken’s comment: “To clarify that it is the Chair who proposes the Vice-Chair, and a slate of candidates is not contemplated.”

2) Larry’s comment on elections: “this language seems confused. If the Chair nominates a single candidate for Vice-Chair, then there would only be one candidate.”

3) Larry’s comment on chairperson: “this language seems odd given the earlier language about county staff not be required to respond to requests. Expectation from staff should be clearer.”

4) Renee’s comment on timing of elections: “Today this is December. Why change it? This means that we have an election and potentially a new Chair in the same month as our annual comment period is traditionally held. That’s a lot. I sort of like voting on it in December.”

5) Renee’s comment on nomination of chairperson: “After nomination? That’s a weird way to do it. Wouldn’t you poll people before and then nominate them?”

6) Renee’s comment on nomination of vice-chairperson: “Haven’t we traditionally done these together? Again, the order seems weird with the nominate and then elect.”

Article VI – Meetings

1) Ken Gubin’s proposed changes: line 116, strike “(i)”. Line 117, strike “or (ii) a quorum, if less than three, of the constituent membership,”. Line 118, strike “of any public body”

Ken’s comment: “A quorum is defined later as a majority of the Council. Thus, 8 of the 14 members. While this language is from the Code, section 2.2-3701, it’s meant to encompass a body that has fewer than three members. This isn’t EQAC, so not needed.”

2) Ken’s comment on Attorney-Client Privilege: “I understand why this provision is included, and it’s fine. But this section assumes that EQAC has legal counsel. Who is his? Does EQAC have a right to call upon the County’s attorney staff to answer questions or do research?”

3) Larry’s proposed change: line 120, strike “interest.” And insert “interest at any time.”

4) Larry's comment on emergency meetings: "This is a VFOIA requirement that could change with changes in law. Should this clause be omitted? Perhaps the whole sentence should be omitted."

5) Larry's comment on staff finding meeting location in the Frequency section: "Is this language needed?"

6) Larry's comment on Conduct of meetings: "Why not just say that meetings shall be in accordance with VFOIA and any other applicable laws?"

7) Larry's comment on Public Access: "Again, this language could change, it has been fast evolving. Perhaps we should have another document that reflects current requirements in this area. Such language may prompt a need to revise the charter in a year or two."

8) Larry's comment on Records: "Shouldn't staff be responsible for records? Staff posts materials to the web, EQAC cannot, they ensure ADA compliance, EQAC cannot."

Article VII – Attendance and Participation

Larry's Comment: "This language sets an incredibly low threshold for membership. EQAC cannot function with this kind of expectation. If a member cannot attend at least 25% of the duly called meetings in a year without good cause should not, in my opinion serve on EQAC as the burden of the work they should be undertaking will fall to others, which is unfair. I would also say that good cause could include things like work conflicts. However, good cause should also require notification to the chair of the reason for the absence and that the absence be deemed to be a good cause. Original language: "Any member of the Council who other than for good cause shall fail to attend 25% of the duly called meetings of the Council in a given calendar year shall be deemed to have vacated office as a member of the Council." We have had people on EQAC in the past that have not taken EQAC participation seriously and others have had to take up more work as a result."

Article VIII – Removal

Ken Gubin's comment: "As written, this requires 2/3rds of all members; all members would include the person sought to be removed. Thus, assuming that person always votes to keep him or herself on the Council, this actually requires a vote of 3/4 of the remaining members. Perhaps alter this to say, "two-thirds majority vote of the other EQAC members."

Article IX – Committees

Larry's comment on meeting times: "what about selecting a time that works for all?"

Rich Weisman's comment: Article IX would change the way we select the student member. Last year it was two of us but I'd suggest we go back to having 3 (2 regular members plus the current student member)."

Article X – Annual Report

1) Larry's proposed changes to Section C.: line 220, strike "Proposed" and insert "Recommendations on". Line 220, strike "which are". Line 221, strike "relative" and on line 222, strike "such proposal" and insert "recommendation"

2) Ken Gubin's comment: "Change the name to what we use, Annual Report on the Environment. Or remove the capitalizations."

3) Ken's proposed change: Line 225, strike "and" and after "Executive." insert ", and to other County bodies with environmental responsibilities."

Ken's comment: "I suggest this in light of the surprising statement by Mary Cortina of the Planning Commission's Environmental Committee, that it was not receiving our annual report."

4) Renee's comments: Staff asked: "Does EQAC want to specify a timeframe for the Annual Report to add into the bylaws?" I think this would be a good add. In the past, we've presented to the Board in Nov/Dec. For this year, we're presenting in Feb. We sort of already know our publishing timeline - let's hold ourselves to it with the caveat "to the extent practicable" (to account for things like COVID). Staff also recommended adding a purpose to the bylaws. I don't have a strong feeling, but I'm more comfortable with this broader description here."