

FCRHA REDEVELOPMENT AND HOUSING ASSISTANCE CORPORATION

AGENDA
SEPTEMBER 12, 2024
ANNUAL MEETING

CALL TO ORDER (Following Adjournment of FCRHA Meeting)

APPROVAL OF MINUTES – November 8, 2023, Special Meeting
June 19, 2024, Special Meeting

APPOINTMENT OF NEW DIRECTORS

ELECTION OF OFFICERS

ACTION ITEM:

1. Resolution No. 82 – Adoption of the FCRHA Redevelopment and Housing Assistance Corporation (RHAC) Policy for All-Virtual Meetings and Policy for the Remote Participation of Members

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ADJOURN

MINUTES OF THE NOVEMBER 8, 2023 SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
FCRHA REDEVELOPMENT AND HOUSING ASSISTANCE CORPORATION
(RHAC)

The Board of Directors of the FCRHA Redevelopment and Housing Assistance Corporation (RHAC) met on NOVEMBER 8, 2023, in Fairfax Redevelopment and Housing Authority HCD Center located at 3700 Pender Drive, Fairfax, VA with the following present:

Present

Richard Kennedy
Nicholas McCoy

Absent

Staci Alexander

CALL TO ORDER

The Special Meeting of the Board of Directors of RHAC was called to order at noon by Richard Kennedy.

APPROVAL OF MINUTES

A motion was made by Richard Kennedy and seconded by Nicholas McCoy to approve the minutes of the September 14, 2023 Annual Meeting; a vote was taken. The motion passed.

ACTION ITEMS

1. Attachment I - Resolution No. 27-23 – Authorization, Subject to the Approval of the Fairfax County Board of Supervisors, to Issue Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 to Finance the Acquisition, Rehabilitation and Equipping of 120 Units of Senior Affordable Housing at Little River Glen I in Fairfax, Virginia (Braddock District)
2. Attachment II - Resolution No. 28-23 – Authorization, Subject to the Approval of the Fairfax County Board of Supervisors, to Issue Multifamily Housing Revenue Bonds or Notes in an Aggregate Amount Not to Exceed \$20,000,000 to Finance the Acquisition, Construction and Equipping of 60 New Units of Senior Affordable Housing at Little River Glen IV in Fairfax, Virginia (Braddock District)
3. Attachment III - Resolution No. 29-23 – Authorization to Loan in an Aggregate Amount Not to Exceed \$9,400,000 as a Moving to Work Loan from United States Department of Housing and Urban Development Housing Choice Voucher Reserves as Part of the Overall Financing Plan for the Little River Glen Project (Braddock District).

Minutes of RHAC Special Meeting
November 8, 2023

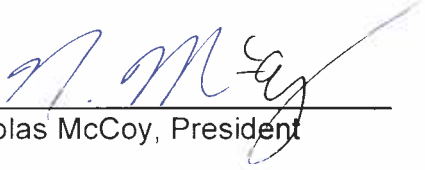
A motion was made by Nicholas McCoy and seconded by Richard Kennedy to adopt Resolution 27-23, Resolution 28-23, and Resolution 29-23. The motion to adopt resolutions carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

A motion was made by Richard Kennedy, seconded by Nicholas McCoy, to adjourn the meeting at 12:10 p.m. A vote was taken. The motion carried unanimously.



Nicholas McCoy, President

MINUTES OF THE JUNE 19, 2024 SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF THE
FCRHA REDEVELOPMENT AND HOUSING ASSISTANCE CORPORATION
(RHAC)

The Board of Directors of the FCRHA Redevelopment and Housing Assistance Corporation (RHAC) met on June 19, 2024, in Terminal 1 Historic Lobby located between Terminals A and B, of Ronald Reagan Washington National Airport, 1 Aviation Circle, Arlington, VA 22202 with the following present:

Present

Nicholas McCoy
Lenore Stanton

Absent

Staci Alexander

CALL TO ORDER

The Special Meeting of the Board of Directors RHAC was called to order at 9 a.m. by Nicholas McCoy.

APPROVAL OF MINUTES

None

ACTION ITEMS

Attachment - Resolution No. 81– Authorization of Conveyance of Little River Glen to the Fairfax County Redevelopment and Housing Authority

A motion was made by Lenore Stanton and seconded by Nicholas McCoy to adopt Resolution 81. The motion to adopt the resolution carried unanimously.

OTHER BUSINESS

None

ADJOURNMENT

A motion was made by Lenore Stanton, seconded by Nicholas McCoy, to adjourn the meeting at 9:04 a.m. A vote was taken. The motion carried unanimously.



Nicholas McCoy, President

ACTION - 1

RESOLUTION NUMBER 82: Adoption of the FCRHA Redevelopment and Housing Assistance Corporation (RHAC) Policy for All-Virtual Meetings and Policy for the Remote Participation of Members

ISSUE:

The Virginia Freedom of Information Act (VFOIA) allows public bodies to hold all-virtual public meetings and for members of a public body to remotely participate in meetings held in-person. To utilize this authority under VFOIA, the RHAC must adopt a written policy outlining the authority and various requirements for holding all-virtual public meetings and adopt a separate written policy outlining the authority and requirements for the remote participation of members at in-person meetings.

RECOMMENDATION:

That the RHAC adopt policies (Attachment 2 and Attachment 3) which allow for the ability of the RHAC to hold all-virtual public meetings and for RHAC members to participate remotely in RHAC meetings held in-person.

TIMING:

Immediate. Both policies must be adopted before the RHAC has the ability to hold all-virtual public meetings and to allow for remote participation at RHAC meetings held in-person.

BACKGROUND:

The Virginia Freedom of Information Act (VFOIA) is the state law which governs access by citizens of Virginia, and representatives of the media, to public records and meetings of public bodies. VFOIA stipulates that all meetings of public bodies, including the RHAC, are generally required to be open meetings, except for specific exceptions as described in the Virginia Code.

VFOIA – specifically Virginia Code § 2.2-3708.3 – allows public bodies to hold all-virtual public meetings and for members of a public body to remotely participate in meetings held in-person. However, a public body must adopt written policies regarding all-virtual meetings and remote participation before it can exercise such authority.

The Fairfax County Redevelopment and Housing Authority (FCRHA) currently has an all-virtual meeting policy and a remote participation policy in place. Along these same lines, the Department of Housing and Community Development (HCD) recommends that the RHAC adopt an all-virtual meeting policy (Attachment 2) and a remote participation policy (Attachment 3). Each of the proposed policies is virtually identical to

that of the FCRHA. As with its recommendation to the FCRHA, HCD recommends that in practice, all-virtual meetings are reserved for Special Meetings of the RHAC with no more than two items on the agenda.

Please note that state law requires that the RHAC, like all public bodies, must re-adopt its all-virtual meeting policy and remote participation policy annually to continue to avail itself of the flexibility provided by each policy.

Notes regarding All-Virtual Public Meetings

- The RHAC may conduct all-virtual public meetings twice per calendar year or 50% of the RHAC's meetings held in a calendar year rounded to up to the next whole number, whichever is greater.
- When holding an all-virtual public meeting, a member of a public body will be considered absent for purposes of quorum from any portion of the meeting during which visual communication with the member is "voluntarily disconnected or otherwise fails or if the audio communication involuntarily fails." Therefore, if the all-virtual public meeting is conducted with both visual and audio technology, such as via Zoom or Microsoft Teams, members are required to keep their cameras on to be counted towards the quorum.

Notes regarding Remote Participation in Public Meetings

- RHAC Commissioners who experience challenges in regularly attending in-person meetings due to a medical condition, disability, or that of a family member may attend a meeting remotely and be included in the physical quorum count for that meeting.
- Virginia Code § 2.2-3701 has been amended to create a definition of "caregiver." A caregiver has been defined as an adult who provides care for a person with a disability who is either (1) related by blood, marriage, or adoption, or (2) the legally appointed guardian for that person. A person with a disability for this purpose is "any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment."
- If a member of the RHAC does not meet the new definition of caregiver or their medical condition does not meet the legal definition of a disability, the member can still participate in a RHAC meeting remotely. However, their participation will *not* count towards the physical quorum needed for remote participation.

FCRHA Redevelopment and Housing Assistance Corporation
September 12, 2024

STAFF IMPACT:

Staff will ensure the RHAC complies with all new requirements including that the authorization of all-virtual meetings, as well as public notice of these meetings, complies with VFOIA. Staff will be responsible for setting up the virtual platform for all Commissioners to attend all-virtual meetings. HCD staff will also continue to set up the technology required for RHAC members to participate remotely during in-person meetings when requested.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution Number 82
Attachment 2: Policy for All-Virtual Meetings
Attachment 3: Policy for Remote Participation of Members

STAFF:

Thomas Fleetwood, Director, Department of Housing and Community Development (HCD)
Anna Shapiro, Deputy Director, Real Estate Development and Finance, HCD
Callahan Seltzer, Division Director, Real Estate Finance, HCD
Lucinda Metcalf, Senior Portfolio Manager, Real Estate Finance, HCD

**THE FCRHA REDEVELOPMENT AND HOUSING ASSISTANCE
CORPORATION POLICY FOR ALL-VIRTUAL MEETINGS**

1. AUTHORITY AND SCOPE

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Fairfax County Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2.

c. This policy must be reviewed and readopted annually. Va. Code § 2.2-3708.3(D).

d. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. See Va. Code § 2.2-3708.3(D).

2. DEFINITIONS

a. “**RHAC**” means the FCRHA Redevelopment and Housing Assistance Corporation or any committee, subcommittee, or other entity of the RHAC.

b. “**Member**” means any member of the RHAC.

c. “**All-virtual public meeting**” means a public meeting conducted by the RHAC using electronic communication means during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and to which public access is provided through electronic communication means, as defined by Va. Code § 2.2-3701.

d. “**Meeting**” means a meeting as defined by Va. Code § 2.2-3701.

e. “**Notify**” or “**notifies**,” for purposes of this policy, means written notice, including, but not limited to, email or letter, but does not include text messages or messages exchanged on social media.

3. WHEN AN ALL-VIRTUAL PUBLIC MEETING MAY BE AUTHORIZED

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

- a. It is impracticable or unsafe to assemble a quorum of the RHAC in a single location, but a state of emergency has not been declared by the Governor or Fairfax County Board of Supervisors; or
- b. Other circumstances warrant the holding of an all-virtual public meeting, including, but not limited to, the convenience of an all-virtual meeting; and
- c. The RHAC has not had more than two all-virtual public meetings, or more than 50 percent of its meetings rounded up to the next whole number, whichever is greater, during the calendar year; and
- d. The RHAC's last meeting was not an all-virtual public meeting.

4. **PROCESS TO AUTHORIZE AN ALL-VIRTUAL PUBLIC MEETING**

- a. The RHAC may schedule its all-virtual public meetings at the same time and using the same procedures used by the RHAC to set its meetings calendar for the calendar year; or
- b. If the RHAC wishes to have an all-virtual public meeting on a date not scheduled in advance on its meetings calendar, and an all-virtual public meeting is authorized under Section 3 above, the RHAC Chair may schedule an all-virtual public meeting provided that any such meeting comports with VFOIA notice requirements.

5. **ALL-VIRTUAL PUBLIC MEETING REQUIREMENTS**

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

- a. The meeting notice indicates that the public meeting will be all-virtual and the RHAC will not change the method by which the RHAC chooses to meet without providing a new meeting notice that comports with VFOIA;
- b. Public access is provided by electronic communication means that allows the public to hear all participating members of the RHAC;
- c. Audio-visual technology, if available, is used to allow the public to see the members of the RHAC;
- d. When audio-visual technology is available, a member of the RHAC shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.
- e. A phone number, email address, or other live contact information is provided to the public to alert the RHAC if electronic transmission of the meeting fails

for the public, and if such transmission fails, the RHAC takes a recess until public access is restored.

f. A copy of the proposed agenda and all agenda packets (unless exempt) are made available to the public electronically at the same time such materials are provided to the RHAC.

g. The public is afforded the opportunity to comment through electronic means, including written comments, at meetings where public comment is customarily received; and

h. There are no more than two members of the RHAC together in one physical location.

6. **RECORDING IN MINUTES:**

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

7. **CLOSED SESSION**

If the RHAC goes into closed session, transmission of the meeting will be suspended until the public body resumes to certify the closed meeting in open session.

8. **STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the matters that will be considered or voted on at the meeting.

**THE FCRHA REDEVELOPMENT AND HOUSING ASSISTANCE
CORPORATION POLICY FOR THE REMOTE PARTICIPATION OF
MEMBERS**

1. **AUTHORITY AND SCOPE**

a. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code §§ 2.2-3700—3715.

b. This policy shall not govern an electronic meeting conducted to address a state of emergency declared by the Governor or the Fairfax County Board of Supervisors. Any meeting conducted by electronic communication means under such circumstances shall be governed by the provisions of Va. Code § 2.2-3708.2. This policy also does not apply to an all-virtual public meeting.

c. This policy must be reviewed and readopted annually. Va. Code § 2.2-3708.3(D).

d. This policy does not prohibit or restrict any individual member of a public body who is lawfully either participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. See Va. Code § 2.2-3708.3(D).

2. **DEFINITIONS**

a. “**RHAC**” means the FCRHA Redevelopment and Housing Assistance Corporation or any committee, subcommittee, or other entity of the RHAC.

b. “**Member**” means any member of the RHAC.

c. “**Remote participation**” means participation by an individual member of the RHAC by electronic communication means in a public meeting where a quorum of the RHAC is physically assembled, as defined by Va. Code § 2.2-3701.

d. “**Meeting**” means a meeting as defined by Va. Code § 2.2-3701.

e. “**Notify**” or “**notifies**” for purposes of this policy, means written notice, such as email or letter. Notice does not include text messages or communications via social media.

f. “**Person with a disability**” means a person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.

g. “**Caregiver**” means an adult related by blood, marriage, or adoption or the legally appointed guardian of the person with a disability for whom he is caring.

3. **MANDATORY REQUIREMENTS**

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

a) A quorum of the RHAC must be physically assembled at the primary or central meeting location;

b) For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is either a person with a disability or who must act as a caregiver at the time of the meeting for a person with a disability, and is thus prevented from physically attending the meeting and who thus uses remote participation, will count toward the quorum as if the individual was physically present;

c) Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely; and

d) A statutorily conforming policy must be adopted by the RHAC at least once annually.

4. **PROCESS TO REQUEST REMOTE PARTICIPATION**

a. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the RHAC Chair (or the Vice-Chair if the requesting member is the Chair) that they are unable to physically attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, (iii) their principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

b. The requesting member shall also notify the RHAC staff liaison of their request, but their failure to do so shall not affect their ability to remotely participate.

c. If the requesting member is unable to physically attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to

the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in 4(a)(i)—(iii) above.

d. The requesting member is not obligated to provide independent verification regarding the reason for their nonattendance, including the temporary or permanent disability or other medical condition or the family member's disability or medical condition that prevents their physical attendance at the meeting.

e. For purposes of establishing a quorum of the RHAC, the requesting member shall verify whether the requesting member is requesting remote participation due to his disability or need to act as caregiver for a person with a disability, pursuant to 3(b) above; and

f. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether their request is in conformance with this policy, and therefore approved or disapproved.

5. **PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION**

When a quorum of the RHAC has assembled for the meeting, the RHAC shall vote to determine whether:

a. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

b. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

6. **RECORDING IN MINUTES:**

a. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or because their principal residence is located more than 60 miles from the meeting location the RHAC shall record in its minutes (1) the RHAC's approval of the member's remote participation; and (2) a general description of the remote location from which the member participated.

b. If the member is allowed to participate remotely due to a personal matter, such matter shall be cited in the minutes with specificity, as well as how many times the member has attended remotely due to a personal matter, and a general description of the remote location from which the member participated.

c. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

7. **CLOSED SESSION**

If the RHAC goes into closed session, the member participating remotely shall ensure that no third party is able to hear or otherwise observe the closed meeting.

8. **STRICT AND UNIFORM APPLICATION OF THIS POLICY**

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

The Chair (or Vice-Chair) shall maintain the member's written request to participate remotely and the written response for a period of one year, or other such time required by records retention laws, regulations, and policies.

RESOLUTION NUMBER 82

Adoption of the FCRHA Redevelopment and Housing Assistance Corporation (RHAC)
Policy for All-Virtual Meetings and Policy for the Remote Participation of Members

BE IT RESOLVED THAT the POLICY FOR ALL-VIRTUAL MEETINGS and the POLICY FOR THE REMOTE PARTICIPATION OF MEMBERS are approved and adopted by the FCRHA Redevelopment and Housing Assistance Corporation (RHAC), as presented to the RHAC at its meeting on September 12, 2024.