

**Houston Area HIV Services Ryan White Planning Council**

**Operations Committee Meeting**

10:00 a.m., Tuesday, August 21, 2018

Meeting Location: 2223 W. Loop South, Suite 240  
Houston, Texas 77027

**AGENDA**

\* = Handout to be distributed at the meeting

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- I. Call to Order Ella Collins-Nelson and  
Johnny Deal, Co-Chairs
    - A. Moment of Reflection
    - B. Adoption of the Agenda
    - C. Adoption of the Minutes
  
  - II. Public Comments and Announcements  
(NOTE: If you wish to speak during the Public Comment portion of the meeting, please sign up on the clipboard at the front of the room. No one is required to give his or her name or HIV status. All meetings are audio taped by the Office of Support for use in creating the meeting minutes. The audiotape and the minutes are public record. If you state your name or HIV status it will be on public record. If you would like your health status known, but do not wish to state your name, you can simply say: "I am a person living with HIV", before stating your opinion. If you represent an organization, please state that you are representing an agency and give the name of the organization. If you work for an organization, but are representing yourself, please state that you are attending as an individual and not as an agency representative. Individuals can also submit written comments to a member of the staff who would be happy to read the comments on behalf of the individual at this point in the meeting. All information from the public must be provided in this portion of the meeting.)
  
  - III. Old Business Amber Harbolt
    - A. Update on determining if Council needs to have pm meetings
  
  - IV. New Business Tori Williams
    - A. 2018 Interview Form
    - B. 2018 Interview Schedule (13 applicants)
    - C. Legislative Report on Council Agenda
  
  - V. Announcements
  
  - VI. Adjourn
  
  - OPTIONAL: Members meet with Committee Mentor Skeet Boyle

**Houston Area HIV Services Ryan White Planning Council**

**Operations Committee Meeting**

10:00 am, Tuesday, June 26, 2018

Meeting Location: 2223 W. Loop South, Suite 240; Houston, Texas 77027

**MINUTES**

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>OTHERS PRESENT</b>
Ella Collins-Nelson, Co-Chair	Ruth Atkinson, excused	<b>Staff</b>
Skeet Boyle	Johnny Deal, excused	Tori Williams, Director
Bobby Cruz	Ronnie Galley, excused	Rod Avila, Assistant Coordinator
Allen Murray		

**Call to Order:** Ella Collins-Nelson, Co-Chair, called the meeting to order at 10:12 a.m. and asked for a moment of reflection.

Adoption of the Agenda: **Motion #1:** *it was moved and seconded (Boyle, Cruz) to adopt the agenda.*  
**Motion carried unanimously.**

Approval of the Minutes: **Motion #2:** *it was moved and seconded (Cruz, Boyle) to approve the May 22, 2018 minutes.* **Motion carried unanimously.**

**Public Comment:** None

**New Business**

**2018 Attendance Records:** Committee members reviewed the attendance policy before reviewing the 2018 attendance list for Council and External Committee members. The committee instructed the Office of Support to send letters to Tiffany Jones, Kelvin Harris, Stephon Johnson, Isis Torrente, Venita Ray, Robert Noble, David Benson, Osaro Mgbere, and Arlene Johnson regarding their poor attendance.

**Process for determining if Council needs to have pm meetings:** Williams stated that a substantial number of evening Project LEAP students have voiced an interest in applying for Council membership but, due to work schedules, are unable to attend daytime meetings. Similarly, more people living with HIV are going back to work. Harbolt suggested a survey and presented options that would help the Committee get the information it is seeking. The committee agreed by consensus to move forward with a survey to gather data to help determine if evening Council and committee meetings would be appropriate in the future. The online survey will be sent to current and previous Council members as well as students of Project LEAP for 2018 and previous years.

**Old Business**

**2018 Council Trainings:** Williams went over the schedule of 2018 Council Training topics, see attached. Per recent HRSA guidance, they are recommending that Council’s receive training in Intimate Partner Violence and HIV; Trauma-Informed Care and Opioid and Other Drug Use. The Committee instructed the staff to secure speakers available to present such information.

**Updates on the Petty Cash Policy:** Williams informed the Committee there are no current concerns regarding the Petty Cash Policy.

**Announcements:** None

**Adjournment: Motion 5#: it was moved and seconded (Cruz, Murray) to adjourn the meeting at 10:53 a.m. Motion carried unanimously.**

Submitted by:

Approved by:

\_\_\_\_\_  
Tori Williams, Director

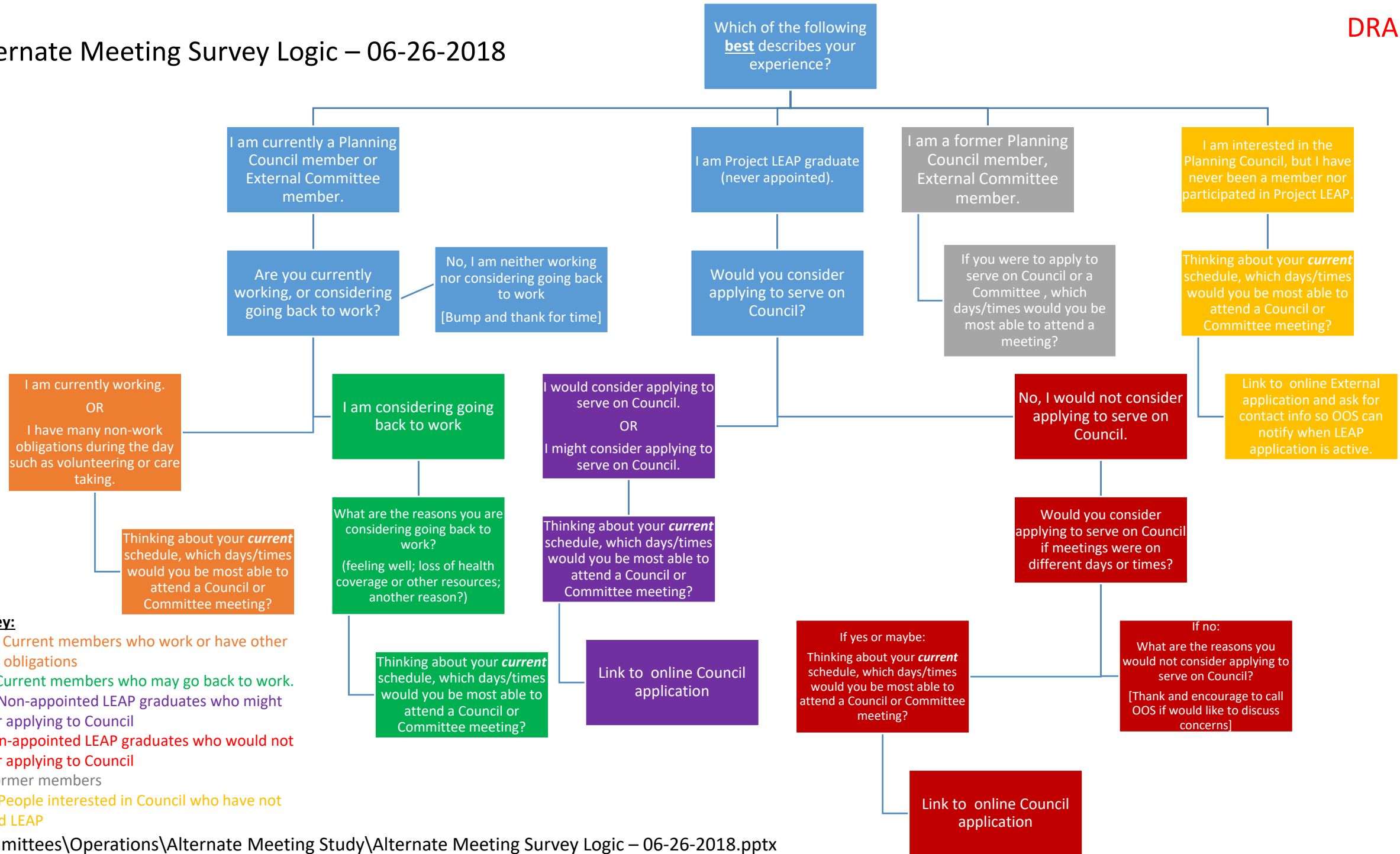
\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Chair

\_\_\_\_\_  
Date

# Alternate Meeting Survey Logic – 06-26-2018

DRAFT



**Color Key:**

- Orange: Current members who work or have other daytime obligations
- Green: Current members who may go back to work.
- Purple: Non-appointed LEAP graduates who might consider applying to Council
- Red: Non-appointed LEAP graduates who would not consider applying to Council
- Gray: Former members
- Yellow: People interested in Council who have not attended LEAP

**Applicant Name:**

**Date of Interview:**

**Does the Committee recommend applicant as a Council member to the County Judge:**

Yes  No  External member then Council member  External member only

Justification (at least one sentence): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Membership Committee Interview Evaluation**

Use the following rating scale to evaluate the applicant’s interview. **Reviewer must justify if rating candidate as a 1 or 4:**

- 1 = Unacceptable: Applicant did not understand or fully answer the question. Final response was incorrect or unacceptable. Did not demonstrate an understanding of the issues.
- 2 = Borderline acceptable: Applicant understood the question, but final response was vague or incomplete. It was not clear that the applicant understood the issues.
- 3 = Acceptable: Applicant’s response was acceptable. Final response addressed most aspects of the question and demonstrated a basic understanding of the issues.
- 4 = Exceptional: Applicant’s response was thorough, clear and well-presented. Final response addressed all aspects of the question and demonstrated a thorough understanding of the issues.

\*\*\*\*\*

**1. Applicant’s application form.**

1                      2                      3                      4

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\_\_\_\_\_

1 = unacceptable; 2 = borderline acceptable; 3 = acceptable; 4 = exceptional

**2. Please tell us about yourself.**

1                      2                      3                      4

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**3. Please tell us about any special interests, qualifications, and strengths that you can bring to the Ryan White Planning Council.**

1                      2                      3                      4

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**4. What does the Ryan White Planning Council do?**

1                      2                      3                      4

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**5. Please tell us why you want to be a member of the Ryan White Planning Council.**

1                      2                      3                      4

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**6. Membership on the Planning Council requires a significant time commitment. Council meetings are at 12 noon on the second Thursday of every month and committees usually meet during working hours on Mondays, Tuesdays and Thursdays. This often equals 4 hours in meetings and 2 - 4 hours of reading between meetings. Please share how you would meet these requirements. Has your supervisor approved your time off for two monthly meetings and travel time?**

1                      2                      3                      4

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1 = unacceptable; 2 = borderline acceptable; 3 = acceptable; 4 = exceptional

7. Please describe or give an example of conflict of interest as described in the "Conflict of Interest Disclosure" form that was part of your application package.

1                      2                      3                      4

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8. Most of the work of the Planning Council is done in committees. Our standing committees are: Comprehensive HIV Planning, Operations, Priority and Allocations, Quality Assurance, and the Affected Community. Which of these committee(s) is of interest to you and why?

1                      2                      3                      4

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9. Describe how you would work as a team player to build consensus with other Council and committee members, as well as with staff.

1                      2                      3                      4

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10. Additional Questions:

1                      2                      3                      4

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1 = unacceptable; 2 = borderline acceptable; 3 = acceptable; 4 = exceptional

**If applicant was previously a member of the Planning Council:**

**11. Why did you leave the Planning Council?**

1                      2                      3                      4

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**12. Please describe your experience on the Council and how you plan to use that experience if appointed again.**

1                      2                      3                      4

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**Applicant Strengths & Weaknesses**

	<b>3</b>	<b>2</b>	<b>1</b>
<b>1) Communication Skills</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>2) Self-Expression</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>3) Responsiveness</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>4) Leadership Potential</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>5) Basic Ryan White Knowledge</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>6) Motivational Level</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>7) Basic Leadership Skills</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>8) Adaptability</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>9) Growth &amp; Develop. Potential</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
<b>10) Team Player</b>	<input type="checkbox"/> Strong	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement

Comments: \_\_\_\_\_

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1 = unacceptable; 2 = borderline acceptable; 3 = acceptable; 4 = exceptional



## The Issue

It has been suggested that the information provided during “Legislative Updates” be provided after the Council adjourns. Sometimes members forget that, during Council meetings, information related to legislation must be neutral. According to IRS regulations, “attempting to influence any legislation through an attempt to affect the opinions of the general public or any segments thereof”\* is against regulations. Members are allowed to provide educational information, but sometimes the line that separates education from lobbying gets blurry. Since all meetings are tape recorded, this puts the Council in a difficult situation. A simple way to address this would be to invite members to stay for a few minutes after the meeting adjourns to informally share information that relates to legislation.

*\* See the attached information about lobbying, what it is and what it is not.*

## LOBBYING

### What it is. What it is not. Can you do it?

By Michael J. Springer \*

- I. TWO DISTINCT and SEPARATE ISSUES in LOBBYING:
  - a. The STRICT prohibition for using government funding to support lobbying activities of any kind (OMB Circulars); and
  - b. The danger of losing a non-profit's tax-exempt status for conducting prohibited lobbying activities (Federal IRS Statutes and Regulations).
  - c. EXAMPLE: A non-profit agency, or representative of a non-profit agency is NOT likely to lose its tax-exempt status for lobbying the Texas Department of Health on the current ADAP issue since lobbying of government Bureaus is exempt in IRS regulations, BUT those activities CANNOT be conducted or supported with Ryan White Care funding because that is strictly prohibited by Federal OMB Regulations.
  
- II. Regulations
  - a. Internal Revenue Service (dealing with a non-profit's tax exempt status)
    - i. Internal Revenue Code Section 4911 defines lobbying as:
      1. Any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation, or
      2. Any attempt to influence any legislation through an attempt to affect the opinions of the general public or any segments thereof.  
[Known as grassroots lobbying.]
    - ii. IRS code 5019(c)(3) regulations further state that a non-profit is regarded as attempting to "influence legislation" if it:
      1. Contacts or urges the public to contact members of a legislative body for the purpose of proposing, supporting, or opposing legislation, or
      2. Advocates the adoption or rejection of particular legislation.
    - iii. The IRS has adopted the following clarifying rules:
      1. Legislative bodies include the U.S. Congress, state legislatures, any local council, or similar governing bodies, but they DO NOT include bureaus or administrative departments.
      2. Requests to an executive branch or regulatory agency to support or oppose legislation DO constitute lobbying, according to the IRS.
      3. The desirability of the legislation (such as protecting the environment, animals, or children, or other issues unquestionably serving the public good) does not legitimize lobbying for it.
      4. Research and discussion to formulate a position on a legislative issue may or may not be considered lobbying.
    - iv. IRS Exclusions – the following are specifically excluded from the definition of "influencing legislation":

1. Dissemination of the results of nonpartisan analysis, study, or research.
  2. Provision of technical advice or assistance in response to a written request by a governmental body.
  3. Appearances before, or communications to, any legislative body with respect to a possible decision by that body that might affect the existence of the organization, its powers and duties, its tax-exempt status, or the deduction of contributions to it (self defense).
  4. Communications between the organization and its bona fide members with respect to legislation or proposed legislation of direct interest to them, unless the communication directly encourages the members to influence legislation.
  5. Routine communications with government officials or employees.
- iv. IRS Regulations DO allow non-profits to conduct limited lobbying activities with NON-governmental funding. HOWEVER, there are restrictions as to how much of the agency's budget can be spent on lobbying activities (generally 5-15%).
- v. If an agency has dues-paying members, the portion of the dues used for lobbying activities is NOT deductible for IRS tax purposes.
- b. Federal OMB Circular a122 (dealing with using government funding for lobbying activities)
- i. Specifically prohibits using federal funding for the following activities:
    1. Attempts to influence the outcomes of any Federal, State, or local election, referendum, initiative, or similar procedure, through in kind or cash contributions, endorsements, publicity, or similar activity;
    2. Establish, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections;
    3. Any attempt to influence:
      - a. The introduction of Federal or State legislation; or
      - b. the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
    4. Any attempt to influence:
      - a. The introduction of Federal or State legislation, or
      - b. The enactment or modification of any pending Federal or State legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or

participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or

- c. Legislative liaison activities, including attendance at legislative sessions or committee hearings, gather information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparing for an effort to engage in unallowable lobbying.

ii. Federal OMB Circular a122 exempts the following activities:

1. Providing a technical and factual presentation of information on a topic directly related to the performance of a grant, contract or other agreement through hearing testimony, statements, or letters to the Congress or a State legislature, or subdivision, member, or cognizant staff member thereof, in response to a documented request made by the recipient member, legislative body or subdivision, or a cognizant staff member thereof; provided such information is readily obtainable and can be readily put in deliverable form; and further provided that costs under this section for travel, lodging or meals are unallowable unless incurred to offer testimony at a regularly scheduled Congressional hearing pursuant to a written request for such presentation made by the Chairman or Ranking Minority member of the Committee or Subcommittee conducting such hearing;
2. Any lobbying activities to influence State legislation in order to directly reduce the cost, or to avoid material impairment of the organization's authority to perform the grant, contract, or other agreement;
3. Any activity specifically authorized by statute to be undertaken with funds from the grant, contract, or other agreement.

III. Grassroots Lobbying – contacting the general public or the masses

a. Prohibitions against this type of lobbying are MORE restrictive than that of contacting government officials.

b. IRS Regulations (1988 – Sections 501(h) and 4911) – last issued rules on lobbying:

i. Define grassroots lobbying to include communications that:

1. Refer to “specific legislation” (including legislation that has already been introduced in a legislative body and a specific legislative proposal that the non-profit either supports or proposes),
2. Reflects a view on such legislation, and
3. Encourages the recipients of the communication to take action with respect to the legislation.

c. Mass media communications (press releases, or advertisements, etc.) are considered lobbying even if they do not meet the three-part definition above. Such communications would be considered grassroots lobbying if it either refers

- to the highly publicized legislation or encourages the public to lobby about the legislation.
- d. The requisite characteristic of a lobbying communication is that it urges the public to take action. "Taking action" is urged if one or more of the following elements are present:
    - i. The communication states that the recipient should contact legislators, their employees, or other governmental representatives.
    - ii. The address, telephone number, or similar information facilitating contact is furnished on the notice, letter, or other form of communication.
    - iii. A petition, tear-off postcard, or the like is provided for the recipient to communicate views to the appropriate governmental party.
    - iv. One or more legislators who will vote on the legislation are specifically identified as opposing it or undecided, being the recipient's representative, or being a member of the committee considering the legislation.
  - e. Member communications – communications with members of your non-profit organization:
    - i. General rule is that member communications about legislation of direct interest to the organization and its members is NOT considered grassroots lobbying (presumably because the members are not the general public). HOWEVER, where the communication encourages members to contact the public and undertake grassroots lobby themselves, THEN this does constitute grassroots lobbying.
      1. Prospective members are NOT considered members.
      2. Contributors who are not formal members are NOT considered members for this exception.

#### IV. Summary

- a. If you are conducting lobbying activities as a member of a volunteer organization that is government funded (such as the Ryan White Planning Council), SAY that you are a volunteer for that organization in your communication, and make sure that you do not use ANY of that organizations government funded services to support your lobbying activities (telephone, computer, copy machine, postage, office space, stationery, etc.).
- b. Using meeting time that is funded by government funding to PLAN lobbying activities is probably considered lobbying.
- c. Remember, as a non-profit you can EDUCATE members of governmental organizations on issues, needs, etc., as long as you DO NOT mention specific legislation or how you want them to vote on specific legislation. The IRS broadly defines "education" as:
  - i. The instruction or training of the individual for the purpose of improving or developing his capabilities;
  - ii. The instruction of the public on subjects useful to the individual and beneficial to the community.
  - iii. Must present a sufficiently full and fair exposition of the pertinent facts as to permit the individual or the public to form an independent opinion or conclusion.

- iv. It is NOT educational if any of the following are present:
  - 1. Presentation of viewpoints or positions unsupported by facts;
  - 2. The facts that purport to support the viewpoints or positions are distorted;
  - 3. The presentation makes substantial use of inflammatory and disparaging terms and express conclusions more on the basis of strong emotional feelings than of objective evaluations.
  - 4. The approach used in the organization's presentations is not aimed at developing an understanding on the part of the intended audience or readership because it does not consider their background or training in the subject matter.
- d. Remember that communications to the general public OR to organization members that encourage them to engage in lobbying activities constitutes lobbying.
- e. Furnishing the name, address, phone number, etc. of governmental officials to facilitate contact is generally considered lobbying.
- f. Lobbying as a private citizen IS allowable. Just be sure you DO NOT use government funded services, supplies, time, or agencies to support it.

NOTE: Even IF you are proven not guilty in a lobbying allegation, the investigation of such an allegation can be long, tedious and costly. It's better to make sure that you DON'T DO IT!

NOTE: Even if you are not technically in violation of federal/state regulations, the **perception** of wrongdoing can be as damaging to an agency/individual as the actual violation of federal/state regulations!

\*Summarized from:

- 1) *Tax and Financial Planning for Tax-Exempt Organizations: Forms, Checklists, Procedure*, (1990), John Wiley & Sons.
- 2) *OMB Circular a122*, paragraph 25.

From Research to the Real World:  
**Sharing Science  
Symposium**

**Sept. 5, 2018 • 12:30-6pm**

Complimentary lunch for those who RSVP

Cooley Center  
1941 East Road  
Houston, TX 77054



RSVP required online [www.whoozin.com/science](http://www.whoozin.com/science)  
or by calling 832.393.5010

**Who should attend?**

Community leaders and stakeholders, planning groups, community-based organizations, health professionals, and community members.

**Why should you attend?**

You'll hear from local experts on the latest findings in **Houston HIV research** presented in a way that is friendly for all listeners.

Drawings will be held for **door prizes**.

