

**RYAN WHITE PROGRAM PART A GRANTEE AND MINNESOTA HIV SERVICES
PLANNING COUNCIL**

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding between the Minnesota HIV Services Planning Council, hereinafter referred to as the COUNCIL, and the County of Hennepin, State of Minnesota, on behalf of its Human Services and Public Health Department, hereinafter referred to as the GRANTEE, is undertaken to create a shared understanding of the relationship between the COUNCIL and the GRANTEE, define their respective roles and responsibilities and promote a mutually beneficial partnership. The partnership will ensure the effective planning and delivery of medical and support services to persons living with and affected by HIV in the Ryan White HIV/AIDS Treatment Extension Act of 2009 Part A Minneapolis - St. Paul Transitional Grant Area.

The GRANTEE and the COUNCIL agree to the following terms:

The acronym "TGA" as used in this agreement refers to the Minneapolis - St. Paul 13 county Transitional Grant Area.

The phrase "RYAN WHITE PROGRAM" as used in this agreement refers to the Ryan White HIV/AIDS Treatment Extension Act of 2009, Public Law 111.87 and amendments thereto.

The acronym "HRSA" as used in this agreement refers to the United States Department of Health and Human Services Health Resources and Services Administration, the federal agency that administers the RYAN WHITE PROGRAM.

The COUNCIL and GRANTEE agree to abide by RYAN WHITE PROGRAM legislative requirements and HRSA policies.

1. TERM OF THE AGREEMENT

The Term of this agreement shall be from October 1, 2009 through February 28, 2014.

2. GRANTEE ROLES AND RESPONSIBILITIES

The GRANTEE is solely responsible for the following tasks as set forth in the RYAN WHITE PROGRAM legislation:

- a. **Procurement** - Manage the process for awarding contracts to service providers through Hennepin County's procurement process.
- b. **Contracting** - Disburse funds according to the priorities and allocations determined by the COUNCIL.

- c. **Contract monitoring** - Monitor vendor contracts to ensure that service providers and consultants funded with resources allocated by the COUNCIL are meeting their contract responsibilities and established standards of care.
- d. **Grant Application** - Prepare and submit the annual RYAN WHITE PROGRAM Part A grant application for the TGA
- e. **Conditions of Award and Reporting** - Meet conditions of grant awards and reporting requirements according to the TGA's Part A Notices of Grant Award.
- f. **Reallocation of Funds within a service area** - Reallocate unspent funds within a service area prioritized by the COUNCIL according to the GRANTEE's reallocation policy.
- g. **Expenditure Reporting** - Report RYAN WHITE PROGRAM combined Part A and Part B base expenditures on a quarterly basis to the COUNCIL according to the following schedule:
 - First quarter (March 1 through June 30) - August 15
 - Second quarter (July 1 through September 30) - December 15
 - Third quarter (October 1 through December 31) - March 15
 - Fourth quarter (January 1 through March 31) - June 15
- h. **Response to the Grantee Evaluation** - Provide information in response to the measurement objectives developed by the COUNCIL for the grantee evaluation component of the Assessment of the Administrative Mechanism.
- i. **Requests for Technical Assistance** - Submit requests for Technical Assistance to HRSA. When the COUNCIL desires Technical Assistance, the GRANTEE will work with the COUNCIL to submit the request on behalf of the COUNCIL.
- j. **Relay communications from HRSA** - Provide the COUNCIL with HRSA RYAN WHITE PROGRAM policy and guidance communications.

3. PLANNING COUNCIL ROLES AND RESPONSIBILITIES

The PLANNING COUNCIL is solely responsible for the following tasks as set forth in the RYAN WHITE PROGRAM legislation:

- a. **PLANNING COUNCIL Operations** - Establish and follow COUNCIL operating procedures and policies to ensure smooth, efficient and fair operations. This includes adherence to established bylaws, revising them as needed, establishing the COUNCIL budget, orienting and training members, following the established grievance policy and procedures, conducting open meetings, and abiding by conflict of interest standards.

- b. **Priority Setting and Resource Allocation** - Set priorities among service areas and activities and allocate funds to those service areas and activities.
 - c. **Assessment of the Administrative Mechanism and Effectiveness of Services** - Through a grantee evaluation process, assess the efficiency of the administrative mechanism in rapidly disbursing funds to areas with the greatest need in the TGA according to the COUNCIL's priorities.
 - d. **Conditions of Award and Grant Application Documents** - The COUNCIL co-chairs will submit the following letters of assurance and endorsement to GRANTEE staff as required to meet annual RYAN WHITE PROGRAM Part A grant conditions of award and reporting and application requirements:
 - i. Letter from the COUNCIL co-chairs reporting changes in COUNCIL membership composition within 20 days of the occurrence of changes in COUNCIL membership.
 - ii. Letter of endorsement of allocations as prescribed in the Terms and Conditions section of the TGA's annual RYAN WHITE PROGRAM Part A Notice of Grant Award.
 - iii. Letter of Assurance of Activities from the Minneapolis - St. Paul Part A TGA Planning Council Co-chairs as set forth in the annual RYAN WHITE PROGRAM Part A grant application guidance.
4. **SHARED RESPONSIBILITIES**

The GRANTEE and the COUNCIL share the following responsibilities as set forth in the RYAN WHITE PROGRAM legislation:

- a. **Needs Assessment** - Conduct an assessment of the needs of persons living with HIV within the TGA. The Needs Assessment will determine the size and demographics of the population of persons living with HIV in the TGA and identify their service needs and gaps in meeting those needs. The GRANTEE will provide the COUNCIL with information on service utilization. The GRANTEE will administer the contract(s) with consultants selected jointly by the COUNCIL and the GRANTEE to collect and analyze Needs Assessment data.
- b. **Comprehensive Planning** - Develop a Comprehensive Plan for the organization, development and delivery of health and support services within the TGA in accordance with the Continuum of Prevention and Care jointly developed by the COUNCIL and the Community Cooperative Council on HIV / AIDS Prevention. The Comprehensive Plan will be developed every 3 years, or as specified by HRSA, according to the Comprehensive Plan guidance provided by HRSA. The COUNCIL will take the lead in developing the Plan. The GRANTEE will provide information, and input into the development of the Plan. The GRANTEE will have a chance to

review and suggest changes to the draft Comprehensive Plan before the COUNCIL approves it.

- c. **Quality Management-** Establish and implement a quality management program to ensure that primary health care services are consistent with United States Public Health Service HIV care and treatment guidelines and to continuously improve the quality of RYAN WHITE PROGRAM funded health and social services. The GRANTEE has primary responsibility for managing quality management and will work with the COUNCIL to develop standards of care and outcomes measures. The Ryan White Quality Management Coordinator is responsible for leading quality management efforts, managing the Quality Management Advisory Committee, coordinating quality management planning activities with the COUNCIL and managing contracts with quality improvement and outcome evaluation consultants. The COUNCIL will be represented on the Quality Management Advisory Committee.
- d. **Participation in HRSA Part A Monitoring Calls** - The COUNCIL co-chairs and Planning Council Coordinator may participate with the Ryan White Supervisor for the second half of the monthly Part A grant monitoring calls conducted by the Minneapolis - St. Paul TGA's Part A project officer. Times for the calls will accommodate participant schedules.
- e. **Participation in Development of Statewide Coordinated Statement of Need** Both the GRANTEE and the COUNCIL will work with the Minnesota Department of Human Services, the Part B grantee, in the development of the Statewide Coordinated Statement of Need according to HRSA guidelines.

5. PLANNING COUNCIL SUPPORT AND STAFFING

- a. **Planning Council Budget-** The GRANTEE will provide fiscal management of COUNCIL support funds through Hennepin County's fiscal management system. The COUNCIL will work with the GRANTEE to establish the COUNCIL budget in accordance with RYAN WHITE PROGRAM requirements and Hennepin County salary schedules and fixed budget line item costs. The COUNCIL will approve the allocation for COUNCIL support through its annual allocations process. The GRANTEE will report on COUNCIL expenditures through its quarterly expenditure reports to the COUNCIL. COUNCIL support staff and the Executive Committee will share responsibility for monitoring COUNCIL spending.
- b. **Employment of Planning Council Staff** - The GRANTEE will provide staff for the COUNCIL in accordance with the COUNCIL budget and Hennepin County personnel policies and procedures. Staff positions, roles and responsibilities and processes and procedures for: hiring; providing direction; supervision; and evaluation are described in Exhibit A, attached hereto and incorporated herein.
- c. **Operational Support** - The GRANTEE will provide operational support for the COUNCIL including, but not limited to: office space, computers, software,

telephones, copier, printing services, fax machine, and office supplies; meeting space for COUNCIL meetings; and maintenance of the COUNCIL website.

6. COMMUNICATION

The GRANTEE and COUNCIL agree to strive for regular and open communication and sharing of information in a timely fashion. The COUNCIL and the GRANTEE are committed to the following principals of communication:

- a. **Establish and maintain open communication** - GRANTEE staff, COUNCIL members and COUNCIL staff will share information in a timely fashion and review shared information when it is received.
- b. **GRANTEE attendance at COUNCIL meetings** - At least one GRANTEE staff member will attend all full COUNCIL and COUNCIL committee meetings. GRANTEE staff attending meetings will be responsible for all communications and information requests related to their assigned committee. Requests for information from the COUNCIL to the GRANTEE and vice versa, along with a time line for producing the information will be recorded in the meeting minutes.
- c. **Designated liaisons** - The GRANTEE and COUNCIL will have designated liaisons for information requests, questions or concerns that arise outside of COUNCIL meetings. The Ryan White Supervisor will be the designated liaison for the GRANTEE and the COUNCIL co-chairs or their designee will be the designated liaisons for the COUNCIL. In the absence of the Ryan White Supervisor, the Ryan White Quality Management Coordinator will act as the GRANTEE's liaison.
- d. **Information not to be shared** - To maintain the confidentiality of sensitive information, the COUNCIL will not share the HIV status of COUNCIL members who have not publicly disclosed that they are living with HIV. The HIV status of council members will not be shared with GRANTEE staff or with other COUNCIL members except with those who are involved in the member nominations process and monitor COUNCIL membership reflectiveness.

The GRANTEE will not disclose information about applicants for funding to provide services or the performance of individual vendors contracted to provide services. Information will be provided only by service area and activity.

- e. **Clarification** - The COUNCIL and GRANTEE will work together to clarify and revise policies and procedures that are confusing or problematic.

7. SETTLING DISAGREEMENTS

The GRANTEE and the COUNCIL agree to pursue the following procedure should disputes or conflicts arise in the interpretation or implementation of this memorandum of understanding:

- a. The parties involved in the conflict or dispute will meet face-to-face to attempt to reach a resolution. The meeting will be held within 5 working days after the issue arises.
- b. If the parties involved cannot reach a resolution, the parties will meet with the Hennepin County Public Health Protection manager to work towards resolving the issue. The meeting with the Public Health Protection manager will occur within 5 working days of the first meeting between the parties involved.
- c. If the meeting with the Public Health Protection manager does not result in resolution, the parties involved will identify a mutually acceptable independent mediator who will attempt to facilitate a resolution between the parties. The meeting with the mediator will occur within 10 working days of the meeting with the Public Health Protection manager.
- d. If the meeting with the mediator does not result in resolution of the dispute or conflict, the parties may begin a process of binding arbitration. The parties will select and retain an arbitrator who is acceptable to all those involved and agree to accept the arbitrator's decision as final. The parties will select the arbitrator within 10 working days of the meeting with the mediator and the first arbitration meeting will be held within 20 working days after selection. The costs of the mediation and arbitration processes will be split equally between the COUNCIL and the GRANTEE administration budgets.

The time period for each of the above steps used to settle disagreements may be extended by mutual agreement of the parties involved.

8. MONITORING AND EVALUATION

- a. The COUNCIL co-chairs, Planning Council Coordinator, Ryan White supervisor and the Public Health Protection manager may meet quarterly at the request of either party, to monitor implementation of this memorandum of understanding.
- b. The COUNCIL or GRANTEE may request an annual independent evaluation of this memorandum of understanding. If such an evaluation is requested, the COUNCIL co-chairs or their designee, and the GRANTEE will jointly select an independent evaluator. The independent evaluation will include the following:
 - i. An assessment of whether all or parts of the memorandum of understanding are meeting the needs of the COUNCIL and GRANTEE.
 - ii. An assessment of satisfaction with the implementation of the procedures set forth herein.

- iii. A report on the results of the evaluation to be presented to the COUNCIL and GRANTEE. The evaluation will include recommendations on ways to improve this memorandum of understanding.
- c. If an evaluation is conducted, the independent evaluator will survey COUNCIL members, COUNCIL and GRANTEE staff, and Ryan White Part B grantee staff using written instruments, interviews and/or focus groups to gather information for the assessments.

9. CANCELLATION

The COUNCIL or the GRANTEE may cancel this Memorandum Of Understanding at any time by giving the other written notice at least ninety (90) days prior to the effective date of the cancellation.

10. AMENDMENTS

Any amendment to this Memorandum of Understanding shall be in writing and signed by authorized officers of each party.

COUNTY ADMINISTRATOR APPROVAL

The Minnesota HIV Services Planning Council having signed this Agreement, and the County having duly approved this Memorandum of Agreement on the 29 day of May, 2010, and pursuant to such approval, the proper County officials having signed this Memorandum of Agreement, the parties hereto agree to be bound by the provisions herein set forth.

Reviewed by the County
Attorney's Office

AW Johnston

Date: 5/6/10

COUNTY OF HENNEPIN
STATE OF MINNESOTA

By: *Don Emphron*
Assistant Deputy/County Administrator

CONTRACTOR

The Contractor certifies that the person who executed this Memorandum of Agreement is authorized to do so on behalf of the Contractor as required by applicable articles, bylaws, resolutions or ordinances. *

By: *Michael Behl*
Paul Eknes-Tucker

Printed Names: Michael Behl
Paul Eknes-Tucker

Printed Title: Co-chairs

Date:

**Minnesota HIV Service Planning Council (COUNCIL) and
Hennepin County Human Services and Public Health Department (GRANTEE)
Memorandum of Understanding**

EXHIBIT A

Minnesota HIV Services Planning Council Staffing

- i. Staff positions and roles** - COUNCIL staff will provide coordination of COUNCIL activities, administrative support and resources for the COUNCIL to fulfill its RYAN WHITE PROGRAM mandated roles and responsibilities. The COUNCIL staff complement will include:
- a. Planning Council Coordinator - 1.0 FTE. The Planning Council Coordinator will lead the COUNCIL staff team and will be classified according to the Hennepin County personnel classification system. The Coordinator will provide leadership in assuring that the COUNCIL receives the management, logistical support, training, organizational development, information, resources and public visibility to carry out its responsibilities.
 - b. Planning Council Administrative Specialist - 1.0 FTE. The Council Administrative Specialist will be classified according to the Hennepin County personnel classification system. The Administrative Specialist will provide administrative and logistical support for all COUNCIL activities.
 - c. Intermittent staff or contracted consultants - Temporary staff may be hired to assist with planning, research, member recruitment and training, and other activities that support the work of the COUNCIL. The Council Coordinator and COUNCIL co-chairs will determine the need for temporary staff in accordance with the COUNCIL budget and Hennepin County personnel and contracting policies and procedures.
- ii. Staff Responsibilities** - COUNCIL staff duties include the following:
- a. Maintain basic COUNCIL operations: Uphold COUNCIL bylaws and governing procedures including the grievance and conflict of interest policies; manage membership rosters; produce meeting schedules; distribute materials and communicate with COUNCIL members and other interested parties in a timely fashion to support the work of the COUNCIL and COUNCIL committees.
 - b. Support and staff COUNCIL committees: Schedule meeting times and places and distribute information and meeting products appropriately; record, review, distribute and archive meeting minutes; manage reports and materials to facilitate communication among committees, grantees, and other stakeholders.
 - c. Coordinate COUNCIL membership and support members: Conduct outreach activities to increase participation of HIV+ Minnesotans in COUNCIL forums and on

committees; recruit, orient and work to retain qualified Council members according to RYAN WHITE COUNCIL reflectiveness and expertise requirements; develop and deliver training programs and materials to build member competencies according to the HRSA Planning Council Training Guide.

- d. Coordinate research and evaluation activities: Collaborate with appropriate Council committees, needs assessment and evaluation consultants and the GRANTEE to develop required and desired research and evaluation activities and assure that results are communicated to and used effectively by COUNCIL members to make decisions and develop plans.
 - e. Public relations: Develop and distribute materials which explain and promote the work of the COUNCIL; develop and disseminate information about the COUNCIL and RYAN WHITE PROGRAM provided services through use of newsletters, Internet website, printed guides, the AIDSLINE and other venues as appropriate; develop and implement public relations plans to inform communities affected by the epidemic about the COUNCIL's role and opportunities for participation.
 - f. Produce COUNCIL reports and materials: Develop and distribute a consumer guide; develop the comprehensive plans; assist in the preparation of Part A and Part B annual grant applications and in meeting grant conditions of award.
 - g. Coordinate strategic planning: Coordinate processes that include COUNCIL members, RYAN WHITE PROGRAM grantees, providers, and community members that articulate a strategic vision of HIV services; develop and communicate clear timelines for meeting COUNCIL responsibilities including cycles of priority setting, allocations, review and reflective analysis of data, comprehensive planning and needs assessment.
- iii. Hiring** - COUNCIL staff will be hired according to Hennepin County personnel hiring policies and procedures. The COUNCIL Executive Committee will work with the GRANTEE to develop and revise staff position descriptions as needed. COUNCIL co-chairs or their designee will serve on candidate interview teams to select qualified candidates when vacancies arise. Qualified candidates will be offered positions only when the COUNCIL co-chairs and GRANTEE agree on the selection.
- iv. Staff supervision, direction and performance evaluation** - The GRANTEE's Ryan White Supervisor will supervise the Planning Council Coordinator. The Ryan White Supervisor reports to the Hennepin County Human Services and Public Health Department Public Health Protection Manager. A Senior Support Staff Supervisor, within the Human Services and Public Health Department Administrative Services Area, will supervise the Planning Council Administrative Specialist. The Planning Council Coordinator will work with the Senior Support Staff Supervisor to provide work direction to the Administrative Specialist. COUNCIL staff supervision will be carried out according to Hennepin County personnel policies and procedures.

The COUNCIL co-chairs and the Ryan White Supervisor will meet monthly with COUNCIL staff to provide coordinated direction for the Planning Council Coordinator. The purpose of the meetings is to: assure a mutual understanding of expectations of staff in carrying out their duties; set mutually agreed upon timelines for the accomplishments of tasks; and ensure that the COUNCIL receives the support it needs to fulfill its responsibilities. COUNCIL co-chairs and staff will communicate directly as needed to attend to the daily needs of the COUNCIL.

The GRANTEE and COUNCIL mutually acknowledge that the Planning Council Coordinator, while employed by Hennepin County, is fundamentally charged with meeting the needs and interests of the Planning Council in order for the COUNCIL to carry out its responsibilities as set forth by the RYAN WHITE legislation. If at any time the Planning Council Coordinator feels that she or he is instructed to act in a manner that is inconsistent with the needs and interests of the COUNCIL, the Planning Council Coordinator is encouraged to communicate these concerns directly with the COUNCIL co-chairs.

COUNCIL co-chairs will provide input into COUNCIL staff annual performance planning and reviews. At their discretion, COUNCIL co-chairs may complete the COUNTY's Performance Planning and Review form as part of their input. COUNCIL co-chairs may solicit feedback from other COUNCIL members at their discretion. The GRANTEE will work with the COUNCIL co-chairs to develop staff performance standards and expectations and evaluate staff competencies in performing their duties.