

| ORIGINAL SECTION NO. | ORIGINAL MOU CATEGORY                | ORIGINAL TEXT  |
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| I.                   | Statement of Function                | The Governing Board of the McLean Community Center is established to set policy and provide supervision for the McLean Community Center. The members of the Governing Board are charged with the responsibility of providing oversight and policy guidance to the Executive Director of the McLean Community Center.   |
| II.                  | Definitions: Small Tax District #1   | In accordance with the adoption of a resolution by the Board of Supervisors at a regular meeting held on Wednesday, the 5th day of August 1970, Small District #1 shall mean that portion of the Dansville District which includes the area within the boundaries established by aforesaid resolution.   |
| II.                  | Definitions: Special District Agency | In this document, Special District Agency shall mean any department, agency, commission, bureau, or other unit in the administrative service of Fairfax County for which special district revenues have been derived from special district assessments, and are being maintained as required by law and under procedures established and approved by the Board of Supervisors. |
| II.                  | Definitions: Board of Supervisors    | In this document, Board of Supervisors shall mean the statutory governing body of Fairfax County which includes Small District #1, Dranesville.  |

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| II.  | Definitions: Election                   | <p>In this document, the term election shall refer to the procedures specified in this Memorandum of Understanding through which the citizens of Small District #1 select members of the Governing Board of the McLean Community Center. As used in this document, the term election does not refer to the procedures set forth in the Constitution of the Commonwealth of Virginia for the selection of public officials.</p>   |
| II.  | Definitions: Local Media                | <p>In this document, Local Media will mean at least one local publication.</p>   |
| III. | Organizational Status and Relationships | <p>Through the adoption of this revised Memorandum of Understanding, the McLean Community Center shall be recognized as a special district agency relating to the County as a separate County agency. Its powers and responsibilities shall be those of a separate County agency except that it shall have those additional powers and responsibilities explicitly set forth in this document. The terms included herein shall take precedence over any other definitions of the powers and responsibilities of the McLean Community Center.</p> |

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| III. | Organizational Status and Relationships | <p>Consistent with its status as a separate County agency with a governing board, the McLean Community Center shall relate to the County through a liaison relationship to the County Executive or his designee. As a separate County agency, the McLean Community Center shall utilize the services of other County agencies as appropriate and in accordance with established County policies and procedures.</p>   |
| III. | Organizational Status and Relationships | <p>The Board of Supervisors delegates certain powers and responsibilities to the McLean Community Center Governing Board through the Memorandum of Understanding. The Governing Board is responsible and accountable directly to the Board of Supervisors. For purposes of day-to-day operations, the liaison between the Governing Board and the Board of Supervisors may be assumed by the county Executive and/or his designee. Any submission to the Board of Supervisors concerning the McLean Community Center prepared by County staff shall be presented for review to the Governing Board five (5) working days before submission to the Board of Supervisors.</p> |

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| IV. | Composition of the Board of Governors | <p>The Governing Board shall consist of eleven members, all members residing in Small District #1 of the Dranesville District, Fairfax County, two of which shall be 15 through 17 years of age, and nine shall be at least 18 years of age. Residents of Small District #1 of the Dranesville District, Fairfax County, Virginia, shall elect members to the Governing Board as provided herein; however, the citizenry may vote only for those candidates in their own age category.</p> |
|     |                                       | <p>Adult members shall be elected for three year terms. Terms shall be staggered to promote continuity of experience. Three members shall be elected each year. Members may continue to be re-elected as long as they meet residency requirements.</p>   |
|     | Eligibility                           | <p><u>Eligibility</u></p> <p><u>Any resident of Small District #1 is eligible to file for election to the Board if the resident meets the age qualifications and petitions for a place on the ballot in the manner approved by the Governing Board.</u></p>  |

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|  | Election of Governing Board Members | <p>The Governing Board shall establish an annual election day, which will correspond to the date of McLean Day and set up procedures for candidates to file. The Board of Supervisors shall approve election standards and procedures. The Governing Board will then issue a public notice sixty (60) days before the election for candidates to petition for a place on the ballot. The Governing Board will receive the petitions of candidates and issue the public notice of candidates at least thirty (30) days before the election. The Governing Board, through the elections Committee, will prepare a ballot and conduct the election. No member of the Elections Committee will be a candidate for re-election. All expired terms will be filled first, then unexpired terms will be filled. The full results of the election will be reported to the Board of Supervisors at the first meeting following the election. The Fairfax County Board of Supervisors, after determining that is in the public interest, shall appoint those persons receiving the greatest number of votes to the McLean Community Center Governing Board.</p> |
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|  |  | <p>Appointment to vacated terms shall follow the election results of the most recent election of the Governing Board. The unsuccessful election candidate who received the highest number of votes will be the first appointed to the first unexpired term. The list of unsuccessful candidates will be followed in this manner until all vacancies are filled. If there is no unsuccessful candidate from the most recent election of the Governing Board, then the Governing Board will continue its responsibilities with a vacant seat until the next election of the Governing Board.</p> <p>If a vacancy occurs on the Governing Board less than sixty (60) days before an election of the Governing Board members, that vacancy shall be filled by the upcoming election. If there is not a sufficient number of candidates on the ballot the vacancy will continue. A write—in candidate must receive at least the same number of votes as the number of signatures required on the petition for regular candidates to qualify for the purpose of filling unexpired terms of members of the Governing Board. If more than one vacancy occurs on the Governing Board, the Governing Board will announce a special election to be held sixty (60) days from its announcement. The announcement of said election should be made within two (2) weeks of the second vacancy.</p> <p>If a vacancy occurs on the Governing Board more than sixty (60) days before an election of the Governing Board members, that vacancy shall be filled by appointment of the Board of Supervisors, according to the above stated procedure.</p> <p>This appointment shall be valid:</p> <p>to the expiration of the vacated term, if there is less than one year left at the time of the appointment.</p> <p>to the next Governing Board election, if the vacated term has more than one year left at the time of the appointment. The remaining term shall be filled at the next scheduled Governing Board election.</p> |
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Vacancies

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|  | Removal of Board Members | <p>If a member of the Governing Board misses three (3) consecutive Governing Board meetings without an excuse, or misses six (6) regular Governing Board meetings, the Board may, by a two thirds vote of the entire Board, recommend that such person be taken off the Governing Board. The vacancy shall be filled according to regular procedures described previously. The decision of the Governing Board will be valid unless overturned by the Board of Supervisors within thirty (30) days of the Governing Board's action.</p> |
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|  |  | <p>The following are the officers of the McLean Community Center Governing Board. All officers shall be elected annually by the members of the Governing Board, from among its members. No officer shall succeed to the same office for more than two (2) consecutive terms. If an officer is elected to serve an unexpired term, it shall not be considered as serving a full term if fewer than six (6) months remain in the unexpired terms. Any officer so elected may subsequently be elected to two (2) full consecutive terms.</p> <p>Chairperson – The Chairperson shall preside over all meetings, represent the Board at official functions and ceremonial events, and perform such other duties as normally are inherent in similar positions.</p> <p>Vice-Chairperson — The Vice-Chairperson shall preside in the absence of the Chairperson and perform such other duties as may be assigned by the Board.</p> <p>Secretary - The Secretary shall be responsible for having the official minutes of all regular and special meetings of the Board kept and shall have these minutes preserved in a manner outlined by the Board. The secretary shall also be responsible for the preparation of such correspondence as may be directed by the Chairperson of the Board or as is normally performed by persons in similar positions.</p> <p>Treasurer — The Treasurer shall act as the chief financial officer of the Board.</p> <p>Parliamentarian and/or Timekeeper - The Chairperson may, at the will of the Board, appoint a Parliamentarian and/or a Timekeeper from among the Board membership.</p> |
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Officers

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|  | Personnel | <p>The Governing Board will recommend personnel actions and will develop appropriate job descriptions with the assistance of the Office of Personnel. The Office of Personnel will recruit candidates and refer them to the Community Center, according to established procedures. As a Special District Agency, the Governing Board will act as appointing authority for the Executive Director, who will select all other employees (with the aid of the Office of Personnel).</p> <p>The Executive Director is responsible to the Governing Board, acting through its Chairperson, Other Center employees are responsible to the Executive Director and shall be rated by the Executive Director. In the event the Executive Director's position is held under a personal services contract, the Director shall be rated by the Governing Board Chairperson and this rating shall be reviewed by the Governing Board. If the Executive Director is hired as a merit system employee, the Director shall be rated by the Governing Board Chairperson and the rating shall be reviewed by the Governing Board and the County Executive.</p> <p>All personnel actions and payroll administrations shall be processed in accordance with applicable ordinances and established procedures of the County of Fairfax.</p> |
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|  | <p>Program</p> | <p>The Governing Board shall have the responsibility for establishing policies in planning, design, pro-motion, and supervision of McLean Community Center programs and activities.</p> <p>A long-range program plan will establish broad priorities and provide guidance to the staff. A yearly evaluation will be conducted by the Board to ascertain that goals are being met and targeted population groups are being reached.</p> <p>Appropriate County agencies will be responsible for supervision of County programs conducted in McLean Community Center facilities. Scheduling policies and priorities shall be established by the Governing Board. The Governing Board shall provide a general written policy governing the use of the building. The Governing Board hold public meetings as it deems necessary and maintain other channels for citizen input.</p> <p>The Governing Board shall maintain files for its copy of the Memorandum of Understanding and for documentation of the Center's history, Board minutes, and the Board's policy decisions.</p> <p>In the event that the Governing Board decides to establish resident groups, it shall develop specific policies and guidelines governing the criteria for selection, maintenance and continuation of such groups.</p> |
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|  | <p>Financial Responsibilities</p> | <p>The Governing Board initiates, oversees, and approves the preparation and submittal of the Community Center's budget including current and long-range financial objectives and a five year financial forecast in accordance with procedures and formats established by the Board of Supervisors and maintains standards of fiscal accountability. The annual budget submission, including fee schedules and the tax rate, shall be submitted to the Office of Management and Budget and to the County Executive for review prior to submission to the Board of Supervisors for their approval. Within the County's established financial policies and procedures, the system will allow for quarterly budget adjustments, administrative adjustments and the maintenance of gift funds.</p> <p>The Governing Board may accept gifts, endowments, and grants where not prohibited by state law or County ordinance and in accordance with County policies and procedures regulating grants and gift funds.</p> <p>The Office of Management and Budget provides fiscal review of Community Center operations, as appropriate.</p> <p>The County Director of Finance shall invest all Community Center funds with the County General Fund "pooled cash" investments. All funds shall be accounted for in such a manner that an audit trail will be provided identifying the equity of any funds attributable to the Community Center.</p> <p>Small District #1 Dranesville, funds (taxes and all other income) shall not be disbursed for any purpose other than for acquiring, constructing, maintaining or operating, or contracting for the acquisition, construction, maintenance or operation of a community center within Small District #1, Dranesville.</p> <p>Integrity of fixed assets purchased by the McLean Community Center will be ensured based on the County's Fixed Assets Management System. Funds derived from the sale of property sold following County guidelines, shall be</p> |
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|  | <p>Capital Improvement Planning</p> | <p>The Governing Board shall be responsible for projecting the long-range needs of the Center as these needs may involve capital projects.</p> <p>The Governing Board shall, with the assistance of appropriate County agencies, develop a master capital improvement plan to include a five—year financial plan in support of the capital funding required, prior to proceeding with any major capital construction/acquisition requests. This plan, with justification for all proposed projects, shall be submitted to the Board of Supervisors for approval.</p> <p>A provision shall be made for advising citizens of the fiscal impact of proposed major capital projects and for soliciting citizen input regarding the advisability of embarking on such capital projects.</p> <p>Any plan, with justification for all proposed pro— jects, shall be submitted to the Board of Supervisors for approval and any major changes in the scope of work shall follow County procedures.</p> <p>Upon appropriation by the Board of Supervisors of necessary capital funds, the Governing Board shall work with the appropriate County agencies in the selection of an architect, review of plans, and preparation of the bid package in accordance with applicable county procedures. Final plans and bid results shall be presented to the Board of Supervisors for approval; and appropriate county agencies, in conjunction with Community Center staff and Board, will be responsible for supervision of the project during construction.</p> <p>The Governing Board may recommend that projected major capital improvements be financed through a bond issue. Upon approval by the Board of Supervisors, the question will be presented to Small District #1 residents as an item on the official ballot on election day in November of the current year, based on County policies and procedures governing bond sales. In any sale of bonds, the Governing Board will project a funding timetable foe recommendation to the Supervisors and will assist with publicity in the community. Following approval by the Board of Supervisors, the appropriate County departments will prepare and implement the plan.</p> |
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|  | Purchasing                       | <p>The purchase of goods and services shall be administered according to Fairfax County purchasing procedures.</p> <p>The following specific provisions shall be permissible:</p> <p>The Community Center may obtain, through established County bidding procedures, a contractor(s) to perform grounds maintenance in accord with specifications established by the Center in consultation with the Fairfax County Park Authority. The Park Authority will be available to perform basic minimum ground services upon timely request of the Community Center.</p> <p>The Community Center may obtain, through established County bidding procedures, a contractor(s) to perform custodial services in accord with specifications established by the Center in consultation with the Fairfax County Facilities Management Division.</p>  |
|  | Time and Place of Board Meetings | <ol style="list-style-type: none"> <li>1. Regular monthly meetings shall be held by the Board of Governors. Such meetings shall be announced to the public in the local media and in the Weekly Agenda through the Office of Public Affairs, and shall be open and public.</li> <li>2. Meetings may be cancelled or rescheduled by the Chairperson of the Board or a majority of the Board members. Notice of such scheduling shall be given to members of the Board and to the local media.</li> <li>3. All meetings of the Board of Governors shall be held at the McLean Community Center or some other public place if space is not available at the McLean Community Center.</li> <li>4. Special meetings may be called at the request of two (2) or more Board members. The Chairperson shall notify all members and at least one (1) local publication of such meetings.</li> </ol> |

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|  | <p>Conduct of Board Meetings</p> | <p>1. All Board meetings shall be conducted in accordance with Roberts Rules of Order (newly revised). These rules may be amended or suspended by a two thirds vote of members present, for any specific matter or question.</p> <p>2. For purposes provided in the Virginia Freedom of Information Act, the Board may meet in executive session upon motion made, seconded, and duly adopted. No resolution, rule, contract, regulation or motion adopted, passed, or agreed to in an executive or closed meeting shall become effective until the Board votes its adoption in an open meeting.</p> <p>3. A majority of all the members of the Governing Board shall constitute a quorum. The Chairperson shall be included and counted in determining the presence or absence of a quorum.</p> <p>4. Order of Business</p> <p>a. Commencement of Meeting - the Chairperson shall call Board meetings to order at the appointed time and shall direct the secretary to make note of the presence or absence of Board members.</p> <p>b. The Chairperson, in consultation with other Board members, shall prepare an agenda for each meeting of the Board. At the start of all meetings, the agenda shall be announced or distributed in writing and the Board members shall be given an opportunity to make additions or revisions prior to its approval. Major agenda items shall be made known to the Board at least 24 hours prior to the regular meetings. Further changes in the meeting agenda may be made after the agenda has been approved, if there is a wide public interest or upon a 2/3 vote of the Board.</p> |
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|  | Assurance of Public Accountability | <p>1. Public Hearings</p> <p>a. shall be held annually to discuss the budget proposed for the coming fiscal year. The hearing record will be open to one week to receive written comments from members of the public.</p> <p>b. shall be held to discuss major capital improvement projects.</p> <p>c. shall be held to discuss substantive changes in the Memorandum of Understanding.</p> <p>d. shall be held to discuss any issue of major importance to the Community Center or to the citizens of Small District #1 with regard to the Community Center.</p> <p>e. will follow all provisions of the Code of Virginia referencing public hearings.</p> <p>2. Public Notification and Comment</p> <p>a. Major actions taken by the Board, and significant agenda items, shall be communicated to at least one local publication for the information of Small District #1 residents.</p> <p>b. The Board will notify the Office of Public Affairs, for inclusion in the Weekly Agenda, and at least one local publication of the time and place of Board meetings and public hearings. Notice will be given sufficiently in advance to allow publicity at least three (3) days in advance of a regular Board meeting and thirty (30) days in advance of a public hearing.</p> <p>c. Members of the public present at any Board meeting or public hearing shall be given an opportunity to present their views and concerns to the Board. No advance notification will be required for such public comment.</p> |
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| RATIONALE?   | PROPOSED REVISION  |
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| Be more specific about what kind of supervision the board provides | Edit to read, "provide <i>budgetary and strategic</i> supervision..." and "providing <i>budgetary and strategic</i> oversight and policy guidance". In general, add policy about having the MOU be reviewed and updated every five years or a time frame that coincides with a regular strategic planning process. |
| Need to update name of Small District                              | Change Small District #1 to: Small District #1A  |
| See later comments about our status.                               | See later comments about our status.   |
| Need to update name of Small District                              | Change Small District #1 to Small District #1A   |

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| <p>Need to update name of Small District</p>  | <p>Change Small District #1 to Small District #1A</p>        |
| <p>Need to update to reflect that this can be online or print</p>   | <p>Add "at least one local online or print publication."</p> |
| <p>Do we need to rewrite this so that it is no longer "revised," i.e., this is a NEW MOU rather than a revised one?</p> | <p>Potentially take out "revised"</p>                        |

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| <p>Update to use non-gendered language</p> <p>Need to define what the powers and responsibilities delegated to the MCC Governing Board specifically are;<br/>Need to more clearly delineate what the accountability to the BOS means and the role of the County executive and MCC board</p> | <p>Use "they" or "his/her" designee</p> <p>More clearly define the "powers and responsibilities"; more clearly define relationships between Board, BOS, and County Executive Staff</p> |

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| <p>Stagger election cycle to every other year or every 3 years so that there is less turnover (i.e., 5 people turnover every year) from the Board. Need to define "quorum" and add contingencies if a larger number of board members resign/leave for some reason.</p> <p>Potentially have different size terms for adult members to run for (3 year term, 1 year term).</p> <p>Potentially also have smaller terms of 1 year per adult - might be more likely to do a 4th year than run again and do a 6th year</p>  | <p>To be determined</p>                   |
| <p>Consider revising to be a "preference poll" rather than an election.</p>   | <p>Review Reston CC's preference poll</p> |
| <p>We need to define what "resident" means as per the conversation in ENC. In other places it says "property owner/renter". What are the specific requirements for running vs voting - are they going to be different and if so why.</p> <p>Given this is a government board, anybody who pays property tax that contributes to the center should be able to vote/sit on the board (provided they meet other criteria like board attendance). But also residents who may not pay taxes, like nannies or others such as adults who live in households where they do not pay taxes or are not property owners, should also be allowed to do the same.</p> |   |

Given the fact that the MCC works with many different vendors and contracts, to prevent conflicts of interest and any preferential treatment of vendors, require all board members to sign an annual ethics and conflict of interest policies. In addition, add requirement that Board self-evaluates each year per best practices of board governance.

Use Fairfax County templates for ethics and COI as a starting point; rewrite to reflect the new 2007 addendum as well so this reads as "one" MOU; consider adding in new language for electronic voting

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| <p>Would like to see more fleshed out procedure on how unsuccessful election candidate becomes appointed - time from vacancy to announcement, how they have to accept, etc.</p> | <p>The unsuccessful election candidate may be offered but not be forced to be appointed to the board. S/he should have the right to decline if they do not want to be on the board.</p> |
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Need to expand on a Code of Conduct for Board members that reflects the Pledge that all Board members sign when sworn in. Add flexibility for attendance at virtual meetings.

Develop more specific language around attendance at virtual meetings to allow flexibility. Develop more specific Code of Conduct with consequences for violating the Code of Conduct. (Goes hand in hand with Ethics and COI policies.) See <https://boardsource.org/wp-content/uploads/2018/05/Code-of-Conduct-Ethics.pdf?hsCtaTracking=508c16c3-f23d-48cb-87e3-e72111881869%7Ce9e66529-f81f-4def-81c1-8973c53d66bc> for template

Specify the role of the Secretary vis a vis the Board Liaison Role. Does the Secretary record the minutes or just review and approve the minutes that are taken by a paid staff member of the MCC? Also, specify that the treasurer IS the chair of the finance committee and review alignment with other committee chair roles. More clearly define the roles and responsibilities of the other officers.

TBD

the Governing Board only develops the appropriate job description for the Executive Director. Provide more specification and details around the review process. Consider whether the Executive Director is only reviewed by the Chair or should be reviewed by the entire board. Best practice from BoadSource is for the whole board to participate in the process: <https://boardsource.org/wp-content/uploads/2016/12/10-Steps-CEO-Performance-Assess.pdf?hsCtaTracking=c6bde970-d784-4aae-9f00-099848bc082d%7C5737602a-5213-4cd5-a8e6-9b5e5ffd5796>

Revise to read, "will develop the appropriate job *description for the executive director...*" Review and revise as appropriate details for the review of the Executive Director. Add additional language to provide guidance to relationship between Board chair, executive council and the executive director.

Revise 3rd paragraph as appropriate county agencies are not responsible for the supervision of County programs conducted in McLean Community Center facilities. MCC has its own paid staff programmers.

Remove the sentence "Appropriate County agencies will be responsible for supervision of County programs conducted in McLean Community Center facilities."

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| <p>Need to clarify what the County will pay for and what is the MCC's responsible. Is the MCC an independent agency or should the County pay for things that it mandates. Is the MCC eligible to receive federal funding or apply for grants? Add clarity about Board's role in promoting specific programs, initiatives, or projects.</p> | <p>Remove the word "initiates"; Revise/add other text as needed to address status of the MCC as a quasi-independent or independent agency. Also, be very clear about Board's role in terms of promoting specific projects or initiatives.</p> |
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In fifth paragraph, add "the Governing Board *and staff* shall work with the appropriate County agencies..."

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| <p>The MCC does not consult with the Fairfax County Park Authority.</p>   | <p>Remove reference to the Fairfax County Park Authority. Confirm with county about MCC's ownership and property boundaries. Clarify lease arrangements for the Old Firehouse and payment of property maintenance.</p> |
| <p>Opportunity to do online meetings - "public space" is ambiguous &amp; whether Fairfax County rules apply here as several BAC's are still online</p> <p>What is the process here when we are not in a state of emergency</p> <p>If quorum can be met across in-person and online or only within one model of meeting?</p> | <p>Specify what to do in case of public health or other emergencies. Also need to specify what constitutes a "public" meeting</p>  |

Can quorum be online vs in-person, can it be hybrid or must it be met within one model? People prefer the effectiveness of in-person meetings but the flexibility of online meetings. We need to know if we are allowed the flexibility of alternating at our convenience and if so, what procedure we adopt to implement it.

TBD

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| <p>The Public Comment needs to be more structured and aligned with County procedures and to promote respectful dialogue. Consider reviewing specifically requiring advanced notice and limiting number of slots per meeting.</p> | <p>Some board members recommend revising 1c. to align with Fairfax County Board of Supervisors policy which reads as follows: At regularly scheduled Board meetings, several public hearings may be scheduled, including public comment time, which is generally the last public hearing of the day. The Board will hear public comment on any issue except: issues under litigation; issues that have been scheduled for public hearing before the Board; personnel matters or comments regarding individuals.</p> <p>All public comment speakers are given 3 minutes each to testify, with a maximum total number of 10 speakers to be heard per public comment time. Public comment speakers may address the Board only once during a six-month period. All other public hearings allow for speakers to have 3 minutes to testify if speaking as an individual and 5 minutes if speaking on behalf of an organization.</p> <p>Other board members feel it would be unfair to limit how many times within a 6 month period a resident can speak at public comment. Other board members suggest looking at public comment on specific programs within the committee structure vs. speaking at a full board meeting. Need to review best practices and policies of other government boards and commissions.</p> |
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