

## **OLMSTED COUNTY HUMAN RIGHTS COMMISSION BYLAWS**

### **Section 1.0 Name/Support/Direction**

The name of the Commission is the Olmsted County Human Rights Commission (HRC), a body commissioned by the Olmsted County Board of Commissioners. Staff support for the HRC shall be a function of Olmsted County Administration. Financial support for the HRC shall be from the City of Rochester and Olmsted County.

### **Section 2.0 Purpose/Vision/Mission**

The vision of the HRC is a discrimination-free community and is embodied in the One Olmsted Act. The mission of the Olmsted County Human Rights Commission is work towards realization of the One Olmsted Act by promoting equal opportunity for all people, eliminate discrimination, strengthen relationships, increase understanding, and support justice for all residents of Olmsted County.

In alignment with the State of Minnesota's Human Rights Act, the HRC works to advance the human rights of all persons who face discrimination or who may be treated differently because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation and their local human rights commission activity. In the furtherance of the policy statements in this article, the functions of the Commission shall include:

- A. **Monitoring and connecting people to** the legal protections and mission of the State Human Rights Commission through the Human Rights Conflict Mediation Line and other work.
- B. **Gathering** information on issues relating to human rights, equity, inclusion, bias, and hate crimes across a broad spectrum of community members.
- C. **Advising** the County Board of Commissioners on emerging equity, inclusion, and human rights trends and issues in the community and advocating practices, programs, policies that respect and honor diversity and human rights to the County Board of Commissioners.
- D. **Encouraging** open dialogue, collaborative negotiation and facilitative mediation as reasonable methods of resolving inter-group and interpersonal disputes.
- E. **Receiving** allegations of bigotry and discrimination for referral to the Minnesota Department of Human Rights.
- F. **Educating** the community about equity, diversity, inclusion and human rights through joint efforts with the Diversity Council and other community organizations.

### **Section 3.0 Commission Members.**

A. The Commission will consist of 13 members and all Commission members shall be appointed by the Olmsted County Board of Commissioners. The County Board will strive to provide diversity in its appointment of Commission members.

B. Current County employees are prohibited from serving on the Commission to avoid potential conflicts of interest, though employees who have retired are eligible to be appointed and serve one year after their date of retirement.

C. Employees or members of organizations with whom the County is currently under contract to provide mandated services are prohibited from serving on the Commission to avoid potential conflicts of interest only if:

- 1) these individuals provide mandated services to the County through their work for a County contractor; and,
- 2) in their service as a Commission member, they would oversee or directly influence the services to be provided by the contractor to the County.

D. The County Board may, at its option, choose to permit minors to serve as ex officio members of the Commission, provided a majority of the County Board members are satisfied that a prospective member who is a minor is of sufficient maturity to properly understand and participate in the proceedings of the Commission. All minors who wish to serve as a Commission member shall complete an application and include at least one letter of recommendation from an adult who knows the minor well for consideration by the County Board. Minors who meet these criteria must apply using the application from the Youth Commission and be approved by a Deputy County Administrator. No more than 2 minors may serve on the Commission at any time and they shall serve as ex-officio members of the Commission.

E. Commission members shall serve for no more than two consecutive three-year terms. Initial terms will be staggered to provide for an orderly turnover of members at the end of their terms. Commission members wishing to serve a second term shall verbally express their interest to the staff supporting the Commission and Deputy County Administrator and, with their approval, may continue to serve a second term without re-application. All non ex-officio members shall have the right to vote on matters which come before the Commission for action.

### **Section 4. Quorum and Voting**

A quorum shall consist of a simple majority of the currently appointed commissioners. A quorum is necessary in all voting by the Commission. Each commissioner present shall be entitled to one vote and any action taken or decision made shall be by a majority vote of commissioner's present provided a minimum quorum has

been established. Provided a quorum has been established, all subsequent actions and decisions shall be deemed to be valid even if a quorum is lost before the end of the meeting.

**Section 5.0 Commission Members Attendance.** Commission members shall regularly attend Commission meetings and any other Commission member assigned duties. Commission members shall be permitted two unexcused absences for each year of Commission service. If a Commission member incurs three unexcused absences within one year, this matter shall be referred to a Deputy County Administrator on behalf of the Commission for further action pursuant to the procedure set forth in Section 9.0(G) below.

Any Commissioner may voluntarily resign membership at any point prior to the natural expiration of his or her term. Resignation shall be given by written notice to the chair and the County Board.

**Section 6.0 Commission Officers.** The Commission shall elect a Chair and Vice Chair. Each officer will be elected by most of the Commission members in December of each year and serve an annual term in the office elected. An officer may serve no more than 2 consecutive years in the elected position.

**Section 7.0 Commission Member Conflicts of Interest.** Each Commission member shall complete a Board/Commission Member Conflict of Interest Statement prior to serving as a Commission member to inform the County about potential conflicts of interest. Each Commission member shall update the Conflict of Interest Statement annually thereafter while service on the Commission continues.

No Commission member shall participate in any proceedings before the Commission if the member has a conflict of interest. A conflict of interest occurs when:

- A. the Commission member has a property interest in or directly receives financial compensation from a sale, lease, or contract which is related to a matter that comes before the Commission for action or approval.
- B. a matter requiring Commission action comes before the Commission where the Commission member is related by blood or marriage or is a close friend or associate to persons presenting the matter and the Commission member feels that because of a close personal relationship with the presenter, the Commission member cannot be fair and impartial when considering how to vote on the matter requiring Commission action.

If information is received that a member of the Commission has a conflict of interest on a matter which comes before the Commission for action or approval and that member does not recuse himself/herself from participation, the Commission Chair shall intervene and shall preclude the member from participating in discussions or voting pertaining to that matter. If a member is found to repeatedly participate in matters coming before the Commission for action or approval where a conflict of interest exists, this matter shall be referred to the Commission Chair for further action pursuant to the procedure set forth in Section 8.0(g) below.

**Section 9.0 Compensation for Board/Commission Member Duties.** Commission members shall be paid per diem compensation as determined by resolution of the Olmsted County Board of Commissioners for their attendance at Commission meetings and for any other Commission member duties as assigned. County elected officials who are assigned to serve on the Commission shall not receive per diem compensation for Commission duties

**Section 9.0 Commission Member Conduct.**

- A. It is critically important that members of the public who have business before the Commission feel confident that the Commission will treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation and their local human rights commission activity. By choosing to serve as a Commission member, members shall refrain from engaging in speech or conduct that will reasonably tend to make members of the public with business before the Commission feel the Commission will not treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation and their local human rights commission activity.
  
- B. Board/Commission members shall also comply with the following County policies pertaining to their Board/Commission service:
  - 1. Accepting Donations
  - 2. Conflict of Interest Legal and Ethical Practices
  - 3. Diversity and Inclusion Policy
  - 4. Gifts - Gratuities
  - 5. Political Activity (during Board/Commission service times)
  - 6. Solicitation on Premises (during Board/Commission service times)
  - 7. Tobacco Free Grounds (during Board/Commission service times)
  - 8. Weapons in the Workplace (during Board/Commission service times)

9. Animals in the Workplace (during Board/Commission service times)

- C. Commission members are also prohibited from representing to others that they speak on behalf of the entire Commission, or the Olmsted County Board of Commissioners, unless the Commission has authorized the member to do so, though members may continue to speak in their role as an individual member serving on the Commission.
- D. If a Commission member is convicted of a criminal offense which directly relates to the administration of laws or ordinances by a County Department which come before the Commission for action, this shall be grounds for removal of the Commission member pursuant to the procedure outlined in Section 9.0 (G) below. Examples of this would include a Planning Advisory Commission member being convicted for violating the County's Zoning Code or Wetland Conservation Ordinance, or an Environmental Commission member being convicted for violating the County's Solid Waste Ordinance or Well or Septic System Ordinances, or a Public Health Services Advisory Board member being convicted for violating the County's Smoke Free Workplaces or Tobacco Sales and Youth Ordinances. A person once removed shall be eligible to be reappointed to the Commission however after the passage of 5 years or proof of rehabilitation from the conviction, whichever occurs first.
- E. Ex parte communications between members of the Commission and members of the public who have business pending before the Commission for official action concerning that matter is discouraged in order to ensure that all nonpublic information pertinent to Commission matters is produced in an open meeting to which all of the Commission members and the public have access.
- F. Commission members are discouraged from publicly stating their positions in advance on matters of official business coming before the Commission because of the perception by the public that they no longer retain an open mind to listen to all sides of matters of official business. If Commission members do state their positions in advance, they will be precluded from participating when the matter of official business is brought up for discussion and a vote by the Commission.
- G. The Commission Chair and Vice Chair shall investigate the allegations brought against a Commission member with the assistance of County staff and the County Attorney's Office as needed. The Commission member shall be given an opportunity to present information relevant to the allegations. If the Commission Chair and Vice Chair determine a Commission member has engaged in speech or conduct which violates this standard, the Commission Chair shall notify the Deputy County Administrator of the pertinent facts which support its conclusions and a recommendation concerning disciplinary action. If the allegations are proven by a preponderance of the evidence to the Deputy County Administrator, the Commission may, depending on the facts which are proven, choose to 1) censure the member privately, 2) issue a public censure of the member and establish a

probationary period for further disciplinary action if violations continue, or 3) may remove the member from the Commission and appoint a suitable replacement member.

### **Section 10.0 Public Participation at Meetings**

Members of the public are welcome to attend Commission meetings and address the Commission. The Chair shall specify the limits of time and rules for participation and shall also have discretion to limit public involvement as deemed necessary to facilitate the orderly conduct of commission business.

### **Section 11.0 Amendment of Bylaws.**

Amendments to these Bylaws may be provisionally approved by a two-thirds vote of Commission Members, provided that any such proposed amendment shall first have been delivered to each Commission member at least five days prior to the meeting at which such amendment is considered and is in accordance with the enabling resolution adopted by the Olmsted County Board of Commissioners. However, the proposed amendments shall not become final and binding until they have been approved by a majority vote of the Olmsted County Board of Commissioners following approval by the Commission.

**OLMSTED COUNTY, MINNESOTA**

**Request For County Board Action**

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**AGENDA DATE:** November 5, 2019

**REQUEST BY:** Pete Giesen, Administration  
Tom Canan, County Attorney's Office

**STATE ITEM OF BUSINESS:** Approve the Human Rights Commission Bylaws

**BACKGROUND:**

**This item has been reviewed by the Administrative Committee on 10/15/2019.**

The Human Rights Commission (HRC) is one of twelve County Board Advisory Boards and Commissions. As part of the County Board's 2018 work reviewing the roles of Advisory Boards and Commissions, a need was identified to review and standardize the bylaws (within any legal limits) for each of the Boards and Commissions.

The attached two documents (one showing edits; one clean copy) reflect the recommended changes to two sections of the HRC bylaws. These sections would be combined with the model set of bylaws to make up a complete set of bylaws for the HRC.

**COUNTY BOARD ACTION REQUESTED:**

Review and approve Human Rights Commission Bylaws and supporting resolution as follows.

Reviewed with additional material provided: ✓ Approved  
County Administrator

Updated: 11/4/2019 9:44 AM

Resolution 19-240

Meeting of November 5, 2019

Resolution No. 19-240

WHEREAS, the Human Rights Commission is one of the Advisory Boards and Commissions established by the Olmsted County Board of Commissioners; and

WHEREAS, Human Rights Commission is governed by a set of bylaws which establishes the direction of their work; and

NOW, THEREFORE, BE IT RESOLVED, that the Olmsted County Board of Commissioners does hereby approve the Human Rights Commission Bylaws.

Dated at Rochester, Minnesota this 5th day of November, 2019.

OLMSTED COUNTY BOARD OF COMMISSIONERS

DocuSigned by:  
*Jim Bier* 11/5/2019 | 5:52 PM CST  
642353517289478  
Jim Bier, Chairperson

ATTEST:

DocuSigned by:  
*Lisa Morris-Helmstetter* 11/6/2019 | 5:17 AM CST  
F20819A883B1430  
Lisa Morris-Helmstetter, Deputy Clerk to the County Board

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>AYES:</b>	Podulke, Brown, Flynn, Bier, Kiscaden, Thein
<b>ABSENT:</b>	Wright

Updated: 11/4/2019 9:44 AM