



**OAKLAND TRANSITIONAL  
GRANT AREA (TGA)**

**HIV/AIDS COLLABORATIVE COMMUNITY  
PLANNING COUNCIL (CCPC)**

**BYLAWS**



# OAKLAND TRANSITIONAL GRANT AREA (TGA) BYLAWS

## Table of Contents

<b>ARTICLE I: NAME.....</b>	<b>Page 4</b>
<b>ARTICLE II: MISSION, VISION AND VALUE STATEMENT.....</b>	<b>Page 4</b>
<b>ARTICLE III: PURPOSE &amp; AUTHORITY .....</b>	<b>Page 4</b>
<b>ARTICLE IV: MEMBERSHIP.....</b>	<b>Page 5</b>
Section 1: Appointment.....	Page 5
Section 2: Seating.....	Page 6
Section 3: Participation .....	Page 6
Section 4: Size .....	Page 6
Section 5: Nomination for Planning Council Membership .....	Page 7
Section 6: HIV-Positive/AIDS-Diagnosed Members .....	Page 7
Section 7: Terms of Appointment.....	Page 8
Section 8: Attendance .....	Page 8
Section 9: Resignation/Removal from Office .....	Page 8
Section 10: Cause for Removal .....	Page 8
Section 11: Removal Procedure .....	Page 8
<b>ARTICLE V: MEETINGS.....</b>	<b>Page 9</b>
Section 1: Rules Applicable.....	Page 9
Section 2: Regular Meetings .....	Page 9
Section 3: Special Meetings .....	Page 9
Section 4: Emergency Meetings.....	Page 9
Section 5: Quorum .....	Page 9
Section 6: Voting .....	Page 10
<b>ARTICLE VI: OFFICERS &amp; ELECTIONS .....</b>	<b>Page 10</b>
Section 1: Elected Officers .....	Page 10
Section 2: Eligibility .....	Page 10
Section 3: Term of Office .....	Page 11
Section 4: Duties/Powers .....	Page 11

**ARTICLE VII: STANDING COMMITTEES..... Page 11**  
**Section 1: Executive Committee ..... Page 11**  
**Section 2: Quality Data and Services Planning Committee ..... Page 12**  
**Section 3: Membership and Community Involvement Committee ..... Page 12**  
**Section 4: People Living with HIV/AIDS Committee ..... Page 12**  
**Section 5: Policy and Education Review Committee.....Page 14**  
**Section 6: Prevention Committee .....Page 15**

**ARTICLE VIII: COMPENSATION ..... Page 13**

**ARTICLE IX: CONFLICT OF INTEREST..... Page 13**  
**Section 1: Members with a Conflict ..... Page 13**  
**Section 2: Disclosure ..... Page 13**  
**Section 3: Voting and Participation..... Page 14**  
**Section 4: Review ..... Page 14**  
**Section 5: Failure to Comply ..... Page 14**

**ARTICLE X: GRIEVANCE PROCEDURES..... Page 14**

**ARTICLE XI: AMENDMENTS ..... Page 14**

**ATTACHMENTS**

- **Glossary**
  - **Definition of Terms**
  - **CCPC Policies and Procedures**
  - **Public Comment Protocols**
  - **Community Participation Protocols**
  - **Code of Conduct**
  - **Grievance Procedures**
  - **Conflict of Interest**



## HIV/AIDS COLLABORATIVE COMMUNITY PLANNING COUNCIL BYLAWS

### ARTICLE I NAME

The name of this council shall be the Oakland Transitional Grant Area ("TGA") HIV/AIDS Collaborative Community Planning Council (hereafter referred to as "CCPC" or "The Planning Council").

### ARTICLE II MISSION, VISION & VALUES STATEMENT

**Mission Statement:** The Collaborative Community Planning Council acts as a catalyst to provide a continuum of high quality services for all people living with and affected by HIV/AIDS by empowering our communities, providing responsible stewardship and planning, and advocating on our communities' behalf.

**Vision Statement:** We boldly dare to stop all new HIV infections while improving the quality of life for those living with HIV disease. The Collaborative Community Planning Council (CCPC) will provide services that are linguistically and culturally appropriate that:

- Outreach to the underserved;
- Educate all communities; and
- Reduce HIV stigma.

**Values Statement:** We will employ a comprehensive and inclusive process, which is both data and community-input driven. Our goal is to develop an integrated model to prevent the spread of HIV while providing accessible and high quality care for infected and affected members of the community.

### ARTICLE III PURPOSE & AUTHORITY

The Oakland TGA HIV/AIDS Collaborative Community Planning Council (CCPC) was established by the Chief Elected Official of the Alameda County Public Health Department ("CEO") in February 2005. It operates in accordance with Section 2602 of the Ryan White CARE Act Amendments of 1996 (the CARE Act) and the State Office of AIDS Community Planning Guidance of 1996.

#### **The Planning Council shall:**

- 1) Establish priorities and allocate CARE Act funds within the TGA, including how best to meet each priority. Prioritization will be based on:
  - a. Documented needs of the HIV-infected/AIDS-diagnosed population and those at greatest risk;



## **ARTICLE IV MEMBERSHIP**

Planning Council members are required to:

- 1) Attend all scheduled Planning Council meetings, special meetings and retreats as required in Article IV, Section 8, of these Bylaws:
  - a) Planning Council members who fail to meet their attendance requirements shall be subject to the removal provisions of Article IV, Section 11.
- 2) Attend and participate (as stipulated in Article IV, Section 8) in at least one additional committee or assigned workgroup as established by the Planning Council or Executive Committee.

**Section 1: Appointment.** The CEO or designee has the sole authority to appoint members to the Planning Council, including filling any vacancies, which may occur. The CEO may appoint members who have been recommended by the Membership and Community Involvement Committee as candidates through the nomination process described herein. Health jurisdiction representatives shall be named by their respective department directors.

**Section 2: Seating.** In order to assure adequately prepared council members for participation in council activities, newly appointed CCPC members shall not be seated as active CCPC members during the CCPC's priority-setting and allocations process (es).

**Section 3: Participation.** Planning Council members are expected to participate in all Planning Council meetings and their designated Committee meetings.

Whenever Council members are communicating in any public setting on any HIV/AIDS-related issue, they will clearly indicate whether they are advocating an official position of the Council or are speaking strictly for himself or herself, or some other entity. An official position of the Council is only one that has received a majority vote of Council members and is duly adopted.

**Section 4: Size.** The Planning Council is to consist of a minimum of fifteen (15) and a maximum of thirty-five (35) members. With the exception of the members representing the state, Planning Council seats shall be held by representatives of Alameda and Contra Costa counties in proportion to the number of persons living with HIV/AIDS (PLWH/A's) as determined in the Intergovernmental Agreement (IGA), which is updated annually. The membership of the Planning Council shall reflect in its composition the demographics of the epidemic in the Transitional Grant Area (TGA), with particular consideration given to disproportionately affected and historically under-served groups and sub-populations.

In accordance with Health Resources and Services Administration (HRSA) guidelines and the California State Office of AIDS Community Planning Guidance, representation shall include:

- 1) Health care providers including federally qualified health centers;
- 2) Community-based organizations serving affected populations and AIDS service organizations;
- 3) Social service providers (including Housing and Homeless services providers);

- 4) Mental health providers;
- 5) Substance abuse providers;
- 6) Local public health agencies;
- 7) Hospital planning agencies or health care planning agencies;
- 8) Affected communities, including HIV-infected/AIDS-diagnosed individuals, historically underserved groups and sub-populations;
- 9) Non-elected community leaders;
- 10) State Medicaid Agency;
- 11) State agency administering the Part "B" program;
- 12) Part "C" CARE ACT grantees;
- 13) Part "D" Grantees, or if none, a representative of organizations with a history of serving children, youth, and families living with HIV/AIDS and operating in the area;
- 14) Grantees under other federal HIV/AIDS programs;
- 15) Formerly Incarcerated PLWHA or their representative;
- 16) Transgender Community;
- 17) Youth Community;
- 18) MSM Community;
- 19) Injecting Drug Using/Harm Reduction Community;
- 20) Salva SIDA HIV Community Advocacy group;
- 21) African American HIV State of Emergency Task Force

Federal mandate requires that one member cannot serve as a representative for more than one category in categories 1 through 15. Members may fill dual seats only if they meet the criteria in one of categories 1 through 15 (HRSA mandated seats) and one in categories 16 through 21 (Locally Defined Categories) and self identify as meeting that latter category's criteria.

Also, membership on the Planning Council at any one time will be limited to two (2) individuals maximum per agency or organization who are employees, board members or have some other fiduciary relationship of their agency or organization

As appropriate, Planning Council members agree to represent their identified expertise and/or community voices, not their affiliate agencies.

**Section 5: Nomination for Planning Council Membership.** Nominations/Applications for membership on the Planning Council shall be accepted at any time. The Membership and Community Involvement Committee shall be responsible for identifying areas of representation needed on the Planning Council, including those specified by the CARE Act, the State Community Planning Guidance, and the demographics of the epidemic in the TGA. Membership recruitment and selection shall be in accordance with procedures approved by the Planning Council, and set forth in the CCPC Policies and Procedures Manual.

**Section 6: HIV-Positive/AIDS-Diagnosed Members.** A minimum of thirty-three percent (33%) of Planning Council members shall be HIV positive or have an AIDS diagnosis and be a Non-Aligned Member, as defined in the Glossary, attached hereto and incorporated by reference. All HIV-positive or AIDS-diagnosed members must disclose to the Planning Council their HIV/AIDS status and employment, financial, or governing affiliation in order to be counted among this membership category.

**Section 7: Terms of Appointment.** Council members shall be appointed for a 24-month term to end on the last day of the month in which they were initially seated. A Planning Council Member may apply for up to two (2), twelve (12) month extensions that is subject to review by the Membership and Community Involvement Committee, Executive Committee and the CEO or designee. A member's appointment cannot exceed 48 months.

After serving on the Planning Council for 48-months, a member may apply for reappointment to the Planning Council after 12 consecutive months as a voting member of the Planning Council.

The 48-month term limits do not apply to members of the CCPC who are identified as a Person Living with HIV/AIDS (PLWH/A). These individuals may choose to serve an additional two-year (24-month) appointment for a total of 72 months (6 years). If the Person Living with HIV/AIDS chooses to remain on the Planning Council, the PLWH/A will submit a letter in writing for reappointment for another two years to the Membership and Community Involvement Committee, Executive Committee and CEO or designee. Any Planning Council members who have been serving for 48 months or more at the time these bylaws are amended are considered grandfathered members. As grandfathered members, they would remain an active Planning Council member until February 28, 2011, which marks the end of the current CCPC fiscal year, unless they end their Council membership before that date.

**Section 8: Attendance.** Planning Council members are required to attend all Planning Council meetings, standing committee meetings of which they are members, retreats and special meetings. *“Planning Council members shall be entitled to three absences from general council meetings that are excused per calendar year for illness or previously scheduled vacation. Excused absences shall be determined by policies established by the Planning Council. In consideration of the need for representation of persons with HIV/AIDS, those individuals shall be exempt from the termination clause for absences due to illness.”*

Planning Council members who miss more than three (3) Planning Council meetings, including special meetings or retreats, in any calendar year shall be subject to the removal provisions of Article IV, Section 12. CCPC staff will monitor attendance of Planning Council members. As a courtesy, the Membership and Community Involvement Committee or CCPC staff will send letters to Planning Council members after they have missed three (3) meetings, including special meetings and retreats to remind them of the attendance requirement and their absences to date. Any member may elect to resign for personal reasons, and have the right to re-apply for reinstatement at any time.

**Section 9: Resignation/Removal from Office.** A Planning Council member shall serve his or her designated term unless he or she resigns, is removed from office, or is otherwise disqualified to serve. Any Planning Council member may resign by giving written notice to the Co-Chair (s) of the Planning Council. Such resignation shall take effect on the date specified on the resignation notice or, if no date is specified, on the date of receipt of such notice by the Co-Chair (s) of the Planning Council.

Any member seeking reinstatement after resignation shall:

- If seeking reinstatement **less than 90 days** after resignation shall submit a letter to the Membership Committee, which will be forwarded to Executive Committee, which will be forwarded to the CEO/Grantee or designee.
- If seeking reinstatement **more than 90 days** after resignation shall submit a new application and follow the same process as new members. “
- The letter requesting reinstatement must be submitted to the Chair and/or Co-Chair of the Membership Committee. The letter must be received as identified above. Membership will send their recommendation to Executive Committee. Executive committee will send to CEO/Grantee or designee.

**Section 10: Cause for Removal.** Planning Council members may be removed for cause pursuant to standards adopted by the Alameda County Board of Supervisors. The following constitute cause for removal. This list is designed to be illustrative, and is not exhaustive:

- a) Loss of the status which qualified the member for appointment to the Council;
- b) Exceeding the allowable Planning Council absences specified in Article IV, Section 8 of these Bylaws;
- c) Exceeding the number of allowable committee absences as specified in their operating procedures;
- d) Habitual conduct which disrupts the Planning Council and interferes with the conduct of business of the Planning Council in violation of the CCPC Rules of Engagement and Code of Conduct policy;
- e) Conduct which would have a negative impact on the integrity of, and/or the community's confidence in the Planning Council (e.g., violation of conflict of interest [pursuant to Form 700: Statement of Economic Interests]).

**Section 11: Removal Procedure.** The removal procedure will depend upon the cause for removal.

(1) For causes found in Article IV, section 10, (a) loss of status (b) council absences or (c) committee absences, the following procedures will be utilized:

If a Planning Council member loses the status, which qualified her or him for appointment to the Council, the Membership and Community Involvement Committee may re-classify the member to represent another group of people (if such a vacancy exists for which the member is qualified) or he or she shall be removed

from the Council. The Planning Council member shall be sent a letter notifying them of their change of status or their removal. Within fifteen (15) days of being notified, the Planning Council member who disagrees with the removal action may request, in writing to the Co-Chair(s) of the Executive Committee, review of said action by the Executive Committee. Upon a two-thirds (2/3) vote, the Executive Committee may reverse the action of the Membership and Community Involvement Committee. The action of the Executive Committee shall be final.

After four (4) absences in any year, the Membership and Community Involvement Committee shall direct CCPC staff to send a removal letter to the Planning Council member. Within fifteen (15) days of being notified, the Planning Council member who disagrees with the removal action may request, in writing to the Co-Chair(s) of the Executive Committee, asking that the Executive Committee review the extenuating circumstances for his or her absences. In cases of extenuating circumstances, the Executive Committee by a two-thirds (2/3) vote may determine to excuse one or more of the absences. In which case, the excused absence(s) would not be counted against the Planning Council member as part of the attendance requirement.

(2) For causes found in Article IV, Section 10, (d) disruptive conduct or (e) conduct affecting the council's integrity or community's confidence, the following procedure will be utilized:

Upon notification of an alleged violation that raises a cause for removal, the Membership and Community Involvement Committee of the Planning Council will take up the question of removal within thirty (30) days. Prior to sending the recommendation for removal to the Executive Committee, the Membership and Community Involvement Committee shall send to the member in question a written notice of the Planning Council's intent to remove and the reason for removal. The member shall then be given fifteen (15) days in which to respond in writing to the Executive Committee Co-Chair(s). Upon receipt of the response, or after fifteen (15) days from the date of notice, whichever comes first, the Executive Committee shall meet to make the final determination regarding the question of removal from the Planning Council. By a two-thirds (2/3) vote of the Executive Committee, a member will be removed from the Planning Council. Upon a vote for removal by the Executive Committee, written notification of said action shall be sent to the CEO for implementation and if the CEO is in concurrence, the council member in question of his/her removal shall be informed of said action by the CEO.

## **ARTICLE V MEETINGS**

**Section 1: Rules Applicable.** Unless specifically enumerated within these Bylaws, all meetings shall be conducted in accordance with the Ralph M. Brown Act (Government Code Sections 54950-62) and Robert's Rules of Order.

**Section 2: Regular Meetings.** Regular meetings shall be held a minimum of ten (10) times per calendar year. Regular meetings of the Planning Council shall be located at sites accommodating both counties' members and the public. Meeting notice shall be in accordance with Brown Act requirements. All meetings will be open to the public. Written minutes will be made available prior to the following meeting and will be retained as a public document.

**Section 3: Special Meetings.** Special meetings and retreats, at the call of the Co-Chair(s) or Executive Committee, may be held at such times as may be determined. Such call shall include an agenda setting forth the specific action items to be considered at the meeting, and no other items may be introduced or

considered at such meeting.

**Section 4: Emergency Meetings.** The Co-Chair(s) may, as the need arises, call an emergency meeting of the Executive Committee. In accordance with the Brown Act, the Executive Committee may also, as the need arises, call an emergency meeting of the Planning Council.

**Section 5: Quorum.** A quorum shall be one more than half of the currently seated membership of the Planning Council. A quorum of the currently seated Planning Council membership must be present at any regular or specially scheduled meeting for any formal decision to be made on any matter. Non-voting members of the Planning Council shall not be included in quorum counts. Prior to the call to order, staff shall determine whether or not a quorum is present, and provide that information to the Co-Chair(s).

**Section 6: Voting.** Issues requiring a vote shall be placed on the agenda and notification of such issues will be made in accordance with the Brown Act. While the Planning Council will strive for consensus, every official action taken by the Planning Council, with the exception of amendments to these Bylaws, removal proceedings, and specific parliamentary actions requiring a two-thirds vote, shall be adopted by a majority vote. The presiding -Co-Chair shall not vote except in an instance in which a tie-breaking vote is required. The Vice-Chair may vote except when serving in the absence of the Co-Chair(s). At the time of any vote, any member of the Planning Council may request a count of members to ensure a quorum is present.

## **ARTICLE VI OFFICERS AND ELECTIONS**

**Section 1: Elected Officers.** The elected officers of the Council shall be:

- Co-Chair(s) – (one with Prevention expertise, and one with Treatment expertise)
- Vice-Chair - (Chair of the PLWH/A Committee)

The Co-Chair(s) may appoint a Parliamentarian to serve as an expert in parliamentary procedures, rules and debate. A Parliamentarian is defined in Robert’s Rules of Order as:

One who is versed in the rules and procedures of parliamentary law. He [or She] is engaged at such meetings to advise the presiding officer on questions of procedure in transacting the business of the assembly legally, efficiently and impartially.

**Section 2: Eligibility.** Planning Council members will nominate candidates for office. Nominations for officers will be opened at the last regularly scheduled Planning Council meeting of the calendar year. Nominations may be submitted to Planning Council support staff by phone, mail, fax or e-mail. Nominations will be closed at the end of the business day on the Friday preceding the first regularly scheduled Planning Council meeting of the calendar year. Nominees will accept or decline nominations by or at the first Planning Council meeting of the year. Employees of the Grantee shall not serve as Co-Chair(s).

To be eligible to hold office, Planning Council members must:

- Be willing to serve and agree to be a candidate for office,
- Have served a minimum of six (6) months on the Planning Council.

Election of Co-Chair(s) will be held annually in the month following the close of nominations. The officers will be elected by a majority vote of the Planning Council membership in attendance. Voting will be conducted by ballot. The ballots will be tabulated and confirmed by Planning Council staff, and the results presented by the Co-Chair(s) to the Planning Council before the end of the meeting. The newly elected officers will take office at the following Planning Council meeting except for one of the elected Co-Chairs who will take office six months later. This staggering of terms 12-month terms allows for continuity of coverage by co-chairs.

**Section 3: Term of Office.** The term of office for CCPC Co-Chair(s) shall be twelve (12) months from the day of taking office. . The term of office for the Parliamentarian (if appointed) shall be eighteen (18) months and shall run concurrently with the appointing Co-Chair(s). However, in no event shall an officer’s term of office exceed his/her tenure on the Planning Council. Special elections can only be called by the Executive Committee. If a special election is held to fill a vacancy, the officer shall hold office until the next regularly scheduled election.

**Section 4: Duties/Powers.** The Co-Chair(s) shall be the Chief Executive Officer of the Planning Council and shall have the general powers and duties of management usually vested in the office of the Co-Chair(s), and shall have any and all other powers and duties as may be prescribed by the Planning Council. Except in extraordinary circumstances, the Co-Chair(s) shall preside at all meetings of the Planning Council and its Executive Committee.

If both Co-Chair(s) of the Planning Council are unable to attend a meeting of the Council or an Executive Committee, or are more than fifteen minutes late to a meeting, then one of the Executive Committee members, in the rank order presented below, shall chair the meeting:

- Vice-Chair (Chair of the PLWH/A Committee)
- Co-Chair(s) of Quality Data and Services Planning Committee
- Co-Chair(s) of the Policy and Education Review Committee
- Co-Chair(s) of the Membership and Community Involvement Committee
- Co-Chair(s) of the Prevention Committee

If either or both Co-Chair(s) of the Planning Council are otherwise unable to serve as chair, until another Co-Chair(s) can be elected, then the ascending rank of order shall be as stated above. In the event no member in the order presented here wishes to serve as Co-Chair(s), then the Executive Committee may designate a replacement to perform any and all such other duties.

## ARTICLE VII STANDING COMMITTEES

The Planning Council designates committees. With the exception of the Executive Committee, each committee membership will elect its own Co-Chair(s) and schedule regular monthly meetings. The Co-

Chair(s) of each of the standing committees must be a member of the Planning Council. The committees may be composed of both Planning Council and community members. All Standing Committee shall consist of Co-Chair(s), except for PLWH/A due to Vice Chair responsibilities. The term of office for Co-Chair(s) shall be twelve (12) months for each Co-chair with one Co-Chair starting his/her term in March and the other Co-Chair starting his/her term in September, thereby staggering the term. The CCPC Policies and Procedures shall govern each committee or workgroup. Each committee's operating procedures shall be ratified by the Executive Committee and attached to these Bylaws. Ad hoc committees to review specific issues may be formed at the pleasure of the Planning Council or existing committees, respectively. All committee and ad hoc committee meetings are open to the public.

**Section 1: Executive Committee.** The Executive Committee is comprised at a minimum of the Co-Chairs of the Planning Council and Vice Chair/Chair of People Living with HIV/AIDS Committee, and the Chairs of the Planning Council standing committees. The Planning Council Co-Chair(s) chair the committee. The Executive Committee coordinates the development of the Planning Council agenda, oversees and analyzes fiscal reports, is responsible for organizational development, and for coordination of Planning Council Support and the Planning Council Work Plan. The Executive Committee also reviews the Bylaws, previews and analyzes the policies, procedures and processes of the Council and recommend courses of action to the full Council on an as needed basis. The Executive Committee is empowered to make or to propose emergency decisions between regular Planning Council meetings if, because of extraordinary circumstances, a decision is required to be made within 72 hours in accordance with the Brown Act. Only one Co-Chair from each Standing Committee in attendance will be eligible to vote for purposes of a quorum. Any decisions of the Executive Committee may be overturned by a majority vote of the Planning Council. The Executive committee will maintain at least 33% PLWH/A membership.

### **Section 2: Quality, Data and Services Planning Committee**

The Quality, Data and Services Planning Committee is responsible for:

- Planning the resource allocations process;
- Reviewing standards of care;
  - The oversight of all CCPC data collection processes;
  - Responsibility for the coordination of all CCPC needs assessments and gap analysis inclusive of resource data;
  - Assists with the service and target population priority setting;
  - Responsible for the CCPC epidemiological planning process.
- Assessing how best to deliver services;
- Identifying effective prevention strategies for Alameda County only, excluding the city of Berkeley;
- Identifying technical assistance and capacity building needs for the TGA's service planning and delivery system;
- Ensuring that the local service delivery system, supported by both federal and local funds, is an effective, comprehensive continuum of care, with a primary goal of ensuring that locally funded activities accomplish their stated purposes; and
- Coordinating both short and long-term community services planning within the TGA in partnership with the Grantee.

### **Section 3: Membership and Community Involvement Committee**

The Membership and Community Involvement Committee is responsible for:

- Conducts ongoing identification and recruitment of Planning Council members;

- Evaluates the adequacy of the membership outreach efforts;
- Assures membership compliance with HRSA and CDC /State mandates;
- Qualitatively evaluates the Planning Council attendance with required CCPC on-going membership recruitment and placement.

#### **Section 4: People Living with HIV/AIDS Committee**

The People Living with HIV/AIDS Committee is responsible for:

- Ensuring the best interests of people living with HIV and AIDS in the Oakland TGA are met, by reviewing needs and concerns of the local PLWH/A communities;
- The CCPC functions as an advocacy body for resources and appropriate services to prevent this epidemic and provide quality services to individuals impacted by HIV disease.

#### **Section 5: Policy and Education Review Committee**

The Policy and Education Review Committee is responsible for:

- Collaborating with other standing committees to ensure that decisions made within standing committee of the CCPC represent the needs of the infected/affected and those at greatest risk for HIV in communities of the Oakland TGA;
- Developing positions on public policy issues and performs advocacy for the CCPC and its programs to ensure that the policies enhance the lives of people living with HIV/AIDS and those at greatest risk on contracting HIV;
- Networking and facilitating coalition development, community viewpoints and building consensus regarding policy education positions that impact HIV and AIDS communities.

#### **Section 6: Prevention Committee**

The HIV Prevention Committee supports broad-based community participation in HIV prevention planning, identifies priority HIV prevention needs (a set of priority target populations and interventions for each identified target population) in Alameda County, and ensures that HIV prevention resources target priority populations and interventions set forth in the comprehensive HIV prevention plan.

### **ARTICLE VIII COMPENSATION**

The members of the Planning Council shall serve without compensation, but PLWHA may be reimbursed for any lost wages and for actual and necessary expenses (e.g. travel, parking, care-giver) incurred as a result of attending a scheduled meeting as set forth in the HRSA guidelines and only as funds are made available through the CCPC's allocations process.

### **ARTICLE IX CONFLICT OF INTEREST**

The purpose of the Planning Council's Conflict of Interest Policy is to prevent an actual conflict or perceived conflict in the prioritization and allocation of funding for CARE Act Part A and Part B Services in the Oakland TGA and State HIV Prevention services in Alameda County, including Berkeley (hereafter The CCPC Funding Streams). This policy is intended to prevent a Council member or Council members from financially benefiting as a result of a conflict or undue influence. The Council's role is to set funding priorities and shall

determine how best to meet each priority it establishes.

### **Section 1: Members with a Conflict**

A Planning Council member shall be deemed to have a conflict of interest when the member and/or the member's spouse, domestic partner, and/or an individual who is in the member's household (i.e. contributing to or benefiting from the financial support of the member's household) has currently, or has had within the past 12 (twelve months), one or more of the following relationships with an entity receiving funds through The CCPC Funding Streams:

- a) The member has a financial interest in an entity; or
- b) Is an employee, member of a governing body, or in a position, which has a direct financial responsibility for a public or private organization receiving funds through the CCPC Funding Streams.

### **Section 2: Disclosure**

Upon appointment to the Planning Council, members are required to complete and sign a Form 700: Statement of Economic Interest and an Organizational Affiliation Disclosure Form indicating their willingness to disassociate from any actual or perceived conflict during Council deliberations and agreeing to act only on behalf of the broadly affected HIV community in its totality. Each year thereafter, Planning Council members shall complete and sign an updated Form 700: Statement of Economic Interest and an Organizational Affiliation Disclosure Form.

### **Section 3: Voting and Participation**

An individual may serve on the Council only if the individual agrees that, in the event of a conflict of interest, the individual shall abstain from voting on issues that directly relate or appear to relate to allocations through The CCPC Funding Streams to service categories or subpopulations where there is an identified conflict of interest, real or perceived.

Planning Council members shall not vote for funding amounts for a category of service when at the time of the vote, their entity is funded through the CCPC Funding Streams or it is reasonably foreseeable that their entity may apply for funding through the CCPC Funding Streams. Conflict of interest does not refer to persons living with HIV disease and their family members whose only relationship to The CCPC Funding Streams' service provider is as a client receiving services and/or as a volunteer with no fiduciary authority or responsibility for the service organization.

### **Section 4: Review**

When a conflict of interest is alleged, the Planning Council chair(s), other Planning Council members, or the member who is alleged to have a conflict of interest may request a review of the alleged conflict of interest and call for a vote of the Planning Council to determine whether the member will have voting privileges for the issue in question.

### **Section 5: Failure to Comply**

The Executive Committee of the Planning Council must recommend termination of membership if a Council member:

- a) refuses or fails to complete or update the Form 700 Statement of Economic Interest or the Organizational Affiliation Disclosure Form,

- b) refuse to cooperate with the conflict of interest review, or it is determined that the member took action intended to influence the funding priority decision(s) of the Planning Council as described above.

**ARTICLE X  
GRIEVANCE PROCEDURES**

The Planning Council Grievance Procedures are an attachment to these Bylaws and are incorporated herein by reference.

## **ARTICLE XI AMENDMENTS**

Amendments to these Bylaws may be made by the Planning Council at any regular or special meeting by a two-thirds (2/3) vote of members present.

### **ATTACHMENTS:**

- GLOSSARY
- GRIEVANCE PROCEDURES
- CCPC POLICIES AND PROCEDURES
  - Code of Conduct
  - Public Comment Protocols
  - Community Participation Protocols
  - Grievance Procedures

## GLOSSARY

<b>CARE Act</b>	The Federal Ryan White Comprehensive AIDS Resources Emergency (CARE) Act (Public Law 10-381), and the Ryan White CARE Act amendments of 1996 (Public Law 101-146) under Part A, B, C and D of the CARE Act which address emergency relief for the provision of care services for persons living with HIV/AIDS
<b>CDC</b>	Centers for Disease Control and Prevention
<b>CEO</b>	Chief Elected Official. The recipient of Part A HIV/AIDS Emergency Grant Relief funds by virtue of being the chief elected official of the city or urban county administering the public health agency that provides outpatient and ambulatory services to the greatest number of individuals with AIDS, as reported to and confirmed by the Centers for Disease Control, in the TGA receiving Part A funds (Public Law 101-381). In the Oakland TGA, the CEO is the President of the Alameda County Board of Supervisors.
<b>Conflict of Interest</b>	Section 2602 (b)(5)(C) of the Fair Political Practices Act requires that consumer representatives be individuals “who are receiving HIV-related services” from the Part A funded providers; but “who are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity.”
<b>TGA</b>	Transitional Grant Area; the Oakland TGA includes Alameda and Contra Costa Counties
<b>Entity</b>	Is a public or private non-profit, 501(c)(3) organization, agency, corporation or business.
<b>Grantee</b>	The CEO officially receives CARE Act funds and is the grantee. The CEO has vested responsibility of managing the grant with the Alameda County Department of Public Health.
<b>Health Department</b>	Alameda County, Contra Costa County, and the City of Berkeley Departments of Public Health
<b>Planning Council</b>	A group of people appointed by the CEO to plan the organization and delivery of HIV/AIDS services
<b>Majority Vote</b>	Defined by Robert’s Rules of Order as one more than half of the votes cast, ignoring abstentions.
<b>Member(s)</b>	Those persons who have been duly and lawfully appointed to the Planning Council by the Chief Elected Official
<b>Non-Aligned Member</b>	A person living with HIV who is not receiving compensation by an employer who receives Ryan White or State HIV Prevention funding linked to their compensation at the time of joining the Planning Council, that designation is maintained until expiration of the consumer’s term.

**Quorum**

Defined in Robert’s Rules of Order as such a number of an assembly competent to transact business. A quorum of every assembly is a majority of all members of that assembly. No business can be transacted except a vote to adjourn if a quorum is found not to exist. If after a meeting is called to order, the number should be reduced below a quorum, business is not interrupted, unless a member calls attention to the fact; but no question can be decided except when a quorum is present.

**Ralph M. Brown Act**

State Government Code, Section 54950, governs meetings conducted by local legislative bodies.