



FAIRFAX - FALLS CHURCH COMMUNITY PARTNERSHIP Continuum of Care Board

BYLAWS OF THE CONTINUUM OF CARE BOARD

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18 **ARTICLE I: NAME**

19

20 The name of this organization is the Continuum of Care Board, hereinafter referred to as the “CoC
21 Board.”

22

23 **ARTICLE II: PURPOSE**

24

25 Continuum of Care (“CoC”) is the group organized to carry out the responsibilities required by
26 regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) at Title
27 24, part 578 of the *Code of Federal Regulations*, “Continuum of Care.” This group is composed of
28 representatives of organizations and individuals as listed in 24 CFR § 578.3. Fairfax County’s CoC
29 includes Fairfax County, the Cities of Fairfax and Falls Church, and the towns of Clifton, Herndon, and
30 Vienna.¹

31

32 The CoC Board was re-chartered in July 2023 by the Fairfax County Board of Supervisors, following
33 recommendations from the CoC membership, for the purpose of providing community leadership and
34 policy guidance, consistent with the One Fairfax policy, and to carry out the “Duties” listed in the CoC
35 Board Charter to ensure the successful end to homelessness in the Fairfax-Falls Church community.
36 The CoC Board and the selection process outlined below is established in compliance with 24 CFR §
37 578.5(b) and 578.7 (a)(3), and the CoC Board acts on behalf of Fairfax County’s CoC in accordance with
38 part 578 of the *Code of Federal Regulations* Relating to HUD. In the event of a conflict between these
39 Bylaws and the *Code of Federal Regulations*, the *Code of Federal Regulations* shall control.

40

41 **ARTICLE III: MEMBERSHIP AND TERM OF OFFICE**

42

43 **Membership Requirements.** As per the CoC Board charter approved by the Fairfax County Board of
44 Supervisors, the membership consists of a minimum of 21 individuals, with at least two members
45 having experienced homelessness in Fairfax County. The membership represents the relevant
46 organizations and projects serving homeless subpopulations. One member may represent the
47 interests of more than one homeless subpopulation, and the membership must represent all
48 subpopulations within the CoC to the extent that someone is available and willing to represent that
49 subpopulation. The CoC Board will cultivate an inclusive culture by ensuring diverse perspectives and
50 interests are represented by individuals who reflect the County’s diversity and are committed to
51 housing affordability for all persons throughout the County.

52

¹ Fairfax County’s CoC is also known as the Fairfax-Falls Church Community Partnership to Prevent and End Homelessness.



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53 **Appointments.** One CoC member is appointed by each member of the Board of Supervisors, with the
 54 CoC Board Chair appointed by the Chair of the Board of Supervisors. The remaining members are
 55 confirmed by the Board of Supervisors, to include:

- 56 • One member appointed by the Mayor of the City of Fairfax.
- 57 • One member appointed by the Mayor of the City of Falls Church.
- 58 • One member appointed by the Superintendent of Fairfax County Public Schools.
- 59 • Two members that have experienced homelessness in Fairfax County and appointed by the
 60 director of the Department of Housing and Community Development.
- 61 • One member appointed by the director of the Fairfax-Falls Church Community Services Board.
- 62 • One member appointed by the director of the Department of Family Services.
- 63 • One member appointed by the director of the Department of Neighborhood and Community
 64 Services.
- 65 • One member appointed by the director of the Health Department.
- 66 • One member representative from each of the recipient, and subrecipient, organizations of federal
 67 Continuum of Care and Emergency Solutions Grant program funds.

68
 69 **Terms.** Members shall serve two-year terms with alternating annual fiscal year cycles. The CoC Board
 70 Chair shall serve a term of four years. Members are limited to serving no more than three
 71 consecutive two-year terms.

72
 73 **Resignations and Vacancies.** In the event a member cannot serve or resigns from the CoC Board, the
 74 member should notify the CoC Chair in writing.

75
 76 **Holdovers.** In the event a member completes their term of office, remains qualified to serve as a
 77 member, and there is no successor appointed, then that person may continue to serve until such time
 78 as the member is reappointed or a successor member is appointed.

80 **ARTICLE IV: MEETINGS**

81
 82 **Virginia Freedom of Information Act.** All meetings shall be open to the public except as provided
 83 under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended
 84 ("VFOIA"). Pursuant to Virginia Code §2.2-3701, "meeting" or "meetings" is defined to include work
 85 sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-
 86 3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a
 87 quorum, if less than three, of the constituent membership, wherever held, with or without minutes
 88 being taken, whether or not votes are cast, of any public body. The CoC Board may hold public
 89 hearings and report its findings to the Board of Supervisors on issues that affect the public interest.



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91 **Notice and Agenda.** Public notice of and the agenda for each meeting shall be provided as required
92 under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time,
93 and location of each meeting. Notice of a meeting shall be given at least three working days prior to
94 the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given
95 contemporaneously with the notice provided to CoC Board members. Notices of all meetings shall
96 be provided to the Office of Public Affairs for posting at the Government Center and on the County
97 Web site. All meetings shall be conducted in public places that are accessible to persons with
98 disabilities.

99
100 **Frequency.** The CoC Board shall meet quarterly and additionally, as needed, to be determined by the
101 Chair. Meetings shall be held at a time agreed to by a majority of the CoC Board's members, and at a
102 place arranged by the staff of the supporting County department.

103
104 **Voting.** A quorum is necessary for a vote. A majority (more than 50%) of the membership of the
105 CoC Board shall constitute a quorum. In making any recommendations, adopting any plan, or
106 approving any proposal, action shall be taken by a majority vote of CoC Board members present and
107 voting. Upon the request of any member, the vote of each member on any issue shall be recorded in
108 the minutes. All votes of CoC Board members shall be taken during a public meeting, and no vote
109 shall be taken by secret or written ballot or by proxy.

110
111 **Conduct.** Except as otherwise provided by Virginia law or these bylaws, all meetings shall be
112 conducted in accordance with *Robert's Rules of Order, Newly Revised* and, except as specifically
113 authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or
114 other communication means where the members are not all physically assembled to discuss or
115 transact public business.

116
117 **Public Access.** For any meeting, at least one copy of the agenda, all agenda packets, and, unless
118 exempt under the VFOIA, all materials furnished to CoC Board members shall be made available for
119 public inspection at the same time these documents are furnished to the CoC Board members.
120 Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any
121 portion of a meeting required to be open, but these actions may not interfere with any CoC Board
122 proceedings.

123
124 **Records.** Minutes of meetings should be recorded as required under the VFOIA. Minutes shall
125 include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a
126 summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any
127 votes taken. These minutes are public records and subject to inspection and copying by citizens of



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128 the Commonwealth or by members of the news media. The supporting County department shall
129 provide staff support to record, review, and approve records and minutes of the meeting.

130
131 **Attorney-Client Privilege.** Records containing legal advice from counsel to the CoC Board, and advice
132 provided in closed session by legal counsel to the CoC Board, are protected by the attorney-client
133 privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed
134 by members of the CoC Board to any third party, or the privilege against disclosure may be waived.
135 Questions regarding the handling of records or advice subject to attorney-client privilege should be
136 directed to the CoC Board’s legal counsel.

137 138 **ARTICLE V: ATTENDANCE, PARTICIPATION, AND VIRTUAL MEETINGS**

139
140 Any CoC Board member who misses three consecutive meetings or more than half of the scheduled
141 meetings within a 12-month period, or who fails to participate in the work of the CoC Board
142 without good cause acceptable to a majority of the other CoC Board members may be subject to
143 removal from the CoC Board.

144
145 **Remote Participation.** This policy is adopted pursuant to the authorization of Va. Code § 2.2-
146 3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information
147 Act (VFOIA), Va. Code §§ 2.2-3700—3715. This policy shall not govern an electronic meeting
148 conducted to address a state of emergency declared by the Governor or the County. Any
149 meeting conducted by electronic communication means under such circumstances shall be
150 governed by the provisions of Va. Code § 2.2-3708.2(A)(3). This policy must be reviewed and
151 readopted annually, per Va. Code § 2.2-3708.3(D). This policy does not restrict any individual
152 member of the CoC Board from voting on matters before the CoC Board, irrespective of whether
153 that individual member is participating in an all-virtual meeting of the CoC Board or participating
154 remotely as an individual CoC Board member. See Va. Code § 2.2-3708.3(D).

155 **Definitions.**

- 156 A. **“Member”** means any member of the CoC Board and of its committee(s).
157 B. **“Remote participation”, “remotely participate”, or “participate remotely”** mean participation
158 by a member of the CoC Board via telephonic, video, or other audio or combined audio and
159 video electronic communication method where the member is not physically assembled with
160 the other members of the CoC Board.
161 C. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.
162 D. **“Notify” or “notifies,”** for purposes of this policy, means actual notice, including, but not
163 limited to, email, text, telephone, or in-person notice.



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- 164 E. **“Person with a disability”** means a person who has a physical or mental impairment that
165 substantially limits one or more of that person’s major life activities or who has a record of such
166 impairment.
- 167 F. **“Caregiver”** means an adult related by blood, marriage, or adoption or the legally appointed
168 guardian of the person with a disability for whom that person is caring.

169

170 **Mandatory requirements for remote participation:**

171 Regardless of the reasons why a member is participating in a meeting from a remote location by
172 electronic communication means, the following conditions must be met for the member to
173 participate remotely:

- 174 A. A quorum of the CoC Board must be physically assembled at the primary or central meeting
175 location;
- 176 B. For purposes of determining whether a quorum is physically assembled, an individual member
177 of a public body who is either a person with a disability or who must act as a caregiver at the
178 time of the meeting for a person with a disability, and is thus prevented from physically
179 attending the meeting and who thus uses remote participation, will count toward the quorum as
180 if the individual was physically present;
- 181 C. Arrangements have been made for the voice of the remotely participating member to be heard
182 by all persons at the primary or central meeting location. If at any point during the meeting the
183 voice of the remotely participating member is no longer able to be heard by all persons at the
184 meeting location, the remotely participating member shall no longer be permitted to participate
185 remotely; and
- 186 D. A statutorily conforming policy must be adopted by the CoC Board at least once annually.

187

188 **Process to request remote participation:**

- 189 A. On or before the day of the meeting, and at any point before the meeting begins, the
190 requesting member must notify the CoC Board Chair (or the Vice-Chair if the requesting
191 member is the Chair) that they are unable physically to attend a meeting due to (i) a temporary
192 or permanent disability or other medical condition that prevents the member’s physical
193 attendance or (ii) a family member’s medical condition that requires the member to provide
194 care for such family member, thereby preventing the member’s physical attendance or (iii) a
195 personal matter and identifies with specificity the nature of the personal matter.
- 196 B. The requesting member shall also notify the staff coordinator to the CoC Board of their request;
197 however, their failure to do so shall not affect their ability to participate remotely.
- 198 C. If the requesting member is unable physically to attend the meeting due to a personal matter,
199 the requesting member must state with specificity the nature of the personal matter. Remote
200 participation due to a personal matter is limited each calendar year to two meetings or 25



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- 201 percent of the meetings held per calendar year rounded up to the next whole number,
202 whichever is greater. There is no limit to the number of times that a member may participate
203 remotely due to a temporary or permanent disability or other medical condition or that of a
204 family member that requires the member to provide care.
- 205 D. The requesting member is not obligated to provide independent verification regarding the
206 temporary or permanent disability or other medical condition or the family member's medical
207 condition that prevents their physical attendance at the meeting.
- 208 E. For purposes of establishing a quorum of the CoC Board, the requesting member shall verify
209 whether the requesting member is requesting remote participation due to his/her/their
210 disability or need to act as caregiver for a person with a disability, pursuant to B under
211 "Mandatory Requirements" above.
- 212 F. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the
213 requesting member whether their request is in conformance with this policy, and therefore
214 approved or disapproved.

215

216 **Process to confirm approval or disapproval of participation from a remote location:**

217 When a quorum of the CoC Board has assembled for the meeting, the CoC Board shall vote to
218 determine whether:

- 219 A. The Chair's decision to approve or disapprove the requesting member's request to participate
220 from a remote location was in conformance with this policy; and
- 221 B. The voice of the remotely participating member can be heard by all persons at the primary or
222 central meeting location.

223

224 **Recording in minutes:**

- 225 A. If the member is allowed to participate remotely due to a temporary or permanent disability or
226 other medical condition, or a family member's medical condition that requires the member to
227 provide care to the family member, the CoC Board shall record in its minutes: (1) the CoC
228 Board's approval of the member's remote participation; and (2) the remote location from which
229 the member participated.
- 230 B. If the member is allowed to participate remotely due to a personal matter, this should be noted
231 in the minutes along with the remote location from which the member participated.
- 232 C. If a member's request to participate remotely is disapproved, the disapproval, including the
233 grounds upon which the requested participation violates this policy or VFOIA, shall be recorded
234 in the minutes with specificity.

235

236 **Closed session.** If the CoC Board goes into closed session, the member participating remotely
237 shall ensure that no third party is able to hear or otherwise observe the closed meeting.



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238 **Strict and uniform application of this policy.** This Policy shall be applied strictly and uniformly,
239 without exception, to the entire membership, and without regard to the identity of the member
240 requesting remote participation or the matters that will be considered or voted on at the meeting.

241 **Virtual Meetings.** This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to
242 be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§
243 2.2-3700—3715. This policy shall not govern an electronic meeting conducted to address a state of
244 emergency declared by the Governor or the Fairfax County Board of Supervisors. Any meeting conducted
245 by electronic communication means under such circumstances shall be governed by the provisions of Va.
246 Code § 2.2-3708.2. This policy must be reviewed and readopted annually. Va. Code § 2.2-3708.3(D).
247 This policy does not restrict any individual member of the CoC Board from voting on matters before the
248 CoC Board, irrespective of whether that individual member is participating in an all-virtual meeting of the
249 CoC Board or participating remotely as an individual CoC Board member. See Va. Code § 2.2-3708.3(D).

250 **Definitions.**

- 251 A. **“Member”** means any member of the CoC Board.
- 252 B. **“All-virtual public meeting”** means a public meeting conducted by the CoC Board using electronic
253 communication means during which all members of the public body who participate do so remotely
254 rather than being assembled in one physical location, and to which public access is provided through
255 electronic communication means, as defined by Va. Code § 2.2-3701.
- 256 C. **“Meeting”** means a meeting as defined by Va. Code § 2.2-3701.
- 257 D. **“Notify”** or **“notifies,”** for purposes of this policy, means written notice, including, but not limited to,
258 email or letter, but does not include text messages or messages exchanged on social media.

260 **When an all-virtual public meeting may be authorized:**

261 An all-virtual public meeting may be held under the following circumstances:

- 262 A. It is impracticable or unsafe to assemble a quorum of the CoC Board in a single location, but a state of
263 emergency has not been declared by the Governor or Fairfax County Board of Supervisors; or
- 264 B. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the
265 convenience of an all-virtual meeting; and
- 266 C. The CoC Board has not had more than two all-virtual public meetings, or more than 50 percent of its
267 meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
- 268 D. The CoC Board’s last meeting was not an all-virtual public meeting.

270 **Process to authorize an all-virtual public meeting:**

- 271 A. The CoC Board may schedule its all-virtual public meetings at the same time
272 and using the same procedures used by the CoC Board to set its meetings calendar for the calendar year;
273 or



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274 B. If the CoC Board wishes to have an all-virtual public meeting on a date not
275 scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under the
276 section above, the CoC Board Chair may schedule an all-virtual public meeting provided that any such
277 meeting comports with VFOIA notice requirements.

278

279 **All-virtual public meeting requirements:**

280 The following applies to any all-virtual public meeting of the CoC Board that is scheduled in conformance with
281 this Policy:

- 282 A. The meeting notice indicates that the public meeting will be all-virtual and the CoC Board will not change
283 the method by which the CoC Board chooses to meet without providing a new meeting notice that
284 comports with VFOIA;
- 285 B. Public access is provided by electronic communication means that allows the public to hear all
286 participating members of the CoC Board;
- 287 C. Audio-visual technology, if available, is used to allow the public to see the members of the CoC Board;
- 288 D. When audio-visual technology is available, a member of the CoC Board shall, for purposes of a quorum,
289 be considered absent from any portion of the meeting during which visual communication with the
290 member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily
291 fails;
- 292 E. A phone number, email address, or other live contact information is provided to the public to alert the
293 CoC Board if electronic transmission of the meeting fails for the public, and if such transmission fails, the
294 CoC Board takes a recess until public access is restored;
- 295 F. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public
296 electronically at the same time such materials are provided to the CoC Board;
- 297 G. The public is afforded the opportunity to comment through electronic means, including written
298 comments, at meetings where public comment is customarily received; and
- 299 H. There are no more than two members of the CoC Board together in one physical location.

300

301 **Recording in minutes:**

302 Minutes are taken as required by VFOIA and must include the fact that the meeting was held by
303 electronic communication means and the type of electronic communication means used.

304

305 **Closed session.** If the CoC Board goes into closed session, transmission of the meeting will be suspended
306 until the public body resumes to certify the closed meeting in open session.

307 **Strict and uniform application of this policy.** This Policy shall be applied strictly and uniformly, without
308 exception, to the entire membership, and without regard to the matters that will be considered or voted on
309 at the meeting.

310



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311 **ARTICLE VI: CONFLICT OF INTEREST AND RECUSAL**

312
313 It is critical that the duties and responsibilities of the CoC Board be carried out in a fair and open
314 manner without conflicts of interest. The CoC adheres to federal regulations at 24 CFR 578.95, that
315 outline the requirements related to CoC leadership and others involved in the execution of the
316 responsibilities of the Continuum.

317
318 No CoC Board member, or any person acting on behalf of the CoC Board, may participate in or
319 influence discussions or resulting decisions concerning the award of a grant or other financial
320 benefits to the organization that the member represents.

321
322 Each person serving on the CoC Board or its committees must avoid conflicts of interest or the
323 appearance of conflicts. In cases of question, they may: (1) request an opinion or a decision as to
324 whether a conflict or the appearance of a conflict is present; (2) recuse themselves from any
325 portion of their duties that presents a potential conflict; or (3) request an exception to the conflict-
326 of-interest provisions. In questions of conflicts of interest, they must either bring it to the attention
327 of the Office to Prevent and End Homelessness or the CoC Board Chair.

328
329 **Violation of Policy.** If there is unintentionally or unknowingly a conflict, the CoC Board member is
330 required to recuse themselves for any discussion related to, or a vote on funding for, that
331 organization. If the conflict is intentional and the Coc Board member purposely did not disclose the
332 conflict, the CoC Board member is terminated from the CoC Board.

333
334 **Conflict-of-Interest Statements.** Members must sign conflict-of-interest statements at least
335 annually, disclosing conflicts with any relationships or areas of influence.

336
337 **Knowledge about conflicts.** Office to Prevent and End Homelessness staff will assist the CoC Board
338 by tracking ongoing conflicts of interest.

339
340 **ARTICLE VII: CODE OF CONDUCT**

341
342 CoC Board members must exercise care, diligence, and prudence when acting on behalf of the CoC and
343 carrying out all applicable requirements and responsibilities as outlined in 24 CFR part 578. Work
344 undertaken on behalf of the CoC Board must be completed in the timeframe specified by the CoC Board.

345
346 **ARTICLE VIII: REMOVAL**

347



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348 Any CoC Board member(s) may be removed from the CoC Board for cause, including but not limited
 349 to cause as set forth in Article VI, by a two-thirds majority vote of all the CoC Board members. The
 350 members’ authority to recommend removal under these bylaws neither limits nor waives the
 351 Board of Supervisors’ authority to remove members from the CoC Board, as provided by law.

352

353 **ARTICLE IX: COMMITTEES**

354

355 The CoC Board Chair may appoint standing committees and a Chair for each with the consent of a
 356 majority of the CoC Board’s members present and voting. The Chair may also appoint special
 357 committees and a Chair for each with the consent of a majority of the CoC Board’s members
 358 present and voting. The CoC Board may establish subcommittees or working groups as needed to
 359 accomplish its goals.

360

361 **Selection & Ranking Committee.** The Selection & Ranking Committee is responsible for: (1)
 362 reviewing applications for new funding opportunities, if available, during the annual HUD CoC
 363 Program Competition and selecting new project(s) for inclusion in the CoC’s Consolidated
 364 Application; and (2) ranking all projects, including both new and renewal projects, according to the
 365 priorities identified in the annual gaps analysis and the approach developed in the local HUD CoC
 366 Program funding policies, reviewed and updated annually by the CoC Board. Membership for the
 367 Selection & Ranking Committee will be submitted annually to the CoC Board for approval.

368

369 All meetings of any subcommittees shall comply with the public notice and other requirements of
 370 the VFOIA. To the extent practicable, any committee shall be composed of at least four members.
 371 Committee meetings may be held at the call of the committee Chair or at the request of two
 372 members, with notice to all members.

373

374 **ARTICLE X: REPORTING**

375

376 The CoC Board will develop regular reports that will be provided to the Board of Supervisors, the full
 377 Continuum of Care membership, and other related boards, authorities and commissions as needed to
 378 ensure progress in achieving the goal of preventing and ending homelessness.

379

380 **ARTICLE XI: COMPLIANCE WITH LAW AND COUNTY POLICY**

381

382 The CoC Board shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the
 383 Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as
 384 amended, with all County ordinances, and with all County policies concerning the activities of its
 385 boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and



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386 any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may
387 be, shall control.

388

389 **ARTICLE XII: AMENDMENT OF BYLAWS**

390

391 These bylaws may be amended by the CoC Board by adopting the proposed amendment or
392 amendments. Any amendments to these bylaws shall become effective upon approval by the CoC
393 Board. The bylaws should be reviewed, updated and approved by the CoC Board, acting on behalf
394 of the CoC, at least annually (24 CFR part 578.7(a)(3)).