



LOS ANGELES COUNTY COMMISSION ON HIV

3530 Wilshire Boulevard, Suite 1140 • Los Angeles, CA 90010 • TEL (213) 738-2816 • FAX (213) 637-4748
www.hivcommission-la.info

BYLAWS OF THE LOS ANGELES COUNTY COMMISSION ON HIV

ARTICLE I NAME AND LEGAL AUTHORITY

Section 1. Name. The name of this Commission is the Los Angeles County Commission on HIV.

Section 2. Created. This Commission was created by an act of the Los Angeles County Board of Supervisors, codified in sections 3.29.010 – 3.29.120 of the Los Angeles County Code.

Section 3. Duties and Responsibilities. The Commission is charged with and authorized to:

- A. Develop a comprehensive plan for the organization and delivery of health services described in the Ryan White Treatment and Modernization Act (“Ryan White”) that is compatible with existing state or local plans detailing the provision of health services to individuals with the HIV disease;
- B. Establish priorities and allocations of Ryan White funds in percentage and/or dollar amounts to the various service categories, review the overall allocation of these funds by the grantee for consistency with the established priorities and the comprehensive care plan, without the review of individual contracts, and report to the board of supervisors and Health Resource and Services Administration (“HRSA”) as to whether the allocations are consistent with the established priorities and the comprehensive care plan;
- C. Assess the service effectiveness and the efficiency of the administrative mechanism in accordance with Ryan White Part A grant requirements, as detailed in HRSA policies;
- D. Study, advise and recommend to the Board of Supervisors and the grantee on matters related to HIV/AIDS;
- E. Make reports to the Board of Supervisors and the Director of the Los Angeles County Department of Public Health (“DPH”) and other County departments on matters referred for review by the Board of Supervisors or the Director of DPH;
- F. Act as the planning council for all HIV/AIDS programs in DPH or funded by Los Angeles County; and
- G. Make recommendations to the Board of Supervisors and DPH concerning the allocation of funds other than Ryan White Part A and B funds expended by DPH for the provision of HIV/AIDS-related services in Los Angeles County.

ARTICLE II MEMBERS

Section 1. **Definition.** A member of this Commission is any person who has been duly appointed by the Los Angeles County Board of Supervisors as a Commissioner or Alternate.

Section 2. **Composition.** As defined by Los Angeles County Code Section 3.29, the membership shall consist of thirty-nine (39) voting and three (3) non-voting members appointed by the Board of Supervisors and nominated by the Commission. The following recommending entities shall forward candidates to the Commission for membership consideration:

- A. Six (6) voting members are recommended by the following governmental, health and social service institutions:
 - 1. Medi-Cal, State of California,
 - 2. The Office of AIDS, State of California,
 - 3. The City of Pasadena,
 - 4. The City of Long Beach,
 - 5. The City of Los Angeles,
 - 6. The City of West Hollywood.
- B. Five (5) voting members are recommended by the grantees or representative grantee groups of direct grant recipients in the EMA from the five parts of the Ryan White Program, as indicated and in compliance with federal membership requirements:
 - 1. Part A (Department of Public Health),
 - 2. Part B (Department of Public Health),
 - 3. Part C (Part C grantees),
 - 4. Part D (Part D grantees),
 - 5. Part F [local medical school AIDS Education and Training Center (AETC) programs].
- C. Eight (8) voting unaffiliated consumers, one representing each of the eight (8) Service Planning Areas (“SPAs”) and recommended, along with at least one other candidate, by Consumer Advisory Board(s) (“CAB”) in each SPA.
- D. Five (5) voting unaffiliated consumers, one representing each of the five (5) Supervisorial districts to be nominated from the pool of candidates who have been recommended to or have applied for a seat on the Commission.
- E. Eight (8) voting provider representatives, one representing each of the eight (8) SPAs and recommended, along with at least one other possible candidate, by providers in the SPA. Among the provider representatives nominated for appointment to the Commission, at least one representative must come from:
 - 1. an AIDS service organization (ASO),
 - 2. a social service provider,
 - 3. a mental health provider,
 - 4. a substance abuse provider, and
 - 5. an organization offering other federally-funded HIV programs, including, but

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not limited to, HIV prevention programs.

- F. Five (5) voting representatives, one recommended by each of the five Supervisorial district offices.
- G. One (1) voting HIV specialty physician representing an HIV medical provider, nominated from the pool of candidates who have been recommended to or have applied for a seat on the Commission.
- H. One (1) voting representative of health care systems, nominated from the pool of candidates who have been recommended to or have applied for a seat on the Commission.
- I. Three (3) non-voting representatives from the Los Angeles County HIV Epidemiology Program (“HIV Epi”), Office of AIDS Programs and Policy (“OAPP”), and the Prevention Planning Committee (“PPC”).

Section 3. Term of Office. All member terms of office are two years, staggered randomly from the creation date of the Commission.

- A. Members are limited to two consecutive terms in the same seat, unless exempted by special vote of the Board of Supervisors.

Section 4. Federal Compliance. The Commission shall further ensure that the Commission membership meets all Ryan White and HRSA requirements.

- A. The recommending entities will forward the candidates for Commission consideration in compliance with federal open nominations requirements.

Section 5. Reflectiveness. In accordance with Ryan White Part A grant requirements, the Commission shall ensure that its full membership and the subset of unaffiliated consumer members shall proportionately reflect the ethnic, racial and gender characteristics of local HIV/AIDS prevalence. In nominating candidates for appointment to the Board, the Commission shall further ensure that the Commission membership conforms to Ryan White Part A grant requirements, as detailed in HRSA’s policies for representation, reflectiveness, and Planning Council (“PC”) membership.

Section 6. HIV/AIDS Representation. In all categories where not specifically required, recommended entities and the nominating body are strongly encouraged to forward the candidacies of persons living with HIV/AIDS.

Section 7. Accountability. Members are expected to report to and will be held accountable to the recommending entities and constituencies whom they represent. Members may, at times, represent multiple constituencies.

Section 8. PPC Representation. In addition to the non-voting PPC representative member of the Commission, at least one of the voting members of the Commission shall be a member in good standing of the PPC.

Section 9. **Alternates.** In accordance with federal requirements, any Commission member who has disclosed that s/he is living with HIV/AIDS is entitled to an Alternate who shall serve in the place of the Commissioner when necessary.

A. Alternates shall undergo the same application, selection and appointment processes as Commissioners.

ARTICLE III MEMBER REQUIREMENTS

Section 1. **Attendance.** Commission members are required to attend all regularly scheduled Commission meetings, priority- and allocation-setting meetings, orientation and educational meetings, and the Annual Meeting,

Section 2. **Committee Assignments.** Commission members are required to be a member of at least one standing or select Committee, and adhere to attendance requirements of that Committee.

Section 3. **Conflict of Interest.** Commission members are required to abide by the Conflict of Interest and Disclosure requirements of the Commission, the County of Los Angeles, and the State of California including Government Code Sections 87100, 87103, and 1090, et seq.

Section 4. **Removal/Replacement.** A Commissioner or Alternate may be removed or replaced by the Board of Supervisors for failing to meet attendance requirements.

ARTICLE IV NOMINATION PROCESS

Section 1. **Open Nominations Process.** The Commission shall follow the “Open Nominations Process”, for both Commissioners and Alternates, as approved by the Board of Supervisors, and shall comply with all requirements of Ryan White and HRSA Open Nominations guidelines, and will be amended from time to time, as needed, accordingly.

A. The Commission's Open Nominations Process”, which was approved by the Board of Supervisors on June 3, 1997, made effective on June 1, 1997, and amended on June 14, 2001 and July 5, 2005, are hereby incorporated by reference into the Bylaws.

Section 2. **Application.** Application for Commission membership shall be made on forms as approved by the Commission.

- A. Candidates cannot be recommended to the Commission or nominated to the Board of Supervisors without completing appropriate Commission-approved application materials.

Section 3. **Nominations.** Selection of candidates to forward to the Board of Supervisors shall be made according to the policy adopted by the Commission.

ARTICLE V MEETINGS

Section 1. **Open Meetings.** All appropriate meetings of the Commission, and of all its committees, shall be subject to the HRSA's "Open Meeting" requirements and California's Ralph M. Brown Act

Section 2. **Robert's Rules of Order.** All meetings of the Commission shall be conducted according to the current edition of "Robert's Rules of Order, Newly Revised", except where superseded by the Commission's Bylaws, standing rules, and/or applicable laws.

Section 3. **Regular meetings.** The Commission's regular, monthly meetings shall not take place less than ten (10) times per year at a time and place to be designated by the Co-Chairs.

Section 4. **Special Meetings.** Special meetings may be called by either of the Co-Chairs, the Executive Committee, or by a majority of the members of the Commission.
A. The members of the Commission requesting a special meeting shall do so in writing to the Executive Director of the Commission, with original signatures, who is obliged to call the meeting within ten (10) days of receipt of the written request.

Section 5. **Quorum.** The quorum for any regular or special Commission meeting shall be a majority of the voting, seated Commissioners or their Alternates.
A. A quorum for any committee meeting shall be a majority of Board-appointed, voting members assigned to the Committee.

Section 6. **Public Noticing.** Advance notice of meetings shall comply with HRSA's and the Brown Act public noticing requirements, and all other applicable laws and regulations.

Section 7. **Public Meetings.** All Commission, committee and appropriate meetings are subject to the public meeting requirements of HRSA guidelines, the Brown Act and all other applicable laws and regulations.

- A. Meeting summaries and minutes will be produced in accordance with all the same guidance, laws and regulations.

ARTICLE VI OFFICERS AND ELECTIONS

Section 1. **Officers.** The officers of the Commission shall be two co-chairs. All effort will be made to ensure that there is gender diversity among the two co-chairs. Among the two co-chairs, at least one of them will be:

- A. A person living with HIV/AIDS, and/or
- B. A person of color.

Section 2. **Term of Office.** The officers' term of office shall be two years, which shall be staggered.

Section 3. **Election:** A Co-Chair shall be elected by a majority vote of members of the Commission at the January or February Commission meeting, after a month-long nominations period.

Section 4. **Duties.** One or both of the co-chairs shall preside at all regular or special meetings of the Commission and at the Executive Committee. The co-chairs shall:

- A. Assign the members of the Commission to its committees,
- B. Approve committee co-chairs, in consultation with the Executive Committee,
- C. Represent the Commission at functions, events and other public activities as necessary,
- D. Consult with and advise the Commission Executive Director, regularly, and the Ryan White Part A Project Officer, as needed, and
- E. Attend to such other duties and responsibilities as assigned by the Board of Supervisors or the Commission.

ARTICLE VII STANDING COMMITTEES

Section 1. **Executive Committee.**

- A. The voting membership of the Executive Committee shall comprise the co-chairs of the Commission, all of the Commissioner standing and select committee co-chairs, the Director of OAPP, and three at-large members selected by the Commission.
- B. The Commission co-chairs shall serve as the co-chairs of the Executive Committee.
- C. The Executive Committee is charged with the following responsibilities:

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1. serving as the clearinghouse to review and forward items for discussion and action to the Commission and its various working groups and units;
2. acting on an emergency basis on behalf of the Commission, as necessary, between regular meetings of the Commission;
3. approving the agendas for the Commission, annual and special meetings;
4. determining the annual Commission workplan and functional calendar of activities;
5. adopting the Memorandum Of Understanding (MOU) annually with OAPP;
6. standing as a hearing committee for grievances;
7. concurring with committee chairmanship selections;
8. addressing matters related to the Commission staffing, personnel and operations;
9. conducting an annual performance appraisal of the Executive Director and forwarding the results to the Executive Office; and
10. other duties and responsibilities that may be assigned by the Board of Supervisors or by the Commission.

Section 2. Operations Committee [formally identified as the Recruitment, Diversity and Bylaws (RD&B) in County Charter 3.29].

- A. The voting membership of the Operations Committee shall comprise members of the Commission assigned by the Commission co-chairs, an OAPP representative, and additional members appointed by the Board of Supervisors, as appropriate.
- B. The Operations Committee is charged with the following responsibilities:
 1. reviewing, at least semi-annually, the current epidemiological trends to ensure the reflective composition of the Commission in accordance with all County, Ryan White and other policy and PC composition requirements;
 2. recruiting, screening, scoring and evaluating applications for Commission membership and recommending nominations to the Commission;
 3. developing, conducting and overseeing ongoing, comprehensive training for the members of the Commission and public to educate them on matters and topics related to the Commission and HIV/AIDS service and related issues;
 4. conducting regular orientation meetings for new Commission members and interested members of the public to acquaint them with the Commission's role, processes and functions;
 5. developing and revising, as necessary, Commission member job descriptions;
 6. recommending candidates for committee, task force and other working group membership to the Commission;
 7. recommending amendments to or a revision of Bylaws to reflect current and future goals, requirements and/or objectives;
 8. recommending modifications to Los Angeles County Ordinance 3.29 which governs Commission operations;
 9. recommending, developing and implementing Commission policies and procedures;
 10. coordinating on-going public awareness activities to educate and engage the

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- public in the Commission and HIV services throughout the community;
11. working with local task forces to ensure their representation and involvement on the Commission and in its activities;
12. identifying, accessing and expanding other financial resources to support the Commission's special initiatives and ongoing operational needs;
13. developing a budget for the operation of the Commission, its staff and operations;
14. overseeing and monitoring Commission expenditures and fiscal activities;
15. conducting an annual assessment of the administrative mechanism, and overseeing implementation of the resulting, adopted recommendations;
16. providing training and education to Commission members, consumers, providers, and the public on fiscal, financial and budgetary matters and operations;
17. developing and implementing strong and cohesive SPN and CAB networks to provide guidance and advice to the Commission on matters of HIV service delivery, policy and operations; and
18. other duties as assigned by the Commission or the Board of Supervisors.

Section 3. Priorities and Planning (P&P) Committee.

- A. The voting membership of the P&P Committee shall comprise members of the Commission assigned by the Commission co-chairs, an OAPP representative, and additional members appointed by the Board of Supervisors, as appropriate.
- B. The P&P Committee is charged with the following responsibilities:
 1. recommending annual priorities and allocations;
 2. ensuring that the priorities are consistent with needs and the service delivery system;
 3. identifying and recommending solutions for service gaps;
 4. conducting continuous, ongoing data collection and needs assessment activities;
 5. gathering expressed need data from consumers on a regular, at least annual, basis;
 6. reporting regularly to the Commission on consumer and service needs, gaps and priorities;
 7. conducting strategic planning activities for the Commission;
 8. recommending service system and delivery improvements to OAPP to ensure that the needs of people living with HIV are adequately met;
 9. evaluating and designing systems to ensure that other sources of service funding are sufficiently accessed;
 10. developing strategies to identify, document and address "unmet need";
 11. collaborating with OAPP to ensure the effective integration and implementation of the HIV/AIDS continuum of care;
 12. reviewing monthly fiscal reporting data for Ryan White Part A and B expenditures by funding source and/or service category;
 13. monitoring the administrative mechanism for the expenditure of other non-

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- Ryan White funds;
- 14. making recommendations to the Commission on the monitoring and reporting of unspent funds;
- 15. identifying, accessing and expanding other financial resources to meet Los Angeles County's HIV service needs;
- 16. advising OAPP on its competitive bidding processes to ensure broad access to and participation by providers and consumers in the process; and
- 17. other duties as assigned by the Commission or the Board of Supervisors.

Section 4. Joint Public Policy Committee.

- A. The voting membership of the Joint Public Policy Committee shall comprise members of the Commission assigned by the Commission co-chairs, an OAPP representative, members assigned by the Prevention Planning Committee (PPC), and/or additional members appointed by the Board of Supervisors, as appropriate.
- B. The Joint Public Policy Committee is charged with the following responsibilities:
 - 1. advocating public policy issues at every level of government that impact Commission and PPC efforts to implement an HIV service delivery plan for Los Angeles County, in accordance with the annual comprehensive care and prevention plans;
 - 2. initiating policy initiatives in accordance with HIV service and prevention interests;
 - 3. providing education and access to public policy arenas for the Commission and PPC members, consumers, providers, and the public;
 - 4. facilitating communication between government and legislative officials and the Commission and PPC;
 - 5. recommending policy positions on governmental, administrative and legislative action to the Commission, PPC and the Board of Supervisors;
 - 6. advocating specific public policy matters to the appropriate County departments, interests and bodies;
 - 7. researching and implementing public policy activities in accordance with the County's adopted legislative agendas;
 - 8. advancing specific Commission and PPC initiatives related to each body's work into the public policy arena; and
 - 9. other duties as assigned by the Commission or the Board of Supervisors.

Section 5. Standards of Care (SOC) Committee.

- A. The voting membership of the SOC Committee shall comprise members of the Commission assigned by the Commission co-chairs, an OAPP representative, and additional members appointed by the Board of Supervisors, as appropriate.
- B. The SOC Committee is charged with the following responsibilities:
 - 1. working with the OAPP and other bodies to develop and implement a quality management plan and subsequent operationalization;
 - 2. identifying, reviewing, developing and evaluating HIV standards of care;
 - 3. promoting the health and optimizing the quality of life for all persons infected

- by HIV and their caregivers and families through the adoption and implementation of “best practices”;
4. ensuring that the basic level of care throughout Los Angeles County is consistent in both comprehensiveness and quality through the development, implementation and use of outcomes;
 5. monitoring practices regarding and responding to service system grievances;
 6. evaluating and assessing service effectiveness of HIV/AIDS care delivery in Los Angeles County;
 7. adapting standards into tools that can be used by consumers and providers to assess the appropriateness of services being provided,
 8. verifying system compliance with standards by reviewing contract templates and RFPs; and
 9. other duties as assigned by the Commission or the Board of Supervisors.

Section 6. Other Committees. The Commission and its committees may create such ad hoc or select committees, task forces, or work groups as it deems necessary, and is appropriate.

Section 7. Committee Membership.

- A. In special circumstances, upon recommendation of the Commission, the Board of Supervisors may appoint members of committees, and, in so doing, bestow voting privileges to the member for the respective committee only.
- B. Members of the public may serve on committees (except the Executive Committee) with the permission of the Commission Co-Chairs, but shall not have voting privileges.

Section 8. Committee Co-Chairs.

- A. Committee co-chairs shall be elected by the voting committee membership after a month-long open nominations periods. Once elected, the committee co-chairs names shall be submitted to the Commission co-chairs and the Executive Committee for approval.
- B. All committee co-chairs, except the Executive Committee Co-Chairs, shall serve at the pleasure of the Executive Committee.

ARTICLE VIII OFFICIAL COMMUNICATIONS AND REPRESENTATIONS

Section 1. Representation/Misrepresentation. No officer or member of the Commission shall commit any act or make any statement or communication under circumstances that might reasonably give rise to an inference that he or she is representing the Commission (including, but not limited to: communications upon Commission stationery, public acts, statements, or communications in which he or she is identified as a member of the Commission) except only in the following:

- A. Actions or communications that are clearly within the policies of the Commission and have been authorized in advance by the Commission;
- B. Actions or communications by the co-chairs of any committees that are necessary for and/or incidental to the discharge of duties imposed upon them by these Bylaws or by the resolutions of the Commission;
- C. Communications addressed to the particular member of the Board of Supervisors or organization that nominated the member for appointment to the Commission.
- D. Communications addressed to other members of the Commission or to its staff.

ARTICLE IX GRIEVANCE PROCEDURES

The Commission's grievance procedures, which were approved by the Board of Supervisors on May 6, 1997, and made effective on May 1, 1997, are hereby incorporated by reference into the Bylaws. The Commission's grievance procedures are to remain in full compliance with Los Angeles County, Ryan White, and HRSA requirements, and will be amended from time to time, as needed, accordingly.

ARTICLE X AMENDMENTS

The Commission shall have the power to recommend amendments, or the revision of these Bylaws at any meeting at which a quorum is present, providing that written notice of the proposed change is given at least ten days prior to such meeting. The Board of Supervisors shall be advised of any such changes. In no event shall the Bylaws be changed in such a manner as to establish a conflict with Los Angeles County Ordinance 3.29 establishing the Commission, and governing its activities and operations.