



HIV Health Services Planning Council

SPECIAL MEMBERSHIP COMMITTEE

Monday, December 8th, 2008

Department of Public Health

25 Van Ness Avenue, 5th Floor, AIDS Office Conference Room

4:00 -5:00 pm

Committee Members Present: Andrews, Flores, Frazier, Hicks

Committee Members Absent: Banks, Harris, Livingston, Margolis, Siron

Others Present: CM Pearce

Council Support Present: Asis, Bryson, Lee, Zhovreboff

Draft Minutes

1. Introductions

The meeting was called to order at 4:09 PM by Co-Chair Frazier. Quorum was not established.

2. Review/Approve Agenda

The agenda was reviewed and approved.

3. Announcements

There were no announcements.

4. Public Comment

There was no public present.

5. Discussion of Request for Removal – VOTE

Council Director Greg Zhovreboff updated the committee on the requests and process leading up to this meeting. The removal policy from the Policy and Procedure manual was reviewed. He also directed the committee on the steps to take during this and all subsequent meetings. The options he laid out are:

1. Finding the claims unsubstantiated.
2. Find the claims substantiated and resolve the request at the Membership Committee level.
3. Find the claims substantiated and move the request on the Steering Committee and then on to the Full Council.

Co-Chair Frazier outlined the Steps for Investigation based on the Policy and Procedure Manual. The Committee read the stated causes for removal out loud. They are:

1. Conflict of interest
2. New conviction
3. Malfeasance

4. Repeated unsubstantiated allegations
5. Repeated disruptive behavior
6. Violation of bylaws or Policy and Procedure manual

CM Banks' reasons for his request for removal were read aloud and discussed.

Point 1: CM Banks asserted that he was “deprived of [his] right to free speech” during a meeting with the Co-Chairs earlier this year. The Committee discussed point number six of the Rules of Respectful engagement in relation to this allegation. Point number six notes that Council Members should not “denigrate others,” and that they should “not use negative comments to characterize either an idea or a person if you disagree with that opinion.” CM Andrews questioned whether the Council bylaws had policies regarding free speech. CM Flores wanted to know whether there was actually some sort of censorship or punishment. The Committee discussed the rules and regulations surrounding the voting procedure in committees. It was decided that there would no vote at all as there is not quorum. Co-Chair Hicks recommended that the Committee investigate this issue, due to the questions being raised by the Committee.

Point 2: CM Banks asserted that he was “deprived of due process” to appeal a Council discussion during his meeting with the Co-Chairs on January 10th, 2008. CM Allgaier questioned whether there actually is a right to due process for Council Members. CM Hicks attempted to clarify the issues, noting that the only people who have the right the appeal are those outside of the Council. The Committee requested to hear the tape and see the letters with the consultant Parliamentarian. CM Flores questioned whether there was a conflict of interest or not with the Parliamentarian.

Point 3: CM Banks believes that the three Co-Chairs “forged [a] Parliamentarian’s opinion.” The Committee requested further investigation.

Point 4: CM Banks asserted that records were falsified “during the Steering Retreat of 3/9/08.” CM Jewell noted that this makes a claim that this injured the entire Council when he in fact does not feel that this is true. The committee requested a further investigation.

Point 5: CM Banks asserted that the Co-Chairs selectively apply the Rules of Respectful Engagement. CM Hicks noted that everyone makes mistakes regarding Robert’s Rules of Order, but she does not believe that this is such an egregious issue that requires that the Co-Chairs be removed. CM Allgaier noted that the issue was taken not from this one instance but from the inequitable use of the rules. CM Hart took issue with the grievance, and believes that if none of these claims hold up, CM Banks will be in violation of number four, repeated unsubstantiated allegations. The Committee decided to investigate this issue further.

Point 6: CM Banks asserted that the Policy and Procedure Manual was created “independently of the Full Planning Council” and that the procedure was not followed when former Director Jack Newby filed his grievance against CM Banks. The Committee decided to investigate this issue further.

6. Next Meeting Date & Agenda Items

The date for the next Special Membership Meeting was discussed. Council Director Zhovreboff noted that support staff will gather all of the information that they can to help facilitate the next meeting. The Committee decided to hold this meeting from 4-6pm on January 6th, 2009.

7. Adjournment

The meeting was adjourned at 5:11pm by Co-Chair Frazier.