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#### **ARTICLE 1: PURPOSE AND AUTHORITY**

- **Section A:** Establishment. On December 15, 2015, the San Diego County Board of Supervisors established the County of San Diego HIV Planning Group (HPG).
- Section B: <a href="Purposes.">Purposes.</a> The HIV Planning Group is established in order to participate in the Federal Ryan White HIV/AIDS Treatment Extension Act of 2009, and any subsequent amendments. The HIV Planning Group is also established in accordance with guidance from the Centers for Disease Control and Prevention (CDC) for purposes of developing an engagement process to plan for services to prevent new HIV infections, identify, inform, link and retain people with HIV in care to achieve viral suppression.
- Section C: Getting to Zero Initiative. Finally, the HIV Planning Group provides planning and coordination of the County of San Diego's Getting to Zero initiative. This initiative was adopted in recognition that, due to advances in HIV treatment as well as development of highly effective HIV prevention interventions, HIV has become a winnable battle. Getting to Zero focuses on:
  - 1. Ensuring the wide availability of testing in community-based and health care settings;
  - 2. Providing access to treatment and supportive services that promote retention in care for all persons living with HIV;
  - 3. Preventing new infections through a combination of evidence-based interventions; and
  - 4. Engaging communities in developing strategies to improve health outcomes related to HIV.
- **Section D:** <u>Type of Organization.</u> The HIV Planning Group is a non-partisan, non-sectarian, non-profit making organization. It does not take part officially in, nor does it lend its influence to any political issues.

#### **ARTICLE 2: MEMBERSHIP AND TERM OF OFFICE**

#### **Section A: Open Nomination Process**

#### 1. Nomination of New Members

- a. The HIV Planning Group shall solicit nominations for consideration for appointment to the HIV Planning Group through an open nominations process, and as required by the Ryan White legislation.
- b. Nominees shall be recommended for membership based on legislative requirements and criteria publicized by the HIV Planning Group. The criteria shall include representation, reflectiveness and Conflict of Interest standards.
- c. Each county supervisor selects an individual to represent that district. The HPG assists with identification of such individuals as appropriate. If no representative is named, the Membership Committee shall recruit and nominate an individual from that district using the open nominations process.

#### 2. Renominations

- a. HIV Planning Group members who have served only one term and are in good standing are eligible for renomination by the HPG for a second 4-year term. These members may express interest in renomination and will be considered for reappointment in accordance with HPG-established standards, policies, and procedures. Renomination is not automatic.
- b. After completion of two consecutive terms, an individual must be off the HPG for at least one year before they may be renominated.
- c. Supervisors will be informed when the term of their representative is nearing an end, and asked whether they are renaming an eligible representative for a second term or naming a new representative.
- d. If the supervisor does not respond, or indicates that the current representative will not be renamed but does not name a successor, after several contacts and offers of assistance from the HPG, the HPG will identify an individual from that supervisorial district to nominate to the Board of Supervisors using the open nominations process.
- e. In such a situation, the member will be considered a representative of the district, but not a representative of the supervisor.
- f. A performance assessment will be conducted with all HPG members at the end of their first term, regardless of how they are nominated.

#### 3. Authority of Board of Supervisors

- a. Requirements for open nomination process do not eliminate or change the authority of the County Board of Supervisors to appoint members of the HIV Planning Group.
- b. The County Board of Supervisors will approve and/or appoint as HIV Planning Group members only individuals who have gone through the open nomination process.

# Membership Composition. The membership of the HIV Planning Group consists of up to forty-four (44) members. The HIV Planning Group will limit the number of individuals from HIV, STD and Hepatitis Branch of Public Health Services (HSHB) or a single agency/entity to two (2); however, the Membership Committee will consider the needs of the HIV Planning Group, including subject matter expertise, and recommend a waiver to consider more than two (2) individuals from HSHB or a single agency/entity. The waiver must provide justification for why having an additional member from HSHB or single agency/entity outweighs the membership requirement. The waiver will be reviewed and voted on by the HIV Planning Group.

Members who presently are on the HIV Planning Group in which there are more than two (2) members from HSHB or a single agency may fulfill their current term. The Membership Committee will consider appointments when seats are being renewed and/or filled.

HIV Planning Group members shall be appointed by the Board of Supervisors, as follows:

- 1. General Member (#1)\*
- 2. General Member (#2)\*
- 3. General Member (#3)\*
- 4. General Member (#4)\*
- 5. General Member (#5)\*
- 6. General Member (#6)\*
- 7. General Member (#7)\*
- 8. General Member (#8)\*
- 9. General Member (#9)\*
- 10.General Member (#10)\*
- 11. General Member (#11)\*
- 12. General Member (#12)\*

- 13. General Member (#13)\*
- 14. General Member (#14)\*
- 15. General Member (#15)\*
- 16. Chairperson
- Health care provider, including Federally Qualified Health Center (FQHC)
- 18. Community-based organizations serving affected populations and/or AIDS service organizations (one seat)
- Social service provider, including providers of housing and homeless services
- 20. Mental health provider
- 21. Substance abuse treatment provider
- 22. Local public health agency Health and Human Services Director or designee
- 23. Local public health agency Public Health Officer or designee
- 24. Hospital planning agency or health care planning agency
- 25. Non-elected community leader
- 26. Prevention services consumer/advocate
- 27. Prevention services consumer
- 28. State government—State Medicaid
- State government— California Department of Public Health (CDPH)
   Office of AIDS (OA) Part B
- 30. Recipient of Ryan White Part C
- Recipient of Ryan White Part D
- 32. Representative of individuals who formerly were federal, state or local prisoners, were released from custody of the penal system during the preceding 3 years, and had HIV/AIDS as of the date of release
- 33. Board of Supervisors District 1 representative
- 34. Board of Supervisors District 2 representative
- 35. Board of Supervisors District 3 representative
- 36. Board of Supervisors District 4 representative
- 37. Board of Supervisors District 5 representative
- 38. Recipient of other federal HIV programs prevention provider

- 39. Recipient of other federal HIV programs Part F, AIDS Education and Training Center and/or Ryan White dental provider
- 40. Recipient of other federal HIV programs Housing Opportunities for Persons with AIDS (HOPWA)/Housing and Urban Development (HUD)
- 41. Recipient of other federal HIV programs Veterans Administration
- 42. HIV testing representative
- 43. Prevention intervention representative
- 44. General Member (#16)

Up to 16 "General Member" seats are available for individuals who provide needed expertise and representation to the HPG and ensure that all federal requirements are met.

At least thirty-three percent (33%) of HPG members must be unaligned consumers of Ryan White Part A services.\*

At least two of these unaligned consumers must publicly disclose their status.

The membership shall include the following: member of a federally recognized Indian tribe as represented in the population, individual co-infected with hepatitis B or C, and representatives of historically underserved groups and/or subpopulations.

As required by the legislation, the HIV Planning Group shall reflect in its composition the demographics of the population of individuals with HIV in San Diego County, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.

- \* Section 2602 (b)(5)(C) of the Public Health Services Act defines unaffiliated consumers as consumers who:
  - "are receiving HIV-related services" from Ryan White Part A-funded providers;
  - "are not officers, employees, or consultants" to any providers receiving Ryan White Part A funds, and "do not represent any such entity;" and
  - "reflect the demographics of the population of individuals with HIV/AIDS" in the eligible metropolitan area.

#### Section C: Term of Office

1. Members shall serve a term of four years.

- A member shall be appointed to no more than two consecutive four-year terms. The terms shall begin on the day of appointment by the Board of Supervisors and end in four years. For the purpose of this term limitation, a term shall include any appointment for one-half or more of a four-year term.
- 3. Members whose terms have expired and who have not been reappointed are no longer on the HPG and may not vote.

**Section D:** General Members-Elect. The Board of Supervisors may appoint three General Members-elect, recommended by the HIV Planning Group. Each General Member-elect shall be able to participate in the HIV Planning Group discussions. Term limit shall be four-years from the date of appointment. Persons appointed under this subsection shall not be officers, employees, or consultants to, and may not represent, any entity that receives Ryan White Part A funding.

#### Section E: Requirements

- 1. Each newly appointed member shall file a Statement of Economic Interest (Form 700). Annual Statements of Economic Interest shall be filed within 30 days of appointment and no later than March 31 of each year.
- 2. Each member shall also complete the following forms no later than March 31 of each year: an annual HIV Planning Group Disclosure Form, a Statement of Confidentiality, a form confirming their continued eligibility for the membership seat they currently occupy, and other required documents included in the Membership Policies and Procedures.
- 3. Members are required to complete periodic Ethics Training as required by the Fair Political Practices Commission and California Law AB 1234.
- 4. New members are required to attend an orientation session at the beginning of their appointment and to participate in annual mandatory training.
- 5. Voting members are expected to meet HPG attendance requirements and to serve actively on a standing committee. Exceptions to the requirement for committee membership can be made by the Steering Committee in unusual circumstances, primarily for members who live and work outside San Diego County and for the public health officer's representative.

- 6. HPG members are expected to meet stated attendance requirements for HPG meetings and for committee meetings for all committees of which they are members.
- 7. HPG members are expected to follow the Code of Conduct at all times.
- 8. Members who meet these requirements are considered to be in good standing.
- 9. Members who have not met requirements 1 -3 within 30 days of appointment or by March 31 of each year shall not be considered in good standing. Member who are out of compliance with requirements 4 6 for more than 90 days shall likewise not be considered in good standing.
- 10. Members who are not in good standing shall not be permitted to vote on matters before the HIV Planning. Membership Committee shall review all members who are not in good standing and develop a plan to assist the member in meeting the requirements and/or consider referring the member to the HPG for a vote to recommend termination from the HIV Planning Group to the Board of Supervisors.

#### **ARTICLE 3: CONFLICT OF INTEREST**

#### Section A: Conflict of Interest Definition and Scope

- 1. As defined in the Ryan White Part A Manual, Conflict of Interest (COI) is "an actual or perceived interest in an action that will result or has the appearance of resulting in a personal, organizational, or professional gain" for the HPG member or their immediate family members. Conflict of Interest does not refer to persons living with HIV disease whose sole relationship to a Part A funding provider is as a client receiving services or an uncompensated volunteer.
- 2. Ryan White legislation does not permit the HPG to "be directly involved in the administration of a grant," or to "designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant." In addition, the legislation states that: "A Planning Body member who has a financial interest in an entity, is an employee of or consultant to a public or private entity, or is a Board member of a public or private organization that receives or is seeking funding from Ryan White [Part A] grant funds, will not participate, directly or in an advisory capacity, in the process of selecting entities to receive such funding for such purposes." [Ryan White HIV/AIDS Treatment Extension Act, Section 2602(b)(5)(A) and (B)]

## **Section B:** Management of Conflict of Interest. Members may be appointed to the HIV Planning Group who will, from time to time, have conflicts of interest in matters before the HIV Planning Group. Conflicts of interest shall be managed as follows:

- 1. Per Article 2, Section G (1), each newly appointed member of the HIV Planning Group shall file a statement of economic interest, pursuant to the Conflict of Interest Code adopted by the HIV Planning Group. Failure to file a statement of economic interest in the specific time period is subject to vacancy provisions in Article 2, Section G.
- 2. Member responsibility during meetings: HPG members are expected to follow applicable local, state and federal rules governing COI. It is the responsibility of each HPG member to disclose all conflicts of interest.
- 3. Members shall refrain at all times from referring to specific agencies that are funded or seeking funds.
- 4. The HIV Planning Group is prohibited from participating in the making of contracts.
- Members who have a conflict of interest, or who appear to have a conflict of interest shall abstain from all voting on the action item. HPG who have a COI may speak to points of information to provide subject matter

expertise in response to a question and as requested from the Chair. A subject matter expert may ask permission to speak on a subject for which he/she has expertise. The member must raise their hand for discussion, and once called upon by the Chair, shall state their conflict prior to speaking on the matter.

6. If the HIV Planning Group discovers a member was in conflict subsequent to the vote, the vote is invalid and shall be retaken.

#### **ARTICLE 4: DUTIES**

**Section A:** Determination of Duties. Duties and responsibilities of the HIV Planning Group shall be as set forth in the Ryan White HIV/AIDS Treatment Extension Act legislation and the Centers for Disease Control and Prevention planning guidance as listed below:

#### **Section B:** Needs Assessment. Assess needs, with particular attention to:

- 1. Individuals who are at high-risk for acquiring HIV;
- 2. Individuals who are unaware of their HIV status;
- 3. Individuals living with HIV disease who know their HIV status and are not receiving HIV-related services;
- 4. Individuals at risk of falling out of care;
- 5. Communities that experience disparities in access and services; and
- 6. Establishing methods for obtaining input on community needs and priorities, which may include surveys, public meetings, focus groups, and ad hoc panels.

### **Section C:** Priority Setting and Resource Allocation. Establish priorities for the allocation of Ryan White HIV/AIDS Treatment Extension Act funds. The HIV Planning Group should consider the following:

- 1. Size and demographics of the population of individuals with HIV disease and needs of such population;
- Demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;
- 3. Priorities of the communities with HIV disease for whom the services are intended;
- 4. Coordination of services with HIV prevention and substance abuse treatment, mental health services and housing;
- 5. Availability of other governmental and non-governmental resources to cover health care costs; and
- 6. Capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities.

## Section D: <u>Comprehensive/Integrated Planning.</u> Develop a comprehensive plan for individuals living with or at risk of acquiring HIV for the delivery of health services in accordance with applicable Health Resources and Services Administration (HRSA)/HIV/AIDS Bureau (HAB) Ryan White HIV/AIDS

Program legislation and guidance, Centers for Disease Control and Prevention requirements and compatible with the Statewide Coordinated Statement of Need.

- Section E: Assessment of the Administrative Mechanism. Assess the efficiency of the administrative mechanism in rapid allocation of Ryan White HIV/AIDS Treatment Extension Act funds to the areas of greatest need within San Diego County and assess the effectiveness of the services offered in meeting the identified needs.
- Section F: Statewide Coordinated Statement of Need. Participate in the development of the Statewide Coordinated Statement of Need initiated by the California Department of Public Health, Office of AIDS.
- **Section G**: Coordination of Services. Coordinate with other federally funded programs that provide HIV-related services in San Diego County.
- **Section H**: Compliance with Legislation. Assist the Board of Supervisors in ensuring San Diego County's full and complete compliance with the Ryan White HIV/AIDS Treatment Extension Act and its subsequent amendments.
- **Section I**: System of Care. Advise and make recommendations to the San Diego County Board of Supervisors pertaining to the HIV continuum of care.
- **Section J**: <u>HIV Prevention.</u> Gather information to support/inform health department decisions regarding HIV prevention priorities and interventions.

#### **ARTICLE 5: OFFICERS**

**Section A:** Chairperson. The chairperson of the HIV Planning Group shall be appointed by the chairperson of the Board of Supervisors, and cannot be an employee of HSHB or the County of San Diego, for a length of term decided upon by the Board of Supervisors. The chairperson acts as the sole spokesperson for the HIV Planning Group.

**Section B:** <u>Vice-Chairpersons.</u> HIV Planning Group members will elect two vice-chairpersons, one of whom shall be a Ryan White consumer. An employee of HSHB cannot be a vice-chair. The vice-chairpersons shall serve a term of two years.

#### **Section C:** <u>Duties of the Chairperson</u>:

- 1. Presides over the HIV Planning Group and Steering Committee
- 2. Recommends committees, ad hoc committees and task force meetings
- 3. Appoints the chair and members to the committees
- 4. Directs Planning Group Support Staff

#### Section D: <u>Duties of the Vice-Chairperson(s):</u>

- 1. If the chair is unable to perform the duties of the position for sixty days or more, the chair and/or Steering Committee shall provide a letter of designation to delegate the duties to the vice-chairperson(s).
- 2. The vice-chairperson(s) can assume responsibility for all meetings in the absence of the chair including conducting and convening meetings.

#### **ARTICLE 6: ORGANIZATION PROCEDURES**

- **Section A:** Robert's Rules of Order. Robert's Rules of Order shall govern the operation of the HIV Planning Group in all cases not covered by the Ralph M. Brown Act, or these bylaws. The HIV Planning Group may formulate specific procedural rules of order to govern the conduct of its meetings.
- **Section B:** <u>Voting.</u> Any group voting is on the basis of one vote per person and no proxy, telephone or absentee voting is permitted.
- Section C: Open Meetings. All meetings of the HIV Planning Group and its committees are open to the public to the extent required by the Ralph M. Brown Act and the Ryan White HIV/AIDS Treatment Extension Act. Meetings are held in accessible, public places. Notice of all meetings shall be posted in a publicly accessible place for a period of 72 hours prior to the meeting. Special meetings require 24 hour notice. In addition, such notice will be emailed and posted on www.sdplanning.org. Notices will be mailed upon request.
- **Section D:** Regular Meetings. The HIV Planning Group shall establish a regular meeting schedule, shall meet a minimum of six (6) times each year, and shall give public notice of the time and place of meetings in compliance with the requirements of the Ralph M. Brown Act and the Ryan White HIV/AIDS Treatment Extension Act.
- **Section E:** Quorum. Greater than 50% of members currently appointed shall constitute a quorum and a simple majority must be participating in a meeting to take action. Unless otherwise indicated in the bylaws, an action by HIV Planning Group is considered to be consensus or majority vote of a quorum of voting members in a publicly noticed HIV Planning Group meeting. If a quorum cannot be established, no official business can be conducted. However, presentations may be made and public comments received.
- Section F: Minutes. The HIV Planning Group shall keep detailed minutes of its meetings, electronic or hard copies of which shall be available for inspection and copying at the HIV, STD and Hepatitis Branch of Public Health Services. The minutes are also posted on the HIV Planning Group website, www.sdplanning.org. The accuracy of all minutes shall be certified by the chairperson of the HIV Planning Group, following approval of the meeting minutes by action of the HIV Planning Group.

#### **ARTICLE 7: COMMITTEES**

Section A: <u>Use of Committees.</u> The HIV Planning Group has the authority to establish and to disband, as appropriate, standing and ad hoc committees/task forces as necessary to conduct its business. The actions and recommendations of committees shall not be deemed the action of the HIV Planning Group or its members. A Standing and ad hoc committee may bring an action item to the HIV Planning Group for approval.

Section B: Composition and Chairs. All standing and ad hoc committee meetings shall be chaired by a member of the HIV Planning Group, shall consist of no fewer than three HIV Planning Group members. Where possible, at least one member will be a publicly disclosed unaligned consumer or another person with HIV. Standing committees and ad hoc committees may elect to establish a co-chair who does not have to be a member of the HIV Planning Group. The committee co-chairperson shall assume the role of the committee chairperson should the chairperson become unable to fulfill the role of committee chairperson for three (3) consecutive meetings. If the co-chairperson is not a member of the HIV Planning Group the co-chairperson may assume the role of committee chairperson and may attend the Steering Committee, but may not vote. If the committee chairperson is unable to attend three (3) consecutive meetings, a new committee chairperson may be appointed per Article 5, Section C of these bylaws.

**Section C**: Appointments. Members of the HIV Planning Group are appointed to a committee by the HIV Planning Group chairperson, after review and recommendation from the Membership Committee, which will include a discussion of member's preference, availability, and needs of the HIV Planning Group.

**Section D**: Operations. All committees shall operate under the bylaws of the HIV Planning Group. Each committee may adopt/establish ground rules and operating procedures, subject to review and approval by the Steering Committee.

Section E: Steering Committee. The HIV Planning Group shall establish a Steering Committee, led by the chairperson, to set the agenda for HIV Planning Group meetings and to address issues of HIV Planning Group governance. The Steering Committee shall be comprised of the HIV Planning Group chairperson, elected vice chairperson(s) and chairs of all standing committees. In the absence of a committee chairperson, a committee cochairperson can attend to establish quorum. When the co-chairperson is not a member of the HIV Planning Group, they must abstain from voting. A quorum will be 33% of the number of current members of the Steering Committee and a simple majority must be participating in a meeting to take

action. Non-HIV Planning Group member committee co-chairpersons who attend the Steering Committee in place of the committee chairperson count towards establishing a quorum, but do not vote at the Steering Committee.

Section F:

Membership Committee. The HIV Planning Group shall establish a Membership Committee to monitor membership, composition and attendance, recruit candidates for existing and anticipated vacancies, and recommend applicants for appointment through an open nominations process, which includes recruiting widely, clarifying the membership criteria, publicizing the membership criteria, addressing conflict of interest requirements, using an application form, maintaining an active Membership Committee and providing nominees to the Board of Supervisors as appropriate. All members of the Membership Committee shall be members of the HIV Planning Group. The Membership Committee shall forward recommendations to the HIV Planning Group for approval.

#### **ARTICLE 8: GRIEVANCE PROCEDURES**

- **Section A:** Grievances Related to Services. HIV Planning Group Grievance Procedures as it relates to Ryan White services can be found in Attachment 1.
- **Section B**: Other Types of Grievances. Other grievances based on outlined process for making decisions shall be addressed by the Steering Committee.
  - 1. Members have the right to grieve any decision made by the HIV Planning Group they feel did not follow established process.
  - 2. To file a grievance, member will contact HIV Planning Group Chairperson and HIV Planning Group support staff, who will forward to the Steering Committee.
  - 3. Member will be invited to the Steering Committee to present grievance.
  - 4. Steering Committee will decide on grievance or ask for more information.
  - 5. Steering Committee will resolve grievance within two regularly scheduled meetings.

#### **ARTICLE 9: STAFF ASSISTANCE**

- Section A: Staff Assistance to the HIV Planning Group. The HIV, STD and Hepatitis Branch of Public Health Services, Health and Human Services Agency shall provide staff assistance pursuant to the legislative requirements and guidelines. The HIV Planning Group oversees the work of the HIV Planning Group support staff who will report to non-Recipient County staff for supervision.
- **Section B**: Recordkeeping and Reporting. HIV Planning Group support staff shall be responsible for the keeping of records of all actions and reports of the committee and shall submit these actions and reports to the HIV Planning Group on a regular basis.

#### **ARTICLE 10: COMPENSATION AND EXPENSE**

**Section A**: <u>Voluntary Service.</u> Members of the HIV Planning Group shall serve without compensation.

Section B: Reimbursement for Expenses. HIV Planning Group members and members-elect appointed pursuant to Article 2, Section B and D who are consumers of Ryan White services may be reimbursed for expenses incurred in performing their duties under this article, including mileage reimbursement in accordance with Administrative Code Section 472, provided that the HIV Planning Group allocates Ryan White HIV/AIDS Treatment Extension Act funds for this purpose. Transportation and childcare reimbursements shall be limited to those eligible members.