

## NORTH CENTRAL TEXAS HIV PLANNING COUNCIL BYLAWS

### I. FUNDAMENTALS

a. *Name*

The name of this organization is the North Central Texas HIV Planning Council, hereinafter referred to as the Planning Council.

b. *Mission*

The mission of the North Central Texas HIV Planning Council is to provide an effective planning process that involves People Living With HIV/AIDS (“PLWHA”) and other concerned citizens, resulting in quality HIV/AIDS services that are available for, and accessed by, those in need.

c. *Counties Served*

The Planning Council serves eight (8) counties in north central Texas: Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Tarrant, and Wise.

d. *Duties*

- i. The Chief Executive Officer (“CEO”), as outlined in the Ryan White legislation, is the current Tarrant County Judge.
- ii. The duties of the Planning Council shall be to:
  1. Assess the needs of people living with HIV/AIDS in assigned areas, using current guidelines established by the Health Resources and Services Administration (“HRSA”) and Texas Department of State Health Services (“DSHS”).
  2. Develop a comprehensive plan for the delivery of HIV/AIDS health and support services that is compatible with existing federal, state, and local plans and that addresses the provision of HIV/AIDS-related services to persons with HIV/AIDS disease, those at risk of becoming infected, and those affected by the disease.
  3. Establish priorities based on needs assessment results for the allocation of federal, state, and local funds as delegated by the granting authorities.
  4. Allocate funds to the various service categories, according to the priorities established in the comprehensive plan.
  5. Evaluate the effectiveness and efficiency of the distribution of funds to areas of greatest need.
  6. Vote on any decisions involving the elections of officers, Bylaws changes, and membership appointment and removal.

e. *Office*

The Planning Council shall office at places determined by the Planning Council or as the activities of the Planning Council may require.

### II. PLANNING COUNCIL, GENERAL

a. The Annual Year for the Planning Council is January 1 to December 31.

b. *Relationship of Planning Council to the Administrative Agency*

The Planning Council and the Administrative Agency shall work together to assure responsive HIV/AIDS services are provided along a continuum of care within legislative guidelines.

c. *Relationship of Planning Council and Planning Council Staff*

The Planning Council Staff may act on behalf of the Planning Council only with explicit instruction to do so. The hiring, supervision, and evaluation of the Planning Council Staff fall under the responsibility of the Assistant County Administrator with input from the Planning Council Personnel Committee.

d. *Confidentiality*

- i. No client-identifying data shall be discussed or disseminated at Planning Council meetings or work sessions.
- ii. Breach of confidentiality by any member of the Planning Council may be grounds for removal.
- iii. This section does not authorize a Planning Council member to access the client records of any subcontractor.

*e. Representing the Planning Council*

No officer or member of the Planning Council shall act, make any statement, or have any communication under circumstances that might reasonably give rise to an inference that he or she is representing the Planning Council. This includes but is not limited to communications upon Planning Council stationery, public acts, statements, or communications in which he/she is identified as representing the Planning Council except only in the following:

- i. Actions or communications that are clearly within the policies or resolutions of the Planning Council, or have otherwise been authorized in advance by the Planning Council;
- ii. Actions or communications by the Planning Council Chair and/or chairperson of any resultant committees that are necessary for and incidental to the discharge of duties imposed upon them by these Bylaws or by the resolutions of the Planning Council; and,
- iii. Communications addressed to other members of the Planning Council or to its staff.

*f. Conflict of Interest*

- i. Conflict of Interest is defined as an interest by a Planning Council member in an action that may result in personal, financial, organizational, or professional gain for the member or his/her spouse, domestic partner, parent, child, or sibling. The conflict of interest may be actual or perceived. Having an affiliation with a Ryan White sub-recipient – such as being a Board member, staff member, consultant, or volunteer for an average of more than 20 hours a week – constitutes a conflict of interest. Being a client of a Ryan White sub-recipient is not considered or defined as a conflict of interest.
- ii. Planning Council Members and all committee members must disclose any actual or perceived conflict of interest annually, in writing, on a form that is maintained in the office of the Planning Council. Members are required to notify the Planning Council support staff as changes occur.
- iii. Planning Council Chair or Committee Chair shall ask all persons present at meetings to declare any potential or perceived conflict of interest regarding issues being discussed prior to each discussion. Stated declarations of conflict shall be noted in the minutes. Conflicted members must disclose any conflict of interest at each Planning Council or committee meeting using a procedure specified by the Planning Council, and at the beginning of a discussion related to which they have a conflict of interest. Conflicted members shall not make a motion or vote on any such matters, but may participate in discussion.
- iv. During priority setting and resource allocations or reallocations, a member with a conflict of interest shall not take part in voting related to that service category, such as setting the service priorities or recommending allocations for that service category, except that s/he may vote to approve or disapprove an entire slate of priorities or allocations.
- v. If a conflict of interest is perceived, a grievance can be filed as per the Grievance Policy (See Appendix 2).
- vi. Planning Council members whose actions violate the conflict of interest policy shall be disciplined by the Chair of the Planning Council, up to and including the initiation of the removal process.

### **III. MEETINGS AND NOTICES**

*a. Annual Meeting*

An Annual Meeting of the Planning Council shall be held in November, at which time: 1) officers shall be elected; 2) Planning Council members whose terms are expiring shall either assume another term or vacate their Planning Council slot. Terms of office shall begin on January 1<sup>st</sup>. Notice of the Annual Meeting shall be posted publicly as required by the Texas Open Meetings Act. *See* Tex. Gov't Code § 551.041.

*b. Frequency of Meetings*

The Planning Council shall meet not less than quarterly each year at such times and places as it may determine, or as may be specified in the notice of the meeting. Special Meetings of the full Planning Council may be called with a minimum of 48 hours' notice by the Tarrant County Judge, the Chair of the Planning Council, or by at least ten (10) voting members of the Planning Council.

*c. Open Meetings*

All meetings of the Planning Council and standing committees of the Planning Council shall be open to the public and no action may be approved in Executive Session, except as otherwise provided herein. The meetings of the Planning Council shall be held only after a notice to the public in compliance with the Texas Open Meetings Act.

*d. Notice of Regular Meetings*

Notice of each regular meeting of the Planning Council shall be delivered to each Planning Council member at his/her last known address (address refers to either the physical US Postal address or electronic/internet address), as carried on the records of the organization, not less than three (3) business days prior to the date of the meeting.

*e. Conduct of Meetings*

Meetings shall be conducted through a modified consensus model. The Planning Council Chair and committee chairs shall declare the point at which consensus appears to have been reached. If consensus cannot be reached or on a decision from the Chair or a committee chair, a motion can be called which would require a "second." A majority of votes by the members present shall determine the final decision. For all decisions, a quorum must be present. Also in certain circumstances, meetings and votes may be conducted via teleconference, web conference, or electronic mail. In these instances, it is the responsibility of each member to ensure they are able to participate.

*f. Agendas*

A draft agenda shall be prepared by the Chair or Vice Chair of each committee and of the Planning Council, and shall be posted and transmitted to Planning Council members at least three (3) business days in advance of a regularly scheduled meeting in accordance with the requirements of the Texas Open Meetings Act.

*g. Quorums*

- i. At Planning Council and committee meetings, one half of the membership must be present to constitute a quorum.
- ii. Informational meetings do not require a quorum.
- iii. In accordance with the Texas Open Meetings Act, no Planning Council or committee business shall be conducted prior to the presence of a quorum.
- iv. In the absence of a quorum, the Planning Council or committee chair will wait 20 minutes before cancelling the meeting and dismissing the members present.
- v. In order to avoid a walking quorum, Planning Council and committee members must notify Planning Staff in advance if they plan to attend a committee meeting of which they are not official members.

*h. Decision-Making*

The Planning Council grants each standing committee the authority to make final decisions on HRSA-mandated responsibilities. As all committee members are involved in their assigned legislative responsibilities, and in order to expedite processes, committees' final decisions are the decisions of the Planning Council. Reports of final decisions are presented to the full Planning Council.

*i. Voting*

Each non-conflicted member shall be entitled to one vote upon any voting issue. There shall be no voting by proxy.

*j. Minutes*

The Planning Council Staff shall maintain detailed minutes of each Planning Council and Planning Council Committee meeting. The Chair of the Planning Council and committee chairs shall certify to the accuracy of their minutes. Planning Council records, reports, transcripts, minutes, agenda, or other documents shall be kept in accordance with the Texas Open Meetings Act requirements and maintained in the Planning Council office.

*k. Executive Session*

The Planning Council may go into Executive Session at the discretion of the Chair. Executive Sessions are closed as permitted by the Texas Open Meetings Act. Business conducted in Executive Session is considered confidential. No formal votes may be conducted in Executive Session except for those pertaining to actions regarding personnel issues.

#### **IV. PLANNING COUNCIL MEMBERSHIP**

*a. Number and Qualifications*

The Planning Council shall consist of no more than 37 members. This number shall be in compliance with HRSA mandates and may be increased or decreased from time to time by amendment to these Bylaws; provided that at no time shall the number of members be less than 13, and no decrease in the number of members shall have the effect of shortening the term of any incumbent members.

*b. Term of Office*

Planning Council members shall be selected for a term of two years. There is no limit to the number of terms a member may serve. The Tarrant County Judge, who has been identified as the CEO for the Planning Council, shall ratify the membership of those selected.

*c. Composition*

The Planning Council membership shall be in compliance with HRSA mandates. Particular consideration shall be given to disproportionately affected and historically underserved groups and subpopulations.

*d. Member Disclosure of HIV Status*

Due to HRSA requirements, a percentage of Planning Council members must be HIV-positive. Members who are HIV-positive shall be asked to disclose their status to the Executive Committee. This information shall be treated as confidential and used for Planning Council purposes of ensuring HRSA requirements only.

*e. Attendance*

- i.* Planning Council members are required to attend meetings of the North Central Texas HIV Planning Council and the committees of which they are members. Non-Planning Council members are required to attend meetings of the committees of which they are members. Planning Council and committee members may participate via teleconference or web conference. All members must adhere to the attendance requirements.

- ii. As a quorum is necessary to conduct business, Planning Council and committee members are expected to arrive at meetings on time. If a member is running late, Planning Council Staff must be notified.
- iii. A member who will be absent from a meeting must notify Planning Council Staff as soon as possible.
- iv. A member shall be given an unexcused absence if he or she does not contact the Chair of the Planning Council (for Planning Council meetings), appropriate chair (for committee meetings), or Planning Council Staff via telephone or email prior to a scheduled meeting.
- v. Voting members of the Planning Council who have three (3) absences (excused or unexcused) from regularly scheduled Planning Council meetings during any 12-month period will warrant a letter from the Chair with follow up regarding the member's ongoing involvement. Any unexcused absences after the initial warning may cause the member to forfeit his/her position and create a vacancy on the Planning Council. Committee members who have three (3) absences (excused or unexcused) from the same committee may forfeit their position on that committee. The Executive Committee shall make recommendations and take action on removal of members who have absences, as described above. The decision of the Executive Committee is final. Additionally, the Executive Committee may review excessive member absences on an individual basis and take appropriate action in the best interest of the Planning Council.

*f. Code of Conduct*

- i. The purpose of the Code of Conduct is to provide guidance for conduct while doing Planning Council work, to define circumstances which might call a participant's conduct into question, and to establish procedures for addressing poor conduct. This Code of Conduct applies to participants who are members and staff serving the Planning Council and its committees, as well as guests participating in meetings.
- ii. Participants are expected to conduct business in ways that are honest, respectful of diversity, compassionate, and non-judgmental. Participants are expected to abide by confidentiality. They are expected to engage in the work of the Planning Council by being attentive to matters before the group, and by contributing information, ideas, and observations in a manner that constructively advances the work of the group. Also, participants are expected to take responsibility for their actions, refrain from language that is threatening, offensive, biased, culturally insensitive, abusive, or intended to be hurtful, and refrain from acts of threat or violence directed at other participants.
- iii. If a participant engages in behavior inconsistent with the Code of Conduct, the Planning Council Chair and/or committee chair may request the person leave the meeting. A written notification detailing the offense and any potential action will be provided.
- iv. Further action may be taken by the Executive Committee to address misconduct by a member of the Planning Council. Membership on the Planning Council or one of its committees may be suspended through immediate action or written notice, as specified in the Code of Conduct. A recommendation to revoke membership may be advanced to the appointing authorities subsequent to reporting the action to the Planning Council.

*g. Removal*

- i. The Executive Committee, in consultation with the Tarrant County Criminal District Attorney's office (if necessary), shall be responsible for recommending to the Planning Council whether a member should be dismissed for cause, except in the case where a member has forfeited his or her position.
- ii. Following the Executive Committee's recommendation, the member may be removed by the affirmative vote of 2/3 of the current membership. A member affected by the proposed action shall

be given a minimum of 48 hours written notice of the action to be taken. Name and documentation of a person voted by the Planning Council for removal shall be forwarded to the Tarrant County Judge for final action.

*h. Nominations Process for Vacancies and Expiration of Terms*

The Executive Committee of the Planning Council shall nominate members to fill any vacancy occurring in the Planning Council. The Executive Committee shall review all candidates to the Planning Council, including candidates from the CEO and candidates to fill legislatively-mandated positions. Candidates shall follow the process created by the Executive Committee which includes meeting with the Committee for a face-to-face interview.

**V. OFFICERS: POWERS AND DUTIES**

*a. List of Officers*

Officers are the Chair, Vice Chair, Chair Elect or Immediate Past Chair, and Parliamentarian.

*b. Duties*

*i. Chair*

The Chair shall preside at all meetings of the Planning Council and the Executive Committee. The Chair shall be available to consult with and serve as liaison between Planning Council Staff and members. The Chair shall act as the official spokesperson for the Planning Council. The Chair appoints committee chairs and vice chairs on an annual basis each August.

*ii. Vice Chair*

The Vice Chair shall assume the duties of the Chair in the event of absence or disability, and assume the Chair position upon the Chair's resignation or inability to discharge the office. The Vice Chair shall undertake other duties as assigned by the Chair.

*iii. Chair Elect*

The Chair Elect shall be responsible for duties assigned by the Chair.

*iv. Immediate Past Chair*

The Immediate Past Chair shall be responsible for duties assigned by the Chair.

*v. Parliamentarian*

The Parliamentarian shall be responsible for ensuring all Planning Council meetings abide the rules of governance as stated in the Bylaws.

*c. Election and Terms of Officers*

All elections are held during the Planning Council Annual Meeting in November.

*i. Chair*

The Chair is elected and serves a one-year term as Chair Elect, then serves a two-year term as Chair. The Chair cannot serve consecutive terms.

*ii. Vice Chair*

This position is elected every year for a one-year term. Vice Chairs may serve consecutive terms.

*iii. Chair Elect*

Prior to assuming the role of Chair, the elected person serves one year as Chair Elect.

*iv. Immediate Past Chair*

Once a person has served their term as Chair, he or she assumes the position of Immediate Past Chair for one year.

*v. Parliamentarian*

This position is elected every year for a one-year term. Parliamentarians may serve consecutive terms.

*d. Removal of Officers*

The Executive Committee, in consultation with the Tarrant County District Attorney's office (if necessary), shall be responsible for recommending to the Planning Council whether an officer should be dismissed for cause, except in the case where an officer has forfeited the position. Following the Executive Committee's recommendation, the officer may be removed by the affirmative vote of 2/3 of the current Planning Council membership. An officer affected by the proposed action shall be given a minimum of 48 hours written notice of the action to be taken. Names and documentation of an officer voted by the Planning Council for removal shall be forwarded to the Tarrant County Judge for final action.

## **VI. COMMITTEES**

### *a. General*

Mandated committees are those required by either HRSA or DSHS. Standing or ad hoc committees of the Planning Council may be created at any time to meet the operational needs of the Planning Council. Any such committee shall have such powers and duties, and its membership shall be constituted, as the Planning Council may determine.

### *b. Mandated Committees*

Mandated committees meet as needed as determined by the chair of that committee and/or the Chair of the Planning Council.

#### *i. Executive Committee*

The Executive Committee is comprised of the Chair, Vice Chair, Parliamentarian and Chair Elect or Immediate Past Chair of the Planning Council, and the chairs and vice chairs/co-chairs of each committee. Additional members on the Executive Committee may be added, as necessary. In order to ensure adequate HIV-positive representation, an HIV-positive member of the Planning Council may be appointed to the Executive Committee by the Chair. The Executive Committee shall meet periodically to ensure the orderly and integrated progression of work of the committees of the Planning Council, to plan future activities, and to recommend items for meetings. Unless expressly authorized by the full membership of the Planning Council or included in these Bylaws, the Executive Committee is not authorized to act on behalf of the Planning Council in any matters for which the Planning Council is charged. The Executive Committee shall serve as the Membership Committee and the Grievance Committee, when necessary. The Executive Committee shall recommend action to be taken regarding grievances as defined by the Grievance Policy (Appendix 2). The Executive Committee is a standing committee.

#### *ii. Personnel Committee*

The Personnel Committee is comprised of the Planning Council Officers; Chair, Vice Chair, Chair Elect or Immediate Past Chair, and Parliamentarian. The supervising Associate Director shall be responsible for issues related to Planning Council Staff in concert with the Personnel Committee. The Personnel Committee shall serve as liaison between the Planning Council and Tarrant County Public Health for matters related to staff employment. The Planning Council Chair shall serve as chair of the Personnel Committee.

### *c. Standing Committees*

- i. Membership on a standing committee is for a one-year term beginning in August. Planning Council members may request to sit on a particular committee, but the Planning Council Chair has final approval. Non-Planning Council members must be appointed by the Planning Council Chair after recommendation by the respective committee chair.*
- ii. Standing committees meet regularly and report on their actions and recommendations at each regular meeting of the Planning Council. Committees may be composed of Planning Council*

voting members, as well as individuals from the community at large. Each Planning Council member is required to be an active member of a minimum of one standing committee.

iii. A list of current standing committees is attached to these Bylaws as Appendix 1. An updated Appendix 1 shall be revised as committees change and does not require Bylaws revisions to be changed.

d. *Ad Hoc Committees*

Ad hoc committees may be appointed by the Planning Council Chair as needed to meet the operational needs of the Planning Council. Ad hoc committees shall report to the Planning Council at the end of their assignment, or as necessary.

e. *Standing / Ad Hoc Committee Chairs and Vice Chairs*

Committee chairs and vice chairs of standing committees are appointed by the Planning Council Chair each August. Committee chairs and vice chairs are appointed for a one year term. The roles of the committee chairs are to prepare committee agendas, preside over committee meetings, approve minutes and provide reports to the Planning Council. Vice chairs perform the duties of the committee chair should the committee chair be absent. If a committee chair is unable to serve his/her full term, the Chair of the Planning Council shall appoint a new committee chair. Chairs and vice chairs of ad hoc committees are appointed by the Planning Council Chair as needed.

VII. GRIEVANCE

The Grievance Policy is stated in Appendix 2.

VIII. AMENDMENTS

These Bylaws may be altered, amended, or repealed at any annual, special, or regular meeting of the Planning Council by an affirmative voice of two-thirds of the current Planning Council membership, provided notice of the proposed alteration, amendment, or repeal of adoption be contained in the notice of such meeting.

These Bylaws are ratified on this 27 day of June, 2017.



Stan Baker, Chair



Randy Parsons, Vice Chair



**APPENDIX 1**  
**STANDING COMMITTEES AS OF APRIL 28, 2009**

**Allocations Committee**

The Allocations Committee is responsible for determining where funding should be spent in order to address the service needs as prioritized by the Planning Council. While making funding decisions for service categories, the Allocations Committee does not decide which agency will receive the funds; that is a role of the Administrative Agency. The Allocations Committee makes recommendations for funding throughout the year as monies are received by the Administrative Agency and annually when requests are submitted to the federal and state governments for new funding.

**Comprehensive Planning Committee**

The Comprehensive Planning Committee develops and implements a process to identify the needs for Persons Living with HIV/AIDS (PLWHA) and priorities for services. This process is conducted through needs assessments which utilize surveys and interviews of persons infected and affected by HIV to assess changes in their health status and service needs. A comprehensive plan is created from the needs assessment. In addition to the needs assessment and comprehensive plan, services are reviewed and prioritized annually by the committee.

**Positive Voices Coalition**

The Positive Voices Coalition serves as a medium for PLWHA for input to the Planning Council regarding HIV+ consumer needs and services. This committee is comprised of HIV-positive community members, patient navigators, and sub-recipients who serve as liaisons.

**Evaluation Committee**

The Evaluation Committee creates and conducts an assessment of the administrative mechanism “to insure funds are rapidly distributed to the areas of greatest need as identified by the Planning Council.” The Committee also develops, reviews, and updates the standards of care for service categories.

**Executive Committee**

The Executive Committee is comprised of the Chair, Vice Chair, Parliamentarian, and Chair Elect or Immediate Past Chair of the Planning Council, and the chairs and vice chairs/co-chairs of each standing committee. The Executive Committee meets periodically to ensure the orderly and integrated progression of work is done by all standing and ad hoc committees, to plan future activities, and to recommend items for meetings. The members for the Executive Committee have the responsibility for recruiting, interviewing and making recommendations of potential new members to the Planning Council. The Executive Committee serves as the Grievance Committee.

**APPENDIX 2**  
**North Central Texas HIV Planning Council**  
**Grievance Policy As of September 14, 2007**

This Grievance Policy applies to grievance filed with the North Central Texas HIV Planning Council (Planning Council). Attachments referenced can be obtained through the Planning Council website, [www.NoTexasAIDS.org](http://www.NoTexasAIDS.org) or by contacting the Planning Council office.

**I. Definitions**

**The Grievance Committee** is a function of the Executive Committee of the Planning Council that hears grievances and recommends action to be taken regarding appropriate issues.

**II. Grievances**

The following processes of the Planning Council may be contested as grievances:

1. The process of contractor (e.g., consultant) selection;
2. The process of the needs assessment;
3. The process of the comprehensive plan;
4. The process of priority setting or any subsequent changes to it;
5. The process of allocation of percentages to service categories or any subsequent changes to it; and,
6. Collusion or a conflict of interest arising from these processes.

**III. Relief Sought**

The following represent the sole types of relief allowed:

1. If the grievant contests the process of contractor selection, the relief may include changes to the process for upcoming years.
2. If the grievant contests the process of needs assessment, the relief may include changes to the process for the upcoming years
3. If the grievant contests the process of comprehensive plan, the relief may include changes to the process for the upcoming years.
4. If the grievant contests the process of priority setting, the relief may include changes to the process for the upcoming years.
5. If the grievant contests the process of allocation setting, the relief may include changes to the process for the upcoming years.
6. If the grievant contends that collusion or conflict of interest has occurred, then the relief may include changes to the current decision, so long as the grievant has complied with the accelerated appeal process.

**IV. Non Accelerated Appeal Process**

**A. Grievance Committee Review**

The non-accelerated appeal process must begin with the Grievance Committee review. The grievant must file the following no later than five (5) business days after the date of the announcement of the Planning Council's final decision:

1. \$50.00 administrative filing fee payable to the Tarrant County, Texas;
2. Fully completed Request for Hearing form and required attachment(s) (Attachment A);
3. The Request for Hearing must include the action of which the grievant complains and the suggested relief requested by the grievant.

**B. Mediation (non-binding)**

If the grievant is dissatisfied with the decision of the Grievance Committee review, then the grievant may file for mediation. To qualify for mediation, the grievant must file the following no later than five (5) business days after the date of the announcement of the decision of the Grievance Committee review:

1. \$150.00 administrative filing fee payable to Tarrant County, Texas;
2. Fully completed Request for Mediation form and required attachments (Attachment B);
3. The Request for Mediation must seek the same relief sought by grievant in the Request for Hearing.

### **C. Arbitration (binding)**

If the grievant is dissatisfied with the outcome of the mediation, the grievant may file for arbitration. To qualify for arbitration, the grievant must file the following no later than five (5) business days after the date of the termination of mediation:

1. \$250.00 administrative filing fee payable to Tarrant County, Texas;
2. Fully completed Request for Arbitration form and required attachments (Attachment C);
3. The Request for Arbitration must seek the same relief sought by grievant in the Request for Hearing.

## **V. Accelerated Appeal Process**

### **A. Grievance Committee Review**

The accelerated appeal process must begin with the Grievance Committee review. The grievant must file the following no later than three (3) business days after the date of the announcement of the Planning Council's final decision:

1. \$50.00 administrative filing fee payable to Tarrant County, Texas;
2. Fully completed Request for Hearing form and attachments (Attachment A);
3. The Request for Hearing form must include the action of which the grievant complains and the suggested relief requested by the grievant; and,
4. For grievances alleging collusion or conflict of interest, a notarized affidavit stating specific facts within the personal knowledge of the affiant supporting the contention of collusion or conflict of interest.

The timeline for seeking Grievance Committee review may not be extended. If the affidavit fails to provide specific facts within the personal knowledge of the affiant, the relief will not apply to reverse the decision that the grievant seeks to reverse.

Grievance Committee review must commence within five (5) business days after the date of receipt of the accelerated appeal filing as listed in 1 – 4 above. Timelines may not be extended by either party.

### **B. Arbitration (binding)**

If the grievant is dissatisfied with the decision of the Grievance Committee review, then the grievant may file for arbitration. To qualify for arbitration the grievant must file the following no later than three (3) business days after the date of the announcement of the decision of the Grievance Committee review:

1. \$250.00 administrative filing fee payable to Tarrant County, Texas;
2. Fully completed Request for Arbitration form and attachments (Attachment C);
3. The Request for Arbitration must seek the same relief sought by grievant in the Request for Hearing.

Failure to complete the forms, to file the forms or to file the fees will result in termination of accelerated appeal. Arbitration must be concluded within twenty-one (21) days after the day of the filing of the Request for Arbitration. If delay in conducting the Arbitration may be attributed to grievant, the penalty shall include termination of the accelerated appeal without granting the relief sought by grievant.

## **VI. Grievance Committee Review Procedures**

The Grievance Committee may dismiss an invalid request without a hearing if the Committee finds:

1. A Request is filed without the required fee.

2. A Request seeks relief beyond the scope of these rules.
3. A Request complains of an action that may not be the subject of a grievance.
4. A Request fails to specify the relief sought.
5. A Request does not include a notarized affidavit when one is required.
6. A Request includes a notarized affidavit but is not based on personal knowledge.

In the event of a dismissal, the grievance may not be appealed to mediation or arbitration.

The grievant has the burden of proof at the Grievance Committee review hearing. The grievant is allowed to present the grievance arguments first and may make a final statement. The Grievance Committee may not grant the grievant more relief than requested in the grievance. The hearing is open to the public. Confidentiality statements may be signed by all persons present if confidential information regarding a participant is a possible part of the grievance. The grievant and the representative of the Planning Council may be called upon by the Grievance Committee to explain at the beginning of the hearing whether there is any likelihood of such information being a part of the grievance. A decision is final so long as it is rendered by at least three members of the Grievance Committee who were present at the hearing and who considered the evidence presented. The Grievance Committee shall announce its decision to grievant at the end of the hearing. The announcement in open session triggers the timetable to file an appeal for either mediation for non-accelerated appeals or arbitration for accelerated appeals.

## **VII. Mediation Procedures**

Mediation allows the parties to select a mediator mutually agreeable to the grievant and the Planning Council. However, in the event of a lack of mutual agreement, Dispute Resolution Services of Tarrant County, Texas will serve as the mediator. The grievance remains limited to the grounds and relief provided in the Request for Hearing. The mediator's costs shall be shared equally between the grievant and the Planning Council. The date mediation terminates triggers the timetable to file an appeal for arbitration.

## **VIII. Arbitration Procedures**

The Arbitration Panel shall consist of three arbitrators. The Chair or the Chair's designated representative from the Planning Council shall designate one individual to serve as an arbitrator, but said arbitrator shall not be a member of the Planning Council. Likewise, the grievant shall designate one individual to serve as an arbitrator, but said arbitrator shall not be (1) an employee or employer of the grievant; (2) another grievant with a pending grievance before the Planning Council, or that grievant's representative; or (3) a board member of an organization who is a grievant. Those two selected individuals shall then jointly select a mutually agreeable individual to serve as the third arbitrator. These three individuals shall form the Arbitration Panel. The Arbitration Panel shall meet and receive oral and written presentations from the grievant and a representative of the Planning Council. The Arbitration Panel shall reach a decision within three (3) hours of the close of the presentations of the grievant and the Planning Council. Failure to reach a decision shall result in the decision of the Grievance Committee being upheld. The Arbitration Panel decision is binding on grievant and the Planning Council. The Arbitration Panel may not grant and the grievant may not seek relief beyond the relief requested in the Request for Hearing. The grievant may not provide new grounds for relief beyond those grounds provided in the grievance filed requesting a hearing before the Grievance Committee. Costs of the arbitration will be paid by the non-prevailing party. If neither party prevails, costs shall be shared equally between the Planning Council and the grievant.

## **IX. General Procedures Applicable to Grievance Committee Review, Mediation and Arbitration.**

Administrative filing fees may be waived by the Grievance Committee upon written request with written documentation of financial hardship from grievant. However, the request must be granted by the Planning Council within the applicable time limit for the filing of the grievant's paperwork. If the grievant fails to appear at any stage of the appeals process, the grievance will be considered waived and all costs assessed against the grievant. Failure to file required fully completed forms with appropriate administrative filing fees within the time limits established in these procedures shall result in the waiver of the grievance. The timeline for seeking Grievance Committee review may not be extended unless the Planning Council and the grievant agree to the extension in writing.