

Seattle Transitional Grant Area HIV Planning Council

BYLAWS

Revised and Approved 5/13/19

Be Article I - Legal Authority

The Seattle HIV/AIDS Planning Council (Council) was established by the King County Executive on August 11, 1992. It functions pursuant to the requirements of the federal Ryan White Act, specifically the rules guiding the funds targeted to metropolitan areas with substantial need for services (Part A), known as *Transitional Grant Areas (TGA)*. *The Seattle TGA includes King, Snohomish and Island Counties.*

ARTICLE II - DUTIES

The duties of the Planning Council outlined in the Ryan White Act include:

- a. Ensure that the actions and decisions of the Council are implemented in a timely way.
- b. Determine the needs of people living with HIV in King, Snohomish and Island Counties through regular needs assessment, resource inventory, service utilization and other data;
- c. Establish the service category priorities;
- d. Allocate the locally pooled Ryan White Part A and B funds to these priority services based on identified gaps in services to PLWH;
- e. Design the services to be provided to best meet the needs of PLWH as identified through the assessments;
- f. Set directives to the grantee for the provision of care services in King, Snohomish and Island Counties.
- g. Develop a comprehensive plan for the organization and delivery of eligible care services described in the Ryan White Act that is compatible with any existing State or local plans regarding provision of care services to individuals living with HIV/AIDS.
- h. Review Public Health's procurement to ensure that it follows the Council's plan;
- i. Assess the efficacy of Public Health's administrative mechanism in procuring services which fit the Council's plan.
- j. Participate in the development of the statewide coordinated statement of need (SCSN) initiated by the Washington State Department of Health (DOH), which is the grantee for Ryan White funds directed to Washington State (Part B).
- k. Coordinate work with area prevention programs.

ARTICLE III - MEMBERSHIP

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- A. APPOINTMENT:** Council members are appointed by the County Executive. The Council shall recommend appointments through the nominations process described herein.
- B. SIZE:** The Council shall consist of that number of members necessary to fulfill all applicable federal legislation and guidance regarding membership positions.
- C. REPRESENTATION:** The Council shall have the representatives required by the Ryan White legislation. Specific representational positions are included as Appendix E of this document. At least one-third of the Council's membership shall be *unaligned consumers*. The Council as a whole and its unaligned consumer subset shall reflect the demographics of the epidemic of HIV disease in the Seattle TGA, with particular consideration to disproportionately affected and historically underserved groups.
- D. TERMS OF MEMBERSHIP:** Applicants approved by the Council shall be recommended for appointment to a three-year term. Terms end on the anniversary of appointment by the Executive. Members who fill a need may be recommended for appointment to a second three-year term. Any former member of the Council, regardless of the number of terms served, may reapply for membership after an absence of at least one year.
- E. MEMBERSHIP PROCESS:** The Membership Committee will be responsible for identifying areas of needed member representation and shall coordinate with Council staff the following tasks:
- 1. Recruitment:** The Council shall conduct ongoing recruitment processes targeting potential members.
 - 2. Applications:** Following Council approved protocols (see Appendix D), the Membership Committee shall make recommendations to the Council, which will make recommendations to the County Executive.
- F. COUNCIL MEMBER DUTIES:** The duties of Council Members are to:
1. Attend a Council new member orientation;
 2. Attend and actively participate in all Council meetings;
 3. Review and understand materials for Council or committee discussion/action prior to meetings;
 4. Become a member of and regularly attend at least one standing Council committee;
 5. Complete the King County financial disclosure form and the Planning Council Conflict of Interest form upon initial nomination, and again annually for each year of service;

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6. Adhere to the King County Code of Ethics, Council bylaws and HRSA guidance documents;
7. Disclose all conflicts of interest and work actively to ensure that they do not influence the Council's decisions.

G. RESIGNATION: A Council member may resign by giving written notice. The notice shall specify an effective date of resignation.

H. REMOVAL: Council members may be removed only by the County Executive. The Council may recommend to the Executive that a member be removed for any of the following reasons:

1. Excessive absences from Planning Council meetings, as determined by the Membership Committee;
2. Habitual behavior which inhibits the Council's ability to conduct business in a timely and efficient manner;
3. Conduct that negatively impacts confidence in the Council, including, but not limited to a violation of conflict of interest rules;
4. Behavior that could prevent others (Council members, staff, Public Health staff or members of the public) from attending or participating in meetings.

Process for recommending removal: Recommendation for removal for any above reason shall be reviewed by the Executive Committee, and if the Executive Committee finds merit, it shall forward the proposed removal to the Council for a vote. Notice of, and the reasons for the Executive Committee's proposed removal will be sent to the member and the County Executive. If the Council votes to recommend removal of the member, the recommendation shall be forwarded to the County Executive.

I. MEMBER EMERITUS STATUS: Any member who identifies that he or she will be unable to participate in Council-related activities for two or more consecutive months due to ill health may be placed on "member emeritus" status. This member will remain officially on the Council roster but will not be counted toward the quorum at Council meetings. Being on emeritus status does not change the Council member's term of office.

For a more detailed description of member positions and processes, see Appendix E & F

ARTICLE IV - OFFICERS AND ELECTIONS

- A. Officers:** The officers of the Council shall be:
1. Community Co-Chair;

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2. Person Living with HIV/AIDS (PLWH) Co-Chair;
These will be two separate people.

- B. **Eligibility:** To be eligible for election to office, a member must be a duly appointed member and must have agreed to be a candidate for office. The member must be eligible to serve on the Council for the full term of office. The candidate must be a member in good standing on the Council, defined as:
- a. Having attended $\frac{3}{4}$ of the Council meetings held since being appointed to the Council and having no unexcused absences, and
 - b. Participating in the Council in accordance with HRSA guidance and Council rules.
- C. **Term of Office:** The term of office shall be one year, April 1 through March 31. A member may hold elected office for up to three successive one-year terms.
- D. **Election/Appointment:** An annual election shall be held to identify the Co-Chairs. In the event of a mid-year vacancy in a Co-Chair position, the Executive Committee shall appoint an officer for the remainder of the term, or if the vacancy resulted from a Co-Chair's placement on emeritus status, until that Co-Chair returns from emeritus status.
- E. **The duties of the officers shall be as follows:**
- Provide leadership to the Council on care issues
 - Ensure that the Council fulfills the planning, prioritization, allocation and assessment requirements as specified in the Ryan White guidance
 - Participate in the Executive Committee and the annual evaluation of the Council Administrator.
 - Participate in the Priority-Setting and Resource Allocation (PSRA) Committee
 - Perform other duties incidental to carrying out the functions of the position, including those outlined in the Public Health/Planning Council's Cooperative Agreement and the Co-Chair Job Description.
 - The two co-chairs will determine between them who will facilitate the Executive Committee and/or Council meeting in the absence of the Council Administrator.

For a more detailed description of eligibility for office and officer duties, see Appendix H: Co-Chair Job Description.

ARTICLE VI. - MEETINGS

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- A. OPEN PUBLIC MEETINGS.** All meetings of the Council shall be open to the public, as required by the Ryan White Act and consistent with the Washington State Open Public Meetings Act.
- B. REGULAR MEETINGS:** In general, meetings of the Council will be held on the second Monday of each month from 4:00 pm to 6:30 pm. Information about current meeting times and locations is available from Planning Council staff at 206-263-2030. The Executive Committee, assisted by Council staff, shall prepare or cause to be prepared a proposed agenda, which shall be mailed to all Council members not less than four working days prior to the meeting. The Council Administrator shall facilitate Council meetings or, in that person's absence, the Council Co-Chairs will determine amongst themselves who shall facilitate. No action may be taken on any item not included on the agenda approved at the meeting. This requirement may be suspended by an affirmative majority vote.
- C. SPECIAL MEETINGS:** Special meetings may be held on call of the two officers or by a majority of the members of the Council. Such call shall include an agenda setting forth the specific action item to be considered at the meeting, and no other action may be taken at such meeting. Written notice shall be provided consistent with RCW 42.30.080.
- D. QUORUM:** At any Council meeting, the presence of a majority of the members (meaning one more than half the current membership (50% + 1, not including emeritus members) and the presence of a majority (50% + 1) of the unaligned consumers (not including emeritus members) shall be necessary to constitute a quorum for the purpose of taking action on any agenda item. Proxies are not permitted for either the establishment of a quorum or for the conduct of business.
- E. MINUTES:** Detailed minutes of each meeting shall be kept. The accuracy of all minutes shall be approved by a majority vote of the Council.

For meeting procedures please see Appendix B: Standing Rules for Council meetings.

ARTICLE VII - COMMITTEES

Work shall flow from the committees to the Council. The Council may not predetermine the specific work product or process of any committee. The Council shall either approve or reject, as a whole, a work product of a committee. If the Council rejects a work product of the committee, the product shall go back to that committee for revision based upon input from the Council.

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- A. **Executive Committee**: An Executive Committee comprised of the two Council Co-Chairs, and at least one chair of each standing committee shall Council meeting agendas; consider special issues; provide advocacy; determine policy stances of the Council; make recommendations to the Council for removal of Council members; consider, review and reply to correspondence; determine disposition of issues about which the Bylaws are silent; and coordinate Council activities. All Council members may attend and vote at any Executive Committee meeting.
- B. **Membership Committee**: A committee comprised only of Council members will address issues of Council membership. These include creating membership recruitment goals, reviewing Council applications, interviewing Council applicants, bringing new Council candidate recommendations before the Council for approval, bringing recommendations to the Council for reappointment of members, setting attendance policies, create and revise the Code of Conduct for Council members and address issues that arise related to member conduct, reviewing procedures for training Council and committee members, and developing and revising reimbursement plans for Council members. **For membership policies see Appendix D.**
- C. **Priority-Setting and Resource Allocation Committee (PSRA)**: A committee comprised only of Council members will be responsible for setting priorities and allocating dollars to service categories and sub-categories to fill gaps in services to PLWH. This committee will work in collaboration with the Services/Assessment Committee to create directives to the grantee. **For PSRA policies, see Appendix I.**
- D. **Services/Needs Assessment Committee (SNAC)**: A committee comprised of a majority of Council members will be responsible for gathering data to assess need, and for designing services to meet that need. This committee will work in collaboration with the PSRA Committee to create directives to the grantee. **For Services and Assessment policies, see Appendix I.**
- E. **Consumer Caucus**: A committee comprised of PLWH will be responsible for choosing the PLWH co-chair of the Council, increasing PLWH's knowledge of issues brought before the Council, taking positions on issues which affect PLWH, and outreaching to other PLWH in the community.
- F. **Ad Hoc Committees**: Other committees may be formed as needed.

ARTICLE VIII - CONFLICT OF INTEREST

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A. Planning Council members are subject to rules about conflict of interest under the Ryan White legislation and guidance and the King County Code of Ethics. See Appendix C for additional information about Conflict of Interest.

B. Disclosure Forms: As a condition of membership on the Council, all members shall complete upon appointment, and then annually, a King County Statement of Financial and other Interests for King County Board and Commission Members, and the Council's Conflict of Interest Declaration & Agreement to Abide by Guidelines. **See Appendix C for a copy of this form.**

G. Limits of Council Funding Authority: The Council shall be involved in fund allocation decision making in accord with HRSA guidance documents. Public Health shall be responsible for soliciting and reviewing proposals and awarding funds to specific agencies. Council members may not serve on proposal review/allocation panels.

ARTICLE IX - ACCOMMODATION POLICIES

Persons with special needs may request reasonable accommodation in advance to attend Planning Council meetings and the Council will attempt to meet these needs.

ARTICLE X - GRIEVANCE PROCEDURES

In accordance with the Ryan White Act, the Council shall develop, maintain and publicize grievance procedures regarding Ryan White priorities and allocations. See Appendix G for these grievance procedures.

ARTICLE XI - OFFICIAL COMMUNICATIONS AND REPRESENTATION

No officer or member of the Council shall perform any action or make any statement or communication under circumstances that might reasonably give rise to an inference that he or she is representing the Council, except when:

- A. S/he has been given the express authority by the Council or Executive Committee to so represent the Council's decisions on specific topic(s) for specific periods of time.
- B. Any Council member appointed to serve on an external work group or task force shall make every effort to fairly represent the interests of the Council and may speak on behalf of the Council at the meetings of such groups or task forces.

ARTICLE XII - MAINTENANCE OF RECORDS

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Records shall be maintained electronically by Public Health – Seattle & King County in the HIV/STD Program offices or in King County records storage and archives. Copies of public documents shall be supplied upon request under the provisions of the Public Records Act.

ARTICLE XIII - AMENDMENTS TO BYLAWS

Amendments to these Bylaws shall require a two-thirds majority vote of those members present at the meeting during which proposed amendments are on the agenda. Unless otherwise specified, the amendment(s) shall take effect immediately upon adoption.

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APPENDIX A: DEFINITIONS

“**Council**” means the “Seattle HIV/AIDS Planning Council” established by the King County Executive.

“**County Executive**” or “**Executive**” is the King County Executive, who is the recipient of Ryan White Part A funds by virtue of being the chief elected official of the city or urban county administering the grant.

“**Directive to the Grantee**” is the description which the Council gives to the grantee to clarify how services should be provided. This can include clarification on service models and modalities, and/or where and to whom services should be provided.

“**DOH**” refers to the Washington State Department of Health. “**Gap**” refers to the PLWH and/or services identified through the needs assessment which are not covered by another payer. The Ryan White dollars can be used to fill this gap.”

“**Letter of Assurance**” is a letter written by the Co-Chairs at the direction of the Council and is submitted to HRSA as part of the annual grant application. One of its purposes is to assure HRSA that Public Health has procured services in accordance with the Council’s care prioritization and allocation plan.

“**Member**” or “members” refers to those persons who have been duly appointed to the Council by the King County Executive.

“**Part A,**” refers to the part of the Ryan White Act which provides grants to metropolitan areas with severe need for services, including Eligible Metropolitan Areas (EMA) and Transitional Grant Areas (TGA). Seattle is a TGA.

“**Part B,**” refers to the part of the Ryan White Act which provides grants to states for services and prescription drugs.

“**Part C,**” refers to the part of the Ryan White Act which provides grants to clinics for early intervention and other medical services for HIV disease.

“**Part D,**” refers to the part of the Ryan White Act which provides grants for coordinated services to women, infants, children and youth.

“**Public Health**” is Public Health – Seattle & King County.

“**Ryan White**” refers to the federal Ryan White HIV/AIDS Treatment Modernization Act as Amended.

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“Seattle TGA” or **“TGA”** stands for “Transitional Grant Area” means the counties of King, Island and Snohomish.

“Sub-population” is a sub-group within one of the identified priority populations noted by the prioritization committee in the prevention plan as an acceptable target for a prevention activity.

“Sub-priority” restricts funding in a care service category or prevention priority population to a specific activity.

“Unaligned Consumer” is a person living with HIV who is receiving HIV-related services pursuant to the Ryan White Part A grant or services identical to those received under Part A funding, is not an officer, employee or consultant to any entity that receives amounts from such a grant and does not represent any such entity.

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APPENDIX B: STANDING RULES FOR THE COUNCIL

1. **Facilitation:** The Planning Council Administrator facilitates Council meetings. In the absence of the Administrator, the Council co-chairs shall determine which of them shall facilitate the meeting.
2. **Quorum:** No action item can be resolved in the absence of a quorum. A quorum is 50% + 1 of Council members (who have been appointed by the County Executive, and are not on emeritus status) and 50% + 1 of the consumer Council members (who have been appointed by the County Executive, and are not on emeritus status).
3. **Agenda:** At the beginning of the meeting, the proposed agenda shall be submitted to the Council for adoption. Any additional substantive items may be added or deleted by means of amendment.
4. **Motions:** In most cases, decisions are to be made by means of a motion made by a member and seconded by another member. Those members making a motion and seconding it must be people who do not have a conflict of interest with the issue being addressed. The motion is then restated, offered for debate, and then voted on by the group.
5. **Decisions by Acclamation:** For issues such as adoption of the agenda and minutes, the Council may choose to make decisions by acclamation. The facilitator or a member will ask if the item can be approved by acclamation, and if there are no objections, then the issue is approved. If there is dissent, then the Council must make a motion and vote as in number 4 above.
6. **Discussion:** Any Council member may speak on an item under consideration for up to two-minutes. No member may speak a second time until all those wishing to speak on that question have spoken. Members may not yield their time to another member. Members of the public wishing to speak on a specific agenda must sign up to do so at the beginning of the meeting, and can speak for up to two minutes, but may speak only once. During allocations, conflicted Council members and visitors will be barred from speaking. The facilitator will recognize members of the public during discussion.
7. **Closing the Discussion:** If discussion does not end of its own accord the facilitator will check in with the Council to determine if there has been ample discussion. If there is a conflict among Council members about whether the discussion should or should not continue, the group will vote to “call the question.” Calling the question is not debatable, and if the vote to call the question passes, then the original motion is voted on without any further discussion. Motions to call the question pass by a simple majority.

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8. **Friendly Amendments:** Changes in the main motion may be proposed by means of amendments proposed by a member who does not have a conflict of interest with the issue being discussed. Amendments must be relevant. If an amendment is proposed, it must be approved by the original person who made the motion, and the one who seconded it.
9. **Tabling a Motion:** If a member with no conflict of interest on the topic feels that that additional discussion time or information is needed before voting on a motion, they can propose to “table the motion” to a specified future time. A motion to table is debated and voted on. Motions to table pass by a simple majority.
10. **Voting:** Each Council member shall be entitled to one vote upon any question before the Council, provided that a quorum is then present. Members with a conflict of interest on the issue addressed in the motion must abstain from voting. Voting upon any question shall be by a show of hands of the members. Unless otherwise specified, motions are carried by a simple majority vote of the quorum; in the event of a tie, the motion fails. Abstentions neither count for nor against the motion, and reduce the quorum. Voting by proxy is not allowed.
11. **Reconsidering a Vote Previously Taken:** If a member who does not have a conflict of interest on the issue wishes to reconsider a vote taken at a prior meeting, a two-thirds vote is required in order to reconsider the motion. If the motion to reconsider passes, the assembly shall return to the point in the debate at which the vote to be reconsidered was taken. The discussion shall proceed as though the first vote had never been taken.

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Appendix C: Conflict of interest

Conflict of Interest Policy

Goal: To have a policy which effectively controls conflict of interest, and which meets HRSA requirements.

Definition of a conflict of interest:

- You, your partner or another member of your immediate family works for an agency which is directly funded through Ryan White Part A dollars.
- You, your partner or another member of your immediate family is a paid consultant for an agency which is directly funded through Ryan White Part A dollars.
- You, your partner or another member of your immediate family is on the board of directors of an agency which is directly funded through Ryan White Part A dollars.
- Per HRSA guidance, those who receive services from a funded agency, and/or are unpaid volunteers for an agency DO NOT have a conflict of interest.
- Members must declare their conflicts of interest in the manner and timeline outlined below.
- Council staff will maintain a conflict of interest roster.

Disclosing conflict of interest:

Written disclosure:

- All Council members must disclose their conflicts in writing through two forms
 - The Council conflict of interest form, and
 - The King County Board of Ethics form (note, standards may be different for these)
- Disclosure schedule: Forms must be completed:
 - Upon joining the Council
 - Each February/March
 - Any time the member has a change in their conflict status

Verbal disclosure:

- All Council members with a conflict must verbally state their conflicts as topics arise and the conflicts of each member will be recorded in the minutes. Visitors must also do this.
- At the beginning of each meeting, during introductions, each member with a conflict must state the name of the agency they work for. Visitors must also do this.
- Council members with a conflict of interest must hold up the conflict card while speaking on any topic related to the service category(ies) in which they have a conflict. Visitors must also do this.

Ensuring conflict of interest is controlled:

- Members with a conflict of interest may not speak, make a motion, second a motion, amend a motion or vote on a motion related to a topic in which they have a

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conflict, during meetings in which funding decisions and directives to the grantee are being made. This also applies to visitors.

- During allocation processes members (and visitors) can only speak on the topic of categories in which they have a conflict at the Public Hearing, and cannot speak on those topics during meetings at which funding decisions are being made.
- During allocation processes members who have a conflict cannot speak, make a motion, second a motion, amend a motion or vote on a motion on a topic related to a category in which they have a conflict.
- In all processes of the Council, members who have a conflict cannot make a motion, amend a motion or vote on a motion on a topic related to a category in which they have a conflict.
- Throughout all Council processes, discussions will be about service categories and sub-categories, never about agencies.

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Conflict of Interest Declaration & Agreement to Abide by Guidelines

Printed Name: _____ Date: _____

Planning Council members have a conflict of interest if they themselves, their immediate relative, spouse or domestic partner are employees of, paid consultants to, or on the board of a public, for profit or non-profit agency which receives Ryan White Part A funding.

An **immediate relative** is defined as someone with whom income and/or expenses are shared, including a spouse, child or parent. Unmarried domestic partners are also considered immediate relatives.

Persons living with HIV disease whose sole relationship to a Part A service provider is as a client receiving services, or as an uncompensated volunteer do not have a conflict of interest.

I have no known affiliations that present a conflict of interest

List the agencies with which you have a conflict:

Which of the following services are provided by these agencies:

- | | |
|---|---|
| <input type="checkbox"/> Outpatient/ambulatory medical care | <input type="checkbox"/> Pediatric developmental assessment |
| <input type="checkbox"/> AIDS Drug Assistance Program | <input type="checkbox"/> Emergency financial assistance |
| <input type="checkbox"/> AIDS pharmaceutical assistance (local) | <input type="checkbox"/> Food bank/home-delivered meals |
| <input type="checkbox"/> Oral health care | <input type="checkbox"/> Health education/risk reduction |
| <input type="checkbox"/> Early intervention services | <input type="checkbox"/> Housing services |
| <input type="checkbox"/> Insurance premium and cost sharing | <input type="checkbox"/> Legal services |
| <input type="checkbox"/> Home health care | <input type="checkbox"/> Linguistic services |
| <input type="checkbox"/> Home and community-based health services | <input type="checkbox"/> Medical transportation |
| <input type="checkbox"/> Hospice services | <input type="checkbox"/> Outreach services |
| <input type="checkbox"/> Medical nutrition therapy | <input type="checkbox"/> Permanency planning |
| <input type="checkbox"/> Medical case management | <input type="checkbox"/> Psychosocial support services |
| <input type="checkbox"/> Substance abuse treatment (Outpatient) | <input type="checkbox"/> Substance abuse treatment (residential) |
| <input type="checkbox"/> Case management (non-medical) | <input type="checkbox"/> Referral for health care/supportive services |
| <input type="checkbox"/> Child care services | <input type="checkbox"/> Rehabilitation services |
| <input type="checkbox"/> Respite care | <input type="checkbox"/> Treatment adherence counseling |
| <input type="checkbox"/> Mental health services | |

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Conflict of Interest Declaration & Agreement to Abide by Guidelines

I understand that it is the responsibility of each Planning Council member and fellow Planning Council members to determine whether a conflict of interest exists as defined by these Guidelines. If my conflict changes, I must announce the change at meetings as soon as it occurs, and resubmit this form with the changes as soon as possible.

I hereby state that, to the best of my knowledge, information and belief, I shall abstain from voting, making motions or amending motions on issues that relate or appear to relate to an action that may result or appear to result in personal, organizational or professional gain. I agree to abstain from voting, making motions or amending motions on the processes and the issues of the Planning Council that present a conflict of interest as outlined in this document. Further, I agree to follow the King County Board of Ethics conflict of interest policies. I understand that I may face disciplinary actions, to include removal from the Planning Council, if I am in violation of any condition of this agreement. I understand that the Planning Council's bylaws shall address such disciplinary procedures.

Signature

Date

Instructions for the distribution of this form:

1. The completed, signed and dated original is scanned and sent to the King County Executive as part of the nomination packet.
2. The scanned completed document is kept on file with the Planning Council support staff, and is part of the open, public record.
3. In the case of continuing members, a new form must be completed each February, and any time at which conflicts change. Participation in the Council may be restricted until this form has been completed.

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APPENDIX D: Membership Policies and Procedures

Recruitment: Targeted recruitment is conducted through posters at agencies, emails and one-on-one contacts to identify persons to fill specific representational Council slots. Candidates are recruited, vetted and accepted throughout the year.

Application: All recruits for the Council must complete an application for membership.

Application Review: The Membership Committee reviews all applications received and determines whether the candidate should be invited for an interview based on their ability to fill a vacant membership slot as identified in these By-laws (Appendix B) and/or contributing positively to the demographics of the Council as defined by the Demographic Targets created and updated by the Membership Committee, a sample of which are included as Attachment F of this document:

- Candidate fills, or may fill a Council slot which is currently vacant, or will become vacant in the next four months.
- Candidate does not fill a specific Council vacancy, but brings expertise which the Membership Committee feels is lacking on the Council. In this case there must be sufficient membership by consumers on the Council such that adding the member will not put in jeopardy the 33% minimum consumer membership.
- Candidate does not fill a specific Council vacancy, nor has specific expertise missing from the Council, but has shown a commitment to the Council's work through a history of appropriate participation in Council subcommittees. In this case there must be sufficient membership by consumers on the Council such that adding the member will not put in jeopardy the 33% minimum consumer membership.

Reference Checks: Staff conduct reference checks for candidates who fill meet the above criteria, prior to the interview process. These reference checks are designed to determine:

- Candidate's ability to participate productively and appropriately in a group process in which there is conflict
- Candidate's ability to follow through on commitments

Candidates Attend Council Meeting: Previous to the Membership meeting at which the candidate interviewed, the candidate must attend a Council meeting. It does not have to be the Council meeting immediately prior to the interview—any full Council meeting in the past six months is acceptable.

Interview: An interview is conducted with at least two people from the Membership Committee. Interviews include questions designed to determine:

- If the candidate appropriately fills the vacancy

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- The candidate's ability to read, understand and form opinions about data used by the Council
- The candidate's ability to participate productively and appropriately in group process in which there may be conflicts
- Candidate's ability to carry out the work of the Council in terms of time commitment
- The candidate has demonstrated that they will follow the rules of the Council
- Candidate provides the names and contact information for three references

Interview Discussion: If the Membership Committee determines that the candidate meets these criteria, that their references and participation in Council activities show the above, they forward the candidate for a vote by the Council.

Candidates Voted on by Council: At a meeting which the candidate attends, the Council has the opportunity to ask additional questions and then votes on the candidate. If the vote is in favor (by a simple majority), then the candidate is forwarded to the King County Executive.

Candidate Forwarded to the King County Executive: The King County Executive has the sole authority to appoint members to the Planning Council. S/he does this based on recommendations from the Planning Council. If the Council votes in favor of the candidate, his/her name is forwarded to the Executive for appointment. While waiting for appointment from the Executive's Office, members-in-waiting sit at the table during Council meetings, but cannot vote.

Other Membership Policies:

Attendance Policies

Expectations: Council members will endeavor to be in attendance at all Council and committee meetings in person and for the entire meeting. This is important because:

- Each member of the Council has been chosen to bring a particular knowledge base to the discussions, and when the person is absent, their knowledge and perspective is not heard, and
- A quorum of members must be present in order for the Council to conduct business.
- In person exception: Members of the Services and Needs Assessment Committee (SNAC) or the Executive Committee may attend those meetings by phone.

Attendance:

- Council members must attend at least 75% of full Council meetings during a rolling 12 months.
- Council members must attend at least 75% of all meetings of the Committee(s) to which they have been assigned during a rolling 12 month period.

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- Attendance is in person for all meetings except Executive Committee and SNAC. Members may attend these meetings by phone through calling a conference bridge number.
- If a member knows that they will have a period of absence of longer than one month, they can go onto Emeritus status for up to 3 months.

Missing Meetings of the Council or Committee:

- Council members are asked to email the Council administrator if they will miss a meeting.
- Council staff will make an attendance roster showing the current attendance percentage of all members, and bring it to each Council meeting.

Having Too Many Absences:

Members who have more than the allowable number of Council and/or committee absences are considered to no longer be members in good standing of the Council.

- They are not eligible for another Council term
- They are not eligible to be a Co-Chair of the Council

Actions Resulting from Absences:

1. If a Council member misses a meeting without calling, Council staff will call and check in with them, so they know they were missed.
2. Each quarter, the Membership Committee will review attendance. If a member has not attended 75% of Council and committee meetings, Council staff will contact a member by phone or email
 - a. Staff will work with the member to assess attendance barriers which can be addressed (such as switching committee assignments or going onto Emeritus for 3 months),
 - b. The member and Administrator will work out a plan to increase attendance, which will be put in writing, and emailed to the Co-Chairs.
3. If attendance does not improve, the Council Co-Chair(s) will contact the member
 - a. The member and co-chair(s) will review the plan created in Step 1, and see if there are additional changes which could be made. If so, a revised plan will be put in writing and emailed to the Co-Chairs.
 - b. If the member feels at this stage that they will not be able to improve attendance, then they should send an email to the Administrator resigning from the Council.
4. If attendance continues to be below acceptable levels, the issue is brought to Executive Committee.
 - a. A letter is sent to the member, asking them to resign.
 - b. If they do not respond, the Executive Committee asks the King County Executive to remove the member.

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APPENDIX E: COUNCIL MEMBERSHIP POSITIONS AS IDENTIFIED IN THE RYAN WHITE ACT

- Health care provider to PLWH, including Federally Qualified Health Centers
- Social service provider, including housing and homeless services provider
- Community-based AIDS service organization serving affected populations
- Mental health provider
- Substance use treatment provider
- Local public health agency; this position is chosen by Public Health – Seattle & King County
- Hospital planning or health care planning agency
- Affected communities, including people with HIV/AIDS, a member of a Federally recognized tribe, and a person co-infected with HIV and Hepatitis B or C
- Non-elected community leader
- State Medicaid agency
- State Part B grantee agency
- Formerly incarcerated person living with HIV, or their representative
- Part C grantee agency
- Part D representative or organizations with a history of serving children, youth and families with HIV
- Other Federal HIV programs, including prevention programs
- Other membership needs as identified by the Council's Membership Committee
- At least thirty-three percent of members must be unaligned consumers

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APPENDIX F: Council Demographic Targets:

The Council, per Ryan White legislation, seeks to be representative of the epidemic in the Seattle TGA both in overall membership and in terms of its unaligned consumer members, with special attention given to historically underserved populations. The Council does this by setting demographic targets which are minimum or maximum members for each group. As new members are brought in, the Membership Committee pays close attention to these demographic targets and seeks to ensure that the Council membership does not exceed maximums or be under minimums.

Targets are set in the following manner:

- The Council will use the table of prevalence from the most recent Ryan White Part A grant application as the basis for targets.
- For demographic groups that have fewer than 50% of cases, the prevalence is the minimum percent that the Council can have; for demographic groups that have more than 50% of cases, the prevalence is the maximum percent that the Council can have.
- Demographic groups with fewer than 5% of cases are grouped together.

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APPENDIX G: Grievance Procedures

I. Types of Grievances Covered and Who May Bring a Grievance

Individuals or entities directly affected by the outcome of a decision related to funding are eligible to file a formal grievance with the Seattle TGA HIV/AIDS Planning Council. Directly affected parties are defined as:

provider agencies eligible to receive Ryan White funding;

consumer groups which include persons living with HIV/AIDS (PLWHA), PLWHA Coalitions and Caucuses, and;

other affected entities and/or a group of at least three unaligned consumers who are eligible to receive Ryan White funded services.

Basis for Filing Grievances

Individuals or entities meeting the above criteria are eligible to grieve deviations from the Council's established written processes for the following funding-related decisions:

priority setting process;

resource allocation process, and;

changes to priorities or resource allocations, throughout the year, subsequent to original processes.

The Planning Council's Bylaws describe the role of its prioritization, resource allocation, and decision points. In addition, Council meetings and minutes, which are open and available to the public, describe the established criteria for priority setting, resource allocation, service category definitions, increment and decrement planning, and changes to priorities and funding levels throughout the course of the year. **Departures or deviations from the above processes may be grounds for grievance by eligible parties.**

II. Non-Binding Procedures for Resolving Conflicts

1. Groups of individuals or entities wishing to file a grievance are asked to contact the Planning Council Administrator (or other Council staff, at (206) 263-2030).
2. Groups of individuals or entities filing the grievance will be provided a standard grievance form to complete (see attached form) which will formally initiate the grievance process.
3. Groups of individuals or entities submitting a standard grievance form will be provided a copy(ies) of the Council's grievance procedures, which include rules that apply to non-

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binding mediation and binding arbitration processes, steps in the processes, and time periods associated for each step.

Confidentiality: All confidentiality standards and measures that apply to Public Health - Seattle & King County (grantee) will be observed.

Time Period(s): (a) The grievant has 5 business days from the receipt of the grievance form to file the grievance with the Council, (b) The Council will respond to an individual's or entity's filing of the grievance form within 5 business days, (c) a non-conflicted, third party mediator will be designated and contacted within 10 business days by the Council, and (d) a meeting of the parties with the mediator, if necessary, will take place within 21 business days. **NOTE: Time periods run consecutively.**

Meeting Place Designation: The third party mediator will arrange a meeting location that is mutually acceptable to all parties involved.

Time Limit for Non-Binding Process: If no agreement has been reached within 5 business days after the parties have met, the mediator will end the process and inform the parties of the process to pursue binding arbitration.

III. Binding Arbitration

1. The Council has identified and retained the services of the local chapter of the American Arbitration Association (AAA) to receive and review requests by the grievant for binding arbitration.
2. At the conclusion of an unsuccessful non-binding mediation, the grievant is provided a copy of the standard grievance form to complete and return to the Planning Council Administrator (or other Council staff). Submission of this form will initiate the binding arbitration process.
3. Individuals or entities submitting a standard grievance form will be provided a copy(ies) of the Council's grievance procedures, which include rules that apply to binding arbitration processes, steps in the processes, costs, and time periods associated for each step.

Time Period(s): (a) After completing the mediation process, the grievant has 5 business days to request binding arbitration, (b) the grievant has 5 business days to complete and submit a new grievance form, (c) the Council will respond to an individual's or entity's filing of the grievance form within 5 business days, (d) the AAA will arrange a hearing of the parties, if necessary, to take place within 21 business days, and (e) the arbitrator will render and communicate a decision within 5 to 10 business days. **NOTE: Time periods run consecutively.**

Meeting Place Designation: The AAA will arrange a hearing location that is mutually acceptable to all parties involved.

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IV. RULES FOR GRIEVANCE PROCESS

Timing

A. Length of Time to Bring a Grievance: In order to ensure continuity of the Council's processes and prevent delays or interruption in the provision of services, a grievance may be considered only up to 20 business days after a funding decision has been made by the Council.

B. Time Periods for the Conduct of Non-Binding Process (Periods run consecutively)

Initial contact, receipt of grievance form, and Council determination that party and grievance fall within the scope of procedures - up to 5 business days.

Selection of non-conflicted by the Council - up to 10 business days.

Meeting of parties, if necessary - up to 21 business days.

Resolution or non-resolution of grievance by mediator - up to 5 business days.

The maximum amount of time from the initial contact by the grievant through completion of the non-binding mediation process shall be no longer than 36 business days.

The length of time after the unsuccessful conclusion of the non-binding mediation process for the grievant to initiate binding arbitration shall be no more than 5 business days.

C. Time Periods for the Conduct of the Binding Arbitration Process (Periods run consecutively)

Grievance Initiated and Council Response - up to 15 business days.

Arbitration organization (AAA) schedules a hearing, if necessary, and conducts the hearing - up to 21 business days.

Binding decision made by arbitrator and parties notified - up to 10 business days.

The maximum amount of time from the initiation of the grievance through the binding arbitration process shall be no longer than 46 business days.

Costs

The steps involved in administering the grievance process may include fees for administration of the grievance and third party mediators and arbitrators. To balance the need for recovery of reasonable costs associated with administering the grievance process, without discouraging the filing of legitimate grievances, the Planning Council has established the following policy:

Anyone filing a grievance will be subject to a \$15 filing fee to cover administrative costs. The Council has secured appropriate mediation (non-binding) services at no cost by naming the InterLocal Conflict Resolution Group as their choice to conduct non-binding mediation processes. This non-profit, community organization does not charge for their services. The Council has

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secured appropriate binding arbitration services by naming the American Arbitration Association as their choice to conduct binding arbitration processes. The following is a listing of their fees:

Initial filing fee:	\$300.00
Arbitration depends on cost of claim:	up to \$10,000 (\$500.00)
	\$10,001 - \$50,000 (\$750.00)
	\$50,001 - \$100,000 (\$1,250.00)
	\$100,001 - \$250,000 (\$1,500.00)
	\$250,001 - \$500,000 (\$2,000.00)
	\$500,001 - \$1,000,000 (\$2,500.00)
Hearing fee:	\$150.00 per day

In the event that fees are charged, the Council and grievant will equally share the cost (payable prior to the first meeting/hearing). The exception to this rule is informal groups of three or more unaligned consumers (i.e. *not* legal entities, such as 501(c)3 organizations). Such informal groups will pay \$50 for binding arbitration, and the rest of the cost will be paid by the Council.

Funding of Projects after a Grievance is Filed

The Council's position is that actions taken in resolution of grievances may be applied prospectively, with regard to funding projects, and thus will not include reversals of previously established priorities or allocations.

Reviewing Grievance Requests

Upon receipt of the standard grievance form, the Council's Executive Committee will determine if the individual(s) or entity(ies) are eligible under the established procedures to bring a grievance AND if the subject of the dispute qualifies as a grievance according to the procedures. The Council's grievance procedures reflect Ryan White legislative requirements and HRSA's Model Grievance Procedures.

Selection of Third Parties

The Planning Council, in conjunction with the King County Executive's (CEO) office has agreed to retain the services of the InterLocal Conflict Resolution Group who will select an independent, non-conflicted mediator to conduct the non-binding portion in the grievance process. The Planning Council, in conjunction with the King County Executive's (CEO) office has agreed to retain the services of the American Arbitration Association who will select an independent, non-conflicted arbitrator to conduct the binding portion of the grievance process.

The Council has considered a number of factors in the selection of these organizations including, conflicts of interest, experience, cost, and availability to perform in the required time frame. Selected third party mediators/arbitrators will be deemed to be independent of the specific process that is the subject of the dispute, and will not have any direct interest in the decision that is the subject of the grievance. Conflict of interest and confidentiality statements will be signed by any mediator/arbitrator that is named to conduct the grievance process(es).

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APPENDIX H: CO-CHAIR JOB DESCRIPTION

Term of Office:

- 1 year, beginning April 1 and ending March 31
- A chair can serve up to 3 terms
- Council members are encouraged to seek seats, even if there are other co-chair candidates

Two Co-Chair Positions:

No one individual can hold more than one co-chair position at any one time—in other words, there must be two separate co-chairs.

Person Living with HIV Co-Chair:

1. Has experience of care services as a consumer of those services
2. Is a person living with HIV who is “unaligned”
3. Cannot be an employee of Public Health or a funded care agency
4. Is a member in good standing

Community Co-Chair:

1. Has some care experience as a provider, consumer, etc.
2. Is generally not an employee of Public Health
3. Is a member in good standing

Co-Chair Responsibilities:

1. Be a member of the Priority-Setting and Resource Allocation (PSRA) Committee.
2. Sign the Letter of Assurance, Letter of Assurance with Reservations, Letter of Non-Assurance based on a vote of the Council.
3. Help Council members to understand and participate in Council processes.
4. Encourage Council members to express their opinions at meetings, and serve as a mentor.
5. Facilitate Council meetings in the absence of the Council Administrator.
6. Arrive a few minutes early to Council meetings to answer last minute questions that Council members may have.
7. Participate in annual performance evaluation of the Council Administrator.
8. Attend the Executive Committee and facilitate these meetings in the absence of the Administrator.
9. Make presentations to the Council and other committees
10. Represent the Council at meetings and forums

Co-Chair Qualities:

- Arrives at meetings on time or early to assist other Council members
- Always prepared for the meeting, and feels comfortable facilitating if needed
- Is prepared to present information on Council topics at meetings
- Participates appropriately in meetings—follows the rules, doesn't interrupt others, doesn't talk about agencies, etc.
- Encourages participation by others, does not dominate conversations, and does not put down the ideas of others

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- Is very aware of the conflict of interest rules of the Council, follows these, and holds other members accountable for doing so
- Listens well to the ideas of others and helps to draw them into the conversation
- Is aware of Council Bylaws and policies and procedures in order to help with procedural issues
- Is aware of the duties and responsibilities of the Council Administrator and is willing to be trained on how to evaluate the Administrator
- Is easy to reach (by phone or email), to provide guidance to the Council Administrator and staff.

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APPENDIX I: Priority Setting and Resource Allocation Process & Committee

The work of priority setting and resource allocation:

The Seattle TGA HIV Planning Council is volunteer body federally mandated to assess need, prioritize services, allocate dollars and set directives for the Ryan White Act, Part A funding for the Seattle Transitional Grant Area of King, Snohomish and Island counties.

The PSRA committee will fulfill the prioritization and allocation duties outlined in the Ryan White legislation:

“establish priorities for the allocation of funds within the eligible area, including how best to meet such priority and additional factors that a grantee should consider in allocating funds under a grant based on the

- a) size and demographics of the population of individuals with HIV/AIDS and the needs of such population*
- b) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;*
- c) priorities of the communities with HIV disease for whom the services are intended;*
- d) coordination in the provision of services to such individuals with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment for such abuse;*
- e) availability of other governmental and nongovernmental resources, including the State Medicaid plan under Title XIX of the Social Security Act and the State Children’s Health Insurance Program under Title XXI of such Act to cover health care costs of eligible individuals and families with HIV/AIDS; and*
- f) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities.”*

The PSRA committee must use data (see Attachment A for a list of data factors which must be considered) to determine the service priorities, and determine the amount of funding to put in each category to fill the identified gap. The committee may also set sub-priorities within service categories, and draft directives to the grantee on how best to fulfill the needs for the service. The committee (and the Council) must NOT identify a specific agency to provide the services.

Membership of the PSRA committee:

- PSRA committee members must be members of the Council in good standing, per the Council bylaws.
- Any Council member may join the PSRA committee, and can vote at the committee (in areas in which they have no conflict of interest) at the beginning of the second

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consecutive meeting they have attended (except for the very first meeting of the new committee, at which all Council members who have expressed the determination to become members will be able to vote in areas in which they have no conflict).

- Committee members must agree to follow the conflict of interest requirements of the Council.

Attendance policy:

Once they have become a voting member of the committee, a member must follow attendance policies in order to retain voting privileges. Unexcused absences from a total of three (3) meetings within a rolling twelve (12) month period will be deemed a voluntary resignation of the committee. A total of five (5) excused and unexcused absences within a rolling twelve (12) month period will be considered a voluntary resignation of the committee.

Committee Co-Chairs:

The PLWH co-chair of the Council will be one of the co-chairs of the PSRA committee. The other co-chair must meet the following eligibility criteria:

1. Be a voting member in good standing of the Council and PSRA committee
2. To reduce conflict of interest, the co-chair should preferably not be a service provider at an agency that receives Ryan White Part A funding.

Annual Calendar:

The Priority Setting and Resource Allocation Committee shall complete one full cycle of prioritization and allocation every two years, and create an allocation plan every year. Even numbered years will be the ones in which a full prioritization process takes place. Additionally, allocations are adjusted regularly. Here is a typical calendar based on the grant year:

Ongoing activities

- Consult with the SNAC committee regarding needed data
- Review utilization, expenditure, emerging needs and other new data
- Evaluate the process by which each of the tasks of the committee is performed

March

- Review data provided by the grantee, epidemiology unit, and SNAC committee
- Determine whether changes need to be made to how these data are formatted, in order to make them useful to the committee
- Part A award is made, and grant year begins
- Make adjustments to funding based on the Part A award, increment/decrement plans, and any new data to be voted on at the April Council meeting.

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- Participate in Data Session(s), review comments, and determine how this input should be forwarded to the PSRA process

April

- Planning Council staff conduct an orientation to the data

May

- Review the carryover plan for previous year's funds, note differences in anticipated and actual amounts, and determine whether changes need to be made to the plan based on expenditure and other new data and send to the Council for a vote in June.

June

- Review utilization and expenditure data from the first quarter of the current fiscal year, and develop a reallocation plan as necessary, which is then sent to the Council for a vote in July.

July

- Create an allocation plan (or an entire PSRA plan, in even numbered years); ensure that those with a conflict do not speak on the topics they are conflicted in during this process.

August

- Council votes on the PSRA plan.

September

- Council votes on reallocation recommendations from the PSRA committee

October

- Review utilization and expenditure data from the first two quarters of the current fiscal year, and develop a reallocation plan as necessary, which is then sent to the Council for a vote in November.

November

- Develop an initial carryover request to be voted on by the Council in December

December

- Presentations to the committee on data collected-to-date by the SNAC committee

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- Review utilization and expenditure data from the first three quarters of the fiscal year, and develop reallocation plan as necessary, which is then sent to the Council for a vote in January.

January

- Presentations to the committee on data collected-to-date

February

- Review data collected in the previous year's needs assessment processes
- Create an increment/decrement plan for use in the event that the Part A award is higher or lower than anticipated.

Priority Setting and Resource Allocation Process:

Definitions:

Priority setting: is the rank ordering of service categories based on identified need as measured by the needs assessment.

Resource allocation: is determining the funding amounts to be allocated to each service category and, in some cases, sub-category. Additionally, directives are created to instruct the grantee in how best to meet the service needs. The highest priority services do not necessarily receive the largest amounts of funding, because other payment sources are taken into account.

Priority Setting and Resource Allocation Cycle:

The Seattle TGA Planning Council uses a 2-year priority-setting cycle, in which a foundation is set in even numbered years for the next (odd numbered) year. Allocations are revised annually based on evidence of changes or emerging needs.

Key Tenets and Policies:

1. Priorities and allocations are data-based, and are not based on personal opinion or conflict of interest. Data will be used as follows:
 - a. The greatest consideration will be given to data have a high reliability and/or are representative of large numbers of people living with HIV. These include the randomized needs assessment done in conjunction with the Medical Monitoring Project, service utilization information, fiscal and unit cost data, and epidemiologic data.
 - b. Moderate consideration will be given to small or limited studies and qualitative data from focus groups and provider interviews.
 - c. Individual statements and anecdotal information will be given the least consideration.

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2. Decisions of the group are made using the Standing Rules of the Planning Council and the Conflict of Interest rules. In these, members with a conflict:
 - a. Cannot make a motion related to a category in which they have a conflict
 - b. Cannot second a motion related to a category in which they have a conflict
 - c. Cannot amend a motion related to a category in which they have a conflict
 - d. Cannot vote on a motion related to a category in which they have a conflict
 - e. Must state their conflict prior to discussion of a category in which they have a conflict, and hold up their "C" card during that discussion
3. Prior funding levels will be considered in allocation decision, provided those funding levels were based on identified gaps.
4. Needs of specific underserved populations and geographic areas are an integral part of the discussions, data and decision making. They may also lead to directives to the grantee on how best to meet the priorities.

The Process:

1. The PSRA committee oversees the development and evaluation of the process for priority setting and resource allocation.
2. Planning Council Administrator facilitates the PSRA committee during meetings at which allocations or reallocations take place.
3. Planning Council Administrator and, when available, staff conducting or analyzing needs assessment data will facilitate a data session for the PSRA committee, and only committee members who attend this will be allowed to vote at the allocation meeting (in categories in which they do not have a conflict)
4. The data sessions will focus on data that need the most interpretation or explanation to be understood and used by PSRA committee members.
5. At the data session any attendee may discuss relevant issues and suggest directives as time permits. These comments will be collated by Council staff and forwarded to the PSRA committee for review and consideration.
6. The Planning Council votes on the PSRA plan at the August or September Council meeting. Per Council bylaws, the plan must be accepted in its entirety, or rejected on the basis of process issues and returned to the PSRA committee for reconsideration.

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Process Steps in the Priority Setting and Resource Allocation:

1. Meetings are conducted in accordance with the Planning Council bylaws and the Washington Open Public Meetings Act.
2. No new data will be considered at these meetings.
3. Only PSRA members who have attended a data presentation and have voting privileges for the PSRA process may sit at the decision-making table. All members of the public, and Planning Council members who are not eligible to participate in the process must sit in the public gallery. No public comments will be heard at these meetings.
4. A quorum of the PSRA committee must attend data session. PSRA committee members who do not attend a data presentation will not be allowed to participate and do not count towards establishing quorum.
5. Prioritization of service categories takes place first, through the use of comprehensive needs assessment data, with services identified by the largest number of PLWH in the random sample ranking highest. Adjustments may be made to the priority order based on supplemental data from those serving PLWH.
6. Allocation of dollars to service categories (and, in some cases, sub-categories) happens next. In this process the group considers all available data, and ensures that dollars are allocated to fill identified gaps in other payment sources.
7. During allocation, the group will review recommendations for directives to the grantee forwarded from the SNAC committee, and may create other directives.
8. The final PSRA plan is forwarded to the Planning Council for a vote at the August or September Council meeting.

END