

**WEST CENTRAL FLORIDA RYAN WHITE CARE COUNCIL**

**PLANNING AND EVALUATION COMMITTEE**

**GOTO WEBINAR**

**THURSDAY, JULY 8, 2021**

**9:30 A.M. – 11:00 A.M.**

**MINUTES**

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| **CALL TO ORDER** | The meeting was called to order by Chair, Kirsty Gutierrez, at 9:33 a.m. |
| **ATTENDANCE** | Members Present: Kirsty Gutierrez, Sheryl Hoolsema, Marylin Merida, Elizabeth Rugg  Members Absent: Nolan Finn  Guests Present: Emily Hughart, Angela Kellogg  Recipient Staff Present: Aubrey Arnold  Lead Agency Staff Present: None.  Health Council Staff Present: Naomi Ardjomand-Kermani, Katie Scussel, Lisa Nugent |
| **CHANGES TO AGENDA** | None. |
| **CARE COUNCIL REPORT** | Planning and Evaluation Committee Chair, Kirsty Gutierrez, reviewed the Sunshine Law notes provided by Hillsborough County attorney, Katherine Benson, at the June 2021 Care Council meeting.   1. *Sunshine Law Report* (Attachment)   Sources:  - Sunshine Law is codified in Chapter 286 of the Florida Statutes,  - case law that comes from courts  - AGOs (Attorney General Opinions)  - Sunshine Law Manual  *What does it mean that Sunshine Law applies to the Care Council?*   * Sunshine Law applies to any gathering of two or more members of the Care Council where they discuss some matter which will foreseeably come before that board for action * In the absence of statutory exemption, any gathering of two or more members to discuss any matter on which foreseeable action may be taken must be open to the public, noticed to the public, and minutes kept. * anytime two or more current members of this Council want to talk to each other (including in person, on the phone, via zoom, teams, skype, via email, etc.), about a matter which could foreseeably come before the Care Council for action, then that meeting must be open to the public, noticed in advance, and minutes must be kept, or you are in violation of the Sunshine Law. * Example - the Sunshine Law Manual says there is no per se violation of the Sunshine Law for a husband and wife to serve on the same public board or commission so long as they do not discuss board business   *“As to local boards, the Attorney General’s Office has noted that the authorization in s. 120.54(5)(b)2., to conduct meetings entirely using electronic media technology applies only to state agencies. AGO 98-28. Th e Attorney General’s Office has observed that a local board’s use of electronic media technology to increase public participation in meeting and the use of such media to allow members of a board or commission to participate in a duly noticed public meeting does not necessarily raise Sunshine Law issues, “but rather implicates the ability of a board or commission to conduct public business with a quorum.”* See Inf. Op. to Stebbins, December 1, 2015. And see AGOs 09-56 (where a quorum is required and absent a statute to the contrary, the requisite number of members must be physically present at a meeting to constitute a quorum), and 10-34 (city may not adopt an ordinance allowing members of a city board to appear by electronic means to constitute a quorum).  Attorneys asked for an AGO considering Covid, and the AG wrote back and said a quorum must be physically present to conduct business, according to the law, unless the Governor waives this legislative requirement via an emergency declaration, and shortly after the AG’s opinion was issued, that is exactly what the Governor did. The Governor’s emergency order expired, 11/1/20, meaning at that point, a quorum had to be physically present to conduct business.  *“if a quorum of a local board is physically present, “the participation of an absent member by telephone conference or other interactive electronic technology is permissible when such absence is due to extraordinary circumstances such as illness[;] . . . [w]hether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board.”* AGO 03-41.  For example, if a quorum of a local board is physically present at the public meeting site, a board may allow a member with health problems to participate and vote in board meetings using such devices as a speaker telephone that allow the absent member to participate in discussions, to be heard by other board members and the public and to hear discussions taking place during the meeting. AGO 94-55.  The physical presence of a quorum has not been required where electronic media technology (such as video conferencing and digital audio) is used to allow public access and participation at workshop meetings where no formal action will be taken. Th e use of electronic media technology, however, does not satisfy quorum requirements necessary for official action to be taken.  Gutierrez asked staff if these rules applied to committee members who are not members of the general Care Council body and Planning Council Support (PCS) staff, Naomi Ardjomand-Kermani, confirmed that these restrictions still apply to all voting members in committee as well. Ardjomand-Kermani went on to share conversations that took place at the May 2021 Standards, Issues, and Operations Committee (SIOC). SIOC members discussed possibly changing the definition of quorum to lessen the burden of travel for voting members, whilst still having the ability to maintain in-person quorum. Members of SIOC began a conversation that considered the collapsing of all committees to conduct all business during general Care Council meetings, that will continue at their July 2021 meeting.  P&E Committee Chair, Kirsty Gutierrez, expressed concern that this would require the Care Council meetings to lengthen in time, especially when there are multiple actions items on the agenda. This would add barriers for attendance, due to their personal time commitments. At that meeting, Care Council Chair, Nolan Finn, assured Gutierrez that P&E would be one of the committees that would continue to meet. He noted that Women, Infants, Children, Youth & Families (WICY&F) Committee would also continue to meet as a committee as they represent Part D and the Council does not want to lose connectedness with their membership.  Some SIOC members like the idea and felt that a longer meeting may not be required as staff should work with Chairs to schedule their report in the most efficient manner. For example, when P&E reports come to Care Council, they must be concise and have key points, so members feel involved and understand what truly goes on in these reports. A suggestion was made to suspend current bylaws for a year and allow Care Council members to create rules of engagement. Recipient, Aubrey Arnold, noted he was glad the topic was brought up to analyze how the Care Council currently operates. He added that HRSA has no requirement for committees, beyond a greater planning council (Care Council).  The Membership Committee Chair, Tonicia Freeman-Foster, inquired about next steps and Finn replied that the next step would be to present ideas proposed to Care Council for an eventual vote. Guiding Principles will need to be developed and goals must be determined. Finn noted that SIOC Chair and Care Council Vice-Chair, Myles (Edward) Myles, would give a SIOC report at the June 2, 2021, meeting, and work from that point on. PCS Staff agreed to draft rules of engagement as a starting point and attendees requested an additional SIOC meeting in July 2021. |
| **COMMUNITY INPUT/**  **ANNOUNCEMENTS** | P&E Chair, Kirsty Gutierrez, announced that the Metro Inclusive Health Tampa Building is coming to completion and will be moving from the Ybor City office to their new location at 2105 North Nebraska Avenue. They will open doors on August 1, 2021, and will offer better parking options that their previous office.   1. *Integrated Plan Guidance*   Recipient, Aubrey Arnold, announced that the Part A grant application was recently released and includes questions about planning committees. He went on to emphasize the importance of having a foundational plan to submit within the application. Keeping the conversations from the May 2021 SIOC in mind, Arnold added that the Integrated Plan does not necessarily have to be completed at the committee level but must include members of Care Council. Gutierrez noted that it would be exceptional to engage more members in the development of the Integrated Plan (IP) to give them an opportunity to learn what goes into the IP and how it is monitored. Arnold added that Pinellas and Hillsborough County’s Ending the HIV Epidemic (EHE) plans should overlap with the IP to be as inclusive as possible. Gutierrez continued that member should feel as though they are a part of the product; that they have contributed to the IP and feel invested in the community’s needs. Member, Marylin Merida, concluded the conversation with a nod to the potential of collapsing the committee structure to increase engagement as many people do not understand how they fit in at the Care Council level. |
| **ADJOURNMENT** | There being no further business to come before the Committee, the meeting was adjourned at 9:59 a.m. |
| **SUNSHINE LAW** | **PLEASE REMEMBER:** Florida's **SUNSHINE LAW** requires that meetings are noticed and open to the public, and that minutes are taken at each meeting. For the Care Council, this means that meetings are advertised in advance and members of the public are welcome to attend and participate in public comment. Notes are taken to make sure a record of the meeting is made so anyone can read what action was taken.    The **SUNSHINE LAW** does not allow members of the same council or committee to talk to each other outside of a publicly noticed meeting about matters that might come before the Council for a vote. For the Care Council, this means that every member of the Council must decide how to vote on their own and must make sure not to discuss upcoming agenda items or other council matters with other council members. |