



KAREN SMITH, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

Office of Health Equity Advisory Committee Bylaws

I. Purpose

Purpose Statement

The Office of Health Equity Advisory Committee (OHE-AC) is hereby established, as mandated by Section 131019.5(f) of the California Health and Safety Code, to advance the goals of the Office of Health Equity (OHE) and to actively participate in its decision making. OHE-AC will assist OHE with its purposes of aligning state resources, decision making, and programs to accomplish all of the following:

1. Achieve the highest level of health and mental health for all people, with special attention focused on those who have experienced socioeconomic disadvantage and historical injustice, including, but not limited to, *vulnerable communities and culturally, linguistically, and geographically isolated communities.
2. Work collaboratively with the Health in All Policies (HiAP) Task Force to promote work to prevent injury and illness through improved social and environmental factors that promote health and mental health.
3. Advise and assist other state departments in their mission to increase access to, and the quality of, culturally and linguistically competent health and mental health care and services.
4. Improve the health status of all populations and places, with a priority on eliminating health and mental health disparities and inequities.

*Vulnerable communities include, but are not limited to, women racial or ethnic groups, low-income individuals and families, individuals who are incarcerated and those who have been incarcerated, individuals with disabilities, individuals with mental health conditions; children, youth and young adults; seniors, immigrants and refugees; individuals who are limited-English proficient (LEP); and lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQQ) communities; or combinations of these populations.

II. Membership, Roles, and Responsibilities

Section A: Membership

1. The OHE-AC shall be established by no later than October 1, 2013.
2. Applications for membership shall be submitted to the California Department of Public Health (CDPH) Director for consideration.
3. Pursuant to California Health and Safety Code section 131019.5(f), the OHE-AC shall be composed of representatives from applicable state agencies and departments, local health departments, community-based organizations working to advance health and mental health equity, vulnerable communities and stakeholder communities that represent the diverse demographics of the state.
4. The OHE-AC shall consist of a minimum of thirteen and a maximum of twenty-six voting members and shall represent a broad section of California's diverse racial, ethnic, cultural, and Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQQ) populations.
5. To the extent possible, OHE-AC members will be from various geographic regions of the state and have diverse educational and professional backgrounds.
6. Subcommittees of the OHE-AC may be formed as determined by the Chair or in his/her absence, the Vice Chair.
7. To provide for OHE-AC continuity, initial OHE-AC members shall have staggered terms with up to thirteen of the OHE-AC members serving two-year terms and the remainder serving three-year terms. These terms shall be selected randomly among OHE-AC members.
8. All subsequent appointments to the OHE-AC shall be for one, three-year term; however, appointments of more or less than three years may be made, at the Director's discretion, when necessary for the adjustment of staggered terms.
9. OHE-AC members may be considered for reappointment for one additional three-year term.
10. If a member chooses to resign, he/she shall advise the Director by electronic or postal mail.
11. A successor for a member who is no longer able to serve will be appointed in the same manner as for the original appointment and will serve through the remainder of the predecessor's term.
12. At the discretion of the Director, Committee members will be subject to dismissal from the OHE-AC for missing two or more meetings during a one-year period.
13. To determine there is no existing financial conflict of interest, members must submit a completed Statement of Economic Interests (Form 700) form for review, prior to being confirmed as an OHE-AC member. Continuing members must submit this form annually.
14. OHE-AC members are required to provide the OHE a completed Form 700 within 30 days of leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

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15. Members of the OHE-AC are considered to be state officials and as such, must complete the Attorney General's Office and the Fair Practices Commission's Ethics Training Course within six months of their hiring, and every two years thereafter. The training course is located at <http://oag.ca.gov/ethics/course>.

Section B: Elections of Officers/Duties/Terms of Office

1. The Chair and Vice Chair of the Advisory Committee shall be a representative from a non-state entity.
2. The OHE-AC shall elect a Chair and Vice Chair from its membership every two years, at the second quarter meeting.
3. The Chair and Vice Chair shall be elected from among the appointed members by a quorum (51% of all voting members present), and shall serve for a period of two years. There shall be a two-term limit.
4. The Chair's and Vice Chair's term shall commence at the next quarterly meeting and will continue until the end of the two-year term or until the OHE-AC elects a new Chair and Vice Chair.
5. If both the Chair and Vice Chair are absent from an OHE-AC meeting, the OHE Deputy Director shall preside over the meeting.

Section C: Duties of Officers

The Chair, and in the absence of the Chair, the Vice Chair, shall:

1. Conduct and officiate all meetings of the OHE-AC and have all powers and duties conferred by these OHE-AC bylaws.
2. Take primary responsibility for serving as liaison for communication between the AC and the OHE.
3. Provide leadership so that Committee members are aware of their obligations and that the Committee complies with its responsibilities.
4. Serve as official representative and spokesperson for the OHE-AC.
5. Solicit agenda items for the OHE-AC meetings from its members and coordinate with the OHE Deputy Director to share recommended agenda items.
6. Confirm an agenda for each meeting, in consultation with the OHE.
7. Consult with the OHE regarding dates, times, and location for meetings.
8. Convene OHE-AC meetings in accordance with the Bagley-Keene Open Meeting Act and the organizations' mandate, terms of reference, and bylaws.
9. Provide sufficient time during the meeting to fully discuss agenda items.
10. Provide leadership so that discussions on agenda items are on topic, productive, and professional.
11. Collaborate with OHE staff so that minutes are complete and accurate, retained, posted on the OHE website, and included and reviewed at the next meeting.
12. Appoint subcommittees.
13. Be familiar with, and follow the mandates of, the Bagley-Keene Open Meeting Act of 2004.

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Section D: Advisory Committee Member Roles and Responsibilities

The roles and responsibilities of Advisory Committee members are to:

1. Attend all OHE-AC meetings and all subcommittee meetings to which they are assigned and provide expertise and advice to assist the OHE in policy formation. An expected absence shall be noted to OHE staff in advance of a scheduled meeting. Appointed members may not send a designee to meetings of the OHE-AC.
2. Be familiar with, and follow the mandates of, the Bagley-Keene Open Meeting Act of 2004.
3. Cooperate with the Chair/Vice Chair and the Committee in preserving order and decorum to meet the charge of the Committee.
4. Act in an advisory capacity to the Director of the CDPH and the OHE Deputy Director to identify critical issues, new and evolving science, opportunities for action and influence, etc., that are important to vulnerable communities and offer recommendations to help guide the work of the OHE.
5. Be a strong bidirectional communication link to the state's vulnerable, culturally, linguistically, and geographically isolated communities and assure improved communications about health and mental health issues and community needs. Bidirectional communication involves dedicated communications from the OHE-AC members to the communities represented, as well as taking information from those same communities, back to the OHE-AC.
6. Advocate at OHE-AC meetings on behalf of the vulnerable, culturally, linguistically, and geographically isolated communities for health and mental health policies and programs that effectively focus and direct necessary resources to mitigate and eliminate disparities and inequities in services and supports and improve quality of care for vulnerable communities.
7. Promote and help to advance the goals and objectives of the OHE strategic plan.

Section E: Office of Health Equity Advisory Committee Subcommittees

1. The OHE-AC Chair, or in his/her absence the Vice Chair, may establish subcommittees, as needed, and all subcommittees consisting of three or more individuals shall adhere to the provisions of the Bagley-Keene Open Meeting Act of 2004.
2. The purpose of any subcommittee of the OHE-AC shall be explicitly stated in the minutes.
3. Subcommittees shall be purely advisory in nature and must report back to the full OHE-AC, who may then opt to take formal action on the matter.
4. Subcommittees shall be comprised of OHE-AC voting members.
5. Outside experts or non-OHE-AC members may be invited to contribute to, or participate at, subcommittee meetings as non-voting advisors (including staff from other offices or departments and other interested individuals).

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6. In conformance with any applicable Bagley Keene Act requirements, at least one OHE staff member shall be present, either physically or telephonically, for all subcommittee meetings; and for any teleconferenced subcommittee meeting, at least one member of the OHE AC shall be physically present at each location specified in the notice of the meeting.
7. Each subcommittee shall select a Chair.
8. The subcommittee Chair shall be responsible for directing and ensuring completion of tasks associated with the subcommittee's purpose.
9. Each subcommittee shall provide written summaries of meeting outcomes and recommendations to the OHE for distribution to the OHE-AC Chair, or in his/her absence the Vice Chair.
10. Each subcommittee will disband when it completes its assigned tasks.

Section G: Reimbursement of Expenses

1. Members serve on a voluntary basis and shall not receive compensation.
2. When budget resources allow, members may be reimbursed for authorized travel and per diem expenses for attendance at advisory committee meetings in accordance with the California Department of Human Resources and California State Administrative Manual Travel Reimbursement Requirements.

Section H: Authority

The OHE-AC shall be under the direction of the Director of CDPH and shall be advisory in nature and shall not be delegated any administrative authority or responsibility.

III. Operational Procedures

Section A: Bagley-Keene Open Meeting Act of 2004

The OHE-AC and its subcommittees shall adhere to the provisions of the Bagley-Keene Open Meeting Act of 2004 (henceforth known as the "Act"). The "Act" requires the OHE-AC to publicly notice their meetings, prepare agendas, accept public testimony, and conduct their meetings in public unless specifically authorized by the Act to meet in closed session.

Section B: Voting Rights

Each appointed member shall be entitled to one vote to be exercised in person. "In person" shall be defined as physically present at a meeting or, for Bagley Keene Open Meeting Act compliant teleconference meetings, present via telephone conference at a publicly noticed location. There is no allowance for vote by proxy.

Section C: Conflict of Interest/Recusal Process

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Membership on the OHE-AC requires disclosure of a candidate's OHE-AC member's financial interests. Specifically, laws (including the Political Reform Act or filings of a Form 700 "Statement of Economic Interest") apply to members of this Advisory Committee. Actions of this Committee should be as transparent and objective as possible. Thus, any member who believes he/she is, or may be viewed as, not completely objective on a given matter before the Committee should either recuse himself/herself from discussion or voting on any such matter, or should disclose the nature of the potential impact on his/her objectivity. This disclosure should be done in an open meeting, and if possible, prior to any discussion or vote on the matter involved.

Section D: Quorum

All issues submitted for determination must be made by a quorum of members. A quorum is defined as a simple majority of all appointed OHE-AC members. In the absence of a quorum, no official business may be conducted by the OHE-AC, and the Chair, or in his/her absence Vice Chair, reserves the right to cancel the meeting. The OHE-AC may discuss issues and deal with administrative matters in the absence of a quorum, but it may not adopt any recommendation during a meeting unless a quorum has been established first. The OHE-AC may entertain a motion to adjourn without a quorum, however.

Section E: Public Comment Periods

With specified exceptions, state agencies are required to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency's discussion or consideration of the item. Public comment may be oral or submitted in writing. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of its members, where members of the public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full Advisory Committee meeting.
2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If the Advisory Committee wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the Committee may do that by adopting an administrative regulation.

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

Section F: Motions

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1. All actions of the OHE-AC shall be expressed in the form of a motion and/or resolution.
2. When a motion has been made, the OHE-AC shall strive to reach consensus (i.e., unanimity). However, if the Chair, or in his/her absence Vice Chair, determines that a consensus cannot be reached, a vote will be called and decisions will be made by 51% of the quorum.
3. Voting when there is a Recusal or Abstention
 - a. "Recuse" shall be defined as the act of not voting to avoid a conflict of interest or to comply with a disqualification by law
 - b. "Abstain" shall be defined as the act of not voting when present and entitled to vote for any reason not indicated in subsection (a), including, but not limited to, not voting for personal reasons.
 - c. Abstentions and recusals by OHE-AC members shall have the following effects on OHE-AC proceedings:
 - i. OHE-AC members who recuse themselves may not be counted toward a quorum, and their recusal may not be interpreted as support for, acquiescence in, or opposition to, any actions taken by the OHE AC;
 - ii. OHE-AC members who are present, but abstain, are counted toward a quorum;
 - iii. OH- AC members who abstain are deemed to acquiesce in the resolution reached by OHE-AC provided that the OHE-AC may not act without support from at least a simple majority of OHE-AC's quorum.
4. All motions and resolutions shall be recorded in the minutes.

Section G: Manner of Voting

1. The voting on elections shall be by show of hands.
2. The voting on motions and resolutions shall be by voice vote; if necessary, the Chair or an advisory committee member may request a roll call or show of hands and the Chair will honor any such request.

Section H: Meeting Logistics

1. The OHE-AC shall meet, at a minimum, on a quarterly basis, per Health and Safety Code 131019.5(f).
2. Meetings may be conducted by any accepted rules of procedure.
3. Meetings will generally be convened in Sacramento but may be convened at other locations around the state subject to the availability of OHE resources.
4. All meetings of the OHE-AC will be held in accessible locations, and materials relating to the OHE-AC will be made available in accessible formats upon request.
5. All meetings of the OHE-AC shall be open to the public.

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6. The OHE shall send written notice of the place, date, time, telephone access information, and agenda of each meeting of the OHE-AC to each member addressed as shown on the records maintained by the OHE. The agenda for each advisory committee meeting will be drafted by the Chair with input from the advisory committee members. The OHE and each OHE-AC members shall be invited to submit agenda items at least twenty (20) days before each scheduled meeting. The agenda may be developed through any means of communication chosen by the Chair, including electronic mail items sent to all the members. In order to avoid potential open meeting law violations, communications about agenda items (other than discussions that take place in open meeting), shall be limited to an exchange of views on whether to include the item, and clarification of a proposed item. Development of the agenda through such communications may not involve substantive discussion of the merits of proposed agenda items.
7. The agenda shall be published on the OHE-AC website, with location and telephone access information for the public, no less than ten (10) calendar days prior to the meeting. The agenda shall provide a brief description of the items of business to be transacted or discussed. No item shall be added to the agenda after the agenda is posted. Pursuant to the Bagley-Keene Open Meeting Act, Government Code Section 11125.5, the OHE-AC may take action on items of business not appearing on the posted agenda under any of the conditions stated below:
 - a. Upon a determination by two-thirds of all voting members that an emergency situation exists.
 - b. Upon a determination by a two-thirds vote of voting members or, if less than two-thirds of voting members are present, by a unanimous vote of voting members present, that there exists a need to take immediate action and that the need for action came to the attention of the OHE-AC subsequent to the agenda being posted.
 - c. "Emergency situation" means any of the following:
 - 1) Work stoppage or other activity that severely impairs public health or safety, or both; or
 - 2) Crippling disaster that severely impairs public health or safety, or both.

Notice of the additional item to be considered shall be provided to each member of the OHE-AC and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, at least 48 hours before the time of the meeting specified in the notice. Notice shall also be made available on the OHE-AC's website as soon as is practicable after the decision to consider additional items at a meeting has been made.

Section I: Amendment to Bylaws

These bylaws may be amended or repealed upon approval by the Director of the California Department of Public Health or her/his designee. Fifty-one percent (51%) of all voting members present at a duly constituted public meeting may recommend to the Director that these bylaws be adopted, amended, or repealed.

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In the event of a statutory or regulatory change which modifies the functions, composition, or other aspect of the OHE-AC, the changes will be incorporated into these bylaws by OHE staff and presented to the OHE-AC at the next meeting or within a reasonable time period, for recommendation to the Director.

These bylaws will be regularly reviewed and updated every five (5) years, or as needed.

Section J: Invited Guests and Participants

The OHE-AC or the OHE may recommend that individuals be invited to present information for consideration on matters under discussion by the OHE-AC. Participants may respond to questions and participate in discussion relevant to their presentation at the discretion of the Chair/Vice Chair, or by a 51% vote of all OHE-AC voting members present.

Section K: Meeting Summaries and Agendas

A record shall be made by the OHE staff or designee of the attendance of OHE-AC members and actions taken by the OHE-AC during each meeting. The draft staff minutes are considered as staff notes only, and are not official minutes unless later approved by the OHE-AC at an open meeting. After each meeting, for purpose of clarification, the staff notes can be made available upon request. These staff notes will contain the following caption: "These are notes of the meeting taken by staff of the California Department of Public Health, Office of Health Equity, and do not constitute formal approved minutes of the meeting." The same applies to subcommittee meetings and are reported back to the OHE-AC by the subcommittee Chair. If a consensus is not reached, all opinions will be reflected in the meeting summary. Once approved by OHE-AC, the minutes shall be posted on the web within 30 days following adoption and shall be a public record.

Section L: Administration

The OHE Deputy Director will be considered the primary point of contact for all OHE-AC planning processes. All comments and/or questions from OHE-AC members and the public will be directed to the OHE Deputy Director. The OHE staff will support the OHE Deputy Director in this function.

Date Presented:

Date Approved: