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Governor



Oregon Commission on Hispanic Affairs
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OCHA BYLAWS
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Article I – PURPOSE & AUTHORITY

Purpose

The Oregon Commission on Hispanic Affairs was created to work for the implementation and establishment of economic, social, legal and political equality for Hispanics in Oregon.

The Commission is authorized by Oregon Revised Statute 185.310 - 185.330 to:

1. Monitor existing programs and legislation designed to meet the needs of Oregon's Hispanic population.
2. Identify and research problem areas and issues affecting the Hispanic community and recommend actions to the Governor and the Legislative Assembly, including recommendations on legislative programs.
3. Maintain a liaison between the Hispanic community and government entities.
4. Encourage Hispanic representation on state boards and commissions.
5. Hold meetings to conduct its business.

Article II – COMMISSIONERS

Section 1 – Number of Members

The Oregon Commission on Hispanic Affairs shall consist of eleven (11) Commissioners. Two of the eleven commissioners shall be representatives from the Oregon Legislative Assembly.

Section 2 – Appointment of Eleven Members

Nine members of the Commission shall be appointed by the Governor and confirmed by the Oregon Senate. The President of the Oregon Senate and the Speaker of the Oregon House of Representatives shall each appoint one Legislative member. Whether appointed by the governor or by the legislative leadership, all commissioners are part of quorum, vote as part of their service on the commission, and may serve as elected officers of the commission.

Section 3 – Length of Term

Members appointed by the Governor shall serve three-year terms. Legislators shall serve two-year terms. Before the expiration of the term of a Commissioner, the Governor shall appoint a successor to assume the duties. A Governor-appointed Commissioner is eligible to apply for reappointment for a second three-year term. Any Commissioner who through change of employment status or other circumstances no longer meets the criteria for the position to which he/she was appointed shall be ineligible to continue on the Commission. Such positions shall be declared vacant immediately. In case of vacancy for any cause, the Governor, President of the Senate or Speaker of the House shall make an appointment to become immediately effective for the balance of the unexpired term after which the member may reapply for a standard term on the Commission.

Section 4 – Commission Role in Appointments

The Commission shall assist the Governor as requested to make appointments that serve the public interest.

1. The Commission shall promote the nomination of qualified candidates. Individual Commissioners shall inform colleagues and professional organizations of the appointment process.
2. Commissioners may individually endorse the appointment or reappointment of nominees by contacting the Governor. Endorsements are the option of individual Commissioners and are not to be construed as the consensus of the Commission.

Section 5 – Orientation of Commissioners

The Commission shall assist each new Commissioner to understand the Commission's functions, policies and procedures. The appointee shall be given selected material for orientation to the work of the Commission. Prior to taking office, the Chair shall invite the appointee to attend Commission meetings to participate in discussion. The Commission Chair shall supply material pertinent to meetings and explain its use.

New Commissioner must attend the Boards & Commissions orientation sponsored by the governor's office within one year of the appointment, or must demonstrate sufficient knowledge of the working of governmental entities.

Section 6 – Authority of Individual Commissioners

Commissioners have individual authority to act on behalf of the Commission only when approved by the full commission. The Commission cannot be bound by any statements or actions of individual Commissioners, pursuant to instructions or policies of the Commission. Commissioners must abide by the roles and responsibilities as described in these bylaws.

Section 7 – Removal of a Commissioner

The office of a Commissioner shall be vacated by the Governor if the member ceases to possess the qualifications required for appointment, to include status designations provided in ORS 182.0 10.

Attendance at Commission meetings is mandatory for Commissioners. After a Commissioner has missed two consecutive meetings the Chair or designee will contact the commissioner concerning their intention to serve. The Chair or designee will report back to the full commission at its next meeting. If the member is absent again the Commission will vote as to writing a letter to the governor's office requesting the removal of the Commissioner. Such removal will not relieve responsibility of past actions while on the Commission.

Section 8 – Government Ethics Law

All Commission members must adhere to the Oregon Code of Ethics set forth in ORS 244.050. This code prohibits public officials from:

1. Using their position to obtain financial gain for themselves, members of their household, or any other business with which they or members of their household are associated;
2. Using confidential information received in their position for private gain;
3. Soliciting or receiving a promise of future employment for official action; or

4. Offering, soliciting or receiving, during a calendar year, gifts totaling over \$50 in value, from any source with a possible interest in the public official's governmental agency.
5. No person shall attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member.

ARTICLE III – OFFICERS OF THE COMMISSION

Section 1 – Designation

The officers of the Commission shall be a Chair, Vice-Chair, and two (2) Members at-large. The Executive Committee shall consist of these four individuals. The Executive Committee shall be gender balanced. All officers shall be commissioners.

Section 2 – Nominations

Nominations for officers shall be open at the regularly scheduled meeting for April. Nominations from the floor are in order. In all cases consent for nominations shall be secured from the nominee.

Section 3 – Election of Officers

Election of officers shall be an agenda item at the last regularly scheduled meeting of June. The list of nominees shall be made part of the printed agenda. All voting, including the election of officers, shall be public. It is the responsibility of the incoming Chair to notify the Governor's office of the new appointment.

Section 4 – Officers Term of Service

Officers shall serve for one (1) year commencing July 1. If the chair is permanently vacated for any reason, the Commission shall elect an interim Chair to serve the remainder of the term.

Section 5 – Duties of the Chair

The Chair shall

1. Presides at all regular and special meetings of the Commission.
2. Call and chair all meetings of the Executive Committee.
3. Work with staff to determine agenda items for each meeting.
4. Appoints chairs and members of all internal committees.
5. Performs such duties as are assigned by the Commission, as well as those customarily delegated to the office of the Chair.
6. Directs the work of staff to the Commission.
7. May appoint a Commissioner to serve as Parliamentarian who advises the Chair on parliamentary matters.
8. Meets periodically with the leadership of the other Advocacy Commissions to share issues and actions of mutual interest and collaborate with the other leaders for action between the Advocacy Commissions.
9. Conducts the annual evaluation of the Administrator of the OACO in June.
10. Presents the annual report of the OCHA to the legislature during the General Government Committee meeting of Joint Ways and Means as part of the budget presentation of the OAC's.

Section 6 – Duties of the Vice-Chair

In the absence of the Chair or in the event of the Chair's temporary inability to act, the vice chair shall perform the duties of the Chair. Discharge such responsibilities as the Commission or its Executive Committee assign.

Section 7 – Removal of Officers

Officers may be removed from their office for cause by a two-thirds vote of the Commission.

ARTICLE IV – COMMITTEES

Section 1 – Committee Meetings

All committees of the Commission shall meet in public session except as provided under ORS 192.610 to 192.690. Committee meetings which are closed to the public (executive sessions) under provisions of these statutes shall be limited to obtaining information and discussion. Any action, such as decisions which require a vote, shall be taken in a public meeting with the matter, including the record of voting, reported in the minutes of the committee.

Section 2 – Duties of the Executive Committee

1. Reviews and recommends to the Commission appropriate action concerning past and present programs. Priorities of the Commission shall be established by the Commission as a whole.
2. Determines, prior to the last meeting in June of every year, the meeting dates and locations for July-through-June meetings of the following year. In setting the meeting sites the committee shall consider locations that maximize community and budgetary resources.
3. At the call of the Chair reviews the agenda for each regularly scheduled meeting of the Commission.
4. Reviews the Commission's budget request which is submitted to the Governor.
5. If an appropriation allows reviews and recommends to the Commission the expenditure plan for any internal standing and temporary committees.

Section 3 – Executive Committee Meetings

The Executive Committee shall meet at the call of the Chair or at the Executive Committee member's request of the Chair. Notice of the meeting shall occur at least twenty-four (24) hours prior to the meeting. The notice shall include the meeting date, time, place, and agenda to be considered. The Executive Committee shall share their agenda with the full Commission.

Section 4 – Standing Committees

A Standing Committee is an internal committee that is, composed of Commissioners. The Commission shall have the following Standing Committees: Executive, Program & Development.

The Chair, following consultation with the Executive Committee, shall-for the year in which the member serves as Chair-identify the standing committees, their membership and their functions.

No individual Commissioner and no group comprised of less than half of the full membership of the Commission shall be designated as a permanent committee to perform any of the Commission's functions.

Section 5 – Temporary Committees

The Chair-at his/her own discretion or at the request of the Commission or the Executive Committee, shall appoint for special purposes temporary internal and/or external committees composed of Commissioners and/or community members. At the time of appointment of a temporary committee, the Chair shall identify its responsibility, determine its limits of time and set other constraints deemed appropriate. The Commission may seek the assistance of other citizens in proposing solutions to problems which fall within the Commission's area of authority and responsibility. Such temporary committees shall be discharged upon completion of their assignments.

Section 6 – Advisory Committee

The OCHA may establish an Advisory Committee which shall be composed of non-Commissioners and 1 Commissioner designated by the Chair of OCHA to serve as a liaison between the Commission and the advisory board. The advisory committee shall be recruited and approved by the OCHA and shall represent the attitudes, opinions and needs of the Latino community in Oregon. The work of the advisory committee is to provide advice and recommendations to the commission on these attitudes, opinions and needs. In organizing an Advisory Committee, the Commission shall identify the Committee's authority, functions, constraints and term of appointment and invite the advisory committee members to attend meetings of the OCHA. In all cases the Commission alone will serve as final decision- maker.

ARTICLE V – COMMISSION STAFF & VOLUNTEERS

Section 1 – Commission Staff

The Commission shall be staff by the Oregon Advocacy Commission Office. The Commission, in partnership with the Oregon Commission on Asian Affairs, the Oregon Commission on Black Affairs, the Oregon Commission for Women and the Oregon Bureau of Labor and Industry, shall set for the qualifications of the OACO Administrator and appoint a qualified person. They also may, subject to Oregon Revised Statute and administrative rules, employ other persons to provide such services as the commission shall require.

Section 2 – Volunteers

As volunteer opportunities arise the commission shall utilize community volunteers to expedite its work.

ARTICLE VI – MEETINGS

Section 1 – Regular Meetings

A. Regular Meeting Schedule. The Commission shall hold at least six regular meetings annually. A regular schedule including time of day and day of the week will be established in July of each year

and posted for public information. Locations may vary in an effort to reach remote geographic areas of the state.

B. Joint meeting of the Advocacy Commissions. The OCHA will meet at least annually in a joint meeting of the Oregon Advocacy Commissions (OAC's), which are the Oregon Commissions on Asian and Pacific Islander Affairs, Black Affairs, Hispanic Affairs and Commission for Women, in order to conduct official business of mutual interest to the OAC's.

Section 2 – Special Meetings

Special meetings are called upon written notice issued by the Chair or Executive Committee or by the Commission staff at the request of 3 members of the Commission. Notice of the meeting shall be issued at least twenty- four (24) hours prior to it convening. When in session, the special meeting is conducted as a regular meeting.

Section 3 – Executive Sessions

Executive sessions are held to consider personnel matters and are open to identified members of the news media except during meetings specified under ORS 192.660 paragraph (d), subsection (1). Prior to adjourning from a regular or special meeting to executive session, the Chair shall read into the record the authority and reason for the session. No executive session shall conduct final action or make any final decision. These matters shall be considered as part of a public regular or special meeting.

Section 4 – Committee Meetings

Committee meetings are public except as provided in these bylaws.

Section 5 – Public Hearings

Public hearings are meetings scheduled and publicized for the purpose of providing the public an opportunity to be heard on specific topics.

Section 6 – Time and Place of Meetings

The Commission shall meet every other month at a place, day, and hour to be determined by the Commission. The Commission shall also meet at such other times and places as are specified by the call of the Chair, or a majority of the members of the Commission.

The Commission shall meet on a regular basis at places and times determined by the Executive Committee.

Section 7 – Notification for Meetings

The date and place of a regularly scheduled meeting of the Commission shall be posted at the Commission office five (5) days prior to meeting. Seven (7) days prior to the forthcoming meeting, an agenda, supporting materials, recommended action when applicable, and a statement of the date, time and place shall be mailed to each Commission member by staff. An agenda shall be mailed to the persons, organizations or publications identified in the Commission's "Agency Notice Rule".

Section 8 – Quorum for Business

A majority of the members of the Commission shall constitute a quorum for the transaction of business at a regular or special meeting.

Three members of the Executive Committee shall constitute a quorum for transaction of business at an Executive Committee Meeting.

A majority of the members of the standing or temporary committees shall constitute a quorum for transaction of business.

Section 9 – Agenda

The Administrator, in cooperation with the Chair, shall prepare an official agenda for Commission meetings and transmit it to all members and professional staff as well as to other persons, agencies and organizations as designated by the Commission or as determined annually by the Commission in adopting or amending its “Agency Notice Rule”.

The Chair and Administrator when preparing the proposed agenda, may identify, items which they recommend be adopted by a single consent motion. Prior to recognizing a motion to adopt the proposed consent agenda items, the Chair shall provide an opportunity for any Commissioner to request that an item, or all of the items, be considered separately.

Section 10 – Request for Action

Requests for action by the Commission shall be in writing and submitted to the Administrator ten (10) days prior to the meeting. Such items shall be reviewed by the Chair or a designee and, if appropriate, be placed on the agenda. This requirement applies only to main motions of substance and does not apply to privileged, incidental or subsidiary motions.

Members wishing to have information or discussion items on the agenda shall so inform the Administrator ten (10) days in advance of the preparation of the agenda. When the meeting convenes, additional agenda items may be accepted for discussion only upon approval of a majority of members present.

Section 11 – Resolutions: Acceptance, Adoption

Formal action on the part of the Commission shall be by acceptance of reports or recommendations, or by adoption of resolutions.

An accepted report or recommendation shall be treated as information, not action required to be taken. An adopted resolution becomes a procedure or rule, thereupon to be executed by the Commission.

Proposed action not in conformance with the Agenda shall be restricted to discussion; if accepted, intent to adopt at a following meeting is assumed. Items thus proposed for addition shall be entered in the minutes as proposed resolutions for consideration at future meetings.

A resolution requiring action as a result of an extraordinary need for urgency may be adopted without the item being identified on the printed and circulated agenda as an action item. Consideration of such an item shall require an affirmative vote by all Commissioners present to add the item to the agenda and a majority of affirmative vote for passage of the item as required by these bylaws.

Section 12 – Parliamentary Procedure

Robert’s Rules of Order, Newly Revised, shall be the parliamentary authority, subject to any special rules adopted by the Commission. A Commissioner, appointed by the Chair, shall serve as parliamentarian and advise the Chair on matters of procedure.

Section 13 – Voting

Adoption, amendment, suspension, or revocation of Commission policies or rules, when identified as action items on the printed agenda, shall require a majority vote of the Commissioners present if a quorum has been established. Items that are added to the agenda as provided by these bylaws, shall require affirmation of all Commissioners present rather than a simple majority.

It is the duty of every Commissioner who has a judgment on a resolution to express that judgment by vote.

Voting shall be public record to be placed on the minutes as provided by the Oregon Public Meeting Laws.

Any member may abstain from voting. The minutes will show abstentions.

Section 14 – Audience Participation at Meetings

Meetings of the Commission are public and are held in accessible locations. The Chair may accept public comment during the commission meetings. Persons or groups requesting to appear before the Commission may be given a reasonable opportunity to do so. Participants are encouraged to communicate with the Chair or Administrator at least fifteen (15) days prior to the meeting date in order that the item for discussion and an appropriate amount of time may be included in the agenda. Printed materials in connection with the appearance should be provided the Commissioners at the time of the meeting. Such materials may be mailed out prior to the meeting date, directly to each member and Administrator.

Participants who appear at the meeting and wish to speak shall be requested to sign a register and indicate the topic to be discussed. The Commission has the authority, per parliamentary action, to limit the presentation time to five minutes per topic in order that the business on the agenda be completed. In addition, the Chair has the power to exclude repetitions or immaterial presentations.

Members of the audience who request to speak to a specific agenda item may, at the discretion of the Chair, be afforded the opportunity. Members of the audience shall not be permitted further discussion of a topic once the Commission has begun deliberation of the topic in the form of a resolution, although questions may be directed to members of the audience by Commissioners through the Chair.

ARTICLE VII – OREGON LAW

In the event any provisions of these by-laws are in conflict with Oregon Law, Oregon law shall be controlling.

ARTICLE VIII – PROCEDURE FOR CHANGING BYLAWS MEETINGS

Revisions to the bylaws will be handled in three phases:

A. Discussion: Discussion of proposed changes in the bylaws will take place at a regular meeting of the Commission and will be noted in the Public Meeting Notice of the OCHA and will be specified on the agenda.

B. Review. The proposed changes to the bylaws will be posted at the State Transparency website and at the OCHA website for public review during the period between the discussion and the adoption by the commission.

C. Adoption: Changes in the bylaws will be adopted as part of the business of the next regular meeting of the commission and will be noted as part of the Public Meeting Notice and agenda items for that meeting

Once adopted, the bylaw changes are effective immediately.