

**Memorandum of Understanding  
between  
Broward County, Human Services Department,  
Community Partnerships Division  
and the  
Broward County HIV Health Services Planning Council**

**I. Purpose Statement**

- A. The Broward County Human Services Department, Community Partnerships Division, hereinafter referred to as the RECIPIENT, and the Broward County HIV Health Services Planning Council (Planning Council), hereinafter referred to as the PLANNING COUNCIL, have individual and shared responsibilities under Part A of the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 and need to discharge these responsibilities in the most efficient and effective manner possible. This Memorandum of Understanding (MOU) is designed to:
- 1) Create a shared understanding of the relationship between the Recipient and the Planning Council.
  - 2) Delineate the roles and responsibilities of each entity.
  - 3) Encourage a mutually beneficial relationship between these important partners.
  - 4) Describe each party's legislated responsibilities and roles, the locally defined roles, and expectations for how they will carry out these roles and responsibilities. The MOU will help ensure positive and appropriate communication, information sharing, and cooperation that will help ensure the effective and efficient delivery of Ryan White Part A and MAI core and support services for persons with HIV (PWH) in the Fort Lauderdale EMA.

**II. Roles and Responsibilities of the Planning Council, Planning Council Support, and the Recipient**

- A. The Planning Council is solely responsible for the following tasks as specified in the Ryan White Program legislation:
- 1) **Planning Council Operations:** Establishing and following Planning Council operating procedures and policies to ensure smooth, efficient, and fair operations. This includes adherence to established bylaws, revising them as needed, orienting, and training members, following the established grievance policy and procedures, conducting open meetings, and abiding by conflict-of-interest standards.
  - 2) **Priority Setting and Resource Allocation:** Setting priorities among service categories, allocating funds to those categories, providing directives to the Recipient on How Best to Meet the Need (HBTMTN), and making recommendations on the eligibility requirements for

service categories. Other duties include acting upon the Recipient's recommendations for reallocating funds as required during the program year.

- 3) **Assessment of the Administrative Mechanism:** Assessing the efficiency of the administrative mechanism entails evaluating how rapidly funds are allocated. This assessment aims to ensure that funds are being contracted quickly in an open process and that providers are paid in a timely manner. The assessment is to be done annually. Before the procurement process begins, the Planning Council and the Recipient may establish a written memorandum of understanding outlining a process and timeline for sharing data necessary to evaluate the administrative mechanism. The Recipient must communicate back to the Planning Council the procurement process results. The Planning Council may then assess the consistency of the procurement process with the stated service priorities and allocations. The assessment should only provide anonymous information without individual providers' identification. If the Planning Council finds that the existing mechanism is not working effectively, it is responsible for making formal recommendations for improvement and change. The assessment of the administrative mechanism is not an evaluation of service providers. Monitoring individual service providers is a Recipient's responsibility.
- 4) **Conditions of Award and Grant Application Documents:** The Planning Council Chair will submit the following letters to the Recipient staff as required to meet Ryan White Program Part A grant conditions of award and application requirements:
  - a) A letter from the Planning Council Chair assuring that the Planning Council has met its legislative responsibilities, including Planning, PSRA, Training, and Assessment of the Administrative Mechanism. This letter will include the year of the most recent comprehensive needs assessment and the date of annual membership training.
  - b) Ryan White Part A and MAI Planned Allocations Table and Planning Council Chair Endorsement Letter. This table reports the priority areas established by the Planning Council and the dollar amount of Ryan White Part A and MAI funds allocated to each prioritized core medical and support services category. The letter from the Planning Council Chair indicates the Council's endorsement of the allocations and program priorities.

B. Planning Council Support staff (PCS) is responsible for supporting the work of the Planning Council and its committees, enabling the Planning Council to meet its responsibilities under the Ryan White Program Part A Legislation. PCS is accountable to the Planning Council for the following activities:

- 1) PCS provides logistical support, research, and coordination for all Planning Council and authorized committee meetings.
- 2) PCS prepares formal correspondence on behalf of the Planning Council, its committees, and committee chairs as requested and in accordance with the Recipient and Planning Council policies and procedures.
- 3) PCS works with the Planning Council to ensure that data for the members to make data-driven health planning decisions are available.
- 4) PCS assists the Planning Council in implementing the annual Administrative Mechanism Assessment.
- 5) PCS works in with the Planning Council to update membership reflectiveness, representation, and attendance records.
- 6) PCS ensures member orientation and training, including developing and implementing a training plan.
- 7) PCS provides expert advice to the Planning Council regarding Ryan White legislation and guidelines, including Planning Council roles and responsibilities.
- 8) PCS will analyze the impact of policy changes made by the Planning Council and its committees and report any findings to the Planning Council and Recipient as identified in the Annual Work Plan of PCS Activities.
- 9) PCS will research best practices to ensure that the Planning Council's by-laws, governance policies, and procedures are amended.
- 10) PCS will conduct the administrative responsibilities of maintaining copies of all written and electronic records, including meeting notices, monthly calendars, minutes, attendance sheets, and all documents or reports distributed to, written by, or produced on behalf of Recipient and Planning Council.
- 11) PCS will develop and maintain the Planning Council's website and social media accounts.
- 12) PCS will manage activities pertaining to grievance resolution in accordance with Planning Council's grievance procedures.

C. The Recipient is solely responsible for the following tasks as set forth in the Ryan White Program legislation:

- 1) **Procurement:** Managing the process for awarding contracts to specific service providers
  - 2) **Contracting:** Distributing funds according to the priorities, allocations, and directives of the Planning Council.
  - 3) **Contract monitoring:** Monitoring contracts to be sure that providers meet their contracted responsibilities in compliance with established standards of care. Recommending re-allocations during the grant year based on service category performance.
  - 4) **Grant Application:** Preparing and submitting the EMA's Ryan White Program Part A grant application.
  - 5) **Expenditure Reporting:** Reporting Ryan White Part A and MAI expenditures monthly to the Planning Council.
  - 6) **Assessment of the Administrative Mechanism Response:** Providing information in response to the measurement objectives developed by the Planning Council for the Recipient evaluation component of the Assessment of the Administrative Mechanism.
  - 7) **Requests for Technical Assistance:** Submitting requests for technical assistance to HRSA when the Planning Council desires Technical Assistance. Provide technical Assistance to service providers on an as-needed basis to build capacity and improve contract compliance and service delivery.
  - 8) **Relay of Communications from HRSA:** Providing the Planning Council with HRSA Ryan White Program policy and guidance communications.
  - 9) **Consumer Grievances:** Establishing and carrying out a mechanism to assist consumers with grievances about their services.
- D. The Recipient and the Planning Council share the following legislative responsibilities, with one entity having the lead role for each as stated below:
- 1) **Needs Assessment:** Determining the size and demographics of the population of PWH in the EMA and their service needs. The Planning Council has primary responsibility for needs assessment, with the Recipient assisting with the process and providing the Planning Council with information such as service utilization data and expenditures by service category
  - 2) **Comprehensive Planning:** Developing an Integrated HIV Prevention and Care plan to deliver core and support services within the EMA. The Planning Council takes the lead in developing the plan, with the Recipient providing information, input, and other assistance. The Recipient can review and suggest changes to the draft plan. The plan is developed every three to five years or as specified by the funding agency, the Health Resources and Services Administration's HIV/AIDS Bureau (HRSA/HAB).
  - 3) **Evaluation:** The Recipient is responsible for monitoring the Ryan White Part A and MAI programs' success in meeting performance

measures provided by HRSA, determining the impact services have on overall client health outcomes, and evaluating the cost effectiveness of services. In addition, both parties assess the effectiveness of the services offered in meeting the identified needs via aggregate data provided by the Recipient, which may incorporate the findings of special studies.

- 4) **Standards of Care:** Developing and maintaining standards of care indicators in accordance with best practice standards for relevant service categories. Recommendations from a committee of experts will be sought when developing the standards of care. The Planning Council takes the lead in this effort, with extensive Recipient involvement and final approval. The Recipient is responsible for ensuring that these Standards of Care are implemented.

E. **Administrative Responsibilities-** In addition to these legislative roles, the Planning Council will share the following responsibilities related to Part A planning and management with the Recipient:

- 1) **Fiscal Management of PCS Funds:** The Recipient provides fiscal management of PCS funds. The annual PCS budget is part of the allocation of up to 10% of the total grant that may be used for administrative costs. The PCS staff monitors Planning Council expenditures based on fiscal reports provided by the PCS provider agency. The Recipient is responsible for ensuring that all expenditures meet Ryan White guidelines and Broward County financial management regulations.
- 2) **Contract for Planning Council Consultants or Services:** The PCS provider agency provides contracting services when the Planning Council needs to hire consultants or other contractors. The Planning Council makes the decisions about the provider's qualifications and the scope of work required of the consultants and other contractors paid through Planning Council funds. The Planning Council must consult the Recipient in this process to meet Broward County procurement requirements and Ryan White guidelines. The process, including oversight, is managed by PCS.
- 3) **Office Space:** Where possible, the Recipient and the PCS will maintain separate, distinct office spaces. The Recipient takes the lead in providing appropriate office space for both entities. PCS office space must meet all Americans with Disabilities Act (ADA) requirements.
- 4) **Operational Support:** The Recipient and PCS will provide operational support for the Planning Council, including, but not limited to, office space, computers, software, telephones, copier,

printing services, fax machine, and office supplies; meeting space for Planning Council meetings.

- 5) **Hiring of Planning Council Support Staff:** PCS is hired by the PCS provider agency contracted by the Ryan White Part A program to maintain the independence of Planning Council activities based on legislative responsibilities. Broward County procedures should be followed when PCS positions are advertised.
- 6) **Annual Application Process:** The Recipient is primarily responsible for preparing and submitting the Part A application. PCS provides information for the application sections related to Planning Council membership and responsibilities (such as PSRA). The Planning Council approves the action by the Chair to sign a letter of assurance accompanying the application that indicates whether the Recipient has expended funds in accordance with Planning Council priorities, allocations, and directives.

### **III. Information/Document Sharing and Reports/Deliverables**

- A. Overview: This MOU encourages the regular sharing of information and materials throughout the year. This section specifies a set of materials to be provided and information to be shared through meetings. Parties to the MOU may request and receive additional materials or information, except for sensitive or confidential information. The responsibilities of the Planning Council are used as the framework for structuring Section III of this MOU. This section clarifies both parties' deliverables as they relate to the roles and responsibilities defined in the previous section. Further, in its role as Grantee, the Recipient recognizes that the Planning Council is responsible for determining priorities and allocations during the priority-setting process. During the grants administration process, the Recipient also recognizes that any potential deviation from the Planning Council allocations, directives, or changes in the current process must be brought to the Planning Council for approval ninety (90) days before implementation.
- B. The Planning Council will provide the Recipient with the following information and materials:
  - 1) A dated list of Council members and their terms of office, with primary affiliations as appropriate, to be provided annually and updated as needed throughout the year, in accordance with current RWPA Grant Notice of Award (NoA) guidelines.
  - 2) Notifying the Recipient of the Planning Council's monthly meetings, retreats, orientation, training sessions, and other Planning Council events while simultaneously notifying Planning Council members.
  - 3) The meeting notice, agenda, and meeting packet for each Planning Council meeting, are to be provided at the same time they are provided to Planning Council members.
  - 4) The annual list of service priorities and resource allocations, along with the process used to establish them and directives to the

Recipient or edits to existing directives on how best to meet these priorities. This is the same information submitted to HRSA/HAB as part of the Part A application. This information will be provided within two weeks after the Planning Council has approved these priorities, allocations, and directives.

- 5) Copies of final planning documents prepared for the Planning Council.
  - 6) Information or documents to complete sections of the Part A grant application related to the Planning Council and its functions are to be provided on a mutually agreed upon schedule.
- C. The Recipient will provide the PCS Coordinator with the following reports and information. These will be the minimum requirements. Additional or different information needs will be discussed and agreed upon at the beginning of each year.
- 1) A copy of any Conditions of Award pertaining to the Planning Council within five days of receipt.
  - 2) Utilization report by service category, including client numbers and demographics to be provided monthly.
  - 3) An oral and written financial report to the PSRA Committee providing information on contracted amounts by service category, the amount spent to date, over- and under-expenditures, unobligated balances by service category, and unspent provider billables. The Recipient will recommend reallocations to the PSRA Committee when it's determined that reallocating funds between categories is necessary.
  - 4) Information and recommendations requested by the Planning Council to carry out its responsibility in setting priorities among service categories, allocating funds to those categories, and providing HBTMTN language to the Recipient. The content and format for this information will be mutually agreed upon each year. The report will typically include epidemiological data, cost and utilization data, and an estimate of the unmet need for primary health care among people with HIV in Broward County. In addition to providing the information in written form, the Recipient will attend data presentations with the Planning Council at mutually agreed upon dates and times.
  - 5) Information requested by the Planning Council to meet its responsibility for assessing the efficiency of the Administrative Mechanism. The content and format for this information will be mutually agreed upon each year, but it will typically include information from the Recipient on the procurement and grants award process; statistics (such as number of applications received, number of awards made, and number of new providers funded), and reimbursement procedures and timelines.

- 6) Carryover information from the Financial Status Report and the approved carryover plan submitted to HRSA/HAB. The document will be provided to the Planning Council at the next business meeting following submission.
  - 7) The Final Allocations report, as submitted to HRSA/HAB in the final progress report each year. The Planning Council will receive this information at the business meeting following submission.
  - 8) When the Planning Council or a Committee requests special or additional information from the Recipient, the request will always be in writing to the PCS Health Planner. Requests must come from the subcommittee Chairperson.
- D. PCS, on behalf of the Planning Council, is responsible for submitting reports and deliverables to the Recipient as follows:
- 1) **Monthly Progress Report:** Prepare a detailed monthly report of Planning Council and sub-committee meetings and activities, including a detailed Annual Work Plan of PCS Activities.
  - 2) **Quarterly Reports:** Prepare a detailed update on all Planning Council meetings, the attendance, the work plan, and the data points that affect the Broward County Ryan White system of care. The quarterly reports should include a Quarterly Planning and Evaluation Report, Priorities Report, Outreach Report, Survey Summary, Training and Development Summary, Community Empowerment Survey Summary, and Evaluation of Meetings Summary Report.
  - 3) **Program Evaluation:** Prepare the Planning Council Annual Report with a comparative analysis of all funded services utilizing the results of clinical quality management activities, outcome information, and client satisfaction survey results. The report should be presented to the Recipient and the Planning Council.
  - 4) **Marketing Plan:** Develop an annual marketing plan for Planning Council meetings and activities with timelines for activities.
  - 5) **Communication Plan:** Prepare a plan for timely and effective communication between PCS, Planning Council, and Recipient.
  - 6) **EMA Benchmarking Report:** Develop an annual report using HIV/AIDS population data from Broward County and other comparable eligible metropolitan areas to assess and develop benchmarks. This report must include demographic data, service utilization, and service delivery methods.
  - 7) **Recipient's Annual Progress Report:** Prepare a client-level data report that analyzes clients' health outcomes. This report must, at a minimum, assess the capacity and determine the impact of the Broward County Ryan White system of care.
  - 8) **Calendar of Monthly Activities:** Provide a calendar of the monthly Planning Council meetings and activities for the upcoming month by the 15<sup>th</sup> of each month.



#### IV. **Communication**

- A. In working together, the Recipient and the Planning Council will establish and maintain open and regular communications and a mutually respectful and efficient working relationship. The Planning Council and the Recipient are committed to the following principles of communication:
- 1) **Establishing and maintaining open communication:** Recipient staff, PCS, and Planning Council members will share information in a timely fashion and review shared information when it is received.
  - 2) **Recipient attendance at Planning Council meetings:** At least one Recipient staff member will attend all full Planning Council and Committee meetings. Each standing committee will have an assigned Recipient staff member who attends meetings regularly. Recipient staff attending meetings will be responsible for all communications and information requests related to their assigned committee. Requests with a timeline for information from the Planning Council to the Recipient will be recorded in the meeting minutes.
  - 3) **Designated Liaisons:** The Recipient and Planning Council will have designated liaisons for information requests, questions, or concerns outside of the Planning Council meetings. The Human Services Administrator will be the designated liaison for the Recipient and the Planning Council Chairs, or their designees will be the designated liaisons for the Planning Council. In the absence of the Human Services Administrator, the Recipient will designate a representative to act as the liaison.
- B. **Confidentiality:** Planning Council and Committee meetings are operated under Florida's Government-in-the-Sunshine Law. This means that meetings and any information shared at meetings are open to the public and recorded so that members of the public can access information about meetings. However, to maintain the confidentiality of sensitive information, the Planning Council will not share:
- 1) The HIV status of Planning Council members who have not publicly disclosed that they are HIV positive.
  - 2) The Recipient will not disclose information about applicants for funding or the performance of individual vendors contracted to provide services. Information will be provided only by service area and activity.
  - 3) Information about the individual salaries of the Recipient and PCS will not be shared. The Planning Council will not have access to the Recipient's detailed budget. The Part A Administrator will have access to the Planning Council's detailed budget.
- C. **Clarification:** The Planning Council and the Recipient will work together to clarify and revise policies and procedures that are confusing or problematic.

## **V. Special Requests**

- A. All parties agree that all non-routine special requests other than those identified within this MOU must be in writing and submitted by the Recipient's office or a Planning Council Committee Chair. Each party shall have five (5) business days from the date of request to notify the requestor if it can or cannot respond to the request and when they can fulfill the request. During the five (5) business day period, the party to whom the request is being made will consider the following factors when deciding whether to respond to a request: the amount of information, the financial costs of gathering the information, how the request relates to the committee workplans, and how the request affects the operations of the Planning Council.

Where a Planning Council Committee does not agree with a decision not to respond to a request such decision may be appealed through the Executive Committee which will then decide whether the issue should be brought before the full Planning Council for a vote.

## **VI. Settling Disputes of Conflicts**

- A. If conflicts or disputes arise regarding the roles and responsibilities specified in Section II of this MOU, the signatories will pursue the following procedures to resolve them:
- 1) Begin with a meeting between the signatories to attempt to resolve the situation within five working days after the issue or dispute arises.
  - 2) If the situation cannot be resolved, hold a meeting of representatives of the signatories with the Chief Elected Official (CEO) or their representative within five working days after the initial meeting between the signatories to resolve the situation. The CEO's decision will be final unless the conflict arises from legislative responsibility issues.
  - 3) If the meeting with the CEO does not result in a resolution, the parties involved will identify a mutually acceptable independent mediator who will attempt to facilitate a resolution between the parties. The meeting with the mediator will occur within ten working days of the meeting with the CEO.
  - 4) If the meeting with the mediator does not result resolve the dispute or conflict, the parties may begin a process of binding arbitration. The parties will select and retain an arbitrator who is acceptable to all involved and agree to accept the arbitrator's decision as final. The parties will select the arbitrator within ten working days of the meeting with the mediator, and the first arbitration meeting will be held within 20 working days after selection. The Planning Council and the Recipient will split the costs of the mediation and arbitration equally.

- 5) The time for each of the above steps to settle disagreements may be extended by mutual agreement of the parties involved.

**VII. Responsible Parties and Contact Information**

A. Following are the responsible parties to this MOU, along with the names of the individuals in these positions at the time this MOU was adopted and their contact information, including the individual within their office who should receive all communications related to this MOU and the Ryan White Part A program.

**1) For the Ryan White Administrative Agency**

Efrem Crenshaw  
Director, Community Partnerships Division  
Broward County Human Services Department  
115 S. Andrews Ave,  
Fort Lauderdale, FL 33301  
Tel: 954-357-6398  
Fax: 954-357-5897  
E-mail: [Ecrenshaw@broward.org](mailto:Ecrenshaw@broward.org)

**2) For the Planning Council**

Lorenzo Robertson  
HIV Health Services Planning Council Chair  
c/o Planning Council Support Provider currently:  
Broward Regional Health Planning Council, Inc.  
200 Oakwood Lane, Suite 100,  
Fort Lauderdale, FL 33020  
Tel: 954-561-9681  
Fax: 954-564-1885  
E-mail: [hivpc@brhpc.org](mailto:hivpc@brhpc.org)

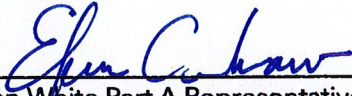
**3) For the Planning Council Support**

Michael De Lucca, President/CEO  
Broward Regional Health Planning Council, Inc.  
(Planning Council Support Provider)  
200 Oakwood Lane, Suite 100,  
Fort Lauderdale, FL 33020  
Tel: 954-561-9681  
Fax: 954-564-1885  
E-mail: [mdelucca@brhpc.org](mailto:mdelucca@brhpc.org)

**VIII. MOU Duration and Review**

- A. **Effective Date:** This MOU will become effective once signed by all the authorized individuals representing the Recipient and Planning Council.
- B. **Duration:** This MOU will remain in effect unless or until the parties take action to end it or the Recipient is no longer the Recipient of Part A funding for the EMA.
- C. **Process for reviewing and revising the MOU:** This MOU will be reviewed periodically, with the involvement and approval of all parties. Reviews will occur:
  - 1) Following each reauthorization or revision of the Ryan White legislation by the U.S. Congress, ensure that the MOU remains wholly appropriate, updated, and reflective of the Act.
  - 2) At least once every year, at the first meeting of the parties to this MOU.
- D. When the MOU has been reviewed and revised, the amended version will be signed and dated by all parties. The revised version will become effective once signed.

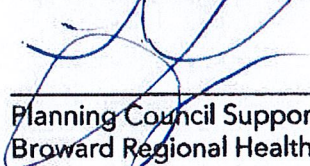
**IX. Signatures**

  
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Ryan White Part A Representative  
Community Partnerships Division  
Broward County Human Services Department

3-9-23  
Date

  
\_\_\_\_\_  
Chair, HIV Health Services Planning Council

2-2-2023  
Date

  
\_\_\_\_\_  
Planning Council Support  
Broward Regional Health Planning Council

2-2-23  
Date