

BYLAWS OF THE ORANGE COUNTY HUMAN RELATIONS COMMISSION

ARTICLE I. ORANGE COUNTY HUMAN RELATIONS COMMISSION

- A. The name of this organization shall be Orange County Human Relations Commission, hereinafter referred to as "Commission."
- B. The official location and mailing address of the Commission shall be:
OC Community Resources - OC Human Relations Commission
601 N. Ross Street, 6th Floor
Santa Ana, CA 92701

ARTICLE II. Establishment of Commission

- A. The Commission was created by the Orange County Board of Supervisors, referred to hereinafter in this document as the "Board," by Resolution No. 71-196 on February 24, 1971, and formerly established by Ordinance No. 2799 on December 17, 1974 pursuant to Government Code Section 50262.
- B. The members of the Commission are appointed by the Board or City Selection Committee pursuant to these Bylaws, adopted by resolution, and as prescribed by Section 1-2-251 of the Codified Ordinances of the County of Orange.
- C. The Commission is responsible to the County through such agency or agencies as the County may designate.

ARTICLE III. Purpose and Functions

- A. The purpose of the Commission is to work with the County to:

Seek out the causes of tension and conflict, discrimination, and intolerance, based on race, religion, national origin, ethnicity, disability, age, gender, sexual orientation, socio-economic status, or marital status, and attempt to eliminate those causes.
- B. The following are goals of the Commission:
 - 1. Promote equal justice before the law.
 - 2. Promote the protection of the dignity and integrity of every individual residing in Orange County.
 - 3. Promote education and training of all members of the Orange County Community relating to basic human rights and responsibilities.
 - 4. Promote the elimination of prejudice and discrimination among people based on race, religion, national origin, ethnicity, disability, age, gender, sexual orientation, socio-economic status, and marital status.

C. In accordance with these Bylaws which have been duly approved by resolution, Section 1-2-251 of the Codified Ordinances of the County of Orange, and Government Code Section 50260 *et seq.*, the duties and functions of the Commission are as follows:

1. Receive and hear specific complaints and problems of discrimination; to discuss matters with the appropriate public or private agency for their action; to address when appropriate, make findings and report those findings.
2. Engage in research and education for the purpose of lessening and seeking to eliminate prejudice and its causes and its effects.
3. Coordinate and promote educational programs, which foster understanding among various groups within Orange County; and work for the development of constructive community educational programs to prevent future problems.
4. Recommend to the County projects and service priorities which will serve to prevent or alleviate social problems in Orange County.
5. Provide assistance and referral services to individuals and groups, which will facilitate understanding and participation in the decision-making process of Orange County institutions.
6. Consult and cooperate with Federal, State, County, City and other public and private bodies to improve human relations.
7. Prepare monthly reports of Commission events and Commission activities and ensure that Commission events are included in the County Master Event Calendar which will be voted on at the April Commission meeting each year for the following Fiscal Year.
8. Assist in preparing yearly report on hate motivated crime for submission to the County by August 15th of each year for approval and release.

ARTICLE IV. Appointment and Membership

A. Membership of the Commission is to be composed as follows:

- a. There shall be 11 members that comprise the Commission. Five Commissioners shall be appointed by the Board with each Supervisor nominating one Commissioner from inside or outside of the District that the Supervisor represents. No person living outside of the Supervisor's District shall be nominated for appointment to the Commission without the written consent of the Supervisor representing the District where the nominee resides.
- b. One Commissioner at-large shall be appointed by the Board and shall be a law enforcement representative with decision making capabilities. An at-Large appointee may be someone who sits on the OC Sheriffs Chiefs Council.

c. Five Commissioners shall be appointed by cities in a process coordinated by the City County Coordinating Committee and the County Clerk of the Board, with the objective of having one appointee from the cities in each of the five Supervisorial Districts.

B. Qualifications for Commission Membership

1. The following criteria will be used for all membership appointments:

a. Commissioners shall be broadly representative of different racial, ethnic, religious, socio-economic, disability, age, gender, sexual orientation, or marital status groups in Orange County.

b. Residency and Voting Requirements: Except where the Board finds it is in the best interest of the County to waive voter and residency requirements, all members of the Commission shall be:

i. registered voters in the County; and,

ii. reside in the district of the nominating member of the Board, unless Supervisor representing the district where the nominee resides provides written consent for the nomination.

c. Participation on the Commission as a Commissioner requires:

i. Supporting the purpose and goals of the Commission as delineated in Article III.

ii. Serving as a member on at least one standing or ad hoc committee of the Commission.

C. Length of Commission Membership

1. All regular Commission member appointments shall be for a term concurrent with the term of office of the nominating member of the Board. A member of the Commission whose term of office is expiring with that of the nominating Supervisor shall have the option of reapplying for membership for appointment.

2. All at-large Commission member appointments shall be for a period of two years from the date of appointment, subject to Article IV(B)(1)(b)(ii).

3. Appointments made to fill a vacancy left by a Commissioner before the expiration of the term of that Commissioner shall be for the remaining term of that member.

4. Pursuant to Government Code section 1302, a member whose term has expired shall continue serving as a member until reappointed or replaced.

5. Any Commissioner who fails to attend three consecutive regular meetings, or over half of the regular meetings (i.e. six (5) regular meetings) in a year, shall automatically vacate the position of Commissioner.

6. Commissioners may have their membership terminated without cause by the respective appointing authority. A vacancy thereby created shall be filled in the same manner as the original appointment.

ARTICLE V. Commission Officers

A. Commission officers shall consist of:

1. A Chairperson and Vice Chairperson. The Commission shall every year conduct an election of officers annually during the last Commission meeting of each calendar year (November) by majority vote, a quorum being present.

a. Nominations will be taken from the floor (and Commissioners can self-nominate) at the November Commission meeting.

b. For elections involving two candidates running for the same position, in the case of a tie, the tie shall be broken by a coin toss. If the meeting is conducted remotely, the coin toss shall be conducted on video and visible through the duration of the coin toss. The County shall conduct the coin toss.

c. For elections involving more than two candidates running for the same position, in the case of a tie involving the two candidates with the highest votes, a runoff election shall be held between the candidates with the two highest votes. If a tie remains, it shall be broken by coin toss, as described above. In the case of a three-way tie, a runoff election shall be held for all three candidates. If a tie remains, all three candidates shall have one representative coin toss, conducted by the County. The winning candidate is the candidate whose coin differentiates itself from the other two.

2. The Chairperson shall:

a. In coordination with the Commissioners, prepare a monthly meeting agenda.

b. Preside over all regular and special meetings.

c. Act as an ex officio member on all standing and ad hoc committees.

d. Establish committees and coordinate the appointment of members thereto, except the Executive Committee.

e. Represent the Commission or designate a representative to attend, to public functions, provided such functions have been approved by the Commission and are consistent with County policy.

f. Perform all other responsibilities assigned to the Chairperson under these bylaws.

g. If the Vice-Chairperson succeeds to the Chairperson, as described in Article V(A)(3)(b), the new Chairperson shall appoint a Commissioner to the Vice Chairperson for the remainder of the former Vice Chairperson's term of office.

3. The Vice Chairperson shall:

a. Assume the duties of the Chairperson when the Chairperson is absent or unable to perform the duties if the Chairperson.

b. Perform all other responsibilities allocated to the Vice-Chairperson under these bylaws.

c. If the Chairperson becomes vacant, the Vice-Chairperson shall succeed to the Chairperson for the balance of the former Chairperson's term of office.

4. The terms for officers of the Commission shall be for one year. The term of office for the officers shall take effect on January 1st of the calendar year following the vote of officers.

5. No person, except a member of the Board, may serve as Chairperson of the Commission for more than three consecutive terms.

6. No person, except a member of the Board, may serve simultaneously as Chairperson for two or more Boards, Commissions, or Committees.

ARTICLE VI. Duties of Members

A. Members shall attend meetings of the Commission and of ad hoc and standing committees to which they are appointed. The Executive Committee shall regularly review member attendance at regular Commission meetings and committee meetings.

B. Members shall notify the Chairperson of the Commission of any expected absence for a meeting by 5:00 p.m. of the day before a regularly scheduled Commission meeting.

C. In the performance of its responsibilities, the Commission shall not engage in nor employ any unlawfully discriminatory practices in the provision of services or benefits, assignment of accommodations, treatment, employment of personnel or in any other respect on the basis of sex, race, color, ethnicity, national origin, ancestry, religion, age, marital status, medical condition, sexual orientation, physical or mental disability or any other protected group in accordance with the requirements of all applicable County, state, or federal laws.

D. Members of the Commission shall comply with the County Equal Employment Opportunity and Antiharassment Policy and Procedures.

E. Members of the Commission shall comply with County Code of Ethics.

Members of the Commission shall operate strictly within designated purposes, duties, and functions of the Commission, as described more fully in Article III.

ARTICLE VII. Committees and Subcommittees

A. There shall be an Executive Committee comprised of:

1. The Chairperson of the Commission.
2. The Vice Chairperson of the Commission.
3. Immediate Past Chairperson.

The Executive Committee shall hold no less than 2 meetings per calendar year and as needed at the request of the Chairperson. The Executive Committee shall review the Commission Bylaws and suggest amendments to the Commission in accordance with Article XIII below.

B. Standing Committees: The Commission shall have two (2) standing committees:

1. Executive Committee
2. Communications Committee

Terms of appointment to standing committees shall be for one year. The Chairperson may reappoint committee members for additional terms.

C. Ad Hoc Committees: The Chairperson may establish ad hoc committees of less than a quorum of the Commission's membership to accomplish time-limited tasks that support the goals of the Commission. Ad Hoc Committees shall have a date of expiration.

Terms of appointment for ad hoc committees shall be solely for the period of time required to fulfill the ad hoc committee's purpose.

D. When appropriate, committees may call on other knowledgeable individuals who are not Commission members to act as consultants to the committees. Said individuals shall be subject to the conflict of interest statutes, regulations, ordinances, bylaws and guidelines.

ARTICLE VIII. Meetings and Actions

A. The Commission shall, at its last meeting of each calendar year (November), adopt a schedule of regular meetings and transmit that schedule in writing to members, the County, and the public at large. The Commission shall hold one regular meeting a month with the months of July and December dark.

B. All Commission meetings shall be open, public and noticed in conformance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 et seq., as amended and held at a location within Orange County, California approved by the County during regular business hours and at no cost to the County that satisfies the access requirements of the Americans with Disabilities Act.

1. Notice shall be given 72 hours prior to the meeting. Regular meetings shall be held at the regular time and date, location identified by the County and at no additional cost to the County.

C. Special meetings of the Commission may be called either by the Chairperson or at the request of a majority of Commission members. Notice of special meetings shall:

1. Notice of meeting shall be made no later than 24 hours in advance of the meeting.

2. Notice shall state the business to be considered and whether alternative technological means may be used such as telephone or video conferencing, as technological resource availability permits and as permissible by the Ralph M. Brown Act.

D. Quorum Requirements

1. Quorum requirements are as follows:

a. General Meetings: Quorum shall be no less than 50%+1 of the membership.

b. Executive Committee: Quorum shall be no less than 50%+1 of the Committee membership. However, if there are unfilled vacancies in the membership of the Executive Committee, then the quorum requirement will be proportionately reduced.

c. Standing Committees: Quorum shall be the members present, but no less than three (3).

E. Voting Majority: Decisions and acts made by majority vote of the members at any duly constituted meeting shall be regarded as acts of the Commission, except as otherwise provided by these Bylaws, as applicable.

1. Members choosing to abstain from voting on specific actions will not affect majority requirements. Abstentions are considered a "non-vote" – neither a vote in the affirmative nor in the negative. However, in order for an action to be passed, a majority of the quorum casting votes must vote in the affirmative.

For example: If, at a standing committee meeting, six (6) voting members of the committee are present to vote, and on a particular motion, three (3) vote in the affirmative, two (2) vote in the negative, and one (1) member abstains, the motion passes.

F. Voting by Proxy: Members of the Board and the County Executive Officer who serve as Commission members may designate a substitute to attend a Commission meeting on their behalf and vote on any action item by the submitting the member's signed proxy to the Commission Chairperson at the start of the meeting.

G. Minutes: The Clerk of the Board shall prepare and publish the minutes for each meeting of the Commission

ARTICLE IX. Compensation and Reimbursement

A. Commission members shall not be eligible to receive compensation or reimbursement of expenses.

B. The Commission and Commissioners shall have no authority to accept gifts or donations on behalf of the County or Board.

ARTICLE X. Removal and Resignation of Members

A. Removal: Commissioner member appointing authority and/or the Board may, at any time and without cause, remove any Commission member from office prior to the expiration of his/her term of office by a majority vote.

B. Resignation: Resignation of Commission members shall be affected by a written letter of resignation submitted to the Chairperson of the Commission and to the County.

C. The Chairperson shall notify the Clerk of the Board in writing of any vacancies within 5 days of learning the existence of any such vacancy.

ARTICLE XI. Authority and Advocacy

A. Parliamentary Authority: The Chairperson shall preside and manage Commission meetings using parliamentary procedure consistent with these bylaws, any special rules of order the Commission may adopt, and any applicable County, state, and federal law.

B. Statements, press releases, and reports must be approved by a quorum of the Commission consistent with the Commission's purpose as identified Article III. Commission statements, press releases and reports, which have not been approved by the County, shall indicate that they do not represent official County position.

C. Upon the occurrence of significant national or regional hate crime incident, when an immediate public statement is required to effectuate the purpose of the Commission, and the approvals described in Article XI(B) cannot be obtained in a timely fashion, the Commission Chairperson shall have the authority to issue a public statement indicating that the Commission does not condone violence or hate crimes and addressing the incident in a manner consistent with the Commission's purpose and goals. All such statements shall be consistent with these Bylaws including Article XI(B), and (C) and shall indicate that they do not represent official County position.

D. All Commission communications referenced shall be on County approved Commission letterhead.

E. Commission recommendations on legislation must be approved by the majority vote of a quorum of the Commission and submitted to the County Executive Office of Legislative Affairs through the County Department responsible to support the Commission for recommendation to the Board. The Commission shall not take positions on legislation without official approval by the Board.

F. When circumstances demand that action be taken before the next scheduled Commission meeting the Commission may authorize and grant its full authority to the Executive or any standing committee to act on its behalf to make specific, limited, independent recommendations to the County, a quorum of the Commission being present.

1. Such actions taken on behalf of the Commission by a committee will be presented as an information item at the next regular Commission meeting.

2. Such actions will not require further action by the Commission.

G. Executive Committee – When unforeseen circumstances demand that action be taken before the next scheduled Commission meeting, the Executive Committee is authorized to take action on behalf of the Commission.

1. Commission members shall be notified either in writing or electronically within 72 hours of any such Executive Committee action.

2. Such action is subject to review and ratification by the general membership of the Commission at its next meeting.

H. Standing and Ad Hoc Committees

1. Standing and ad hoc committees shall have no independent authority and shall be limited to exercising only those specific functions granted to them by the Commission.

2. No standing or ad hoc committee shall have independent authority to commit the Commission to any policy or action without the prior approval of the general membership of the Commission.

ARTICLE XII. Conflict of Interest

1. Members of the Commission and any of its committees or subcommittees shall abstain from voting on any issue in which they may be personally interested to avoid a conflict of interest in accordance with County, state, and federal laws and shall refrain from engaging in any behavior that conflicts with the best interest of the County.

2. Members of the Commission shall not vote nor attempt to influence any other Commission member on a matter under consideration by the Commission or any of its committees or subcommittees:

a. Regarding the provision of services by such member (or by an entity that such member represents); or

b. That would provide direct financial benefit to such member or the immediate family of such member; or

c. Engage in any other activity constituting a conflict of interest under County, state, or federal law.

3. If a question arises as to whether a conflict exists that may prevent a member from voting, the Chairperson or designee shall consult with designated County staff to assist them in making that determination.

4. In order to avoid a conflict of interest or the appearance of such conflict, all nominees to become members of the Commission shall disclose on forms provided by the County information regarding their private economic interests that may be implicated by their service on the Commission.

5. Neither Commission nor any of its members shall promote, directly or indirectly, a political party, political candidate, or political activity using the name, title, emblem, or any other identifier of Commission such as Commissioner title.

6. No assets or assistance provided by County to the Commission shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.

7. Individual Commissioners may attend Events other than agenzized Commission meetings, Commission committee meetings, and other Commission events (these non-Commission events hereinafter referred to as "Event" or "Events") in his or her official Commissioner capacity, provided the Commissioner's attendance and conduct at such Event is authorized in advance by the Commission, and/or Chairperson of the Commission, and does not violate the rules, and requirements, and standards applicable to the Commissioners and the Commission.

8. When a Commissioner attends an Event in his or her official Commissioner capacity, he or she must avoid acting outside of the scope of the Commission's and/or the Chairperson's authorization(s) to attend the Event, violating these Bylaws, applicable state and federal laws, the Ralph M. Brown Act, Government Code Section 54950 et. seq., the Orange County Code of Ethics, and other County policies that may now, or hereafter, be applicable.

9. Commissioners shall not, in their capacity as Commissioners, engage in political advocacy; issue press releases or purport to speak/act on behalf of the Commission, or the County unless authorized to do so by the Commission and/or Board, as applicable; accept, solicit, or direct campaign contributions; use County resources of any kind for political or personal purposes; inadvertently engage in communications that violate the Ralph M. Brown Act, Government Code Section 54950 et. seq.; and/or engage in conduct that has the potential to create a conflict of interest.

ARTICLE XIII. Adoption and Amendment of Bylaws

A. County Recommended Amendments:

1. A quorum of the Commission being present, shall be required to review and recommend or oppose Bylaw amendments being presented for Board approval. The Bylaws become effective upon approval of the Board. Commission and County staff positions will be stated in the Agenda Staff Report seeking Board approval.

B. Commission Recommended Amendments:

1. Any member of the Commission may propose amendments to these Bylaws.
2. Proposed amendments shall be submitted in writing and made available to each member of the Commission in compliance with the Brown Act.
3. A quorum being present, shall be required to consider Bylaw amendments being presented. An affirmative vote of a quorum (50% +1 of those present) shall be required to recommend Bylaw amendments for Board approval. Any amendments to the Bylaws become effective upon approval by the Board. Commission and County staff positions will be stated in the Agenda Staff Report seeking Board approval.

ARTICLE XIV. Severability

Should any part term, portion or provision of these Bylaws be determined to be in conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions or provisions shall be deemed severable, and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

ARTICLE XI. Staffing Support

- A. Staff support may be provided by a County Department to provide support to the Commission in conjunction with the work of the Commission.
- B. The County may also provide staff support to the Commission through a duly approved contract with a contractor, as approved by the County.

ARTICLE XVI. Clerk of the Board

A. Attendance at Meetings

The Clerk of the Board, or a representative designated by the Clerk, shall attend each meeting of the Commission and maintain a record of all proceedings and directions of the Commission. Agenda items or groups of items will be called by the Clerk.

B. Preparation and Distribution of Agenda

The Clerk of the Board will post and distribute all agendas of the Commission meetings. The agenda shall consist of a brief general description of each item to be considered by the Commission, pursuant to the Ralph M. Brown Act, Government Code section 54950 et seq.

The Clerk of the Board will also post and distribute all supplemental agendas when there has been an item added, continued, deleted, and/or modified since the distribution of the initial meeting agenda.

The regular Commission meeting agenda will be distributed and made available to the public at least 72 hours prior to the meeting, pursuant to the Ralph M. Brown Act, Government

Cost section 54950 et seq.

Adopted by Board Resolution Number 71 -196 on 2/24/1971

Amended by Board Resolution Number 82-1868 on 12/14/1982

Amended by Board Resolution Number 85-1648 on 11/19/1985

Amended by Board Resolution Number 15-099-15-106 on 9/22/2015

Amended by Board Recommended Action on 10/31/2017