

Resolution No.: 06-241
12/12/2006 (11)

A RESOLUTION REGARDING THE SAN DIEGO COUNTY
HIV HEALTH SERVICES PLANNING COUNCIL

On motion of Supervisor Cox, seconded by Supervisor Roberts, the following Resolution is hereby adopted:

WHEREAS, the County of San Diego of San Diego, in order to receive Ryan White Comprehensive AIDS Resources Emergency Act (RWCA) assistance, established by resolution dated November 6, 1990, as amended on December 18, 1990, April 2 1991, November 5, 1991, November 23, 1993, November 1, 1994, May 9, 1995, July 23, 1996, July 15, 1997, November 16, 1999, July 31, 2001, July 8, 2003, August 3, 2004, June 21, 2005 and January 24, 2006 by the San Diego County HIV Health Services Planning Council ("Council").

WHEREAS, previous Board actions extended the authorization of the Council through June 30, 2006;

WHEREAS, federal funding requirements continue to require Council activities as a prerequisite to receiving RWCA funding for the period July 1, 2006 forward, including Fiscal Year 06-07 and beyond;

WHEREAS The Council was reauthorized and reestablished for the time period beginning July 1, 2006:

WHEREAS, it is the desire of the Board of Supervisors to further amend various provisions establishing that Council;

NOW THEREFORE IT IS RESOLVED AND ORDERED that the Resolution establishing the Council is hereby amended so that Sections 1 through 14 of the Resolution read as follows:

1. MEMBERSHIP AND SELECTION. The Council shall consist of forty-five (45) members. The Council shall reflect in its composition the demographics of the population of individuals with Human Immunodeficiency Virus (HIV) disease in San Diego County. The following persons shall be members of the Council:

- a. Member of the HIV Prevention Community Planning Board (HPCPB), elected by the membership of the HPCPB.

- b. A representative of the Office of AIDS, California Department of Health Services, nominated by the Director of the Office of AIDS and appointed by the Board of Supervisors.
- c. A representative of the Hospital Council of San Diego and Imperial Counties, nominated by the Hospital Council and appointed by the Board of Supervisors.
- d. Director of the San Diego County Health and Human Services Agency, or designee.
- e. The Sexually Transmitted Disease Control Officer, or designee.
- f. San Diego County Health Officer, or designee.
- g. A representative of the State Medicaid agency, nominated by the agency and appointed by the Board of Supervisors;
- h. A representative of a HRSA funded RWCA Title IV program, nominated by the program and appointed by the Board of Supervisors;
- i. A representative of the AIDS Education and Training Center (AETC) program, nominated by the program and appointed by the Board of Supervisors;
- j. Six additional members appointed by the Board of Supervisors. Each Supervisor shall nominate one member. The sixth member shall be nominated by the Chairperson of the Board of Supervisors pursuant to the recommendations of all Board Members. The sixth Member shall be the Chairperson of the Council. The members appointed by the Board of Supervisors shall serve during their terms at the pleasure of the Board of Supervisors, and any such member may be removed at any time by a majority vote of the Board of Supervisors or by the member's failure to meet the regularly scheduled meeting attendance requirements.
- k. Ten additional members recommended by the Council's Membership Committee and appointed by the Board of Supervisors. The ten members shall include:
 - (1) A representative of mental health service providers;
 - (2) A representative of a HRSA administered RWCA Title III, subpart II, grantee;
 - (3) A representative of a federally qualified health center;

- (4) A representative of substance abuse treatment providers;
 - (5) A representative of a community-based AIDS service organization;
 - (6) A representative of the grantee for the Housing Opportunities for People with AIDS (HOPWA) program;
 - (7) A representative of social service providers;
 - (8) A representative of providers of housing and homeless services;
 - (9) A representative of providers of HIV prevention services; and
 - (10) A representative of individuals who were formerly Federal, State, or local prisoners, who were released from custody of the penal system during the preceding three years, and who had HIV disease as of the date on which the individuals were so released.
- l. Sixteen additional members recommended by the Council's Membership Committee and appointed by the Board of Supervisors. The Council shall actively recommend persons to fill such positions for consideration by the Board of Supervisors. The members appointed by the Board of Supervisors pursuant to this subsection shall be individuals who are receiving HIV-related services under provisions of Title I of the RWCA. For purposes of this subsection, an individual shall also be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services. At least fourteen persons appointed by the Board of Supervisors pursuant to this subsection shall be persons with HIV. Persons appointed under this subsection shall not be officers, employees, or consultants to, and may not represent, any entity that receives RWCA Title I funding. Members appointed under this subsection shall reflect the demographics of the population of individuals with HIV disease in San Diego County. One of the members appointed in this subsection shall be a Co-Chair of the Council's HIV Consumer Committee.
 - m. Four additional members recommended by the Council's Membership Committee and appointed by the Board of Supervisors. One member shall be an African American community leader. One member shall be an Hispanic community leader. Pursuant to the RWCA of 1990 and its Amendments of 1996 and 2000, and in furtherance of its aims locally, preference shall be given in appointing members pursuant to this subsection to individuals from disproportionately affected and historically underserved populations, such that the composition of the Council reflects the demographics of the HIV epidemic in San Diego County.

Consideration in making these appointments shall be given so that there shall be at least one member of the Council appointed from the following communities: (i) Hispanic, (ii) African-American, (iii) Native American, (iv) Asian/Pacific Islander, (v) gay or lesbian communities, and (vi) women, or other under-represented communities as may be identified from time to time by the Council and Board of Supervisors.

2. CONSUMER ALTERNATE PANEL. The Board of Supervisors may appoint a three-member consumer alternate panel, recommended by the Council's Membership Committee, who shall substitute, with voting authority, for any member appointed under subsection m. The members appointed by the Board of Supervisors pursuant to this subsection shall represent the HIV affected communities, including individuals with HIV and immediate caregivers. Each consumer alternate member shall be able to fully participate in Council discussions, and may substitute, with voting authority, in the absence of one of the designated consumer members. Persons appointed under this subsection shall not be officers, employees, or consultants to, and may not represent, any entity that receives RWCA Title I funding. The Council shall adopt by-laws which specify the procedures for designating voting authority to consumer alternate members.

3. EXCLUSIONS. The Board of Supervisors shall not appoint an employee or officer of the County to serve on the Council to fill any position created pursuant to subsection 1(j), 1(l) or 1(m).

4. TERM OF OFFICE.

- a. Each member appointed by the Board of Supervisors pursuant to sections 1(g) through 1(m) shall serve a term of four years.
- b. A member shall serve on the Council until a successor has been appointed. A member appointed under sections 1(k), (l) or (m) shall be appointed for no more than two consecutive four-year terms. The term of membership shall begin on the date of appointment.

5. VACANCIES. In respect to those members appointed pursuant to subsections 1(j) through 1(m) and Section 2, a vacancy shall occur as a result of any of the following events before the expiration of the term:

- a. The death of the incumbent.
- b. The resignation of the incumbent.

- c. Absences from more than four regularly scheduled meetings in any 12-month period, with the following exception: if a Council member serving in one of the nine permanent seats (Section 1(a)-1(i) 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).
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) 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.
- d. Effective March 1, 2007, absences from more than four regularly scheduled meetings of the Council member's assigned primary sub-committee in any 12-month period, with the same exceptions noted above under Section 5(c) for Council members serving in one of the nine permanent seats (Section 1(a)-1(i) of the Resolution).
 - (1) Council members assigned to more than one subcommittee shall be provided the opportunity to indicate preference for primary sub-committee assignment.
- e. Or for any reason specified in Government Code Section 1770.
- f. When a vacancy occurs as the result of missing four regularly scheduled meetings in one 12-month period, the member, and the Council and the Supervisor nominating the member shall be notified by the Council Chairperson.

6. ORGANIZATION.

- a. Officers. In addition to the Chairperson of the Council, who is appointed by the Board of Supervisors, the Council shall annually select from its membership a Vice-Chairperson and a Second Vice-Chairperson. The Vice-Chairpersons shall serve for a calendar year.
- b. Quorum. A majority of members currently appointed to the Council shall constitute a quorum. Unless otherwise indicated in this Resolution or Council By-Laws, an action by the Council is considered to be consensus or majority vote of a quorum of voting members in a publicly noticed Council meeting. Action may only be taken by an affirmative vote of at least ten members.
- c. Minutes. The Council shall keep detailed written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board of Supervisors. The accuracy of all minutes shall be certified to by the chair of the Council, following approval of the meeting minutes by action of the Council.
- d. Meetings. The Council shall establish a regular meeting schedule, shall meet no less than monthly (unless any such meeting is canceled by act of the Council), and shall give public notice of the time and place of meetings in compliance with the requirements of the Brown Act and the RWCA. All meetings of the Council shall be open and public, and all persons shall be permitted to attend any meetings of the Council.
- e. Documents. All records, reports, transcripts, minutes, or other documents which were made available to or prepared for or by the Council shall be available for public inspection and copying at the HIV, STD and Hepatitis Branch of Public Health Services, Health and Human Services Agency.

7. ESTABLISHMENT OF SUBCOMMITTEES.

- a. Standing Committees. The Council shall operate standing committees to assist in carrying out its duties. Such committees shall include, at a minimum, a Steering Committee and a Membership Committee.
 - (1) The Steering Committee shall be comprised of the Council Chairperson, elected Vice Chairs and the Council members who serve as the appointed Chairs of each other standing committee. The Steering Committee is charged with establishing the agenda for meetings of the full Council, and for addressing matters of Council governance. The Council Chairperson shall serve as Chairperson of the Steering Committee.

- (2) The Membership Committee shall 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. The Committee shall forward all applications and recommendations to the Clerk of Board of Supervisors to ensure compliance with Board policy A-74. The Council may adopt by-laws describing additional Membership Committee duties and responsibilities.
 - (3) The Council shall have the authority to establish (i.e., to bring the committee into existence and articulate its charge) and to disband, as appropriate, additional standing committees for the purpose of carrying out the functions and duties of the Council.
- b. Ad Hoc Committees/Task Forces. The Council shall also have the authority to establish ad hoc committees or task forces (i.e., to bring the committee or task force into existence and articulate its charge) for the purpose of carrying out the functions and duties of the Council.
 - c. The Chairperson of the Council shall appoint the individual members to serve on subcommittees (whether standing committees or ad hoc committees/task forces), including the subcommittee Chair, and shall review and confirm appointments at least annually. All Council subcommittees shall be chaired by a member of the Council, and shall consist of at least two additional Council members, at least one of whom is a consumer. Subcommittees may elect to establish a co-chair position that may be filled by an individual who is not a member of the Council.
 - d. All subcommittees shall operate under the By-laws of the Council. Each subcommittee may adopt its own written ground rules and operating procedures, subject to review and approval by the Steering Committee. The actions and recommendations of subcommittees shall not be deemed the action of the Council or its members.
 - e. Volunteer and Consultant Services. The Council shall engage the services of volunteer workers and consultants without salary as it may find necessary from time to time. Service of an individual as a volunteer worker or as a consultant shall not be considered as service for or employment by the County.

8. **COMPENSATION AND EXPENSES.** Members of the Council shall serve without compensation. Council members appointed pursuant to Section 1(l) and section 2 may be reimbursed for expenses incurred in performing their duties under this Article, including mileage reimbursement in accordance with Administrative Code section 472, provided that the Council allocates RWCA funds for this purpose, and that the Council adopts By-laws to govern the use of these funds. Transportation and childcare reimbursements shall be limited to those eligible members who are HIV positive.

9. **DUTIES AND RESPONSIBILITIES.** The Council shall have the following duties and responsibilities:
 - 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 Ryan White Comprehensive AIDS Resource Emergency Act 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.

10. REPORTS. The Council shall make available to the Board of Supervisors its findings and recommendations on major issues, and submit an annual written report of its activities to the Board of Supervisors.
11. CONFLICT OF INTEREST. In accordance with provisions of the Ryan White CARE Act of 1990, and its Amendments of 1996, members may be appointed to the Council who will, from time to time, have conflicts of interest in matters before the Council. Conflicts of Interest shall be managed in the following ways:
 - a. Each newly appointed member of the Council shall file a Statement of Economic Interest, pursuant to the Conflict of Interest Code adopted by the Council. Annual Statements of Economic Interest shall be filed no later than March 31 of each year. Members who have not filed a Statement of Economic Interest by the due date shall be recorded in meeting minutes as an absence, and shall not be permitted to vote on matters before the Council. Members who are more than 90 days delinquent in filing a Statement of Economic Interest shall be subject to the vacancy provisions in Section 5.
 - b. The Council is prohibited from participating in the making of contracts with specific service providers to provide RWCA-funded services.
 - c. Members who may have a conflict of interest, or who may appear to have a conflict of interest, in matters before the Council shall so state at the beginning of discussion on such a matter, and shall abstain from all voting on the subject.
12. STAFF ASSISTANCE. The HIV, STD and Hepatitis Branch of Public Health Services, Health and Human Services Agency, County of San Diego, shall ensure the provision of the necessary staff assistance to the Council.
13. CONFIDENTIALITY. Nothing in this Resolution applies to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters, or disclosure of information regarding individuals' HIV status pursuant to State law.
14. SUNSET. The Council shall remain in effect so long as there is a Council requirement for the County of San Diego to receive Ryan White CARE Act (RWCA) Title I funds from the Federal Health Resources and Services Administration to provide health care and supportive services to San Diego County residents living with HIV/AIDS.

PASSED AND ADOPTED this, by the Board of Supervisors, County of San Diego, State of California by the

PASSED AND ADOPTED by the Board of Supervisors, County of San Diego, State of California, on this 12th day of December, 2006, by the following vote:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

STATE OF CALIFORNIA)
County of San Diego)SS

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Board of Supervisors

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By: Nancy Vizcarra
Nancy Vizcarra, Deputy



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