



STATE OF INDIANA

INDIANA COMMISSION ON
HISPANIC/LATINO AFFAIRS
Mitchell E Daniels, Jr., Governor

ICHLA

**Indiana Commission on Hispanic/Latino Affairs
Commission Meeting Minutes
Thursday, December 17th, 2009
3:00pm – 4:30pm
Conference Center Room 12
Indiana Government Center South
Indianapolis, IN**

Commissioners Present:

Pat Rios, House Lay Member, Indianapolis
Angel Rivera, Senate Lay member, Indianapolis (Vice Chair)
Richard Espinosa, Senate Lay Member, Fort Wayne
Christian Gallo, Senate Lay Member, Lafayette (Secretary)
Guadalupe 'Herb' Hernandez, Senate Lay member, Fort Wayne (Chair)
Alfredo Gonzalez, Governor Appointee
Andrea Bueno, Designee, Lt. Governor's Office
Tina Little, Designee, Dept of Correction (Treasurer)
Andrea Perez, Designee, Department of Health

Commissioners Not Present:

Rep. Mara Candelaria Reardon
Rep. Rich McClain
Senator Greg Walker
Senator Frank Mrvan
Lisa Kusiak, House Lay Member, Muenster
Teddy Flores, House Member, East Chicago – excused
Freddie Thon, House Lay Member, South Bend
Janie Duke, Designee, Dept of Education
Brenda Summers, Proxy, Department of Workforce Development
Michelle Stein-Ordóñez, Designee, Family and Social Services Administration
Tony Kirkland, Indiana Civil Rights Commission
Josie Williams, Designee, Indiana Civil Rights Commission

Visitors:

Tania E. Lopez, Reporter, Indianapolis Star

Staff Present:

Pat Sanchez, Executive Director

I. Call to Order

Chair Hernandez called the meeting to order. Quorum was not made.

II. Commission Business

A. Approval of Minutes

Quorum was met in October and the June and August was approved, but the September minutes weren't approved. Bueno had made a motion in the October meeting to instruct the Executive Director to e-mail the minutes to the commissioners one week before the current meeting. The chair had suggested in the October meeting that the commissioners agree by consensus. If it wasn't complied with then the chair suggested that they would go with a motion. The chair had sent an e-mail to Sanchez on December 10th requesting the minutes be sent to them the week before the meeting by 5 p.m. Eastern Standard Time. It slows down the meeting and makes it a challenge to approve the minutes. It's not an issue today because we don't have quorum.

The chair specified that even though we don't have quorum the Attorney General's Office informed us in October 2009 that the minutes must be taken. Business can't be conducted, but the minutes still must be recorded.

Bueno requested that the minutes received today be sent via e-mail to everyone for next month.

Rios commented that in the post-Enron era and the concerns of big corporations and whether they follow corporate law there were a lot of attention paid to what you are describing here. The law is clear in terms of what you're supposed to do to keep corporate records. It's important that staff get the stuff out in a timely way and we're not still talking about this in 2010.

Rivera suggested that we do simplified minutes instead of the very detailed version we're currently using. Rios said that if you get too simple you're not really informing the public and we're a public entity.

Gallo, as Secretary, addressed the issue of having minutes published even if we don't have quorum. His position was that they have very detailed minutes in order to better fulfill their open door requirement.

Bueno felt that it was important to get clarification on the job description to see what other duties are the responsibilities of the Executive Director and how to prioritize them.

The chair added that "The Robert's Rules of Order" applies when the by-laws or no motion are made during a meeting to be more strict than "The Robert's Rules of Order." So when a motion is made for certain procedures to be done by a certain time period then that prevails over "The Robert's Rules of Order." That's why he made the suggestion for the consensus vote because he didn't want Sanchez or any future

Executive Director handcuffed to it if they're extremely busy.

B. Approval of Support of Las Estrellas Gala on August 14, 2010
This was tabled due to not having quorum.

In the September meeting the Sponsorship Guidelines were amended so the board would approve in January and in July. The request also had to have a sixty days advance notice. Las Estrellas requested sponsorship in August 2009 for an October 2009 Gala, but it was postponed until August 2010 so the request was tabled. Their budget was submitted earlier to the chair and Sanchez.

Rios pointed out that they don't have anyone on the reviewing committee. It's also not too late to post it on the web and send e-mail stating that we're soliciting proposals; determinations will be made in January. This will give people time and we won't be doing this again until August. In the meantime, have the committee who's going to review this and include Las Estrellas with the other proposals. We've created the structure but not the process of getting there.

The chair said that a process was included. The process was that when we send out the information how do we get it out to all the not-for-profit organizations whose mission matches our mission. Once a proposal is submitted the executive officers would review it then present it to the commissioners. Then, the commissioners would vote on if they want to support it financially.

Rios suggested that there be a subcommittee or sub-task force. Those folks would do a short proposal of what's been eliminated, the process established to review and select the final three. They would propose those to you and you present it to the full board and it doesn't require executive level decision making and the time needed. A lot of it could even be done electronically.

Rios also suggested that the Executive Director as well as the commissioners is in the best position to know what's going on in our communities. We can send out the notices ourselves or create an e-mail list of our contacts to whom we will send out the notices. If we haven't put together a contact list by now how can we plan things like an annual conference? The chair said that a database with organizations was started during the May meeting. He made the request to Sanchez to send a letter to all of the organizations that the commission gave money to in May in order to let them know that if they want any funding from the commission they need to send their request by the end of January.

Rios suggested that samples of letters are requested from other agencies so the commission has something to work with.

Rios informed the committee that as of last week La Plaza was not informed that one of their two \$5000 request was not approved until Rios informed them. She requested that the executive director talk to La Plaza's executive director about it.

Espinosa asked how the commission could resolve this with La Plaza. Rios said that she didn't want more side deals or commitments that we as a board won't all agree to. The process we have established is that they throw their proposal on the stack along with everyone else.

The chair said that financial appropriateness's and expenditures' have to be brought before the commission. It's inappropriate for any of us make a promise to some organization that we're going to get them money without having brought it before the commission. Things have to be brought to the decision makers in a timely manner and not at the last minute. That's why we created the Sponsorship Guidelines. Unfortunately, the message didn't get to La Plaza that this needed to be ratified by the commission.

Rios said that it's important that we decide what our budgetary amount is going to be for sponsoring community based organizations. If you look at a plan for it, that it isn't just off central, that as we plan that we look at geographically that we're serving statewide our goal to support community collaborations.

The chair informed the committee that they received a very kind letter from Project Stepping Stones from the students who came. They were appreciative of the funding they received. When we do sponsorship issues we will have more detail and make sure we're fair on how we distribute the money. Even though we may not have the money for next fiscal year 2011 at least the ground work is there in the Sponsorship Guidelines.

Bueno and Rivera volunteered to work with Sanchez and Rios to write the protocol and bring it to the executive committee and full board. Rios will also help Sanchez draft a letter to send out to everyone and the executive committee and anyone who wants to join the executive committee to review the letter.

III. Reports

A. Chair's Report

In January 2009 we had a commission meeting and the code and by-laws says that there is to be an election the first meeting of the year. In the code it says "The commission shall meet on call of a chairperson and at other times as the commission determines." According to Indiana Code Reference 4-23-28-5 does this mean that only the chair person can call the meeting? Rios said it does, however, under Indiana Business Corporate Law the intent of it is not unilaterally done by the chair; the Executive Committee participates in the call of a special meeting and there are the notice requirements, but it is only by the call of the chair. The chair continued that when the meeting is to be held that meeting that information is part of the executive director's duties and responsibilities to send a notice to all the commissioners forty-eight hours before the meeting. To cancel the meeting, only the chair can cancel the meeting if there's a good reason. The chair cancelled the meeting in January 2009 on the day of the meeting due to weather conditions when there wasn't any weather

condition in the state of Indiana. The question was sent to the Attorney General who said that the chair cannot cancel a meeting like that unless there is an emergency and must give everyone forty-eight hours notice of cancellation and only the chair can do that.

When it comes to notices about meetings does the chair send it out or does the executive director have that duty to send it out. It's not clear and is up for discussion. Rios commented that in this structure that the executive committee or this body of commissioners set policy and staff implements it. I don't want to limit the brilliance of the executive director or the autonomy or the strength; I want to support it and control it and I want them to know exactly what their roll is and they shouldn't go outside of it, but I don't want to micromanage it. If you have to do that you may have the wrong person.

The chair's concern for this meeting and for the retreat. Some commissioners contacted the chair and said they had received an e-mail or a phone call from the executive director that there wasn't quorum and the commissioners thought there wasn't going to be a meeting. That should have come from the chair communicating through the executive officers on if that was something we should do and request the executive director to send out e-mail to everyone. In the chair's opinion that should not be the executive director's decision. Whether there's quorum or not the meeting goes on. Whether there's money for the event the meeting goes on and we'll deal with the details later.

The chair received an e-mail from Sanchez that initially came from the Director of Work Force Development, Teresa Voors, stating that there was no money to pay for this retreat for food, hotel, travel, etc. The chair had sent an e-mail the week prior, before that it goes back to November 26, December 3 and again on December 11, indicating that all they needed was money to pay for coffee, beverages and lunch and not to exceed \$200. The chair was concerned that there was request for the budget to add food, hotel and travel because he didn't request that. The chair requested that Sanchez send the executive officers the budget she submitted to the Department of Work Force Development so they can appeal that. Just because it was denied doesn't mean we don't have the right to appeal it. The chair wants to see exactly what was asked for so they can communicate that wasn't what our intent. I don't know what the dollar amount was, but the chair said that all he was looking for was \$200 not thousands and thousands of dollars.

Gallo said that he received e-mail from Stein-Ordonez that she couldn't attend. He wasn't sure if she couldn't attend because there weren't any funds. Gallo was concerned that if there was a mistake made in submitting a budget caused a commissioner not to attend.

Rios cut in to say that the purpose of the executive committee is to deal with these issues, whether they are interpreting law, interpreting job description especially the executive director so that you all four don't have to go through this directly with the

people. This is the second meeting that I have attended if not the third or fifth meeting I have attended where we're talking about Sanchez as if she's not in the room. If there are staff issues then the management of that organization needs to deal with them directly and that it can be resolved outside of the board meeting.

Gallo said that at the last meeting he had asked Sanchez to be more expedite. When we ask for something do it don't start e-mailing us. That's what we requested in the last executive meeting. The chair was sorry to bring this up but said these were issues that affect the entire commission. The retreat, could we have had more people. When you look at some of the factors that you can control any situation, what you can control and what you can't control, and those you can control to help us for the next time. The same with communication. That affects all of the commissioners. The executive committee has had meetings with Sanchez earlier in August, September and in October. We didn't bring up these specific issues because they didn't rise to the surface. I'm bringing this up as my report so when January comes I don't want us going through what we went through earlier this year on who can count for quorum, who can vote, was this vote legitimate, did everyone vote. I don't want the commissioners to get several e-mails that may confuse them. That's what I'm trying to avoid, that's why I'm bringing this up. My intent is not to criticize Sanchez or to criticize the executive officers. This is merely information of facts that we have gone through.

Rios stated that Sanchez is a state employee and asked who is doing performance evaluation and staff evaluation. Do you have the tool? Have you looked at the tool? Have you looked at last year's performance evaluation? If not then we need to adjust the executive committee to the task or create a subcommittee or however you want to deal with it. Or deal with DWD to say I need input on the staff evaluation. The state is required to do them and they stay in an employees file. We need input. Maybe that's what's missing here, the connection between people who don't supervise and people who do.

The chair said that is part of the process here. At the retreat of September 2004 it was clear in the minutes that the commissioners are to perform a job evaluation. But they'll have to check into the procedure with DWD and the supervisor of the agencies.

Rios said the commissioners can't create their own staff evaluation; she's an E-6 and there are E-6 evaluation templates.

B. Executive Director's Report

The budget was cut, of all the minority commissions we probably received the most cut in budget. We have lost our entire roll over funds and any additional funds we had. We also received the 10% budget cut in addition to the 8% reserve. We have to go back and looking at how do we operate today until the end of the fiscal year in June. We have to look at what we have obligations to and how we operate. Do I need to be furloughed because the Governor has asked state employees to accept a furlough? Do I need to be off without pay for a couple of weeks? Do I need to release staff in order to

do what we need to do? I hope to work with the financial team of DWD and Little so we can make a proposal to the board in January where we can see additional cuts. It was suggested by the Office of Management Budget that the meetings go from twelve meetings to quarterly meetings which would reduce travel expense. All of the cuts they are suggesting i.e. travel, limiting the hotel cost by sharing rooms, limit on cell phone use; there's a whole list of what they are asking each of the agencies to do. Looking at all of that and being able to say this is what we have looked at. Where do we go from here? We'll get a clearer picture in January. We have money, but it won't carry us through. If we continue at the same rate we will be over budget.

Rivera asked about the price of conference calls. Sanchez will look into it.

Because it was the last commissioners' meeting and the commissioners had asked for a detailed report Little had asked DWD for a line item report last week but never received it. Sanchez said that December is calendar year end and the governor requires agencies to do several reporting aspects of the agency. So when we make a request we are not considered priority requests and we have to go through the supervisors. They have been cooperative. Sanchez and Little did discuss giving Little access to generate some of the reports.

Rios commented that the Women's Commission recently had a retreat and was not denied their budget request.

Gallo asked why there wasn't money available for their retreat when they didn't have a meeting in November. The funding for a November meeting was budgeted so it should have been there for the retreat.

Rios said that we are not general fund money, we aren't tax payer money. We are master settlement agreement money. Sanchez said that we were supposedly funded through the tobacco funding and that funding is gone so now we're general fund.

C. Financial Report

The chair pointed out that they didn't have the October 2009 financial report but they did have the November 2009 financial report which he thought was enough because he was looking at the year to date expenses. He wanted to use it in orientation to show how to read the reports.

The chair questioned the validity of the report. The per diem listed in November 2009 is \$385 and \$0 for September. Neither he nor other chair received per diem during the month of November. In five months they only paid out \$385 for per diem and there are six or seven commissioners who get the per diem.

For the instate mileage the budget is for \$2,500 and that's been reduced because in September the instate mileage was \$4,500 so it's taken a \$2000 hit. But in September year to date they paid out \$819 and that's what they show here for November is \$819. No one has received reimbursement for mileage. Gallo thought that when Sanchez

went to Washington D.C. in September that would make a difference in the numbers. The chair wasn't sure.

The chair said that it's only pennies and he's not going to make a big deal about it. The point is the way we need to understand how this budget works. Once we know how this budget works we'll know how to make legitimate complaints to Sanchez so she can let DWD know and the State Budget Agency.

Little suggested that the object it's under that could be what it was before in the old system and how it mapped to the new system or it could have been entered incorrectly.

The chair asked Sanchez to request the October 2009 financial report from DWD.

There were also questions about the workshops. Sanchez said she thought the workshops were coded to include sponsorships. When we go back and look at the detail we'll see what exactly was part of the \$6,900. When they have made errors it's usually instate and out of state travel. Sometimes instate and out of state code gets reversed.

IV. Old Business

A. Annual Report

Everyone received the electronic Annual Report. There isn't quorum to approve the report today but hopefully that can be done in the January meeting. Sanchez has updated the information, made it more current. All the percentages have been updated in each category. The chair didn't see a problem with approving the Annual Report. The chair said it was very well done and complimented the executive director for it.

B. The next meeting will be January 28, 2010.

V. The chair adjourned the meeting.