

WEST HOLLYWOOD HUMAN SERVICES COMMISSION
MINUTES – FEBRUARY 8, 2005
COMMUNITY CONFERENCE ROOM, CITY HALL

I. CALL TO ORDER

The West Hollywood Human Services Commission was called to order by Vice Chair Steven L. Davis at 6:02 p.m., Tuesday, February 8, 2005, in the Community Conference Room at City Hall, 8300 Santa Monica Boulevard, West Hollywood.

A. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Commissioner Henry.

B. ROLL CALL

Present: Gary Augeri, Ruth Cislowski, Steven Davis, Ponsella Gratton, Charles Henry, Peter Mackler, Shirley Roberts.

A quorum was present at all times. Commissioners Cislowski and Gratton joined the meeting in progress, as indicated below. Staff present included Daphne Dennis, Social Services Administrator; David Giugni, and Jeff Book.

C. POSTING OF AGENDA

The Secretary reported that notices for the meeting had been posted as required.

D. PROCEDURE FOR PUBLIC COMMENT

Persons desiring to address the meeting were asked to complete a request form.

II. MINUTES

Consideration of the minutes was tabled pending arrival of other commissioners.

III. ITEMS FROM THE PUBLIC

Tripp Mills of the WeHo Life program reported on their current activities and condom distribution figures.

IV. UNFINISHED BUSINESS

A. REPORT FROM LA SHANTI

Jackie Welter, chairman of the board of LA Shanti, reported that Cleve Jones has been replaced as executive director. She introduced the new executive director, Sharon Collins, who reported on their current programs.

Commissioner Gratton joined the meeting at this point.

Ms. Collins spoke about her hopes for the City Project, which has recently conducted a meet-up, an overnight, street outreach, and celebration of a new room for their use.

Regarding program reports showing performance below 80 percent, Commissioner Henry said he thought Council had established 80 percent as a minimum goal for the three-month period, and noted that the change of leadership at the agency followed closely after the Commission's recommendation of extension of the contract. He said he continues to be concerned about the use of public funds to provide services that, as reflected in program reports, are not reaching the necessary number of West Hollywood community members.

Commissioner Mackler noted the three-month period ends in April.

Commissioner Cislowski joined the meeting at this point, and assumed the chair after the next item.

II. MINUTES

The minutes of the meeting of January 11, 2005, were approved on a motion by Commissioner Cislowski, seconded by Commissioner Gratton, with Commissioners Henry, Mackler, and Roberts abstaining due to absence.

IV. B. ALLOCATION OF CONTRACT SAVINGS

Daphne Dennis provided several options for allocation of \$18,686 in contract savings. She recommended designating at least \$10,000 of the funds for the urgent services component of the contract with JFS, which has been a great resource.

Commissioner Henry moved to allocate \$10,000 to JFS for the urgent services component, consistent with the Commission's prior intention that this be a revolving fund that could be replenished when exhausted; and to designate \$1,000 for AIDS Healthcare Foundation; \$1,000 to Being Alive; \$1,000 to PATH; \$1,000 to PAWS; \$1,000 to Project Angel Food; \$500 to Aviva; and the balance of \$3,186 to the L.A. Gay & Lesbian Center. This was seconded by Commissioner Mackler.

It was noted that Commissioner Davis, as an employee of AHF, cannot vote on recommendations for their funding. The maker and seconder of the motion

amended the motion to exclude the \$1,000 for AHF. The question was called, and the motion was approved unanimously.

Commissioner Davis left the room. Commissioner Henry moved to designate the remaining \$1,000 to AIDS Healthcare Foundation. This was seconded by Commissioner Roberts, and unanimously approved by the six commissioners. After the vote, Commissioner Davis returned to the meeting.

V. NEW BUSINESS

A. DISABILITIES ADVISORY BOARD RECOMMENDATIONS ON ACCESS AND USE OF PUBLIC RIGHT OF WAY

Norman Cherner of the Disabilities Advisory Board presented two resolutions of that board regarding the ability of persons with disabilities to use public rights of way with regard to (1) outdoor dining, and (2) racks, rugs, and other items placed in front of businesses. They have asked for Council to consider revisions to the Municipal Code and other changes in this regard. Council has asked staff to review the situation and return with recommendations.

Commissioner Henry asked about the status of staff's review and the anticipated timing of recommendations. Daphne Dennis said this is mostly being conducted by code enforcement, the City Attorney, and the city engineer, and a target date has apparently not been set.

After discussion, Commissioner Mackler moved to support the DAB resolutions, establish that the Commission is in full support of DAB's efforts in this regard, and ask for staff's recommendations to be provided to DAB and the Commission at the earliest appropriate time. This was seconded by Commissioner Davis.

Commissioner Henry proposed amending the motion by asking staff to provide the Commission at its next meeting with an update on the development of recommendations, including a timeframe when the recommendations will be submitted to Council. This was accepted as a friendly amendment by the maker and seconder of the main motion, which was then unanimously approved.

There was a brief recess.

B. HIV NAMES-BASED REPORTING

David Giugni said Council has requested the Commission and the Lesbian and Gay Advisory Board (LGAB) to provide recommendations regarding proposed changes to the city's current policy opposing HIV names-based reporting and supporting confidential, code-based testing, as well as anonymous testing.

He said the County Board of Supervisors voted recently to change to names-based reporting, in anticipation that this will be required for continued federal funding. As the City's representative on the county's Commission on HIV Health Services, he reported that he voted against names-based reporting when it came before the public policy committee, and when it came before the commission.

He said he has three continuing questions regarding the proposed change: (1) How do we know names-based reporting will be more accurate?; (2) How do we know, as proponents of the change assert, that people are less resistant to providing their names now?; and (3) Why is this change being proposed now, before the Federal Government requires it.

The Commission accepted comment from 10 people: (1) Howard Jacobs, board president of Being Alive; (2) Terry Leftgoff, of Being Alive; (3) Phil Curtis of AIDS Project Los Angeles; (4) Demetri Moshoyannis, executive director of Being Alive; (5) Fire Riegel, resident; (6) Alicia K. Avalos, Women Alive Coalition; (7) Craig Vincent-Jones, executive director of the Commission on HIV Health Services; (8) Whitney Engeran, Being Alive Long Beach; (9) Gordon Bunch, director of HIV epidemiology program; and (10) Gunther Freehill, Office of AIDS Programs & Policy.

Mr. Jacobs opposes the change because he believes it may act as a barrier to testing; because he believes the information could be used to harass persons others may think infected them; and because he believes it to be a threat to undocumented persons who may avoid names-based testing out of fear.

Mr. Leftgoff opposes the change because he believes it may act as a deterrent to testing, and thinks fear of funding changes is an inadequate reason to alter the policy, especially since such changes have not even been implemented. He distributed a list of groups that oppose the change.

Mr. Curtis supports the change due to the recommendation of the Commission on HIV Health Services, and in anticipation of changes in federal policy that will flow from recent election results. He believes names-based reporting is the simplest and most accurate system, and that funds will be threatened by 2007.

Mr. Moshoyannis opposes the change because he believes it could lead to a significant dropoff in the number of persons seeking care. He said there are many factors involved in helping people make the connections between testing, care, and other aspects, and that changing this part of the process will be negative.

Mr. Riegel opposes the change because he believes names-based testing is an invasion of personal privacy, and because inadequate evidence has been provided that the change will improve funding for HIV health services.

Ms. Avalos supports the change because she believes it will help preserve the resources needed to provide adequate services. She is especially concerned about the impact of decreased resources on those most at risk, including persons of color and the undocumented. She noted that under names-based reporting, names are not reported to the Federal Government, and that people already provide their names in order to access any number of health-related services.

Mr. Vincent-Jones supports the change because he believes it will improve the efficiency and accuracy of surveillance, and thus is in the health interest of the community. He noted AIDS cases are already reported by name, that there have been no reported breaches of confidentiality, and that anonymous testing will still be available.

Mr. Engeran, who represents Supervisor Don Knabe on the HIV Commission, supports the change, and said he believes that the character and intention of the supporters were being misrepresented by opponents. He said that most HIV positive persons on the HIV Commission voted to support the change.

Mr. Bunch supports the change, and said that 40% of cases investigated under the code-based system prove to be duplicates, compared to 5% of cases investigated under a names-based system. He believes the epidemiology staff loses substantial time in investigating duplicative information, simply because the method of reporting produces a high rate of error.

Mr. Freehill supports the change because he believes that studies show decreased fear of names-based reporting, that funding will be endangered if the change is not made, and that names-based reporting can coexist successfully with the option of anonymous testing.

The guests then responded to the questions posed earlier by David Giugni, and to questions posed by the Commission.

Regarding how we know names-based reporting will be more accurate, Mr. Bunch said we know from the 40 percent vs. 5 percent rate of identifying existing cases, and that this hampers staff from spending their time on the actual new cases, since so much is lost in duplicative effort. Mr. Leftgoff said human error exists across all platforms, that their information shows the error rates to be comparable, and that privacy should not be sacrificed for bureaucratic convenience.

Regarding the evidence that people are less resistant to names reporting now, Mr. Freehill said this was in the written report provided to the Commission. Mr. Jacobs took issue with the accuracy of this.

Regarding why a change should happen before the Federal Government requires it, Mr. Engeran said the change will improve health services by allowing more efficiency and more accurate surveillance. Mr. Leftgoff said seven states which

have changed to names reporting have gone on to ban anonymous testing, because many who previously tested under code-based reporting switched to anonymity when code-based reporting was eliminated, which meant the surveillance was not improved.

After further discussion, Commissioner Mackler moved to recommend that the City reaffirm its current position supporting code-based reporting and opposing names-based reporting. This was seconded by Commissioner Gratton.

Commissioner Henry noted that a letter had been sent seeking his recusal on this issue, and that the City Attorney had determined that as a commissioner he is acting in his capacity as a private citizen, and not in his role with Los Angeles County. He also noted that recusal of Commissioner Davis was not sought, even though he works for an agency which has taken a position on the question.

Commissioner Henry said he opposes the motion and favors the change in policy, because it is time to rethink whether fear of names-based reporting is based in reality; because it is more efficient and a better use of limited resources; because anonymous testing will still be available; because there have been 160,000 AIDS cases in California with no breach of confidentiality; because under current legislation, funding will change in 2007 unless this change is made; because care for persons living with HIV/AIDS in West Hollywood may be underfunded, because a relatively higher income may enable people to access health care and delay progression to AIDS; and because this is necessary to preserve our competitive standing in seeking funds, as resources are likely to become scarcer.

Commissioner Mackler thanked the speakers, and said he favors the motion because we have a record as a city of taking care of people living with HIV/AIDS, and of fighting back against policies we do not support, because he does not favor capitulating to a conservative movement seeking to accomplish these changes, and because we owe it to those who are no longer here to fight back, as well as having an obligation to set an example for youth.

Commissioner Davis said it seemed likely that change is coming, but that he did not support it, because of his own experience in testing positive in 1985, and because he has some issues with the county report recommending the change. He said the change seemed to be one of convenience for the county, and not one of necessity.

Commissioner Roberts said if it is possible to improve our system for providing health care for persons living with HIV/AIDS, we should do so, and that the 40 percent rate of identifying preexisting cases is a serious problem.

Commissioner Augeri said he was concerned about reports of medical personnel leaving the state due to paperwork requirements and other hindrances to medical

practice, and that he wondered if names-based reporting might decrease this burden.

Commissioner Cislowski said this was a difficult, if symbolic, issue; that she strongly supports efficiency and protecting funding, and that she would like to support the motion with the understanding that the city's social services providers will be made aware of the likelihood of this change in the next couple of years.

The motion was approved 5 to 2, with Commissioners Henry and Roberts dissenting.

C. NON-PRESCRIPTION NEEDLE SALES

David Giugni presented the item, which will be on the next Council agenda, dealing with an affirmation that the City will participate in non-prescription needle sales, as authorized by SB 1159.

Commissioner Davis moved to support this. It was seconded by Commissioner Mackler, and unanimously approved.

VI. ITEMS FROM THE COMMISSION

Commissioner Mackler asked for a future agenda to contain the topic of identity theft, with a presentation by the Sheriff's Department volunteer who is working on this with Public Safety and Senior Services.

Commissioner Gratton attended all the advisory board meetings last month, and found them all interesting. Other commissioners will attend the meetings during the year. Commissioner Cislowski asked that the assignment of advisory board meetings be reviewed at the next regular meeting.

Since the next regular meeting date, March 8, coincides with the city election, that meeting will have to be rescheduled. Staff will identify a date, time, and place, and notify commissioners.

VII. ITEMS FROM STAFF

Daphne Dennis said the city participated in the L.A. homeless census last week, with 111 people being counted at night. A daytime count is also planned, and an overall report will be provided when the census is completed.

IX. ADJOURNMENT

The meeting was adjourned at 9:05 p.m., in memory of Ina Bliss.

The next regular meeting will be at the call of the chair.

Signed: 
Steven L. Davis

Attest:


