

# SEATTLE TGA HIV PLANNING COUNCIL – BYLAWS

REVISED AND APPROVED 8/10/2020

## ARTICLE I - LEGAL AUTHORITY

The Seattle HIV/AIDS Planning Council (Council) was established by the King County Executive as a King County Board 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 HIV services (Part A), known as Transitional Grant Areas (TGA). The Seattle TGA includes King, Snohomish and Island Counties.

The Council's work is governed by the Ryan White Act legislation, the Ryan White Part A manual, Policy Clarification Notices and Program Letters, therefore changes to these documents will immediately take effect, nullifying any language in these bylaws that conflicts with them.

## ARTICLE II - DUTIES

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

- a. Conduct (or cause to be conducted) comprehensive assessment of the needs of people living with HIV in King, Snohomish and Island Counties to include:
  - i. Epidemiologic profile,
  - ii. Estimates of the number and characteristics of PLWH with unmet need and of individuals with HIV/AIDS who are unaware of their status,
  - iii. Assessment of service using methods including, but not limited to surveys, interviews, focus groups and existing data,
  - iv. Resource inventory,
  - v. Profile of provider capacity and capability,
  - vi. Assessment of unmet need and service gaps.
- b. Establish service category priorities;
- c. Allocate Ryan White Part A funds to these priority services based on identified gaps in services to PLWH;
- d. Set directives for the recipient which identify how best to meet each priority and additional factors to be considered;
- e. Develop a comprehensive plan for the organization and delivery of eligible care;
- f. Ensure that funds are spent in accordance with the Council's plan;
- g. Assess the efficiency of the administrative mechanism in rapidly allocating funds to areas of greatest need within the TGA.
- h. Participate in the development of the statewide coordinated statement of need (SCSN) initiated by the Washington State Department of Health (DOH), the recipient for Ryan White funds directed to Washington State (Part B).
- i. Coordinate work with other funders, including prevention programs.

## ARTICLE III - MEMBERSHIP

- A. APPOINTMENT:** Council members are appointed by the King County Executive from candidates nominated by the Council. The Council shall recommend candidates through an open nominations process.

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- B. SIZE:** The Council shall consist of the number of members necessary to fulfill all applicable federal legislation and guidance regarding membership positions.
- C. MEMBERSHIP CATEGORIES:** Section 2602(b)(2) of the Public Health Service Act lists specific membership categories that must be represented on the Council. They include:
- a. health care providers, including federally qualified health centers;
  - b. community-based organizations serving affected populations and AIDS service organizations;
  - c. social service providers, including providers of housing and homeless services;
  - d. mental health and substance abuse providers; [*considered two separate categories*];
  - e. local public health agencies;
  - f. hospital planning agencies or health care planning agencies;
  - g. affected communities, including people with HIV/AIDS, members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with HIV and hepatitis B or C, and historically underserved groups and subpopulations;
  - h. non-elected community leaders;
  - i. state government (including the State Medicaid agency and the agency administering the program under [P]art B); [*considered two separate categories*];
  - j. grantees under subpart II of [P]art C;
  - k. grantees under section 2671 [Part D], or, if none are operating in the area, representative or organizations with a history of serving children, youth, women and families with HIV and operating in the area;
  - l. grantees of other Federal HIV programs, including but not limited to providers of HIV prevention services; and
  - m. representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years and had HIV/AIDS as of the date on which the individuals were so released.
- D. REFLECTIVENESS:** Section 2602(b)(1) of the Public Health Service Act requires a Ryan White Part A planning council to “reflect in its composition the demographics of the population of individuals with HIV/AIDS in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.” The Council as a whole, and its unaligned consumer subset, shall follow this reflectiveness requirement.
- E. UNALIGNED CONSUMER QUOTA:** Section 2602(b)(5)(C) of the Public Health Service Act states that not less than 33% of members of the Council must be people who:
- a. Are receiving HIV-related services from Ryan White Part A funded providers;
  - b. Are not officers, employees, or consultants to any providers receiving Part a funds, and do not represent any such entity; and

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- c. Reflect the demographics of the population of individuals living with HIV in the Seattle Transitional Grant Area.

**F. LIMITS ON NUMBER AND TYPE OF MEMBERS WITH A CONFLICT:** No more than one person from any sub-recipient organization shall be a member of the Council at the same time. There can be no more members from sub-recipient agencies than there are unaligned consumers.

**G. TERMS OF MEMBERSHIP:** Applicants nominated by the Council shall be recommended for appointment by the County Executive to a three-year term. Terms end on the anniversary of appointment by the Executive. Members who continue to fill the position for which they were appointed may be nominated and confirmed by the Council 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 six months.

**H. MEMBERSHIP PROCESS:** The Membership Committee will be responsible for identifying areas of needed member representation and shall coordinate with the Council and Council staff the following tasks:

1. **Recruitment:** The Council shall conduct ongoing recruitment processes targeting potential members.
2. **Application Review:** Following Council approved protocols, the Membership Committee shall make recommendations to the Council, which will make nominations to the County Executive.

**I. COUNCIL MEMBER DUTIES:** The duties of Council Members are to:

- a. Participate in conducting the Council duties noted in Article II;
- b. Attend a Council new member orientation and annual Council trainings;
- c. Attend and actively participate in Council meetings;
- d. Become a member and actively participate in a standing committee;
- e. 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;
- f. Adhere to the Ryan White legislation, HRSA guidance documents -- including policy clarification notices (PCN) and the Part A manual, the King County Code of Ethics, and the Council bylaws and policies;
- g. Disclose all conflicts of interest, follow the Council's conflict of interest policies, and work actively to ensure that their conflict does not influence the Council's decisions.

**J. RESIGNATION:** A Council member may resign by giving written or verbal notice to the Planning Council administrator, specifying an effective date of resignation.

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**K. ATTENDANCE/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:

- a. Unexcused absences from Planning Council and committee meetings greater than 25% in a calendar year.
- b. Behavior that could prevent others (Council members, 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 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.

**L. MEMBER LEAVE 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 personal issues may be placed on member leave status, for no more than 6 months. This member will remain officially on the Council roster but will not be counted toward the quorum at Council or committee meetings. Being on leave status does not change the Council member's term of office or representation.

## ARTICLE IV - OFFICERS AND ELECTIONS

**A. OFFICERS:** The officers of the Council shall be:

- a. Community Co-Chair, who may be any member of the Council who is not an employee of the recipient agency;
  - b. Unaligned Consumer Co-Chair, who may be any member of the Council who uses Ryan White Part A services, but is not aligned with any sub-recipient agency;
- 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.

**C. TERM OF OFFICE:** The term of office shall be 2 years from time of election. A member may hold elected office for up to two successive two-year terms.

**D. ELECTION:** An election shall be held to identify the Co-Chairs as the current co-chair's terms expire or the position is vacated. In the event of an extended vacancy, the Executive Committee shall nominate an interim co-chair (to be confirmed by the full Council) until a new co-chair can be identified and elected. A member who has

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already served the maximum number of co-chair terms may serve in this interim capacity. Time spent serving as the interim will not affect co-chair term limits.

## **E. The duties of the officers shall be as follows:**

- a. Chair and facilitate the Planning Council and Executive Committee meetings;
- b. Provide leadership to the Council on care issues;
- c. Ensure that the Council fulfills the planning, prioritization, allocation and assessment requirements as specified in the Ryan White guiding documents;
- d. Be members of the Executive Committee;
- e. Create the Council Administrator's work plan;
- f. Contribute to the evaluation of the Council Administrator;
- g. It is recommended that at least one co-chair be a member of the NAPSRA committee;
- h. 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.

## **ARTICLE V. - MEETINGS**

- 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. See appendix (RCW 42.30)
- B. REGULAR MEETINGS:** In general, meetings of the Council shall be held at least every other month. Only appointed Council members may vote at the Council; no proxies or alternates are allowed. Information about current meeting times and locations is available on the website or by calling Planning Council staff. The Executive Committee shall prepare or cause to be prepared a proposed agenda, which shall be available to all Council members not less than four working days prior to the meeting, and published on the Council's website. The Council Co-Chairs shall jointly facilitate Council meetings. In their absence, this responsibility first goes to the Needs Assessment, Priority-Setting, and Resource Allocation (NAPSRA) committee co-chairs, and then to the System of Care (SOC) committee co-chairs. Meetings shall be facilitated in person, rather than remotely. 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 a 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 the Open Public Meetings Act. See appendix: (RCW 42.30)
- 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 members on leave) and the presence of a majority (50% + 1) of the unaligned consumers (not including members on leave status) shall be necessary to constitute a

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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. Approved minutes will be made available to the Public by being posted on the Council's website.

## ARTICLE VI - COMMITTEES

The bylaws and the Council determine the work of committees. Committees develop recommendations which they present to the Executive Committee and full Council. The Council reviews and thoroughly discusses all committee recommendations. The full Council then either approves the recommendations or rejects them. If the recommendations are rejected, they are returned to the committee for modification, based on Planning Council feedback. The exception is for technical or copy-editing corrections. Each committee shall develop an annual work plan which will be reviewed, adjusted, and approved by the Executive Committee.

In rare circumstances, the normal flow of decision-making may be changed by both co-chairs in urgent situations.

Each committee shall have two co-chairs, with the Co-Chairs of the Council serving as the Executive Committee chairs. While having both chairs be Council members is preferable, the SOC committee and +Caucus committees may each have one non-Council committee member serve in this role.

### Standing Committees:

- A. EXECUTIVE COMMITTEE:** An Executive Committee comprised only of the two Council Co-Chairs and the co-chairs of each standing committee shall:

- a. Create Council meeting agendas;
- b. Monitor the progress of committees, and review their work;
- c. Receive reports;
- d. Prepare Council meeting agendas;
- e. Consider special issues and determine Council policies;
- f. Consider, review and reply to correspondence;
- g. Determine disposition of issues not directly addressed in the Bylaws; and
- h. Coordinate Council activities.

- B. MEMBERSHIP AND OPERATIONS COMMITTEE:** A committee comprised only of Council members will address issues of Council membership and operations. These include:

- a. Drafting revisions to Council bylaws, and policies and procedure documents;
- b. Creating membership recruitment goals;
- c. Recruiting new Council members to fill gaps;
- d. Creating recruitment materials;
- e. Vetting candidates through reviewing applications and interviewing;
- f. Recommending new Council candidates to the council for approval,

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- g. Bringing recommendations to the Council for reappointment of members;
- h. Reviewing procedures for training Council and committee members;
- i. Developing and revising reimbursement plans for Council members.

## **C. NEEDS ASSESSMENT, PRIORITY-SETTING, AND RESOURCE ALLOCATION**

**COMMITTEE (NAPSRA):** A NAPSRA committee comprised only of Council members shall be responsible for:

- a. Leading the comprehensive needs assessment process, and ensuring that all components are completed and regularly updated;
- b. Coordinating the Council's priority-setting and resource allocation process;
- c. Reviewing performance and expenditures;
- d. Reallocating under-expenditures;
- e. Developing carryover plans;
- f. Assessing the efficiency of the administrative mechanism of the recipient.

## **D. SYSTEM OF CARE COMMITTEE (SOC):** A committee comprised of a majority of Council members will be responsible for:

- a. Representing the Council in creation of the Washington State Integrated HIV Plan, and Statewide Coordinated Statement of Need;
- b. Creating and revising all service standards in conjunction with Part A Recipient;
- c. Creating and revising service units for service categories in conjunction with Part A Recipient;

## **E. +Caucus:** A committee comprised of HIV+ people including aligned and unaligned people, both Council members and non-Council members, will be responsible for:

- a. Increasing knowledge of issues brought before the Council;
- b. Training people living with HIV on leadership;
- c. Mentorship and education of people living with HIV in the TGA;
- d. Outreaching to other people living with HIV in the community.

## **F. Ad Hoc Committees:** Other committees/work groups may be formed as needed by action of the Executive Committee.

## **ARTICLE VII - CONFLICT OF INTEREST**

It is important that the work of the Council be free from conflict of interest. People whose only connection to a sub-recipient is as a consumer of services are not conflicted. Those people who work for, on the board of, or otherwise represent a funded sub-recipient agency or agency that is seeking Ryan White Part A funding are considered to have a conflict of interest. Managing this conflict is done in the following ways:

### **A. Disclosure at Meetings:** Members of and visitors to the Council must disclose conflicts at the beginning of meetings. This is done by stating the name of the agency/agencies with which they are affiliated, listing the service categories in which

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the agency is funded, and whether applied for, intends to apply for, funds within the previous or upcoming 24 month period.

- C. Limits on Participation and Voting:** Those with a conflict of interest may not make, second, amend, or vote on a motion related to any service category in which they have a conflict of interest. Additionally, when speaking about a service category in which they have a conflict of interest, a person must hold up the “C” for “Conflict” card the entire duration. During meetings related to prioritization and allocation of funding, people with a conflict of interest (including Council members) may only speak during a Public Comment period.
- D. Disclosure Forms:** As a condition of membership on the Council, all members shall complete upon appointment, and annually hence forth, 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.
- E. Limits of Council Funding Authority:** Public Health shall be responsible for soliciting and reviewing proposals and awarding funds to specific agencies in accordance with the Council’s priority and allocation plans. Council members may not serve on proposal review/allocation panels.

## ARTICLE VIII - ACCOMMODATION POLICIES

Persons with special needs, including, but not limited to: limited English proficiency, may request reasonable accommodation in advance to attend Planning Council meetings and the Council will attempt to meet these needs.

## ARTICLE IX - 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 A** for these grievance procedures.

## ARTICLE X - 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 they are representing the Council, except when:

- A.** They have been given the express authority by the Council or Executive Committee to so represent the Council’s decisions.
- B.** Appointed by the Council to serve on an external work group or task force. Any Council member appointed to do so, 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.

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## ARTICLE XI - MAINTENANCE OF RECORDS

Records shall be maintained electronically by Planning Council staff at Public Health – Seattle & King County, and Council agendas and minutes will be available on the Planning Council web page. Additional records are available by contacting Council staff at 206-263-2030.

## ARTICLE XII - 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 and at which there is a quorum of members. Unless otherwise specified, the amendment(s) shall take effect immediately upon adoption.

## Appendix A: Grievance Procedures

### *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:

- Providers,
- Consumer groups
- Other affected entities and individuals, which might include individual consumers or individual planning council members.

### *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.**

### *Non-Binding Procedures for Resolving Conflicts*

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1. Anyone wishing to file a grievance are asked to contact the Planning Council Administrator (or other Council staff, at (206) 263-8259).
2. Anyone filing the grievance will be provided a standard grievance form to complete (see attached form) which will formally initiate the grievance process.
3. Anyone submitting a standard grievance form will be provided a copy(ies) of the Council's grievance procedures, which include rules that apply to non-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 (recipient) will be observed.

*Time Period(s):* (a) The grievant has 30 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.

## ***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. Anyone 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.**

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

## **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 related 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 the party and grievance fall within the scope of procedures - up to 5 business days.
- Selection of a non-conflicted, third party mediator will be designated and contacted within 10 business days by the Council.
- 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)*

- Binding arbitration request, second 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

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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 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). Individual unaligned consumers (i.e. *not* legal entities, such as 501(c)3 organizations) are exempt from the cost

## ***Funding of Projects after a Grievance is Filed***

Actions taken in resolution of grievances may only be applied prospectively, 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

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statements will be signed by any mediator/arbitrator that is named to conduct the grievance process(es).

