

**BY-LAWS
OF THE
MARYLAND COMMISSION ON LGBTQ AFFAIRS**

These By-Laws of the Maryland Commission on LGBTQ 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 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

The Commissioners shall be appointed and serve in accordance with the provisions of State Government Article, § 9.5-503, subsection (f) of the Annotated Code of Maryland. Which states 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 by January 15 of the following year. 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 - MEETINGS

Section 1 - Time and Place

Meetings of the Commission shall be held bi-monthly at a time and place

determined by the Commission. All meetings shall be general meetings and open for the transaction of any and all business.

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 Executive Director of GOCI 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 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.

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. In special circumstances the Commission may vote to allow voting by proxy for a particular meeting or specific issue. The vote may be taken 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 - Appointment of Officers

In accordance with the provisions of State Government Article, § 9.5-504 of the

Annotated Code of Maryland, the Commission shall annually elect a chair and vice chair 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 four (4) consecutive years, but are eligible for re-election to that office 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 officers 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 chairpersons for all standing 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 – Administrative 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 an Administrative Director to administer the activities of the Commission. The Administrative Director may not be a member of the Commission. The Administrative 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 Executive Director of GOCI in accordance with State Government Article, § 9.5-101 of the Annotated Code of Maryland and Executive Order 01.01.2007.25, the Administrative 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 LGBTQ Community leaders of all communications, directives, and decisions from the Governor's Office, GOCI, and other State agencies that may impact on the Commission or LGBTQ communities; and
 - G. Perform all actions incident to the other duties of the Administrative Director and such other duties as from time to time may be assigned or delegated by the Commission.
 - H. Supervise the appointment and removal of Commission personnel

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 vested in a Budget and Finance Committee of three (3) Commissioners meeting with the Commission staff. The Committee shall be appointed by the Chairperson of the Commission.

Section 3 - Audit

The Budget and Finance 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. Chairperson - The Chairperson shall appoint chairpersons for all committees and shall be an ex-officio non-voting member of all standing committees.
- B. Committee Members – The Commission shall appoint all committee members. Committees may make only recommendations to the Commission. Only a Commissioner may serve as committee or advisory committee chair. 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.
- C. Meetings – Committee meetings shall be held at a time and place determined by the Committee Chair. Meetings may be conducted virtually, provided that each member can communicate with all other members. Minutes shall be prepared for all meetings. All information discussed during committee meetings shall be confidential, except as required by law.
- D. Reimbursement – The Administrative Director shall approve any reimbursement, including reimbursement for any travel or refreshments during committee meetings as provided in the state budget.

Section 2 - Budget and Finance Committee

The Budget and Finance Committee shall consist of three (3) Commissioners meeting regularly with the Commission staff. The Committee shall be appointed by the Chairperson of the Commission. The Budget and Finance Committee shall advise the Commission on ways and means of encouraging public and private contributions of funds or property for the purposes of the Commission by way of grants and endowments, and shall be responsible for the management and supervision of such monies and property in accordance with the terms of the grant, or policy established by 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 review 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 needs, identify best practices, and make policy recommendations to the Policy Committee. Advisory Committees shall consist of at least one (1) 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

Working groups or special committees 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 work group is completed and its final report is made, it will automatically cease operation. Any special committee or work group may be reactivated if the need arises.

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 to be voted on 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.

ARTICLE VIII - NON-DISCRIMINATION

The Maryland Commission on LGBTQ Affairs does not discriminate on the basis of age, ancestry/national origin, color, disability, 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