

By-Laws

of the

Erie County Human Relations Commission

and

Advisory Board

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BY-LAWS

OF

ERIE COUNTY HUMAN RELATIONS COMMISSION

Article I

Purpose

To the end of reducing or eliminating unlawful discrimination in Erie County, the Erie County Human Relations Commission (ECHRC) shall consist of two bodies; a Commission and an Advisory Board.

The nine (9) member commission (Enforcement Commissioners) may recommend the hiring of staff as permitted by the county budget and approved by County Council. The commission, through its staff shall receive, investigate and finally determine the merits of complaints alleging unlawful discriminatory practices based on an individual's protected class. The commission shall determine the merits of discrimination claims and seek to correct or remedy violation through conciliation and/or consent orders.

The eleven member non-voting Advisory Board may perform as the research, education and public relations duties under the direction of the Erie County Human Relations Commission.

Article II

Membership

Section 1. Appointment of Members:

The membership of the Erie County Human Relations Commission and its Advisory Board shall conform to Erie County Ordinance Number 39, 2007 (Amending Ordinance 59, 2004), as amended. Members shall be appointed for terms of four years and they may be reappointed. Their term anniversary shall be according to their appointing County Council district, City Council person, or County Executive. Appointments shall be in accordance with the prescribed procedures of the County Council, City Council or County Executive.

Section 2. Compensation:

The members of the Human Relations Commission and Advisory Board shall serve without compensation.

Section 3. Vacancies:

The seat of a Commissioner or Advisory Board member may be deemed “vacant” by the respective body after three absences from regular meetings, without good cause, within a year. The Commission or Advisory Board Chairperson shall notify the appointing City or County Councilperson or County Executive of such vacancy and may recommend a replacement. Appointees shall be residents of Erie County and reflect the diversity of our community.

An appointment to fill a casual vacancy shall be only for the unexpired term of the vacating member, and such vacancy shall be filled in the same manner as the original appointment.

Article III

Meetings and Operations

Section 1. Fiscal Year:

The Erie County Human Relations Commission shall have as its fiscal year the fiscal year adopted by the County of Erie.

Section 2. Open Meetings:

All meetings of the Erie County Human Relations Commission and the Board of Advisors will be held in accordance with the Pennsylvania Sunshine Act.

Section 3. Regular Meetings:

Regular meetings of the Erie County Human Relations Commission (ECHRC) shall be held in accordance with a schedule determined by the chairperson of the Commission with the consent of a majority of the commissioners. However, regular meetings shall be held at least ten (10) times a calendar year or as organizational needs require.

The regular meetings of the ECHRC Advisory Board shall be held in accordance with a schedule determined by the chairperson of the Advisory Board with consent of a majority of the Board. However, regular meetings shall be held at least six (6) times a calendar year or as organizational needs require.

Section 4. Special Meetings:

Special meetings of the commission or the Advisory Board may be called at any time by the respective chairperson or a majority of the members of the respective Commission or Board. Such meetings shall be called by written notification of the president or by a majority of the members of the respective Commission or Board, setting forth the date, time and objectives of such proposed meeting. Written notice of the time, place, and purpose of such meetings shall be mailed at least seven (7) days prior to the date fixed for holding of special meetings to each member entitled to vote. The purpose of the special meeting shall be limited in nature and as such the Commission’s authority is limited to the carrying out of the objective stated in the notification prescribed by this section. Any such action taken by the Commission beyond the scope of the objectives stated for the special meetings are beyond the legal power or authority of the body.

Section 5. Quorum:

Any five (5) of the nine (9) Enforcement Commissioners and any six (6) of the eleven (11) Advisors shall constitute a quorum. If there are vacancies, then quorum shall be one more than half of the duly seated members of the Commission or Advisory Board. Neither the Commission nor the Advisory Board shall take official action or conduct any official business at any meeting unless a quorum is present, except that any unofficial action taken by the Commission may subsequently be ratified by the unanimous vote of the members of the Commission. Directors shall be deemed as present at such meeting if a telephone or similar communications device by means of which all persons participating in the meeting can hear each other at the same time is used. The act of a majority of the Directors present and voting at a meeting at which a quorum is present shall be the act of the Board, ***with the exception of those acts which initiate legal action in cases without a complainant, which require the approval of two-thirds (2/3) of the full membership of the Commission.***

After a quorum has been established at a meeting of the Commission or Advisory Board, the subsequent withdrawal of Commissioners or Advisors from the meeting so as to reduce the number of members present to fewer than the number required for a quorum shall not affect the validity of any action taken by the Commission or Board at the meeting up to that point or any adjournment thereof.

A majority of the members present, whether or not a quorum exists, may adjourn any meeting of the Commission or Board to another time and place.

Section 6. Voting:

Each Commission or Advisory Board member shall be entitled to one (1) vote in their respective bodies, specific to each subject properly submitted to vote, at each meeting of the members present in person. No proxy voting shall be permitted.

Section 7. Robert's Rule of Order:

Robert's Rules of Order shall govern the deliberations of both the Commission and the Advisory Board where not otherwise governed by these bylaws.

Section 8. Conflicts of Interest:

To insure the integrity of the Commission proceedings, Commissioners shall announce any relationship with claimants or defendants and recuse themselves from any decision if that relationship is material and more than de Minimis, or if one of the parties to the process objects.

Article IV

Election of Officers

Section 1. Elected Officers:

The officers of the Erie County Human Relations Commission (ECHRC) shall be a chairperson, vice-chairperson, and secretary.

The officers of the ECHRC Advisory Board shall be a chairperson, vice-chairperson, and secretary.

Section 2. Election and Term of Officers:

At their regular December meeting, the Commission and the Advisory Board shall elect from their own number officers who shall serve one year.

A vacancy in any elective office may be filled for the balance of the term thereof by appointment of the Commission or Board chairperson, or in the case of a vacancy in the office of the chairperson, by election by the members of the respective bodies.

Article V

Duties of Commission Officers

Section 1. Duties of the Chairperson:

The chairperson shall preside at all meetings of the Commission, serve as presiding officer at special meetings, communicate and interpret policy, serve as a link between the commissioners, Advisory Board and the executive director on matters of policy. The chairperson shall be the primary public spokesperson for the Commission, but may designate an alternate spokesperson if the situation requires.

The chairperson shall appoint a chairperson for standing, rotating or ad hoc committees, and in the absence of its chairperson (except for the Hearing Board), shall preside over any such committees, except as may be otherwise provided in these bylaws, the chairperson shall be a member of all committees. The chairperson shall appoint motions chairperson for each hearing board of the Commission. To insure the integrity of the Commission proceedings, the chairperson shall inquire about any potential conflicts of interest with claimants or defendants on the part of Commissioners before their appointment to the hearing board committee.

Section 2. Duties of the Vice Chairperson:

The vice chairperson shall assume the duties of the chairperson serve as presiding officer in the absence of the chairperson and shall act on behalf of the chairperson to carry out such duties as delegated by the chair.

Section 3. Duties of the Secretary:

The secretary shall be responsible for seeing that minutes are kept of each meeting, sign minutes and reports of the Commission, and in certain circumstances, sign notices of meetings, as may be prescribed by the chairperson. In appropriate instances, he/she shall attest to official papers of the Commission. He/she shall chair the Budget Committee.

Section 4. Motions Chairperson:

Appointed by the Commission chair, the motions chairperson shall be the chairperson of the three member Hearing Board of the ECHRC. As motions chair, he/she shall be responsible for the review and authorization of all motions and papers filed by or with the Hearing Committee. Commissioners having any relationship with claimants or defendants shall recuse themselves from any decision if that relationship is material and more than de Minimis, or if one of the parties to the process objects.

Section 5. Appointment and Duties of the Executive Director:

The executive director shall be given the authority to administer the day-to-day operations of the ECHRC in accordance with the personnel policies set forth by the County and authorized by the Commissioners. As executive director, he/she shall be responsible for overall management of the ECHRC subject to audit by the Commissioners. He/she is directly responsible to the Erie County Human Relations Commission.

The executive director shall be responsible for preparing and submitting appropriate budgets and fiscal reports to Commissioners, the County Executive, City and County Council. The executive director shall be responsible for managing the account of moneys, funds, and property of the ECHRC. Subject to procedures of the county and authorized by the Commission, he/she may make disbursements from the funds of the ECHRC.

The executive director and the Commission members shall be responsible for hiring, training of staff, and supervision of program services. He/she shall regularly report to the Commission on activities of the Commission, including but not limited to, the status of all investigations, settlements, education programs, personnel matters, purchases or expenditures, caseloads carried by Commission staff, and all other matters of interest to the Commission.

The executive director shall perform such other duties as may be assigned by the County Executive and/or the Commission.

Article VI

Commission Committees

The Commissioners shall have the following standing committees:

Section 1. Personnel Committee:

Is established to help the Commissioners hire an executive director and to assist the executive director hire other staff members. ECHRC staff positions will come under the personnel policies and procedures of the County of Erie.

Section 2. Budget Committee:

The Budget Committee of the Erie County Human Relations Commission shall be chaired by the secretary of the Commission. This committee may help staff prepare a budget for the ensuing fiscal year for approval by the Human Relations Commission and thence to the County Executive and to the members of the Erie County Council and Erie City Council.

The core budget of the Commission is predicated upon the annual appropriations made by the Erie County Council and the Erie City Council provided in the following manner: Two-thirds of the total budget will be provided by the County of Erie and one-third of the total budget will be provided by the City of Erie.

Monies may be transferred from one line item to another line item of the budget, not exceeding ten percent of the total budget, except in wage lines where no transfers are permitted. If more than ten percent of the total budget needs to be transferred, it must be approved by Erie County Council.

In addition, the Commission may seek such other funds, grants or working agreements as shall properly support the work of the Commission, Advisory Board, their staff, or programs.

Section 3. Hearing Board of Commissioners:

On a rotating basis, three Human Relations Commissioners shall serve as a Hearing Board to hear any case that cannot be reconciled through a conciliatory process. The Commission chairperson shall appoint the motions chairperson who shall serve as hearing Board Chairperson. The Motions Chair shall be responsible for the review and authorization of all motions and court papers filed by the Hearing Board.

To insure the integrity of hearing board proceedings, Commissioners shall announce any relationship with claimants or defendants and recuse themselves from any hearing board if that relationship is material and more than de Minimis, or if one of the parties to the process objects. Hearing Board members will remain objective and compile all evidence and testimony needed to render a decision.

Article VII

Advisory Board

Section 1. Purpose:

The Board of Advisory may perform research, education, and public relations duties under the direction of the Erie County Human Relations Commission.

The Advisory Board shall keep the Commission aware of its concerns through regular reports to the Commission.

The Advisory Board shall have elected officers identified in Article IV, Section 1, and, subject to the interest and commitment of the Advisory Board members, shall have committees identified in Article VII, Section 3, of these by-laws.

Section 2. Officers:

A. Duties of the Chairperson

The chairperson shall preside at all meetings of the Advisory Board, serve as presiding officer at all meetings, serve as a link between the Commissioners, the Advisory Board, and the executive director.

The chairperson shall appoint a chairperson for standing or ad hoc committees, and in the absence of its chairperson, shall preside over any such committees.

B. Duties of the Vice Chairperson

The vice chairperson shall assume the duties of the chairperson and serve as presiding officer in the absence of the chairperson and shall act on behalf of the chairperson to carry out such duties as delegated by the chair.

C. Duties of the Secretary

The secretary shall be responsible for seeing that minutes are kept of each meeting, sign minutes and reports, and in certain circumstances, sign notices of special meetings, as may be prescribed by the chairperson. In appropriate instance, he/she may attest to official papers of the Advisory Board.

Section 3. Committees:

A. Community/Police Relations Committee – This committee will promote understanding between the law enforcement and the larger Erie community.

B. Education Committee – The committee shall research broad patterns and practices that may constitute unlawful discrimination in the field of education.

C. Housing Committee – The Housing Committee will help to promote community harmony and understanding of anti-discrimination laws by landlords and tenants, borrowers and lenders, buyers and sellers and real estate agents within the community.

D. Employment Committee – The Employment Committee will help to promote community harmony and understanding of anti-discrimination laws as they apply to employers and employees.

E. Mission and Purpose/Audit Committee – This committee is responsible for continuing to evaluate the mission and purpose of the Erie County Human Relations Commission and the Board of Advisors.

F. Other standing committees can be implemented by the Board of Advisors as needed.

Article VIII

Amendments

These by-laws may be altered, amended, or repealed by an affirmative vote of no less than two-thirds (2/3's) of the regular members of the Commission. The Commission may seek the advice of the Advisory Board at a properly called joint meeting. Notice of any such amendments to the by-laws must be mailed to all members of the Commission and Advisory Board at least twenty (20) days before the meeting at which the voting will take place.

Erie County Council must ratify amendments so adopted.