

**SAN DIEGO HIV HEALTH SERVICES PLANNING COUNCIL
BY-LAWS**

ARTICLE I - PURPOSE AND AUTHORITY

Section I

The HIV Health Services Planning Council ("Council") was established in accordance with Board Policies A-74, 74-c, 74-d and 74-e by adoption of the establishing resolution ("Resolution") on November 29, 1990 (Board item number 47), and amended by subsequent resolutions of the Board.

Section II

This Council is established in order to participate in the Federal Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (RWCA) of 1990.

Section III

The Council is a non-partisan, nonsectarian, non-profit making-organization.

ARTICLE II - MEMBERSHIP AND TERM OF OFFICE

Section I

The Council shall include ten permanent members, as set forth in Section 1 (a) - 1 (j) of the Resolution, and a maximum of 35 appointed members as set forth in Section 1 (k), 1(l), 1(m) and 1(n) of the Resolution.

Section II

A three-member consumer alternate panel may be appointed by the Board of Supervisors, as set forth in Section 2 of the Resolution. The consumer alternates positions, numbered 1, 2 and 3, respectively, shall substitute, with voting authority, for any member appointed under Section 1(m) of the Resolution. In the event that any member under Section 1(m) is absent from a meeting of the Council, a consumer alternate present at the meeting shall assume voting privileges at the meeting. Consumer alternates shall also assume interim voting privileges in the case of membership vacancies under Section 1(m). Should consumer alternates outnumber the combination of Section 1(m) vacancies and absences, consumer alternates shall rotate voting privileges by meeting, beginning with member 1.

Section III

In respect to the twenty-five at-large positions appointed by the Board of Supervisors under Sections 1(k), 1(m) and 1(n) of the Resolution, the Board shall not appoint an employee or officer of the County to serve on the Council.

Section IV

The term of office of the appointed at-large members and consumer alternate panel is four years, as set forth in Section 4 of the Resolution.

Section V

Vacancies on the Council may occur as a result of death or resignation of the incumbent, absences as set forth in Section 5(c), (d) of the Resolution, or for any reason specified in Government Code section 1770. The Board of Supervisors shall fill at-large vacancies in accordance with County policy on the creation and maintenance of County advisory boards and commissions, and as set forth in Sections 4 and 5 of the Resolution.

Section VI

If a Council member serving in one of the ten permanent seats (Section 1(a)-1(j) of the Resolution) must be absent from a Council meeting, the meeting will not be considered an absence if the member sends a representative in his/her place in order to relay and collect information (although the representative cannot vote).

- a. The member shall either notify Planning Council Support Staff (PCSS) in advance of the meeting or his/her designated representative shall inform PCSS at the meeting.
- b. The Membership Committee shall review attendance periodically to assess the frequency with which members attend and/or send a representative. Based upon this assessment, the Membership Committee might discuss with the member opportunities for a replacement.
- c. Cases in which appointed members do not have the ability to send a representative will be reviewed by the Membership Committee on a case-by-case basis.
- d. While the State Office of AIDS representative to the Planning Council shall make every effort to attend Council meetings and to relay information in his/her absence, this member cannot be held to the above attendance policy, given geographic and budget constraints.

Section VII

The number of members of the Council may be amended by resolution of the Board of Supervisors, in accordance with established policies and procedures for all County advisory boards and commissions.

ARTICLE III - DUTIES AND RESPONSIBILITIES

Section I

The Duties and Responsibilities of the Council shall be set forth in the RWCA legislation, and in Section 9 of the Resolution, as follows:

- a. Determine the size and demographics of the population of individuals with HIV disease in San Diego County;
- b. Determine the needs of such population, with particular attention to individuals with HIV disease who know their HIV status and are not receiving HIV-related services, and to disparities in access and services among affected subpopulations and historically underserved communities;
- c. Establish priorities for the allocation of RWCA emergency relief grant funds within the County of San Diego, including how best to meet each such priority and additional factors that the County of San Diego should consider in allocating such funds based on the following:
 - (1) Size and demographics of the population of individuals with HIV disease and needs of such population;
 - (2) Demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;
 - (3) Priorities of the communities with HIV disease for whom the services are intended;
 - (4) Coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;
 - (5) Availability of other governmental and non-governmental resources, including the State Medicaid plan under Title XIX of the Social Security Act and the State Children's Health Insurance Program under Title XXI of such Act to cover health care costs of eligible individuals and families with HIV disease; and
 - (6) Capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;
- d. Develop a comprehensive plan for the organization and delivery of health services in accordance with applicable RWCA requirements that is compatible with the Statewide Coordinated Statement of Need regarding the provision of health services to individuals with HIV. The comprehensive plan shall include a strategy for identifying individuals who know their HIV status and are not receiving such health services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds. The plan shall also include a strategy to coordinate the provision of such health services with programs for HIV prevention (including outreach and early intervention) and for the prevention and treatment of substance abuse (including programs that provide comprehensive treatment for such abuse);

- e. Assess the efficiency of the administrative mechanism in rapidly allocating RWCA funds to the areas of greatest need within San Diego County, and assess the effectiveness of the services offered in meeting the identified needs;.
- f. Participate in the development of the Statewide coordinated statement of need initiated by the State Office of AIDS;
- g. Establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad hoc panels;
- h. Coordinate with Federal grantees that provide HIV-related services in San Diego County;
- i. Assist the Board of Supervisors in ensuring San Diego County's full and complete compliance with the RWCA of 1990 and its subsequent amendments; and
- j. To advise and make recommendations to the San Diego County Board of Supervisors pertaining to HIV and AIDS care and treatment issues.

ARTICLE IV - OFFICERS

Section I

The chairperson of the Council shall be appointed by the chairperson of the Board of Supervisors.

Section II

Election of officers, including a Vice-Chairperson and a Second Vice-Chairperson, shall be conducted annually, and is a responsibility of the Planning Council membership, in accordance with Section 6 (a) of the resolution. Election of officers shall normally occur at the first regular Planning Council meeting of the calendar year. The consumer candidate for Vice Chair who receives the greatest number of votes will serve as one Vice Chair. The second candidate with the most votes will serve as the other Vice Chair.

ARTICLE V - SUBCOMMITTEES

Section I

The Council has the authority to establish standing and ad-hoc sub-committees/task forces as necessary to conduct its business, in accordance with Section 7 of the Resolution. All Council subcommittees shall be chaired by a member of the Planning Council, and shall consist of not fewer than three Council members, at least one of whom is a consumer. The Council chairperson shall appoint individual subcommittee members, including the subcommittee Chair, and shall review and confirm appointments at least annually. Subcommittees may elect to establish a co-chair position that may be filled by an individual who is not a member of the Council.

Subcommittees may adopt their own ground rules and operating procedures, subject to review and approval by the Steering Committee.

Section II

The Council shall establish a Steering Committee to set the agenda for Council meetings and to address issues of Council governance. The Steering Committee shall be chaired by the Council Chairperson and shall also be comprised of the Council Vice Chairpersons and the Council members who serve as the appointed Chairs of each other standing committee.

Section III

The Council shall establish a Membership Committee to monitor membership, composition and attendance, recruit candidates for existing and anticipated vacancies, and recommend applicants for appointment, as appropriate. The Membership Committee shall also develop and submit to the Council for approval an annual plan for training Council members. All members of the Membership Committee shall be members of the Council, and include at least one consumer.

ARTICLE VI - ORGANIZATION PROCEDURES

Section I

Robert's Rules of Order governs the operation of the Council in all cases not covered by The Ralph M. Brown Act, these By-Laws or Section 6 (b) - (d) of the Resolution, pertaining to quorum, minutes, and meetings. The Council may formulate specific procedural rules of order to govern the conduct of its meetings in addition to those stated.

Section II

Any group voting is on the basis of one vote per person and no proxy, telephonic or absentee voting is permitted.

Section III

All regular and special meetings of the Council and its sub-committees are open to the public and are to be held in public places. Notice of all Council meetings shall be posted in a publicly accessible place for a period of 72 hours prior to the meeting. In addition, notice of regular meetings will be mailed on request.

Section IV

These By-Laws may only be amended by a two-thirds vote of Council members present at a publicly noticed meeting, unless such amendment would be prohibited by the Resolution.

Section V

A quorum shall be a majority of the members currently appointed to the Council. No vote of the Council shall be considered as reflecting an official position of the Council unless passed by a majority of its quorum present at the specific meeting where the vote was taken. Action may only be taken by an affirmative vote of at least ten members.

Section VI

The only official, authorized spokesperson for the Council shall be its chairperson.

Section VII

Any members of the Council who feels that they have a conflict of interest, or feels that there is the appearance of a conflict of interest, shall so state when addressing the issue and abstain from the voting.