



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 23

January 18, 1991

**HIV Health and Human Services
Planning Council**

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. HIV Health and Human Services Planning Council Established. There is hereby created an HIV Health and Human Services Planning Council of the City of New York (the "Planning Council").

Section 2. Purpose. The United States Congress enacted the Ryan White Comprehensive AIDS Resources Emergency (C.A.R.E.) Act of 1990 (the "Ryan White Act") to provide emergency assistance to localities disproportionately affected by the HIV epidemic. Eligibility for grants under the program requires the establishment of the Planning Council, which will have as its primary duty the establishment of priorities for the allocation of funds the program will make available for the development, organization, coordination and operation of more effective and cost efficient systems for the delivery of essential services to individuals and families with HIV disease.

Section 3. Membership. (a) The Planning Council shall be appointed by the Mayor and shall consist of not less than 35 and not more than 42 members. The members of the Planning Council shall serve at the pleasure of the Mayor and from among them, the Mayor shall designate a Chairperson.

(b) The membership of the Planning Council shall include representatives of health care providers, community-based and AIDS service organizations, social service providers, mental health care providers, local public health agencies, hospital planning agencies or health care planning agencies, affected communities (including individuals with HIV disease), non-elected community leaders, State government, grantees of categorical grants for early intervention services under subpart II of part C of the Ryan White Act and the lead agency of any Health Resources and Services Administration adult and pediatric HIV-related care demonstration project operating in the area to be served. At least one member of the Planning Council shall represent separately each of these specified categories.

(c) The Mayor also shall appoint one member that is mutually acceptable to the Mayor and the County Executives of Westchester, Rockland and Putnam Counties to represent these political subdivisions or Health Resources and Services Administration grant recipients therein on the Planning Council.

(d) The Planning Council shall also include as members the Commissioner of Mental Health, Mental Retardation, and Alcoholism Services of the City of New York, the Commissioner of Health of the City of New York, the Administrator of the New York City Human

Resources Administration, the Director of the Office of Management and Budget of the City of New York, and the President of the Health and Hospital Corporation, or their designees. Such designees must be at least an Assistant Commissioner or the equivalent of the agency.

(e) The Mayor shall designate alternates for members of the Planning Council who serve as individuals with HIV disease to serve in the member's place if as a result of his or her illness the member cannot perform the duties of a Planning Council member.

(f) With respect to all members of the Planning Council other than these enumerated in subsections (d) and (e), the Planning Council may determine that such members may designate an alternate to serve as a non-voting participant in the Planning Council on the occasion of the member's absence.

(g) There must be at least one member of the Planning Council from each of New York City's boroughs.

(h) The following shall serve as non-voting, ex officio representatives to the Planning Council: Director of Mayor's Office on Special Needs Housing, Director of Mayor's Office on Drug Abuse Policy, Commissioner of Human Rights of the City of New York, Commissioner of Aging of the City of New York, Director of Mayor's Office of Operations, a representative from the Mayor's Office for People with Disabilities, and a representative from the Mayor's Office on Homelessness and SRO Housing.

(i) In the event of a vacancy, the Planning Council may within thirty (30) days after the vacancy occurs recommend to the

Mayor the names of three individuals who would satisfy the relevant qualifying criteria to fill that vacancy.

Section 4. Functions. The Planning Council shall:

(a) perform the duties of a Planning Council as set forth in the Ryan White Act, including the following:

- (i) establish priorities for the allocation of funds within the eligible area;**
- (ii) develop a comprehensive plan for the organization and delivery of health services described in Section 2604 of the Ryan White Act that is compatible with any existing State or local plan regarding the provision of health services to individuals with HIV disease;**
- (iii) assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the eligible area; and**

(b) perform such other functions and assume such other additional responsibilities as the Mayor may from time to time propose.

Section 5. Quorum and Voting Requirements. (a) A quorum of the Planning Council shall be fifty percent plus one person of the Council's membership. Once a quorum is present at any meeting, the Planning Council may proceed to transact all business.

(b) Any act, determination or decision of the Planning Council must receive a majority of the votes of those present and voting at a meeting thereon in order to be held to be the act, determination or decision of the Planning Council.

(c) An abstention from voting must be counted as a vote in opposition for purposes of determining whether a majority of those present and voting have approved an act, determination or decision of the Planning Council.

Section 6. Rules and Regulations. The Planning Council may adopt such by-laws and rules of procedure for the conduct of its meetings or other activities as it deems necessary to perform its functions as enumerated in this Order.

Section 7. Effective Date. This Order shall take effect immediately.

A handwritten signature in black ink, appearing to read "David N. Dinkins", is written over a horizontal line.

David N. Dinkins
MAYOR