

## **Proposed Changes to the Miami-Dade HIV/AIDS Partnership Ordinance**

Approved August 21, 2023

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On August 21, 2023, the Miami-Dade HIV/AIDS Partnership (Partnership), in its capacity as a Miami-Dade County advisory board, approved the following recommended changes to the governing ordinance for consideration and approval by the Miami-Dade County Board of County Commissioners.

### **PROPOSED CHANGES TO THE PARTNERSHIP ORDINANCE**

The proposed changes to the Partnership Ordinance are intended to:

1. Redefine quorum requirements;
2. Reduce Partnership membership from 39 members to 30 members;
3. Remove alternate member seats;
4. Redefine the member seats for Miami-Dade County Public Schools Representative and Part A Local Grantee Representative;
5. Redefine the seats for ex-officio members;
6. Reclassify the Representative Co-infected with Hepatitis B or C and Federally Recognized Indian Tribe Representative seats; and
7. As appropriate, bring Partnership membership categories as defined in the County Ordinance in line with HRSA legislative definitions.

Following are proposed changes to quorum requirements and proposed changes to the composition of the Partnership, as well as justifications for the proposed changes.

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### **PROPOSED CHANGES TO QUORUM REQUIREMENTS**

#### **Proposal**

- Change the Partnership quorum requirement from 13 members to *one-third-plus-one* active members.

#### **Justification**

- The Partnership currently requires a set number of 13 members to achieve quorum, regardless of the number of currently active members. Meetings have been cancelled (in advance and on site) due to lack of quorum. Even if 13 members are present, this is often not enough since some members may need to leave the room when there is a voting conflict (or might step away for other reasons). Therefore, in reality, without at least 14 members present, it is difficult to conduct business.
  - Partnership committees require a quorum of one-third-plus-one active member. Quorum is variable among committees based on active members.
  - A brief review of other County Advisory Boards shows a variety of requirements for quorum, from a set number to a percentage (such as one-third-plus-one).
  - A change to quorum brings the Partnership into agreement with its committees and is expected to improve the Board's ability to achieve quorum.
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**CURRENT VS. PROPOSED PARTNERSHIP MEMBERSHIP CATEGORIES**

#	Current Membership Categories
1	Community Based AIDS Organization (CBO) Representative
2	Former Inmate of local, state, or federal prison representative
3	Health Care Provider Representing FQHC
4	Hospital or Health Care Planning Agency Representative
5	Housing, Homeless or Social Service Provider
6	Housing, Homeless or Social Service Provider
7	Local Health Department Representative
8	Mental Health Provider Representative
9	Non-Elected Community Leader, not an HIV provider
10	Other Federal HIV Grantee Representative (HOPWA)
11	Other Federal HIV Program Grantee (Part F)
12	Other Federal HIV Program Grantee Rep. (CDC)
13	Other Federal HIV Program Grantee Representative (SAMHSA)
14	Part C Grantee Representative
15	Part D Grantee Representative
16	Representative of the Affected Community
17	Representative of the Affected Community
18	Representative of the Affected Community
19	Representative of the Affected Community
20	Representative of the Affected Community
21	Representative of the Affected Community
22	Representative of the Affected Community
23	Representative of the Affected Community
24	Representative of the Affected Community
25	Representative of the Affected Community
26	State Government RW Part B Grantee Representative
27	State Government/Medicaid Agency Representative
28	Substance Abuse Representative
29	HIV Prevention Provider
30	<i>Part A Local Grantee Representative</i>
31	<i>Miami-Dade County Public Schools Representative</i>
32	<i>State of Florida GR Grantee Representative</i>
33	<i>Representative Co-infected with Hepatitis B or C</i>
34	<i>Federally Recognized Indian Tribe Representative</i>
35	<i>Representative of the Affected Community</i>
36	<i>Representative of the Affected Community</i>
37	<i>Representative of the Affected Community</i>
38	<i>Representative of the Affected Community</i>
39	<i>Representative of the Affected Community</i>
#	Alternate Members
1	<i>Representative of the Affected Community</i>
2	<i>Representative of the Affected Community</i>
3	<i>Representative of the Affected Community</i>
#	Non-Voting Ex-Officio Members
1	Ex-officio Rep. - Office of the MDC Mayor
2	Ex-officio Rep. - Board of County Commissioners

#	Proposed Membership Categories
1	Community Based AIDS Service Organization (CBO/ASO) Representative
2	Former Inmate of local, state, or federal prison representative
3	Health Care Provider Representing FQHC
4	Hospital or Health Care Planning Agency Representative
5	Housing, Homeless or Social Service Provider
6	Housing, Homeless or Social Service Provider
7	Local Health Department Representative (Florida Department of Health in Miami-Dade County)
8	Mental Health Provider Representative
9	Non-Elected Community Leader, not an HIV provider
10	Other Federal HIV Grantee Rep. (HOPWA)
11	Other Federal HIV Program Grantee (Part F)
12	Other Federal HIV Program Grantee Rep. (CDC)
13	Other Federal HIV Program Grantee Representative (SAMHSA)
14	Part C Grantee Representative
15	Part D Grantee Representative
16	Representative of the Affected Community (1)
17	Representative of the Affected Community (2)
18	Representative of the Affected Community (3)
19	Representative of the Affected Community (4)
20	Representative of the Affected Community (5)
21	Representative of the Affected Community (6)
22	Representative of the Affected Community (7)
23	Representative of the Affected Community (8)
24	Representative of the Affected Community (9)
25	Representative of the Affected Community (10)
26	State Government RW Part B Grantee Rep.
27	State Government/Medicaid Agency Representative
28	Substance Abuse Representative
29	HIV Prevention Provider
30	Representative of the MDC Office of Management & Budget who shall not be a Ryan White Program Recipient representative, whose position is not funded with RWHAP Part A funds, who does not provide in-kind services, and who has no significant involvement in the RWHAP Part A grant.
#	Ex-Officio Representatives
1	Office of the Miami-Dade County Mayor
2	MDC Board of County Commissioners
3	Miami-Dade County Public Schools

## PROPOSED CHANGES TO PARTNERSHIP MEMBERSHIP CATEGORIES

### A. One (1) Miami-Dade County Representative

#### 1. Proposals

- a. In accordance with the HRSA guidance, noted below, remove this seat and replace with Representative of the MDC Office of Management & Budget who shall not be a Ryan White Program Recipient representative, whose position is not funded with RWHAP Part A funds, who does not provide in-kind services, and who has no significant involvement in the RWHAP Part A grant.

#### 2. Justification

- a. Continuing to include this seat does not follow HRSA's interpretation of the membership rules in the CARE Act legislation, as stated in their Ryan White HIV/AIDS Program Part A Recipient Letter, not dated but emailed to Ryan White Program Recipients on April 6, 2022, which states, "Separation of PC/PB and Recipient Roles: A separation of PC/PB and recipient roles is necessary to avoid conflicts of interest. The legislation prohibits PC public deliberations to be "chaired solely by an employee of the grantee." [2602 (7)(A)]. "A recipient representative, whose position is funded with RWHAP Part A funds, provides in-kind services, or has significant involvement in the RWHAP Part A grant, shall not occupy a seat in the PC/PB, nor have a vote in the deliberations of the PC/PB."

#### 3. Overall Change

- a. Reduce roster by one active member (1).
  - b. Increase total members to 30.
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### B. Fifteen (15) member representatives of affected communities that include thirteen (13) people with HIV, who are not affiliated or employed by a Part A funded provider and are recipients of Part A services, and historically underserved groups and subpopulations that reflect the demographics of the population within the eligible metropolitan area

#### 1. Proposal

- a. Reduce to ten (10) members.
- b. Incorporate Federally Recognized Indian Tribe Representative and Representative Co-infected with Hepatitis B or C into this membership category (See Items C and D, below).
- c. Match HRSA language, "Member representatives of the affected communities, including people with HIV, or members of a Federally recognized Indian tribe as represented in the population, or individuals co-infected with hepatitis B or C, and historically underserved groups and subpopulations."

#### 2. Justification

- a. Members of the affected community are to comprise 33% of membership. If membership is reduced to 30 members, ten (10) members would constitute at least 33%.
- b. The Partnership currently defines unique seats for Federally recognized Indian tribe and for individuals co-infected with hepatitis B or C. The seats have never been filled. By adopting the HRSA definition, those persons could still participate under the broader definition of "Member representatives of the affected communities, including people with HIV, or members of a Federally recognized Indian tribe as represented in the population, or individuals co-infected with hepatitis B or C, and historically underserved groups and subpopulations."

#### 3. Overall Change

- a. Reduce roster by five (5).
- b. Reduce vacancies from 14 to seven (7) Representatives of the Affected Community (as defined by HRSA): 12 Representative of the Affected Community + 1 Federally Recognized Indian Tribe Representative + 1 Representative Co-infected with Hepatitis B or C.

**C. One (1) representative of a federally recognized Indian tribe as represented in the population from the affected community**

**1. Proposal**

- a. Remove this seat.

**2. Justification**

- a. This is not a HRSA-required category outside the collective designation of, “affected communities, including people with HIV, members of a *Federally recognized Indian tribe* as represented in the population, individuals co-infected with hepatitis B or C and historically underserved groups and subpopulations.”
- b. This seat has been vacant for the majority of the life of the Partnership. Grouping the designation with members of the affected community (above, Section B) leaves the door open for participation from a Federally recognized Indian tribe representative while relieving the burden of filling a highly specified vacant seat.

**3. Overall Change**

- a. Reduce roster by one (1).
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**D. One (1) representative co-infected with hepatitis B or C from the affected community.**

**1. Proposal**

- a. Remove this seat.

**2. Justification**

- a. This is not a HRSA-required category outside the collective designation of, “affected communities, including people with HIV, members of a Federally recognized Indian tribe as represented in the population, *individuals co-infected with hepatitis B or C* and historically underserved groups and subpopulations.”
- b. This seat has been vacant for the majority of the life of the Partnership. Grouping the designation with members of the affected community (above, Section B) leaves the door open for participation from an individual co-infected with hepatitis B or C while relieving the burden of filling a highly specified vacant seat.

**3. Overall Change**

- a. Reduce roster by one (1).
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**E. One (1) Miami-Dade County Public Schools Representative**

**1. Proposal**

- a. Move this from a voting member seat to an ex-officio position.

**2. Justification**

- a. This is not a HRSA-required category.
- b. This seat has been vacant for the majority of the life of the Partnership. Moving the designation to ex-officio status leaves the door open for participation from the school board, while relieving the burden of filling a highly specified vacant seat.
- c. Removal of the seat from the advisory board realistically reflects the existing political climate of Florida.

**3. Overall Change**

- a. Reduce roster by one (1).
- b. Increase ex-officio seats by one (1).

## **F. One (1) State of Florida General Revenue Grantee Representative**

### **1. Proposals**

- a. Remove this seat.
- b. Reassign the member currently in this seat to the HRSA required, “One (1) Community based AIDS service organization (ASO)” seat.
- c. Reassign the member currently in the ASO seat to the HRSA required, “One (1) Substance abuse provider” seat.

### **2. Justification**

- a. This is not a HRSA-required category.
- b. Reporting on General Revenue funding would still be included in regular Partnership business.

### **3. Overall Change**

1. Reduce roster by one (1).
  2. If members seat designations are reassigned, there will be no net change in active members.
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## **G. Three (3) Alternates – Representatives of the Affected Community**

### **1. Proposal**

- a. Remove these seats.

### **2. Justification**

- a. These are not HRSA-required seats.
- b. These seats have been vacant for more than five (5) years in addition to the full voting member vacancies in the same category.
- c. The inclusion of these seats is a throwback to a time when there was a need for alternates for affected community members, primarily due to health concerns. The removal of these seats reflects the reality of the HIV epidemic today, in which people with HIV who are in care and receiving treatment are living long and healthy lives.
- d. Persons who occupy these seats have no voting power, and if they sit on the Partnership for two terms without ever voting, they would then be ineligible to serve as a voting member until after a two-year waiting period ends.

### **3. Overall Change**

- a. Reduce Alternates from 3 to 0.
  - b. No change to voting Members.
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## **H. Two (2) Ex-Officio Members**

### **1. Proposal**

- a. Change the designation of these seats from “members” to “Ex-Officio Representatives”.
- b. Include the positions of Miami-Dade County Public Schools Representative and Miami-Dade County Representative; retain representative seats from the Office of the Miami-Dade County Mayor and Miami-Dade County Board of County Commissioners.

### **2. Justification**

- a. These are not HRSA-required categories.
- d. These seats have been vacant for the majority of the life of the Partnership. Moving the designation from “member” to “Ex-Officio Representative” status leaves the door open for participation while relieving the burden of filling highly specified vacancies.

### **3. Overall Change**

- a. Increase ex-officio seats by one (1) for a total of three (3).
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## **I. Other**

These categories require no change; County Ordinance definitions are exactly or very close to HRSA definitions:

- Two (2) Housing, Homeless or Social Service providers;
  - Four (4) grantee representatives of Other Federal HIV programs including Ryan White Program Part F and HOPWA, if funded locally excluding a Recipient representative from the Ryan White Part A Program;
  - One (1) Health care provider, which must represent a Federally Qualified Health Center;
  - One (1) Community based AIDS service organization;
  - One (1) Mental health provider;
  - One (1) Substance abuse provider;
  - One (1) Prevention provider;
  - One (1) Hospital or health care planning agency;
  - One (1) representative from agencies receiving grants under Part C of the Ryan White Program;
  - One (1) representative from agencies receiving grants under Part D of the Ryan White Program, or from organizations with a history of providing services to children, youth, and families if funded locally;
  - One (1) State government/Ryan White Program Part B grantee representative;
  - One (1) State government/Medicaid Agency representative;
  - One (1) Local health department representative (*Florida Department of Health in Miami-Dade County*);
  - One (1) Non-elected community leader who does not provide HIV related health care services subject to funding under Partnership programs; and
  - One (1) former inmate of a local, state, or federal prison released from the custody of the penal system during the preceding three (3) years and had HIV disease as of the date of his release, or a representative of HIV+ incarcerated persons.
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