

**BY-LAWS  
OF THE  
MARYLAND COMMISSION ON LGBTQIA+ AFFAIRS**

These By-Laws of the Maryland Commission on LGBTQIA+ Affairs ("the Commission") an agency of the State of Maryland in the Governor's Office of Community Initiatives ("GOCI"), are subject to the provisions of the Act of the General Assembly whereby the Commission was created, as may hereafter be amended.

ARTICLE I - COMMISSIONERS

Section 1 - Appointment

The Commissioners shall be appointed by the Governor and serve in accordance with the provisions of State Government Article, § 9.5-503 of the Annotated Code of Maryland.

Section 2 - Powers and Duties

The powers and duties of the Commission are vested in and shall be exercised by the Commissioners as provided by State Government Article, § 9.5-507 of the Annotated Code of Maryland.

Section 3 - Removal

In accordance with the provisions of State Government Article, § 9.5-503, subsection (f) of the Annotated Code of Maryland, if a Commissioner fails to attend at least 50 percent of Commissioners' meetings during any period of 12 consecutive months, the Commissioner shall be considered to have resigned. The Chairperson of the Commission shall cause the Commissioner's name and a statement of non-attendance to be forwarded to the Governor. The Governor shall appoint a successor for the remainder of the Commissioner's term. If the Commissioner has been unable to attend meetings for reasons satisfactory to the Governor, the Governor may waive the Commissioner's resignation upon making public the Commissioner's reasons for non-attendance.

ARTICLE II - COMMISSION MEETINGS

Section 1 - Time and Place

Meetings of the Commission shall be held bi-monthly at a time and place determined by the Commission. In accordance with the Maryland Open Meetings Act, all meetings shall be open to the public unless a section of the meeting is closed under General Provisions Article § 3-305.

## Section 2 - Notice

Notice of all meetings, stating the time and place and including an agenda, shall be emailed to each Commissioner prior to the holding thereof. In accordance with the Maryland Open Meetings Act, public notice shall be posted in designated places.

## Section 3 - Waiver of Notice

The Chairperson, a majority of the Commissioners, or the Governor may call a special meeting. The call may require a shorter notice than fourteen days. The notice for such a meeting shall state the place, time, and purpose of the meeting. Business transacted at a special meeting shall be limited to business identified in the notice.

## Section 4 - Attendance

Commissioners are required to attend at least 50 percent of regularly scheduled or special meetings. Commissioners who are unable to attend a regularly scheduled or special meeting shall notify the Commission staff or Chairperson one or more days prior to the meeting, if possible. Failure to notify the Commission staff or Chairperson will be considered an unexcused absence and reported to the Governor's Appointments Office. If a Commissioner fails to attend at least 50 percent of Commission meetings during any period of 12 consecutive months, the Commissioner shall be considered to have resigned. If the Commissioner has been unable to attend meetings for reasons satisfactory to the Governor, the Governor may waive the Commissioner's resignation upon making public the Commissioner's reasons for non-attendance.

## Section 5 - Quorum

A simple majority of the seated members of the Commission shall constitute a quorum at any meeting for the conduct of the business of the Commission. However, any act of the Commission relating to the expenditure, investment, or transfer of money or property shall require the affirmative vote of the majority of Commissioners present and voting.

## Section 6 - Voting

The Commissioners shall be entitled to one vote each and must be present to vote at regularly scheduled or special meetings. The Commission may vote by mail and email provided that the question to be voted upon shall be fully set forth in a ballot prepared for that purpose, providing spaces to be filled in or marked so as to record an affirmative or negative vote. Meetings and votes may be conducted virtually, provided that each participant can communicate with all other participants.

## ARTICLE III - OFFICERS - STAFF

### Section 1 - Elections of Chairperson and Vice-Chairperson

In accordance with the provisions of State Government Article, § 9.5-504 of the Annotated Code of Maryland, the Commission shall annually elect a Chairperson and Vice-Chairperson among its members.

The Commission annually at the November meeting shall elect a Chairperson and Vice-Chairperson from among the Commissioners. The Chairperson and Vice-Chairperson shall serve beginning on January 1 to December 31 of the ensuing year or until their respective successors are elected. The Chairperson and Vice-Chairperson are not eligible for re-election for the same office after holding the office for four (4) consecutive years. They are eligible for re-election to that office, regardless of previous tenure, after one year has elapsed during which time that office is held by another Commissioner. If the Chairperson or Vice-Chairperson are unable or unwilling to serve a full term, an election shall be held to replace that officer at the monthly meeting immediately following the vacancy.

### Section 2 - Duties

The duties of the Chairperson and Vice-Chairperson shall be those that usually devolve upon the respective office, and are generally defined as follows:

- A. Chairperson - The Chairperson shall preside at Commission meetings and have such other duties as may from time to time be assigned by the Commission or as otherwise prescribed by law or these By-Laws. The Chairperson shall appoint committee chairpersons, vice-chairpersons, and members for all committees and shall be an ex-officio non-voting member of all committees.
- B. Vice-Chairperson - At the request or in the event of the absence or disability of the Chairperson, the Vice-Chairperson shall perform all the duties, and when so acting shall have all the powers of the Chairperson.

### Section 3 – Director

In accordance with the provisions of State Government Article, § 9.5-506 of the Annotated Code of Maryland, the Commission, subject to the approval of the Governor, shall appoint a Director to administer the activities of the Commission. The Director may not be a member of the Commission. The Director shall serve at the pleasure of the Commission, subject to the concurrence of the Governor, and shall be a special appointee in the State Personnel Management System. Subject to the rules and policies set forth by the Commission and the administrative supervision of the Governor in accordance with State Government Article, § 9.5-101 of the Annotated Code of Maryland and Executive Order

01.01.2007.25, the Director shall:

- A. Direct, administer, and supervise Commission programs and activities;
- B. Supervise the appointment and removal of personnel employed by the Commission;
- C. Be custodian of records, artifacts, properties, and the Seal of the Commission;
- D. Provide for the recording of the proceedings of all meetings and keep all minutes of the Commission;
- E. Cause all notices of meetings to be duly given as directed by the Commission and these By-Laws and as otherwise required by law;
- F. Ensure timely dissemination to Commissioners, and LGBTQIA+ Community leaders of all communications, directives, and decisions from the Governor's Office, GOCL, and other State agencies that may impact on the Commission or LGBTQIA+ communities;
- G. Provide testimony to legislative and administrative bodies on behalf of the Commission at the discretion of the Commission.
- H. Perform all actions incident to the other duties of the Director and such other duties as from time to time may be assigned or delegated by the Commission;
- I. Supervise the appointment and removal of Commission personnel;
- J. Approve Commissioner reimbursements for travel to meetings or events.

## ARTICLE IV - FINANCES

### Section 1 - Fiscal Year

The fiscal year of the Commission shall begin on July 1st and end June 30th of the year following.

### Section 2 - Fiscal Control

The fiscal control and accountability of all monies from whatever source received shall be provided by the Governor's Office of Financial Administration with oversight from Commission staff and the Development Committee.

### Section 3 - Audit

Commission staff and the Development Committee shall cause to be made such audits, reports, or statements of account as shall be required by the Commission or by the State, including the Legislative Auditor.

### Section 4 - Gifts and Grants

In accordance with the provisions of State Government Article, § 9.5-508 of the Annotated Code of Maryland, the Commission may seek money from the federal government, foundations, and private sources in addition to State financing. The Commission may accept gifts, grants, donations, bequests, or endowments for any

of its purposes. All contributions are subject to the GOCI Sponsorship Policy and State guidelines. Money received under this section and income and fees derived from activities of the Commission are not subject to §7-302 of the State Finance and Procurement Article. The unspent balance of these gifts and grants shall not revert to the General Fund of the State at the end of the fiscal year.

#### Section 5 - Distribution of Funds

The Commission may use monies raised in Section 4 of this Article for any of its purposes. Funds shall be distributed in accordance with State, GOCI, and Commission policies and may have special use and reporting requirements from the grantor.

### ARTICLE V - COMMITTEES

#### Section 1. Committees

- A. Committee Chairperson – The Committee Chairperson shall create agendas and preside over committee meetings.
- B. Committee Vice-Chairperson – At the request or in the event of the absence of the Committee Chairperson, the Committee Vice-Chairperson shall perform all the duties of the Committee Chairperson.
- C. Committee Members – The Commission Chairperson shall appoint Committee Chairpersons, Vice-Chairpersons, and members for all standing committees and shall be an ex-officio non-voting member of all committees.
- D. Advisory Committee or Special Committee Members – may include non-commissioner community members with lived experience or expertise in the respective committee field with approval from the Commission. Only a Commissioner may serve as a committee or advisory committee Chairperson or Vice-Chairperson.
- E. Meetings – Committee meetings shall be held at a time and place determined by the Committee Chairperson. Meetings may be conducted virtually, provided that each member can communicate with all other members. Minutes shall be prepared for all meetings. In accordance with the Maryland Open Meeting Act, committees with “public body” status shall be open to the public unless a section of the meeting is closed under General Provisions Article § 3-305.

#### Section 2 - Development Committee

The Development Committee shall consist of at least three (3) but no more than seven (7) Commissioners and shall advise the Commission on ways and means of encouraging public and private contributions of funds for the purposes of the Commission by way of donations, sponsorships, grants and endowments. The Development Committee shall work with Commission staff to manage and supervise such monies in accordance with the terms of the grant and policies established by the State or the Commission.

### Section 3 - Policy Committee

The Policy Committee shall consist of at least three (3) but no more than seven (7) Commissioners and is responsible for gathering and reviewing policy recommendations. The Policy Committee shall request policy recommendations from all committees and/or Commissioners and prepare a report(s) for the Commission to approve and send to the executive and legislative branches of State government.

### Section 4 – Advisory Committees

The Commission shall create advisory committees to assess challenges facing LGBTQIA+ communities, establish best practices, and policy recommendations for LGBTQIA+ inclusion. Advisory Committees shall consist of at least three (3) but no more than seven (7) Commissioners and may include community members with lived experience and/or expertise in the respective fields. The Commission shall determine how and when to create, prioritize, and utilize advisory committees. In alignment with State Government Article, § 9.5-507 of the Annotated Code of Maryland, Advisory Committees shall be created in the fields of:

- A. Education
- B. Social Sciences
- C. Labor and Employment Policies
- D. Law Enforcement
- E. Health and Safety
- F. New and Expanded Services
- G. Legal Rights
- H. Family Relations
- I. Human Relations
- J. Volunteer Services

### Section 5 - Special Committees and Working Groups

Special committees and working groups may be created and appointed for special purposes and shall consist of at least one (1) but no more than seven (7) Commissioners. When the work of a special committee or working group is completed and its final report is made, it will automatically cease operation. Any special committee or working group may be reactivated if the need arises. Special Committees or working groups do not confer “public body” status and therefore are not subject to the Maryland Open Meetings Act under General Provisions Article § 3-305

## ARTICLE VI - AMENDMENT OF BY-LAWS

The Commission may amend these By-Laws at any meeting by a majority affirmative vote, provided that an amendment undergoes a first reading at a prior meeting. The proposed amendment to be voted on during the second reading shall be provided by official correspondence to each Commissioner thirty (30) days prior to the meeting.

#### ARTICLE VII - PARLIAMENTARY PROCEDURE

The Commission should be governed by ROBERT'S RULES OF ORDER, Newly Revised 12th edition. The Chairperson of the Commission shall appoint a parliamentarian to provide guidance on matters of parliamentary procedure. In the event that the Chairperson or Vice-Chairperson is not able to chair the meeting or must recuse themselves from a vote, the parliamentarian shall chair the meeting or vote.

#### ARTICLE VIII - NON-DISCRIMINATION

The Maryland Commission on LGBTQIA+ Affairs does not discriminate on the basis of age, ancestry/national origin, color, disability, veterans/military status, gender identity/expression, marital status, race, religion, sex, sexual orientation, or genetic information in matters affecting participation or in providing access to Commission meetings, programs, activities, and/or events.

*Approved on November 7, 2022*  
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