

# GOVERNOR'S ADVISORY COUNCIL ON HIV/AIDS (GACHA)

## Council Procedures and Structure

Revised November 2003

### I. History/Purpose

- A. **History:** The Governor's Advisory Council on HIV/AIDS was originally appointed as the "Governor's AIDS Task Force" in the summer of 1987. This anteceded the current Department of Health (DOH) and was initially under the chairmanship of Jule Sugerman, then Secretary of the Department of Social & Health Services (DSHS). Its initial work culminated in a report to then Governor Booth Gardner on HIV/AIDS that largely generated the State's 1988 "AIDS Omnibus" legislation (Senate Bill 5886). Under this legislation an "AIDS Advisory Committee" was created, after the DOH was established and reported until 6/30/91 to DOH Secretary Kristine Gebbie. Early in 1991, however, by Executive order, the Governor directed the group's continuation as his "Advisory Council on HIV/AIDS."

Since the original 1987 recommendations, the Task Force has continued to address a variety of issues including health care access for people at-risk for HIV and those with HIV infection and AIDS; health care insurance and insurance continuation for such people; the AIDS formulary and prescription drug program; early interventions for people infected with HIV; strategies for the prevention of HIV transmission among injection drug users (IDUs) and adolescents; name reporting; review of the Omnibus rules; opt-out testing for pregnant women; HIV care for inmates; and discrimination against persons with or perceived to be infected with HIV/AIDS.

- B. **Current Purpose/Charge:** On March 5, 1991, Governor Booth Gardner re-established the Council by Executive Order to: "(1) assist the Governor in developing sound state policies on the HIV epidemic, (2) review and make recommendations about proposed HIV/AIDS related programs and legislation developed or presented by government agencies or other groups, (3) identify gaps in existing HIV/AIDS programs and services, and (4) provide the Governor a forum in which to debate issues related to HIV/AIDS." This charge was most recently clarified by Governor Gary Locke in 1997 when he stated that he did not expect the Council to deliver a consensus on each issue but was interested in the minority as well as the majority opinion of Council members.

### II. Composition

- A. The Advisory Council shall be composed of not more than thirty members, appointed by the Governor. Members shall be representative of people with HIV/AIDS, public health, health care professions, state/local government, educators, citizen's groups, community-based service agencies, the Regional AIDSNETs, the HIV/AIDS activist community, public safety/EMT workers, and other interested people from the public and private sectors. Representation from the following groups should be sought and maintained on the Council: Department of Corrections, Office of the Superintendent of Public Instruction; Higher Educational Institutions; Faith Community; Seattle King County Public Health, and the Early Intervention Steering Committee. While no applicant or

Council member shall be asked or expected to disclose his or her HIV status, at least five people with HIV/AIDS should be members of the Council. Four members of the legislature, two from the House and two from the Senate, shall serve as *ex-officio* members of the Council.

1. Diversity - Council members should reflect diversity in race, gender, national origin, ethnicity, sexual orientation, age, religious affiliation, disability, and geography.
  2. Membership - The Council will monitor membership, vacancies and representative balance of the membership, and regularly propose new members to the Governor's Office. People seeking to become members should submit:
    - a. A letter of strong interest and commitment,
    - b. A résumé describing experience, qualifications, and
    - c. Forms necessary for appointment by the Governor's Office.
- B. Terms of membership shall be three years. If a member resigns before completion of a term, a new member may be appointed to serve out the remainder of that term. Members shall serve at the pleasure of the Governor. Terms of membership will ordinarily commence July 1 and terminate June 30.
1. A leave of absence may be granted at the discretion of the Council, if approved by the Council, upon recommendation of the Executive Committee. A leave of absence will be considered for a period of 6-12 months when a Council member is unable to perform their duties either due to illness, sabbatical, or other reasonable situation. If a leave of absence is granted, the Council will request that the Governor stay that member's term, due to their leave of absence, to allow them to serve their full term.
- C. The Council shall appoint a chair from among the voting members, according to the procedures set forth below, shall determine its organization, and shall adopt any procedural rules. The Council may create sub-committees as needed to address specific issues related to HIV/AIDS. Sub-committees may include non-members as long as a majority of those serving on any sub-committee are members of the Council.

### **III. Member Obligations/Rules**

- A. Council members are expected to attend all Council meetings unless excused by the Chair or Vice-Chair. Members shall be deemed excused if they must miss a meeting due to illness, vacation or unavoidable conflict, and if they so notify the staff no later than the day prior to the meeting except in case of an unforeseen emergency.
1. After each meeting, if any member has missed three of the most recent six meetings without having been excused, staff will automatically send that member a notice requesting that he or she resign pursuant to these procedural rules.
  2. Members who miss three meetings within a given year, if at least one of those absences was excused, will be asked to reaffirm their intention to serve on the Council.

- B. Each council member is also expected to actively participate in at least one additional Council sub-committee, task force, or work group.
- C. Committee/task force chairs will be appointed by the Council or by the Chair of the Executive Committee subject to ratification by the Council at its next meeting. They may attend Executive Committee meetings but shall not be voting members of the Executive Committee.
- D. New members will be provided an orientation training during the first quarter of their term of office.
- E. Only the Chair or his or her designee speaks for the Council. All Council members who speak out on issues and refer to their membership on the Council, are expected to explicitly state that their views are not necessarily those of the Council. (Examples of such forums would be legislative hearings, meetings with public officials, public testimony or meetings, newspaper, radio or television interviews, letters to the editors, etc.) The Chair and members have a special duty to ascertain and assure as far as possible that personal comments or statements regarding Council actions/discussion provide accurate information and do not misrepresent actions taken by the Council. The Council chair shall be notified when such formal statements are made.
- F. During meetings of the Council, members who disagree shall make every effort to address ideas and not personalities. Personal attacks are not appropriate.

#### **IV. Organization**

##### **A. Officers**

- 1. The Council elections will occur in the fall of every other year with the term of office beginning January 1 and expiring December 31 the following year. The office terms would begin in odd numbered years. Officers may be re-elected to successive terms. In the event that the current Chair is re-elected to a successive term, then the Executive Committee shall add another Member-At-Large position, for a total of four, in place of the Immediate Past Chair position.

Officers shall include:

- a. Chair,
- b. Vice-Chair,
- c. Three “Members-At-Large” of the Executive Committee
- d. Immediate past Chair

Officers may be re-elected to successive terms.

- 2. The Executive Committee shall solicit a list of candidates from the body as a whole for the ensuing year.

##### **B. Nominating Procedures**

- 1. Any member of the Council can be nominated for any Executive Committee position. Members can self-nominate. Nominated members are expected to write a brief statement as to why Council members should consider their candidacy prior to the actual vote of the council and in

advance of the election meeting.

2. Members may be nominated for the Council Chair and/or a member-at-large; or for Council Vice-Chair and/or a member-at-large. Members must be nominated for either Chair or Vice-Chair of the Executive Committee, not both.

C. Voting Procedures

1. All members will have an opportunity to vote either at the council meeting or by absentee ballot. In advance of the actual meeting the slate of nominees along with their statements for their particular seat will be provided to members. Members who inform staff they will be unable to attend the election meeting shall receive an absentee ballot in advance of the meeting. Council members may not give a proxy to another council member.
2. Absentee ballots will be individually identified and signed by the member with DOH staff responsible for verification of the ballot so that no person other than the member can register a vote in absentia.
3. Voting at the meeting will be done by secret individual ballot distributed at the meeting. DOH support staff will tabulate votes and the results of voting will be reported at the meeting.
4. For election to an office, it shall be necessary to receive a majority of the votes of members voting including those voting by absentee. For Chair and Vice-Chair, if no candidate receives a majority on the first ballot, the two candidates who received the most votes shall participate in a runoff. For member-at-large positions, each member of the council may vote for up to three separate candidates at once on the first ballot. The top three vote-getters who receive a majority shall be elected. If a second ballot is needed--that is, if only two, one or no candidates receive a majority--then a runoff shall be conducted from among the remaining vote-getters who received at least three votes each. This process shall continue if necessary until three have been elected. For any election for which a runoff is required, absentee ballots will continue to be counted on each ballot.
5. In the case of a tie vote for any seat, members will revote for that particular seat and the final vote will include the original absentee ballots for that seat in the total count. Tie votes will be recast no more than three times upon which the position will be noted as deadlocked. In this instance, the council members present will ask the tied members to leave while the remaining members caucus to consider a breaking of the tie. The meeting will not conclude until the tie has been broken and a majority of votes have been cast in favor of one candidate over the other.
6. Newly appointed Executive Committee Members will be seated at the next meeting of the Executive Committee and will preside over the next full Council meeting.

- D. All Council, committee, task force, and work group meetings shall be run in accordance with Robert's Rules of Order, except as modified by this document.

1. A quorum of the full Council shall be deemed present if at least ten current members are in attendance. A quorum of the Executive Committee shall be deemed present if at least three members are present or participating electronically.
2. A vote shall be considered affirmative if more than half of the members present vote affirmatively.
3. The names of members voting or abstaining from voting on any issue may be recorded in the minutes upon request.
4. Only members of the Council appointed by the Governor may vote except that non-Council members appointed to task forces and committees may vote within those task forces and committees.

E. Committees, Task Forces, and Work Groups

1. The Executive Committee shall be a standing committee.
2. Other committees/task forces/work groups will be established by the Council as it deems necessary:
  - a. Committees generally will be established for issues that are expected to be on-going.
  - b. Task forces and work groups will generally be developed for issues that are expected to address self-limited issues.
3. Subcommittee or ad hoc committees that are appointed by the Chair or the Executive Committee will be provided with: specific goals and objectives for their work; timelines for the completion of that work; a chair for the work group; and membership that assures that the breadth of views on the council are represented. Sub-committee membership, besides council members, should be allowed to expand to accommodate a full spectrum of perspectives and relevant expertise for a given issue.
4. The chair(s) of committees/task forces/work groups must be:
  - a. Council members, and
  - b. Approved by the Executive Committee subject to ratification by the full Council at its next meeting.
5. Persons not members of the Council may serve as voting members of the committees and task forces.
6. Voting members of committees, task forces, and work groups shall be made known to the Council, and the Council reserves the right to approve membership.

- F. Council Procedures and Structures (Procedures) shall be reviewed biannually by the Council. The Procedures may be amended at any time by a majority vote of the members present at the Council meeting, provided the proposed changes are distributed either in writing or electronically at least 10 days before the Council meeting, and the proposed changes are listed on the meeting agenda as an action item. A review will be done every two years.

## V. Public Participation and Input

- A. Although meetings of the Council are not technically subject to the state's Open Public Meetings Act, the Council welcomes public participation in and witness of the proceedings of the Council, and it has voted to hold its meetings in places which can accommodate observation by, and participation in, its deliberations and recommendations. Further:
1. The time and location and proposed agenda for full Council meetings shall be provided to designated DOH staff for distribution to Council members and the media at least 24 hours in advance.
  2. Time will be set aside at each Council meeting for public comment upon any topic; however,
  3. Public comment will be encouraged at the Chair's discretion throughout the Council and Executive Committee meetings in accord with these guidelines:
    - a. Council member participation will be prioritized over public participation;
    - b. The Chair will attempt to ensure time for adequate consideration of all agenda items;
    - c. Appropriate decorum and civility must be observed; and
    - d. Matters related to personnel or litigation may be heard and discussed in closed executive session.
- B. Committees, Task Forces, and Work Groups: Members of the public may attend and observe meetings of these subgroups of the Council so long as members of the public do not disrupt the meeting.
1. Most such subgroups will include as members people outside the Council, and unless circumstances dictate otherwise, they will also permit public participation under the same guidelines stated above for the Council and Executive Committee meetings; furthermore,
  2. Before significant conclusions and recommendations of any groups which have not permitted public input are brought forward to the Council for final consideration of recommendation it might make, the Council will normally require those groups to make their conclusions/recommendations known for public comment.
- C. The Council shall adopt methods to facilitate input from and provide information to the public. Such methods may include, but are not limited to:
1. Community information meetings;
  2. Community hearings to identify issues the Council should consider;
  3. Encouraging media coverage of Council meetings and recommendations;
  4. Annual reports; and

5. Providing speakers and participants for seminars and conferences.

D. Public Review of Documents and Lists

1. Any formal Council, committee, task force, and work group document, in the form in which it is to be presented to the Council, shall be available for public preview and copying at cost in the offices of DOH 24 hours prior to presentation to the Council for a vote.
2. All Council membership lists and committee, task force, and work group charges and membership lists will be maintained by DOH and available for public review and copying at cost in DOH offices.

**VI. Council and Executive Committee Meetings**

- A. Council meetings will occur bi-monthly, or as otherwise determined by the Council. To the extent possible, documents submitted to the Council for approval at a particular meeting shall be provided to Council staff at least ten days before the meeting. This rule shall not bar the Council from taking action on a document submitted late or drafted during a meeting.
- B. Additional special Council meetings may be called by the Executive Committee or an equal number of Council members with at least 24 hours notice to the members and to the public.
- C. The Executive Committee will meet in between full Council meetings or as otherwise determined by the Council and the Executive Committee.
- D. Membership of the Executive Committee shall consist of the following members of the Council:
  1. The Council Chair,
  2. The Council Vice-Chair,
  3. In the event that the current Chair is re-elected to a successive term, then the Executive Committee may choose to add another Member-At-Large, for a total of four, in place of the Immediate Past Chair position.
- E. Subject to the ratification of the Council the Executive Committee shall be empowered to:
  1. Make recommendations to the DOH and the Governor's Office on issues which it deems cannot wait until the next full Council meeting and which are in accord with positions previously taken by the Council;
  2. Reschedule or cancel meetings of the Council; and
  3. Appoint subcommittees or task forces and their chairs within the guidelines of this document.
- F. The Executive Committee is not empowered to:
  1. Change these Council Procedures and Structures

2. Appoint or remove members of the Executive Committee; or
  3. Alter any Council recommendation which the Council has previously specified.
- G. The Executive Committee shall solicit a list of candidates from the body as a whole for the ensuing year.

## **VII. Reports**

- A. An annual status report will be submitted to the Governor at the end of each year. The report will consist of a review of accomplishments, recommendations of the Council as well as a preliminary work plan for the subsequent year. The report will also be sent to the Secretary of the Department of Health.
- B. Ad hoc reports may be issued with interim recommendations. Ad hoc reports are one of the ways that issues identified by the council to address its mission can be handled. Letters directly to the Governor, the development of an issue paper or the appointment of a task force to develop findings and/or policy issues for the Governor may also be considered as means of reporting to the Governor.
- C. Reports or statements presenting the Council's recommendations or conclusions will be issued by the Council only after an affirmative vote of the majority of members present at a meeting. Reports shall reflect both majority and minority views.
- D. Regular updates by all subgroups should be made to the full Council.

## **VIII. Administrative Support**

The Department of Health as support for this Council shall appoint or contract for a staff person to:

- A. Record and distribute minutes of Council and Executive Committee meetings;
- B. Openly announce the whereabouts, timing, and agenda of each Council meeting to members, appropriate communities, and the general public through the media;
- C. Collect and distribute committee agendas, minutes, and important HIV/AIDS-related information;
- D. Keep track of Council member attendance;
- E. Keep a mailing list of other people interested in receiving Council mailings, minutes, etc., for materials distribution; and
- F. Monitor the Council's budget and at least annually report to the Chair whether the budget is sufficient to meet current and projected Council expenses.

## **IX. Date of Adoption**

These Procedures and Structures were duly revised and adopted by the Council on the 18th day of November 2003.