



**FORT LAUDERDALE/BROWARD EMA**  
**BROWARD HIV HEALTH SERVICES PLANNING COUNCIL**  
AN ADVISORY BOARD OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS  
200 OAKWOOD LANE, SUITE 100, HOLLYWOOD, FL 33020  
(954) 561-9681 • FAX (954) 561-9685

## **Ad-Hoc By-laws and Memorandum of Understanding Meeting**

**Wednesday, January 18, 2023 - 2:00 PM**

**Location:** WebEx/Poverello Center

**Chair:** Brad Barnes • **Vice Chair:**

**Join the meeting via phone:** 1-408-418-9388 US Toll (access code: 2632 290 7544)

***This meeting is audio and video recorded.***

Quorum for this meeting is 4

### **DRAFT AGENDA**

#### **ORDER OF BUSINESS**

1. Call to Order/Establishment of Quorum
2. Welcome from the Chair
  - a. Meeting Ground Rules
  - b. Statement of Sunshine
  - c. Introductions
  - d. Moment of Silence
3. Approvals
  - a. **ACTION:** Approval of Agenda for January 18, 2023
4. Standard Committee Items
  - a. Review and finalize edits to the By-Laws (**Handout A**)
  - b. Discuss the Next Steps for By-Laws and MOU
5. Announcements
6. Adjournment

*For a detailed discussion on any of the above items, please refer to the minutes available at:*

[HIV Planning Council Website](#)

Please complete your [meeting evaluation](#).

*Three Guiding Principles of the Broward County HIV Health Services Planning Council*  
*• Linkage to Care • Retention in Care • Viral Load Suppression •*

**Vision:** To ensure the delivery of high-quality, comprehensive HIV/AIDS services to low-income and uninsured Broward County residents living with HIV, by providing a targeted, coordinated, cost-effective, sustainable, and client-centered system of care.

**Mission:** We direct and coordinate an effective response to the HIV epidemic in Broward County to ensure high-quality, comprehensive care that positively impacts the health of individuals at all stages of illness. In so doing, we: (1) Foster the substantive

involvement of the HIV-affected communities in assuring consumer satisfaction, identifying priority needs, and planning a responsive system of care, (2) Support local control of planning and service delivery, and build partnerships among service providers, community organizations, and federal, state, and municipal governments, (3) Monitor and report progress within the HIV continuum of care to ensure fiscal responsibility and increase community support and commitment.



Broward County Board of County Commissioners

Mark D. Bogen • Lamar P. Fisher • Beam Furr • Steve Geller • Torey Alston • Nan H. Rich • Tim Ryan • Robert McKinley • Michael Udine

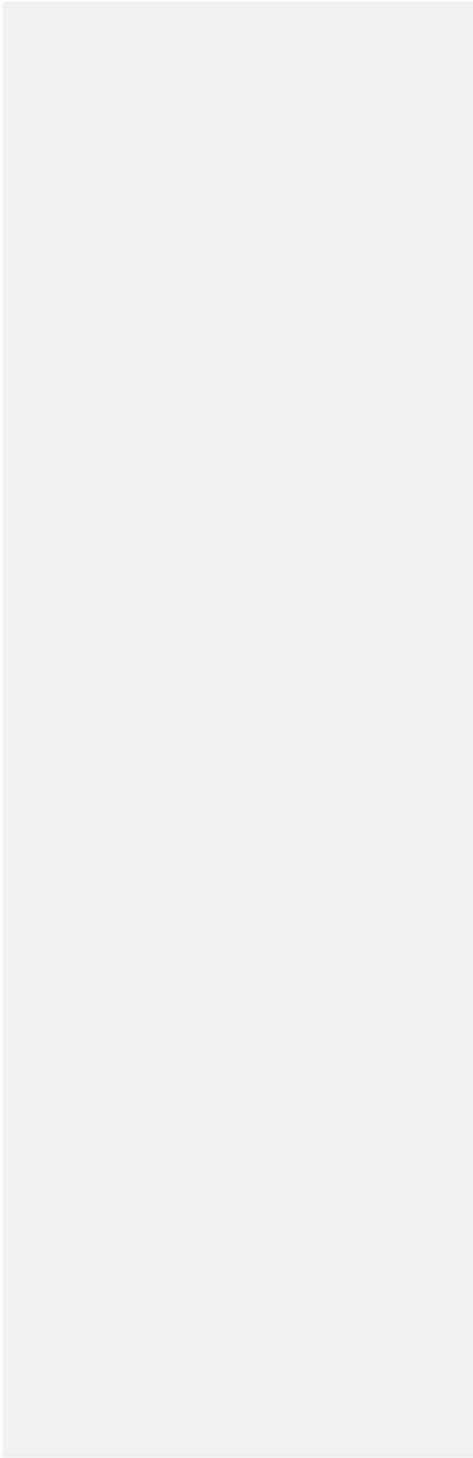
[Broward County Website](#)



BROWARD COUNTY HIV HEALTH  
SERVICES PLANNING COUNCIL  
BY-LAWS

Last amended 2023

DRAFT



**By-Laws of the  
Broward County HIV Health Services Planning Council**

Adopted, January 1992

as Amended April 1995, April 1996, November 1996, June 1998, March 1999, May 1999, February 2000, January 2002, September 2004, April 2006, January 2010, January 2012, May 2013, December 2013, May 2014, July 2014, March 2015, July 2015, August 2015, December 2015, April 2017, August 2017, October 2018, \_\_\_\_\_, 2023

**ARTICLE I**

**NAME AND AREA OF SERVICE**

- SECTION 1:** The name of the Planning Council shall be "The Broward County HIV Health Services Planning Council" (Council) or such successor name as may be designated by the Broward County Board of County Commissioners.
- SECTION 2:** The area served by the Council shall be Broward County, Florida. The governing body of Broward County is the Broward County Board of County Commissioners.
- SECTION 3:** The Council is established by a resolution of the Board of County Commissioners codified in Part X of Chapter (12 of the Broward County Administrative Code as amended by the Board of County Commissioners.

**ARTICLE II**

**PURPOSE, MISSION, VISION, AND DUTIES**

- SECTION 1:** **Purpose:** The purpose of the Council is to provide planning to promote the development of HIV/AIDS health services, personnel, and facilities that meet identified health needs in a cost-effective manner, reduce inefficiencies, and develop HIV-related health plans.
- SECTION 2:** **Mission:** To direct and coordinate an effective response to the HIV epidemic in Broward County to ensure high-quality, comprehensive care that positively impacts the health of individuals at all stages of illness. In so doing, we: (1) Foster the substantive involvement of the HIV-affected communities in assuring consumer satisfaction, identifying priority needs, and planning a responsive system of care, (2) Support local control of planning and service delivery, and build partnerships among service providers, community organizations, and federal, state, and municipal governments, (3) Monitor and report

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**Commented [GM1]:** A Mission statement is required by HRSA. Source: Ryan White Primer/Part A Manual

progress within the HIV continuum of care to ensure fiscal responsibility and increase community support and commitment.

**SECTION 3:** **Vision:** To ensure the delivery of high-quality, comprehensive HIV/AIDS services to low-income and uninsured Broward County residents living with HIV, by providing a targeted, coordinated, cost-effective, sustainable, and client-centered system of care.

**SECTION 4:** **Duties:** The duties of the Council shall be those specified by the Ryan White Act.

### ARTICLE III

#### DEFINITIONS

1. *Ad-Hoc Committee* means a committee established for a limited time or limited and definite purpose.
2. *Alternate* means a person appointed by the Board that may be called upon to participate as a voting member of the Council upon the occurrence of certain conditions.
3. *Board* means the Broward County Board of County Commissioners.
4. *Cause* means an action determined by the Council as a basis for discipline or removal from the Council or a Committee.
5. *Committee* means a committee established by the Council in furtherance of Council business.
6. *Community Stakeholder* means representatives from Ryan White Part B, C, D, or F, Prevention, or representatives of HIV/AIDS care in the community, including but not limited to consumers, providers, and regulators.
7. *Consumer* means a person who is an eligible recipient of services under the Ryan White Act.
8. *Council* means the Broward HIV Health Service Planning Council created in Chapter 21, Part X, Broward County Administrative Code, and mandated by the Ryan White Act, Part A.

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9. *EMA* means Eligible Metropolitan Area.
10. *Ex officio* means a committee member who does not have a vote on that committee and does not count as quorum.
11. *Manual* means the Council's Local Policies and Procedures Manual.
12. *Member* means a person appointed to the Council by the Board.
13. *Non-Elected Community Leader* means someone active in the community not elected in formal governmental elections.
14. *PWH* means person with HIV Disease or AIDS. (Also PWHA)
15. *Part A* means the Ryan White Act, Part A, administered by the County with advice from the Council.
16. *Ryan White Act* means the Ryan White HIV/AIDS Treatment Extension Act of 2009.
17. *Unaffiliated Consumer* means individuals who are receiving HIV-related services from Ryan White-funded service providers and not compensated by, representative of, or employed by a provider funded under the Ryan White Act.
18. *Work Group* means a group that has a specific task and makes recommendations but does not follow attendance, membership, or quorum requirements.

## ARTICLE IV

### **MEMBERSHIP**

#### **SECTION 1: Appointment to the Council**

- a) All Members and Alternates of the Council shall be appointed by the Broward County Board of County Commissioners.
- b) The Council shall consist of not less than twenty (20) members nor more than thirty-five (35) members.
- c) The process for forwarding recommendations to the Board is outlined in the Membership/Council Development Committee Section of the COUNCIL Local Policies and Procedure Manual.

**SECTION 2:** An individual may serve on the Council only if the individual agrees that  
 Approved 8/24/09, 11/18/09 (Article VII, Section 1B), 1/28/10 (Article VII, Section 1D), 1/26/12 (Article V, Section 2), 5/23/13 (Article III, Section 15, 18; Article IV, Section 7, 8, 11A, B; Article VI, Section 1, 2, 5A, 8B; Article VIII, Section 1B, 1C, 4A), 12/12/13 (Article IV, Section 11; Article VI, Section 5; Article VIII, Section 4, 5, 7), 5/22/14 (Article III; Article VI, Section 8; Article VIII, Section 1, 2, 4, 5, 6, 7, 8, 9), 7/24/14 (Article IV, Section 9; Article V, Section 2; Article VI, Section 5, 8; Article VIII, Section 1, 2, 5, 6, 8, 10), 3/26/15 (Article IV, Section 9, 11; Article VIII, Section 4; Article X, Section 4), 4/17/17 (Article VIII, Section 2; Article VIII, Section 3, C; Article VIII, Section 6; Article VIII, Section 7, B), 8/31/17 (Article VIII, Section 11); 10/25/18 (Article IV, Section 1; Article X, Section 4)



the individual has a financial interest in an entity if the individual is an employee of a public or private entity, or if the individual is a member of a public or private organization, and such entity or organization is seeking amounts from a grant under the Ryan White Act, the individual will not, with respect to the purpose for which the entity seeks such amounts, participate (directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purposes.

**SECTION 3:** The membership of the Council shall be as delineated in the Ryan White Act, as amended.

**SECTION 4: Recruitment Efforts**

Affirmative recruitment efforts shall be made to attract eligible candidates for membership on the Council and the committees with particular attention to gender balance and adequate representation from racial and ethnic minorities that is reflective of the EMA.

**SECTION 5: HIV Representation**

As part of the Council's efforts to increase the percentage of persons with HIV, it is recommended that the Council strive, whenever possible, to nominate persons living with HIV disease to vacancies in all other categories as appropriate.

**SECTION 6: Office Term**

The term of office for members and alternates shall be at the pleasure of the Broward County Board of County Commissioners.

**SECTION 7: Term Limit**

The Planning Council will follow Broward County's ordinance regarding term limits.

**SECTION 8: Attendance: Council and Committee.**

Attendance of Council meetings shall be in accordance with the Broward County Code of Ordinances section 1-233. The Council may recommend reappointing members who were removed pursuant to Broward County Code of Ordinances section 1-233. The committee attendance policy mirrors the Council attendance policy. The Chair of the Council shall, at their discretion, determine whether the member's absence meets any of the criteria for an excused absence as set forth in **Broward County Code of Ordinance section 1-233 business-finance**. Excused absences for COUNCIL-related business mean business outside the regular time and place of COUNCIL business.

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Failure to adhere to attendance requirements shall be grounds for removal from the Council or committees.

**SECTION 9: Designation of Alternates.**

There shall be a minimum of at least three persons living with HIV that reflect the demographics of the epidemic in the County who shall serve as Alternates, appointed, and approved by the Broward County Board of County Commissioners.

- a) An Alternate may only serve as a voting member of the Council when a member with HIV is unable to serve due to HIV-related illness. In such case, the Chair shall appoint an alternate who, to the greatest extent possible, matches the gender, race, and ethnic background of the individual with HIV that is absent. Thereafter, alternates, as directed by the Chair, shall alternate their substitution for PWH members unable to serve due to HIV-related illness.
- b) Alternates may be appointed by the chair as voting members only after Quorum has been established. Alternates may be removed from their seats as described in Section 11 below.

**SECTION 10: Membership on a Standing Committee.**

Council members and Alternates shall be a member of at least one standing committee. Failure to participate on a standing committee within thirty (30) days shall be grounds for removal from the Council.

**SECTION 11: Meeting Ground Rules.**

All persons in attendance at a meeting of the Council and Committees shall comply with the meeting ground rules adopted by the Council. **Meeting Grounds Rules will be available at all Council meetings.**

**SECTION 12: Removal of Members and Alternates**

- A. Removal of Council members and alternates shall be in accordance with the Broward County Code of Ordinances section 1-233:
  1. **Board meetings on a quarterly or less frequent basis: Members will be removed after two (2) consecutive unexcused absences or missing two (2) properly noticed meetings in one (1) calendar year.**
  2. **Board meetings more frequently than quarterly: Members will be removed after three (3) consecutive unexcused absences or missing four (4) properly noticed meetings in one (1) calendar year. If the COUNCIL has one joint meeting same attendance policy applies.**
- B. **Procedure for removal.** If a member or alternate fails to comply with Paragraphs B or C, or for reasons documented in Paragraph D, the Council

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shall recommend to the Broward County Board of County Commissioners the removal of that Member or Alternate. A recommendation of removal is based upon a majority vote of the Council members in attendance at a meeting at which Staff has provided written notification to the member or alternate recommended for removal that such item will be on the meeting's agenda. Unaffiliated members and alternates may also be automatically removed for reasons outlined in Paragraph E.

**C. Recommendation for Removal by Council.**

- a) The Council shall recommend that a member or alternate be removed from service on the Council for refusing to cooperate in a conflict-of-interest review, or when it is determined that the member or alternate knowingly acted intended to influence the conduct of the Council in a manner as defined in ARTICLE IV, SECTION 2 of these By-laws.
- b) The Council shall terminate from service any committee member who is not also a Council member for refusing to cooperate in a conflict-of-interest review, or when it is determined that the member knowingly acted intended to influence the conduct of the Council in a manner as defined in ARTICLE IV, SECTION 2 of these By-laws.
- c) The Council shall recommend that a member or alternate be removed from the Council for, but not limited to, failure to comply with County regulations or the Council Local Procedures Manual, failure to comply with meeting ground rules, or failure to maintain committee membership.

**D. Recommendation for Removal by Individual Council Members.** A Council Member, Council Chair, or Committee Chair may recommend removal for cause of a member or alternate by forwarding to the Membership Committee said recommendation, documenting the reasons for requesting removal. The Membership Committee will review the evidence and make recommendations to the Executive Committee. The Executive Committee will review the recommendation and forward the recommendation to the Council. **The final decision to remove a Member or Alternate must be ratified by the Planning Council. Once ratified, the Planning Council will forward all recommendations for removal to the Board of County Commissioners.**

Commented [H2]: HIVPC Policy & Procedures

**D. Automatic Removal.** A member or alternate shall be automatically

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removed from the Council for failure to comply with attendance policies as outlined in ARTICLE IV, SECTION 7 of these By-laws. A member or alternate shall be automatically removed from the Council in accordance with the Broward County Administrative Code Section 12.108 which states that members must report any change in affiliation status and shall be automatically removed from the Council upon becoming affiliated with a provider.

- E. **Affiliated to Unaffiliated Status.** Members changing from affiliated status to unaffiliated status can be appointed by majority vote from one seat to the other without resigning from the Council. An official letter stating that the Council has voted to appoint the member in the new position with an updated application must be secured and submitted to the Intergovernmental Affairs/Board Section of the Broward County Board of Commission within ten (10) business days.
- F. **Seat Change.** MCDC and the Council shall be notified of changes to representation involving members who are on the Council by virtue of holding a mandated seat due to their employment. Such changes shall be informational in nature and immediately forwarded to the Broward County Board of County Commissioners for appointment.
- G. **Member participation in outreach and training activities.** Members are expected to participate in a minimum of two (2) Council outreach and training activities per calendar year.

Commented [H3]: HIVPC Policy & Procedures

## ARTICLE V

### **OFFICERS**

**SECTION 1:** The officers of the Council shall be members of the Council and shall be a Chair and a Vice Chair.

### **SECTION 2: ELECTIONS**

- A. **Election of Officers** shall utilize a majority vote double election system (primary election and a secondary run-off election). Officers shall be elected by the majority vote of those members or alternates serving as members of the Council present and voting at the meeting during which the election is held.

B. **Regular Biannual Elections.** Regular biannual elections will take place every two years.

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The ad-Hoc Nominating Committee shall present a slate of candidates for consideration as described in the ad-Hoc Nominating procedure. The Officers shall take office on March 1 or at the first meeting of the calendar year later than March 1. All Officers shall serve a two-year term and shall remain in office until a successor is selected. No officers shall serve more than two consecutive terms in one office.

- C. **Special Elections.** Special Elections will take place as needed. In the event of the resignation or other reason for vacating the Chair or Vice Chair positions, a special election will be held following the procedures outlined in Nominating Procedure (Article VIII, Section 3, Part A). Until the election is held, the Council will adhere to the line of succession outlined in Article VI, Section 8. Individuals elected by virtue of special election will not be considered to have served a full term, and this service will not impact the individual's ability to run for two additional terms.

**SECTION 3: The Duties of the Officers** are those which usually apply to such officers and in addition thereto, such other duties as may be designated from time to time by the Council.

**SECTION 4: The Official Liaison.** The Chair of the Council will serve as the official liaison of the Council with the Broward County Board of County Commissioners and its designated administrative entity. No other Member of the Council or its committees may speak for the Council.

**SECTION 5: Council Officers.** Except for the Executive Committee, the current Council officers may not serve as Chair or Vice Chair of any Council committee while holding office.

**SECTION 6: Acting Committee Chair.** Upon proper notice to the committee, the Council Chair or Vice Chair may sit as acting chair of the committee when the committee Chair or Vice Chair is unable to attend a properly scheduled meeting of the committee. In the event the Council Chair or Council Vice Chair is serving as acting committee chairs, they count towards quorum and have a vote. **If the Council Chair or Vice-Chair attends as a guest for a committee meeting, the Chair or Vice-Chair can count toward quorum if needed.**

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## ARTICLE VI

### MEETINGS

#### SECTION 1: Meeting Protocol

- a) The Council shall meet at least nine (9) times per fiscal year (March 1 – February 28).
- b) Special meetings may be called by the Chair or upon petition of one-third of the membership of the Council.
- c) Written notice shall be given at least one week prior to each meeting.
- d) All HIV Planning Council meetings are open to the public.
- e) Attendance at mandatory Training Activities is also part of Council attendance requirements.

#### SECTION 2: Quorum

- a) Fifty percent (50%) of the members plus one shall constitute a quorum for
- b) the HIV Planning Council, and all standing and ad-Hoc Committees, but with no less than 3 members voting.
- c) Once a quorum has been established by members physically present at a meeting, members who are not physically present may attend and participate in such meetings by telephone or video. **Quorum should be established within fifteen minutes of the meeting time.**
- d) A majority of Members present and voting at any meeting at which a quorum is present shall be sufficient to act on behalf of the Council.
- e) The number of Members needed to determine quorum shall be the total number of Members of the Council, not including the Member representing the Broward County Board of County Commissioners.

#### SECTION 3: Voting Privileges

- a) Only duly appointed Members of the Council and/or committee (or the appointed Alternate in their absence) may vote, and each Member (or Alternate) shall have one vote.
- b) Voting privileges are non-transferable. In the event of a tie vote, there shall be a roll call vote and the Chair shall vote last.

#### SECTION 4: Public Notice of Council Meetings

- a) Public notice of Council meetings shall be given in accordance with Florida Statutes and Broward County Ordinances.

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- b) Meetings shall be open to the public.
- c) Records and data shall be made available to the public under the applicable laws.
- d) Minutes of each meeting of the Council or Committee shall be kept.
- e) The accuracy of all minutes shall be certified by the Chair of the Council and/or committees.

**SECTION 5: COUNCIL AGENDAS**

A. The Executive Committee shall meet five (5) working days before the regularly scheduled full Council meeting. The Executive Committee (or in the absence of Executive Meeting action, the Council's Designated Staff Member) shall prepare an agenda for full Council meetings based upon the following:

- a) Each committee chair, the Recipient, or the Council Support Staff will inform the Executive Committee (or Council Designated Staff Member) of committee recommendations and other actions to be presented for the full Council's approval.
- b) Motions passed by Committees may be sponsored by the Chair of the Committee on behalf of the Committee and annotated on the Council Agenda as sponsored by the Committee.
- c) Individual Members of the Council may request action items be placed on the agenda by providing them in writing to the Council Designated Staff Member before the Executive Committee meeting.
- d) Members of the public who wish to bring matters before the full Council for consideration must obtain sponsorship of the item by a Member of the Council.
- e) Requesters of Council actions must provide appropriate backup documentation to explain the requested action.
- f) The Executive Committee may refer proposed actions to the appropriate committee to examine and make a recommendation before presenting the matter to the full Council for action.
- g) Proposed motions requiring the full Council's vote shall be listed on the agenda and sent to members 48 hours before the full Council meeting.
- h) At the Executive Committee's discretion, backup documentation will be labeled and distributed with the Council's agenda.
- i) At the discretion of the Council Chair, action items requested at the Council meeting, not on the published agenda, may be added to the agenda's old/new business portion of the agenda, deferred until the next Council meeting, or referred to the appropriate committee.

Approved 8/24/09, 11/18/09 (Article VII, Section 1B), 1/28/10 (Article VII, Section 1D), 1/26/12 (Article V, Section 2), 5/23/13 (Article III, Section 15, 18; Article IV, Section 7, 8, 11A,B; Article VI, Section 1, 2, 5A, 8B; Article VIII, Section 1B, 1C, 4A), 12/12/13 (Article IV, Section 11; Article VI, Section 5; Article VIII, Section 4, 5, 7), 5/22/14 (Article III; Article VI, Section 8; Article VIII, Section 1,2,4,5,6,7,8,9), 7/24/14 (Article IV, Section 9; Article V, Section 2; Article VI, Section 5, 8; Article VIII, Section 1,2,5,6,8,10), 3/26/15 (Article IV, Section 9, 11; Article VIII, Section 4; Article X, Section 4), 4/17/17 (Article VIII, Section 2; Article VIII, Section 3, C; Article VIII, Section 6; Article VIII, Section 7, B), 8/31/17 (Article VIII, Section 11); 10/25/18 (Article IV, Section 1; Article X, Section4)



- B. **The Council agenda shall include:** Call to Order, Welcome and Self-introductions (includes an explanation of Ground Rules, Sunshine Law, and HIV self-disclosure), Moment of Silence, Excused Absences and Appointment of Alternates, Adoption of Agenda, Approval of Minutes, Consent Items, (no discussion required), Discussion Items (discussion required), Committee Reports, Recipient and Other Reports (including, but not limited to Part A, Part B, Part C, Part D, Part F, HOPWA, Prevention), Old/New Business, Public Comment, Announcements, Next Meeting Date, Agenda Items for the Next Meeting, Adjournment. The Executive Committee may order agenda items for the efficient and effective administration of the Council's business.
- C. The Executive Committee (or Council Chair in the absence of Executive Committee action) will determine the order of decision action items.

**SECTION 6:** All persons in attendance of a meeting of the Council or Committee shall comply with the meeting ground rules adopted by the Council.

**SECTION 7: TIME LIMITS**

The Executive Committee will establish time limits for each agenda item for each meeting. The Chair may use discretion to impose time limits on each speaker, to be consistently applied. Upon expiration of the time for discussion of a particular action item, the Chair shall close the debate and call for a vote. A person who has spoken once on a pending matter may not speak again on that matter until all others requesting the floor have been recognized.

**SECTION 8: LINE OF SUCCESSION**

In the event, the Chair and the Vice Chair do not attend the Council Meeting and neither the Chair nor the Vice Chair has notified the Council that they are not attending the Council Meeting, the immediate past chair, if present and a member of the Council, shall chair the meeting.

- A. In the absence of the immediate past chair the Council meeting may be chaired by Committee Chairs, in the following order:
  1. Chair of Priority Setting and Resource Allocation
  2. Chair of Membership/Council Development
  3. Chair of Community Empowerment
  4. Chair of Quality Management
  5. Chair of System of Care

Approved 8/24/09, 11/18/09 (Article VII, Section 1B), 1/28/10 (Article VII, Section 1D), 1/26/12 (Article V, Section 2), 5/23/13 (Article III, Section 15, 18; Article IV, Section 7, 8, 11A,B; Article VI, Section 1, 2, 5A, 8B; Article VIII, Section 1B, 1C, 4A), 12/12/13 (Article IV, Section 11; Article VI, Section 5; Article VIII, Section 4, 5, 7), 5/22/14 (Article III; Article VI, Section 8; Article VIII, Section 1,2,4,5,6,7,8,9), 7/24/14 (Article IV, Section 9; Article V, Section 2; Article VI, Section 5, 8; Article VIII, Section 1,2,5,6,8,10), 3/26/15 (Article IV, Section 9, 11; Article VIII, Section 4; Article X, Section 4), 4/17/17 (Article VIII, Section 2; Article VIII, Section 3, C; Article VIII, Section 6; Article VIII, Section 7, B), 8/31/17 (Article VIII, Section 11); 10/25/18 (Article IV, Section 1; Article X, Section 4)

- B. In the event of a vacancy of the Planning Council Chair or Vice Chair position, the duties of the Chair or Vice Chair will be assumed by the immediate past chair. If the immediate past chair is no longer a member of the Planning Council, duties will be assumed in the following order:
1. A past Planning Council Chair
  2. Chair of Community Empowerment
  3. Chair of Priority Setting and Resource Allocation
  4. Chair of Quality Management
  5. Chair of System of Care
  6. Chair of Membership/Council Development

Pursuant to the revised paragraph C, the order of assumption of duties is prescribed for the following reason: a third party oversees the special election process, during which the current Chair or Vice Chair may participate. Duties will be assumed upon the Chair or Vice Chair vacancy until the vacancy is filled by a special election as outlined in Article V, Section 2C.

## ARTICLE VII

### CONFLICT OF INTEREST

- SECTION 1:** Members and Alternates of the Council and all committees established by the Council shall abide by the Florida Statutes, Broward County Ordinances, and Administrative Code, as may be amended from time to time, regarding conflicts of interest for public officials and the Government in the Sunshine Law. Copies of these documents shall be furnished to all Council Members and Alternates. **Each member must submit the conflict of interest form at the beginning of the fiscal year and declare their conflict at each Council and PSRA committee meeting.**
- SECTION 2:** The Executive Committee of the Council shall be authorized to formulate Council policy, review all concerns, and make recommendations to the full Council regarding conflict-of-interest issues.
- SECTION 3:** All Council members and alternates must identify conflicts of interest and are encouraged to request a review of a potential conflict of interest for themselves or of another Member or Alternate.
- SECTION 4:** All concerns regarding conflict of interest shall be recorded in the Council's meeting minutes and referred to the Executive Committee for review. The full Council shall take, based on the recommendations of the Executive Committee, whatever actions it deems appropriate and are in

Approved 8/24/09, 11/18/09 (Article VII, Section 1B), 1/28/10 (Article VII, Section 1D), 1/26/12 (Article V, Section 2), 5/23/13 (Article III, Section 15, 18; Article IV, Section 7, 8, 11A, B; Article VI, Section 1, 2, 5A, 8B; Article VIII, Section 1B, 1C, 4A), 12/12/13 (Article IV, Section 11; Article VI, Section 5; Article VIII, Section 4, 5, 7), 5/22/14 (Article III; Article VI, Section 8; Article VIII, Section 1,2,4,5,6,7,8,9), 7/24/14 (Article IV, Section 9; Article V, Section 2; Article VI, Section 5, 8; Article VIII, Section 1,2,5,6,8,10), 3/26/15 (Article IV, Section 9, 11; Article VIII, Section 4; Article X, Section 4), 4/17/17 (Article VIII, Section 2; Article VIII, Section 3, C; Article VIII, Section 6; Article VIII, Section 7, B), 8/31/17 (Article VIII, Section 11); 10/25/18 (Article IV, Section 1; Article X, Section4)

compliance with standing Council policies.

**SECTION 5:** In the event of a conflict of interest during the period of review of said conflict of interest, Member(s) or Alternate(s) under review may participate in the discussion of the matter in conflict/question but shall abstain from voting on the matter.

**SECTION 6:** A Member or Alternate shall be recommended for termination from service on the Council and any of its committees for refusing to cooperate in a conflict of interest review, or when it is determined that they knowingly took action(s) intended to influence the conduct of the Council in a manner prohibited by the By-Laws or federal, state or local laws.

## ARTICLE VIII

### COMMITTEES

#### SECTION 1:

- A. The Council shall establish standing and ad-Hoc committees necessary to fulfill the requirements of the Ryan White Act.
- B. Committee Chairs and Vice Chairs.
  - 1. All Council committees shall be chaired by a Part A member of the Council.
  - 2. The Council Chair shall appoint the Committee Chairs and Vice Chairs of each Committee beginning with the date of the Council Chair's term of office.
  - 3. The current Committee Chairs and Vice Chairs shall continue to serve until the new Committee Chairs and Vice Chairs are appointed; the Council Chair may ask current Committee Chairs and Vice Chairs to remain in their positions.
  - 4. Committee Chairs and Vice Chairs may be appointed, removed, or replaced at the sole discretion of the Planning Council Chair.
- C. Appointment of Committee membership.
  - 1. Council Committee Chairs shall appoint, with the approval of the Council, the members of each committee.
  - 2. Except as otherwise provided by the By-Laws, a standing or ad-Hoc Committee may include members of the Council and community stakeholders.
  - 3. Committee membership should all be based on the demographics of the

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epidemic and consideration shall be given to race, ethnicity, self-acknowledged HIV positivity, and gender.

- D. Removal of Committee membership. The removal of Committee members shall be that of Council members as provided for in Article 4, Section 11, where applicable.
- E. Committee Policies and Procedures.
  - 1. The Council will approve written policies and procedures for all Committees which will be published in the "Local Procedures Manual."
  - 2. The policies and procedures of each committee must be periodically reviewed by that committee and subsequently approved by the Council.

## **SECTION 2: Standing Committees**

A standing committee of the Council is a committee, which has a purpose that requires a standing membership and a regular meeting schedule. The standing committees of the Council are:

- A. Executive
- B. Community Empowerment
- C. Membership/Council Development
- D. Priority Setting and Resource Allocation
- E. Quality Management
- F. System of Care

## **SECTION 3: Ad-Hoc Committees**

An ad-Hoc committee of the Council does not require a standing membership and may meet on a periodic but not regular schedule. The continuing ad-Hoc committees are the ad-Hoc Nominating Committee and the ad-Hoc By-Laws / Memorandum of Understanding (MOU) Committee. The Council may establish other ad-Hoc committees as necessary.

- A. Ad-Hoc Nominating Committee.
  - 1. Membership. The Nominating Committee shall be composed of not less than five (5) Council members who shall be appointed by the Chair. At least one member shall be a person living with HIV/AIDS.
  - 2. Purpose. The Nominating Committee shall provide a slate of nominations for Members for Chair and Vice Chair of the Council from among current Council Members. The process utilized by the Nominating Committee to prepare and present the slate of officers for consideration for office is identified in that committee's written policies and procedures.

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**B. Ad-Hoc By-Laws/ MOU Committee.**

1. Membership. The members of the committee shall only include Council members and alternates.
2. Purpose. The ad-Hoc By-Laws/MOU Committee shall have the responsibility of periodically reviewing, updating, and maintaining the Council's By-Laws.

**SECTION 4:** There shall be an Executive Committee.

- A. Membership. The Executive Committee shall consist of the Council Chair, the Council Vice-Chair, and the Chair **or Vice-Chair** of each of the standing committees. The immediate past Council Chair (if the past Chair is currently a member of the Council) will serve as an ex officio member of the Committee. In absence of the Standing Committee Chair, the Standing Committee Vice-Chair may serve and count towards quorum.
- B. **A Standing Committee Vice-Chair does not need to be a member of the Council.**
- C. The Executive Committee meets to conduct the business of the Council (excluding priority setting and allocation decisions). The Executive Committee shall:
  1. Set the agenda for Council meetings
  2. Address Conflict of Interest issues
  3. Review Membership/Council Development Committee Attendance report to identify Council members, not in compliance with attendance requirements
  4. Oversee the planning activities established in the integrated HIV prevention and care plan
  5. Develop and oversee committee work plans which address comprehensive planning goals and objectives
  6. Ratify recommendations for removal for cause from the Membership/Council Development Committee
- D. The Committee shall have responsibility for oversight of the planning activities established in the integrated HIV prevention and care plan and development and oversight of committee work plans to address integrated planning goals and objectives.

**SECTION 5:** There shall be a Community Empowerment Committee.

- A. Membership. The members of the committee shall include but are not limited to, representatives of the Council and community stakeholders. No

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less than 51% of the Council committee members shall be unaffiliated individuals living with HIV.

- B. Chair. The Committee Chair or Vice-Chair shall be an unaffiliated individual with HIV.
- C. Purpose. The Committee shall inform and solicit the participation of individuals infected and affected with HIV/AIDS in the planning, priority setting, and resource allocation processes.

**SECTION 6:** There shall be a Priority Setting and Resource Allocation Committee.

- A. Membership. The Members of the Committee shall include but are not limited to, representatives of the Council and community stakeholders.
- B. Purpose.
  1. The Committee shall recommend to the Council priorities and allocation of Ryan White Part A.
  2. The Committee shall review, at least quarterly, any deviations in planned expenditures exceeding 10% in any given funding category for reallocation and/or possible reprioritization.
  3. The Committee will facilitate the Priority Setting and Resource Allocation Process to include the review of appropriate data (service utilization, epidemiological data).
  4. The Committee shall develop, review, and monitor eligibility, and service definitions, including improving the quality, cost-effectiveness and allocation of resources to pharmacy services.
  5. When recommended, the Committee shall develop and implement a standardized mechanism for pharmacy services (i.e., drug access, formulary changes, and cost/impact analysis) and coordinate pharmacy services in collaboration with other funding streams (i.e., ADAP, Part B, Medicaid, private payers, including private insurance providers).
  6. The Committee shall determine eligibility for Part A services and Federal Poverty Level.

**SECTION 7:** There shall be a Membership/Council Development Committee.

- A. Membership.

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1. The Members of the Committee shall include but are not limited to, representatives of the Council and community stakeholders.
  2. At least two-thirds of the committee members must be Planning Council members.
- B. Purpose.
1. The Committee shall solicit, and screen applications based on objective criteria for appointment to the Council to ensure that the demographic requirements of the Council are maintained according to the Ryan White Treatment and Modernization Act and present its recommendations to the full Council.
  2. The Committee shall institute orientation and training programs for new and incumbent members.
  3. The Committee shall continue to educate the Council and committee members about their respective duties, and the Council's functions and roles in the organization and delivery of HIV/AIDS health and support services.

**SECTION 8:** There shall be a Quality Management Committee.

- A. Membership. The members of the Committee shall include, but are not limited to, representatives of the Council and community stakeholders.
- B. Purpose. The purpose of the Quality Management Program for Ryan White Part A in the Broward County EMA is to systematically monitor, evaluate, and continuously improve the quality and appropriateness of HIV care and services provided to all clients receiving Ryan White Part A and Minority AIDS Initiative (MAI) funded services in Broward County.

**SECTION 9:** There shall be a System of Care Committee

- A. Membership. The members of the Committee shall include, representatives of Part A, consumers, community stakeholders, and health policy or healthcare system experts.
- B. Purpose. The purpose of the System of Care Committee is to evaluate the system of care in Broward County and analyze the impact of local, state, and federal policy and legislative issues impacting people living with HIV in the Broward County EMA. The Committee will be responsible for advising the Planning Council on how these issues may impact the Broward County EMA and may recommend response strategies.

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**SECTION 10:** There shall be an Integrated Workgroup.

**A. Workgroup Membership.**

The workgroup will be composed of the **Ryan White Part A HIV Health Services Planning Council**, **South Florida AIDS Network (SFAN)**, and the **Broward County HIV Prevention Planning Council (BCHPPC)** with three members and one alternate representing their respective planning or advisory body, as applicable.

1. Members from the Part A program may include Council members, committee members, or other appropriate community stakeholders, such as **Housing Opportunities for People with AIDS (HOPWA)** /housing; **Federally Qualified Health Centers (FQHC)**/Hospital districts; Broward County Public Schools; Funded community-based service providers; Behavioral health provider; Client engagement systems, including linkage and re-linkage to care and retention in care; Community leaders.
2. Part A members will be selected for recommendation by the Executive Committee but must be approved by the Council.
3. The desired membership of the workgroup should be reflective of the demographics of the epidemic in Broward County, and consideration shall be given to race, ethnicity, self-acknowledged HIV- positivity, and gender.

**B. Workgroup Purpose.**

1. The workgroup will be responsible for monitoring and providing recommendations for the completion of the activities outlined in the Broward County Integrated HIV Prevention and Care Plan (Plan).
2. The workgroup will conduct a comprehensive analysis and review of data from community stakeholders to provide robust recommendations to the Prevention and Care planning bodies and to the Recipients.
3. The workgroup will serve as the feedback loop for the collaborative implementation of the Plan and make appropriate recommendations to the respective planning bodies and HIV funders.

**C. Flow of Information.**

1. The workgroup is expected to interact with numerous Prevention, Part A, and Part B teams, work groups, and committees.
2. The workgroup's main point of contact and coordination will be the Executive Committees of the Council, **BCHPPC**, and **SFAN**.

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- D. **Ratification.** The work of the workgroup is provided to the Council, the BCHPPC, and SFAN in the form of recommendations, and is subject to the approval of the respective planning body.

**Section 11: Joint Planning Body Meeting.** A joint planning body meeting does not require a standing membership and may meet on a periodic but not regular schedule. The joint planning bodies are the Ryan White Part A HIV Health Services Planning Council, South Florida AIDS Network, and the Broward County HIV Prevention Planning Council.

#### ARTICLE IX

##### ADOPTION AND AMENDMENTS OF BY-LAWS

**SECTION 1:** These By-Laws may be adopted, amended, or repealed by a majority vote of the Council.

**SECTION 2:** Notice of all proposed amendments, with amendments enclosed, shall be mailed or transmitted electronically to each Council member and Alternates at least ten (10) days prior to the meeting at which time such amendments are to be considered for adoption.

**SECTION 3: DATE OF EFFECTIVENESS**

Unless otherwise provided, these By-Laws and any amendments shall be effective immediately upon approval by the Council.

#### ARTICLE X

##### GENERAL PROVISIONS

**SECTION 1:** The fiscal year for the Council shall begin on March first and end on the last day of February.

**SECTION 2:** When procedures are not covered by Broward County Ordinance or these By-Laws, the latest version of the Council's Policies and Procedures edition of "~~Robert's Rules of Order~~" shall prevail. The Chair of the Council and committees shall follow Robert's Rules of Order.

**SECTION 3: Council and Part A Recipient.** Unless otherwise provided for in the Ryan White Act or other law or regulation, the relationship between the Council and the Recipient is described in the Ryan White Part A Manual

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and the Ryan White Part A Planning Council Primer ~~document entitled Guiding Principles~~. Relations between providers and clients are the responsibility of the Recipient Office.

**SECTION 4: Member Reimbursement.** Funds from the Planning Council Support (PCS) budget shall be available to enable unaffiliated: Council members, alternates, and Committee members with HIV, to be reimbursed for their reasonable expenses for attending Council or Committee meetings which shall include, but not be limited to, the following: transportation, parking, mileage, childcare not being regularly provided to the child, and appropriate refreshments. The Council member or alternate shall execute an affidavit attesting to the validity of the reimbursement request.

**SECTION 5: Review of By-Laws:** The Executive Committee shall ensure that the By-Laws are reviewed every two-years or as needed based on new County ordinance or legislation.

**SECTION 6: Virtual meetings:** The Council shall conduct virtual meetings based on County Ordinance or Executive Order.

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