

BYLAWS

OF THE PRINCE GEORGE'S COUNTY HUMAN RELATIONS COMMISSION

Approved May 20, 1981

Revised August 22, 2011

PREAMBLE

Pursuant to the powers vested in the Prince George's County Human Relations Commission as provided by law, the following are hereby adopted and declared as the Bylaws of the Prince George's County Human Relations Commission.

ARTICLE I

NAME, PURPOSE, AND POWERS

Section 1. Name and Purpose

A. The Prince George's County Human Relations Commission (hereafter "the Commission") is the 13 member body established by the Prince George's County Council to enforce County laws prohibiting discrimination and infringement of civil rights and civil liberties of all persons in the county, as set forth in Division 12 of the Prince George's County Code, as amended, and to perform other functions specified in the Code. Enforcement includes, but is not limited to investigation and adjudication, where appropriate, of violations of applicable federal civil rights laws under the Civil Rights Act of 1964, in coordination, as necessary, with state and federal civil rights enforcement agencies.

B. The Commission is an agency of the Government of Prince George's County, Maryland.

C. Definitions: For purposes of these by-laws and any related rules of the Commission, the term "Commission" shall mean the 13 member adjudicating body. The term "Staff" or "Commission Staff" shall mean the county employees assigned by the County Executive to provide support to the Commission's adjudication function under the direction of the Executive Director.

Section 2. Powers

A. The Commission shall perform the duties and exercise the powers specified in the Prince George's County Code Division 12 as amended, and other pertinent

provisions of law.

B. The Commission may make and publish rules and regulations and prescribe policies and procedures, subject to approval by the County Executive, necessary to carry out its powers and duties.

ARTICLE II

OFFICERS OF THE COMMISSION AND THEIR SELECTION

Section 1. Officers and Their Terms

A. The officers of the Commission shall be the Chair, the Vice Chair and the Secretary.

B. Officers shall assume their official duties upon selection and shall serve for a term of one year or until their successors are selected. The Vice Chair and the Secretary shall not serve for more than four consecutive full terms.

Section 2. Selection of Officers

A. The Chair shall be designated by the County Executive each year and shall serve at the pleasure of the County Executive. A vacancy in the office of Chair shall be filled by the County Executive. Until such vacancy is filled, the Vice Chair shall act as Chair with the title "Acting Chair".

B. The Vice Chair and Secretary shall be elected annually by secret ballot at the annual meeting of the Commission, which shall be held in October of each year. Election to each office requires a simple majority vote of the full commission. A vacancy in the office of Vice Chair or Secretary shall be filled by election at any regularly scheduled Commission meeting. An officer, so elected, shall serve for the remainder of the predecessor's term or until a successor is selected.

ARTICLE III

DUTIES OF OFFICERS

Section 1. The Chair

The Chair shall represent the Commission before all public bodies, but may designate some other person to perform that function; shall preside at all meetings of the Commission; shall be authorized to sign, on behalf of the Commission, all papers to be executed in the name of the Commission or by the Commission as required by law; shall sign the records of the proceedings of all meetings of the

Commission; shall direct the work of the Commission and the Hearing Panels and Commission's standing and ad hoc committees in order to assure that the Commission's statutory responsibilities are discharged; and shall perform such other duties as are prescribed in these Bylaws or assigned by the Commission.

Section 2. The Vice Chair

The Vice Chair shall, at the request of or in the absence of the Chair, perform all the duties of the Chair and, while so doing, have and exercise all the authority and powers of the Chair; and shall perform such other duties as may from time to time be assigned by the Commission. The Vice Chair shall also be responsible for working with the panels to ensure an acceptable level of program activity

Section 3. The Secretary

The Secretary shall ensure that minutes of every meeting are taken and shall, along with the Chair, manage the assignment of Commissioners to hearing panels and committees. The Secretary shall perform such other administrative duties as are prescribed in these Bylaws or assigned by the Commission.

ARTICLE IV

THE EXECUTIVE DIRECTOR

Section 1. Selection

A. The Executive Director of the Human Relations Commission shall be appointed by the County Executive in accordance with the procedure specified in Section 2-190 of Division 12 of the County Code.

B. The Executive Director shall serve at the pleasure of the County Executive.

Section 2. Authority and Powers

A. The Executive Director shall have and exercise all authority and powers conferred by Division 12 of the County Code, as amended.

B. In addition to the authority and powers conferred by law, the Executive Director provides administrative support to the Commission and supervises the Commission Staff. Subject to the authority and applicable regulations and policies of Prince George's County Government, the Executive Director shall have the authority to appoint, promote, fix salaries, and assign duties, and terminate personnel who work on behalf of the Commission, as Commission staff or as consultants.

C. The Executive Director shall be responsible for the preparation and

preservation of written minutes of all meetings of the Commission and its committees and shall provide same to the Secretary of the Commission for presentation and approval at the following meeting.

ARTICLE V

COUNSEL TO THE COMMISSION

Section 1. Selection

A. The Commission hereby establishes a position of Contract Counsel to the Commission. The Executive Director in cooperation with the County Executive will secure the services of an Attorney duly licensed in the State of Maryland and in good standing, to serve in this role.

B. The Contract Counsel to the Commission shall serve at the pleasure of the Commission, but a under an annual contract established by the Executive Director and approved by the County Executive.

Section 2. Authority and Powers

The Contract Counsel to the Commissioner shall provide advice and counsel to the Commission Panels Members during deliberations resulting from Public Hearings, as the Commissioners deem necessary, and shall provide direct technical assistance in the drafting of Memoranda of Law, Hearing Decisions and Findings of Fact and Conclusions of Law for Commission Panels and shall, per request, review Panel recommendations prior to presentation to the full Commission.

ARTICLE VI

COMMISSION MEETINGS

Section 1. Regular Meetings

A. The Commission shall hold no less than ten regular meetings during each calendar year, which shall be open to the public, unless an executive session is called. Regular Commission meetings shall be held on the fourth Monday of each month.

B. The Chair shall annually present a schedule of the time and place for regular meetings for the ensuing year for approval by the Commission.

Section 2. Annual Meetings

Each year on the fourth Monday in October, the Commission shall hold its Annual Meeting, for the purpose of electing officers, appointing and confirming

Hearing Panels and making Committee Assignments, receiving the Annual Report of the Executive Director, and for any other business that may arise.

Section 3. Special Meetings

A special meeting may be called at any time by the Chair or upon request of at least three members of the Commission to the Chair. The convening of a special meeting shall be contingent upon satisfaction of the notice requirements in Article V, Section 3.B of these Bylaws, unless those requirements are waived by a majority of the members of the Commission then serving on the Commission. The waiver may be approved by telephone or other electronic modes of communication. Special Meetings shall also be open to the public in accordance with Article V, Section 5.B of these Bylaws.

Section 4. Location of Meetings; Notice of Meetings

A. The Chair, in consultation with the Executive Director, shall determine the location of each regular or special Commission meeting.

B. Notice of time and place for each Commission meeting shall be given in writing to each Commission member no less than five days in advance of such meeting, except in cases of emergency, in which case the reason for the emergency shall be cited in the meeting minutes. To the extent practicable notice of meetings shall be disseminated to the public in the official journals, publications or websites of the Commission or County Government, or as otherwise prescribed by law.

C. The notice shall include a meeting agenda. The agenda shall be prepared by the Executive Director in consultation with the Chair. Discussions and actions by the Commission shall not be limited to the items in the agenda but may include any business consistent with these Bylaws and the statutory duties and powers of the Commission.

D. To the extent permitted by law, under unusual circumstances, a special or emergency meeting may be conducted in whole or in part by telephone or by other interactive modes of communication.

E. In the event that a majority of the members of the Commission then serving on the Commission waive the notice requirements as permitted in Section 2 of this Article, notice of the waiver and the special meeting shall be immediately provided to each member of the Commission by telephone or other electronic modes of communication.

Section 5. Conduct of Meetings

A. A majority of the members then serving on the Commission shall constitute a quorum for the conduct of business at any Commission meeting. No

formal action may be taken by the Commission without the approval of a majority of the members of the Commission then serving on the Commission.

B. All Commission meetings shall be conducted in accordance with the Maryland Open Meetings Act (Title 10, Subtitle 5 of the State Government Article, Annotated Code of Maryland). As provided in that law, the Commission may meet in executive session in certain enumerated circumstances, but only if a motion to meet in closed session is supported by majority of the members present and voting.

C. Voting on all matters before the Commission shall be by voice vote unless otherwise directed by the Chair or these Bylaws. In all cases where a vote is taken, the yeas, nays and abstentions shall be separately recorded, with the exception of a unanimous vote, which may be recorded as such.

D. Individuals desiring to address the Commission at a regular or special meeting may request that opportunity by submitting a written request to the Chair no later than seventy-two hours prior to the meeting. The request shall be acted upon by the Chair, who may at his or her discretion deny it, grant it, or grant it subject to limitations on the scope of time of presentation. No individual or group shall be entitled to address the Commission unless the subject of the presentation is deemed appropriate by the Chair and the duration of the presentation does not exceed limits imposed by the Chair. The restrictions in this paragraph do not prevent the Chair, at his or her discretion, from recognizing persons for comment during a Commission meeting.

E. Unless otherwise inconsistent with these Bylaws or Division 12 of the County Code, the conduct of all Commission meetings, including meetings of standing and ad hoc committees, shall be governed by the rules contained in the latest revised version of *Robert's Rules of Order*. Adjudication of discrimination complaints being heard in Public Meetings before a Hearing Panel, where presentation of testimonial and documentary evidence is anticipated, shall be governed by the Rules of Procedure for Cases Heard by Hearing Panel.

Section 6. Records of the Proceedings of the Commission

Minutes of each Commission meeting shall be signed by the Secretary of the Commission and distributed to each Commission member before or at the next regular Commission meeting. Minutes may be amended by vote of the Commission at the next regular Commission meeting. Minutes shall be maintained in a form accessible to the public in the principal offices of the Commission or at such other location as the Commission may from time to time determine. Minutes of an executive session may be reviewed and amended in executive session and are available for public inspection only as provided in the Maryland Open Meetings Act.

Section 7. Attendance at Meetings

A. It shall be the policy of the Commission that the workload of the Commissioners be equitably shared. Attendance at the Commission's Regular Meetings, Committee Meetings, Panel Hearings and other official meetings, is required unless excused. Meetings and programs to which Commissioners are invited, but where official Commission business will not be transacted, are not official meetings.

B. A Commissioner's absence at an official meeting may be excused if attendance is impossible or impractical due to a compelling medical, family, professional, vehicle-failure, or personal reason, and if the member requests to be excused. Such requests shall be communicated to the Clerk of the Commission, preferably prior to the meeting but in no case more than 48 hours after the meeting.

C. The Chairperson is responsible for determining whether an absence will be excused, based solely on the provisions in this section. An adverse determination must be communicated to the member, and may be challenged within two weeks of the notification in which case a final and binding determination shall be made by full Commission at its next regular meeting.

D. The Chairperson shall, within 10 business days of a Commissioners absence under the conditions listed here or violation of this provision, request by formal letter the resignation of any Commissioner who has:

- missed three (3) consecutive meetings, unexcused; and/or
- missed five (5) consecutive meetings, of which three or more were unexcused; and/or
- missed eight (8) meetings in a calendar year, for any reason.

E. Should the Commissioner in question not resign within 10 calendar days of the issuance of the letter requesting resignation, the Chairperson shall place the subject on the agenda for the next regular Commission meeting. At the meeting, the Commissioner in question shall be entitled to present his/her argument against the request for resignation and ask that it be reconsidered. The full Commission shall then decide by simple majority vote whether to reaffirm the Chairperson's request for resignation or withdraw the request. Should the full Commission reject the member's argument, the Chairperson shall, without discretion, send a formal letter of notification to the County Executive requesting on the Commission's behalf that the position be declared vacant and that a new member be appointed at the earliest feasible date. Should the full Commission decide to withdraw its request for resignation; the member's attendance record will continue to affect the previous absences. If failure to attend a future meeting causes the policy to be violated again, the Chairperson shall, without discretion, send a formal letter of notification to the County Executive requesting on the Commission's behalf that the position be declared vacant and that new member be appointed at the earliest feasible date.

F. Names of Commissioners attending, Commissioners excused, and other absences shall be recorded in the minutes of each meeting.

G. After the last meeting of each calendar year, and not later than the next regularly scheduled meeting, the Clerk of the Commission shall compile for the official record and distribute to all Commissioners an Annual Attendance Summary showing the number of regular and other official meetings attended, excused absences, and unexcused absences for each member during the year.

ARTICLE VII

HEARING PANELS AND COMMISSION COMMITTEES

Section 1. Hearing Panels

A. In addition to the committees set out in these Bylaws, the Commission shall establish Hearing Panels of no less than three Commissioners to hear and adjudicate claims of unlawful discrimination, as set forth in the County Code and all applicable federal and state statutes. The Hearing Panels shall be assigned to hear cases in the following categories: Housing, Employment, Law Enforcement, Public Accommodations, Education, Real Estate Transactions and Finance. Upon appointment by the County Executive or as soon thereafter as practicable, the Chair shall appoint members to each of the Hearing Panels.

B. A Chair and Vice Chair of each Hearing Panel shall be selected by the Chair of the Commission at the Annual Meeting, or at any other meeting scheduled for that purpose. In case of a vacancy on any of the Hearing Panels, the Commission Chair shall appoint a new member for the unexpired term. Members of the Commission may serve as officers or members of Hearing Panels for consecutive terms without limitation.

C. The Hearing Panels shall hear and decide, by simple majority vote, discrimination complaints in its subject area with the authority of the full Commission and shall perform all duties established by Division 12 of the County Code for the Commission in the resolution or adjudication of complaints of discrimination.

D. Hearing Panels shall meet as often as necessary in the calendar year, in their discretion, in order to effectively hear all the cases which they have been assigned. Subject to the timing requirements of local, state or federal law governing the timely resolution or full adjudication of discrimination complaints. Public Hearings shall be advertised to the public.

E. Issues of non-performance of Hearing Panel members shall be brought to the attention of the Chair of the Commission and the Executive Director, in a signed complaint by at least two Panel Members on the same panel requesting a

performance review of the non-performing Panel Member. A copy of any allegations of non-performance shall be also provided to the non-performing Panel Member. The complaint shall be brought for action to the Commission at its Regular Commission meeting immediately following the filing of the complaint, where due and timely notice and opportunity for the Panel Member to respond, shall be provided. A simple majority vote of the Commission Members present at that meeting shall be required for any sanction recommended against the Panel Member.

Section 2. Standing and Ad Hoc Committees

A. The Commission may also establish both standing and ad hoc committees. The Chair of the Commission shall be an ex officio member of all committees. Only voting members of the Commission shall be entitled to serve as members of Hearing Panels, standing or ad hoc committees. Upon appointment by the County Executive or as soon thereafter as practicable, the Chair shall appoint members to each of the standing committees and shall designate the chair and vice chair of each. In making such appointments, the Chair of the Commission shall determine the number of members on each standing committee, with no committee consisting of fewer than three members. A member or officer of a committee shall serve until a successor is selected. In case of a vacancy on a standing committee, the Chair of the Commission shall appoint a new member for the unexpired term. Each committee officer and member shall serve at the pleasure of the Chair of the Commission. Members of the Commission may serve as officers or members of standing committees for consecutive terms without limitation.

B. The standing committees of the Commission shall be the Executive Committee and the Rules Committee. Other Standing Committees may be established by the Commission in accordance with these Bylaws only at the Annual Meeting.

Section 3. The Executive Committee

The Executive Committee shall be comprised of the Chair, the Vice Chair and the Secretary and shall consider and report to the Commission on all matters relating to:

- (1) The development and implementation of Division 12 of the Prince George's County Code and all other applicable state or federal civil rights laws ;
- (2) Proposed amendments to these Bylaws;
- (3) Assignment and conduct of the Hearing Panels and Committees;
- (4) The administration and supervision of the Commission's programs and

initiatives; and

(5) Any other matter relating to civil rights enforcement policies that may be referred to or brought before the County Executive and County Council by the Chair of the Commission.

Section 4. The Rules Committee

The Rules Committee shall consider and report to the Commission on all matters relating to:

(1) The standard operating procedures and rules governing the conduct of Public Hearings; and

(2) The administration of the Attendance Policy for Commissioners, including absences, resignations, removals, etc.;

Section 5. Ad Hoc Committees

Ad hoc committees may be created by resolution of the Commission. The members of an ad hoc committee shall be appointed by the Chair of the Commission, who shall also designate the chair of the ad hoc committee. Ad hoc committees shall normally have a life not to exceed one year, unless renewed for a specific additional period by the Commission or the Chair of the Commission.

Section 6. Location of Committee Meetings; Notice of Committee Meetings

A. A meeting shall be called by the committee chair, who shall, to the maximum extent possible under the circumstances, consult with the Chair of the Commission regarding the date, time, and location of the meeting.

B. Notice of the time and place for each committee meeting shall be given in writing to each committee member no less than five days in advance of such meeting, unless that requirement is waived by unanimous vote of the members of the committee. The Executive Director shall give such other notice as may be appropriate.

C. The notice shall include a meeting agenda. The agenda shall be prepared by the Executive Director in consultation with the chair of the committee. Discussion and actions by the committee shall not be limited to the items in the agenda but may include any business consistent with these Bylaws and the statutory duties and powers of the Commission.

Section 7. Conduct of Committee Meetings

A. A majority of the voting members of a committee shall constitute a quorum for the conduct of committee business. The chair of a committee may invite other commission members to the meetings of a committee and, in the absence of a quorum of a committee such commission members may be empowered by the chair of a committee to vote on a particular matter before a committee and otherwise constitute a quorum for the conduct of committee business.

B. All committee meetings shall be conducted in accordance with the Maryland Open Meetings Act (Title 10, Subtitle 5 of the State Government Article, Annotated Code of Maryland). As provided in that law, a committee may meet in executive session in certain enumerated circumstances, provided that the chair of the committee consults (to the maximum extent practicable under the circumstances) with the Chair of the Commission prior to the convening of the executive session.

C. Voting on all matters before the committee shall be by voice vote unless otherwise directed by the chair of the committee. In all cases where a vote is taken, the yeas, nays, and abstentions shall be separately recorded, with the exception of a unanimous vote which may be recorded as such.

D. The transactions of every public committee meeting shall be memorialized, in summary form, and the minutes thereof shall be included in the record of the next regular meeting of the Commission.

Section 8. Records of the Proceedings of Committee Meetings

Minutes of each committee meeting shall be approved and signed by the chair of the committee and distributed to each committee member before or at the committee's next meeting. Minutes may be amended by vote of the committee at its next meeting. Minutes shall be maintained in a form accessible to the public in the principal offices of the Commission or at such other location as the Commission may from time to time determine. Minutes of an executive session may be reviewed and amended in executive session and are available for public inspection only as provided in the Maryland Open Meetings Act.

ARTICLE VIII

AMENDMENTS TO THE BYLAWS

Only the Executive Committee may propose and draft amendments to the Bylaws, which they may do at anytime for action by the Commission. These Bylaws may be amended only by a two-thirds majority of the full Commission at any regular meeting of the Commission; provided, however, that no proposed amendment shall

be acted upon unless the written text of the amendment is sent to each member of the Commission and the Executive Director at seven days prior to the vote.

ARTICLE IX

REPEAL OF PRIOR PROVISIONS

These by-laws supersede and replace any by-laws previously adopted by the Commission or its predecessors; and any regulations or policies of the Commission, or its predecessors, to the extent they are inconsistent with any provision contained in these Bylaws.

Ratified and Approved on this _____ day of _____, 2011 by the Prince George's County Human Relations Commission.

Commission Chair:

Print Name

Signature

Date

Witness:

Sandra E. Powell, Acting Clerk of Commission

Date