

Miami-Dade County Commission on Human Rights

By-Laws



BYLAWS
OF THE
MIAMI-DADE COUNTY COMMISSION ON HUMAN RIGHTS

ARTICLE I

AUTHORITY AND SCOPE

1.1 Authority. The Miami-Dade County Commission on Human Rights (“CHR”), formerly known as the Miami-Dade Equal Opportunity Board, is a quasi-judicial and an advisory board of Miami-Dade County, Florida, having been established pursuant to Miami-Dade County Ordinance No. 97-17, as amended, which was first adopted by the Board of County Commissioners (“County Commission”) on February 25, 1997 and codified in Chapter 11A of the Code of Miami-Dade County (“Chapter 11A”).

1.2 Policy. The County Commission has declared it to be the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation. It is further hereby declared to be the policy of Miami-Dade County to eliminate and prevent discrimination in housing based on source of income.

1.3 Scope. These Bylaws are adopted pursuant to Section 11A-5, Paragraph (2) of Chapter 11A which authorizes the CHR “[t]o adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to the approval of the County Commission.” These Bylaws are intended to supplement the matters covered by Chapter 11A and not to supersede or modify any provision of Chapter 11A. In the event of any conflict between anything contained in the Bylaws and anything contained in Chapter 11A or any other applicable ordinance or law, the latter shall govern.

ARTICLE II
DUTIES

2.1 Duties, Functions, Powers and Responsibilities. The CHR shall have the following duties, functions, powers and responsibilities:

- (a) To apply to the appropriate court on behalf of the County for such temporary or permanent injunctive relief as the Commission, or a Hearing Panel thereof, believe is necessary to preserve the status quo or to prevent irreparable harm and to carry out the purposes of this chapter;
- (b) To adopt, promulgate, amend and rescind rules and regulations necessary to effectuate the purposes and provisions of this chapter following a public hearing and subject to approval by the County Commission;
- (c) To issue an adjudicative final order upon the authority of the Chairperson following approval by the appropriate Hearing Panel. Such an adjudicative final order may review and uphold, modify or reverse recommended final orders issued by the Director or his or her designated representative in accordance with the provisions of this chapter;
- (d) To administer oaths;
- (e) To compel, by subpoena issued by the Chairperson of the Commission, the attendance of witnesses and the production of evidence for discovery, investigation, hearing or deposition for the preservation of testimony;
- (f) To issue remedial orders requiring cessation of violations of this chapter;
- (g) To issue such other final orders as, in the judgment of the Hearing Panel, will carry out the purposes of this chapter, including but not limited to:
 - (1) Hiring, reinstatement or promotion of employees with accrued seniority, with accrued benefits and with back pay;

- (2) Taking affirmative action and making corrections; and
 - (3) Requiring reasonable accommodation;
 - (4) Awarding of front pay, to the extent that the calculation of any such front pay is quantifiable and reasonably definite.
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- (h) To issue final orders dismissing the complaint;
 - (i) To award quantifiable relief to a prevailing complainant for injuries incurred as a proximate result of an act prohibited by this chapter or to apply to the appropriate court for such an award, provided that such damages are not prohibited by state or federal law;
 - (j) To award costs and Attorney's fees to a prevailing party or to apply to the appropriate court for such an award; provided, however, that such an award is not contrary to the purposes of this chapter.
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- (11) To award prejudgment interest to a prevailing party upon a finding of employment discrimination and post judgment interest to a prevailing party upon a finding of any type of discrimination, or to apply to the appropriate court for such an award;
 - (12) At the conclusion of a hearing and upon a finding of housing discrimination in violation of Article II of Chapter IIA, to recommend that the County Attorney commence a civil action on behalf of the County for fines pursuant to Section 11A-17.

ARTICLE III

COMPOSITION, QUALIFICATIONS, TERM OF OFFICE, AND COMPENSATION

3.1. Composition. The CHR shall consist of twenty-six (26) members appointed by the members of the County Commission.

3.2. Qualifications of Members. CHR members shall be permanent residents and electors of Miami-Dade County, Florida. Membership shall be made on the basis of civic pride, integrity, experience and interest in the area of equal opportunity, and be representative of the County's population and reflective of the racial and ethnic make-up of Miami-Dade County, in addition to geographic, economic and gender considerations.

3.3 Term of office. No board member shall serve more than eight (8) consecutive years. Nothing set forth in this section shall prohibit any individual from being reappointed to the CHR after a hiatus of two (2) years. Notwithstanding the foregoing, the County Commission may, by a resolution adopted by a two-thirds (2/3) vote of members present, waive the restriction that a particular member of a board may not serve more than eight (8) consecutive years on that board or any other term limit applicable to a particular board member. Additionally, notwithstanding any other provision of the Code or of any resolution, the term of every board member nominated by a Commissioner shall automatically expire when: (1) the nominating Commissioner leaves office or (2) the nominating Commissioner's term of office expires. Notwithstanding the previous sentence, a CHR member may remain as a member for continuity and quorum as determined by the County Attorney.

3.4 Compensation. Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses including but not limited to, training and travel, subject to approval by the County Commission. Training in equal opportunity shall be provided to all Commission Members at least once each year.

ARTICLE IV

MEETINGS AND HEARINGS

4.1 Public Meetings. All meetings, hearings and business of the CHR shall comply with all of the requirements of the Florida's Government in the Sunshine Law, as codified at Florida Statute §286.011, as amended. All CHR members must comply with Florida's Government in the Sunshine Law and the Florida Public Records Act set forth in Chapter 119 of the Florida Statutes. The Florida Government in the Sunshine Law prohibits discussion outside a duly noticed meeting between any two or more members of the CHR,

standing committees, subcommittee, or ad hoc committee regarding any matter that may come before the respective committees or subcommittee as an item of business. This restriction includes correspondence by email, which is considered public record.

4.2 Business, Emergency or Special Meetings.

a. Business Meetings: Business meetings of the CHR shall be held monthly or as needed to hear and dispose of the pending cases. Notwithstanding the preceding sentence, no business meeting shall be scheduled if there are no pending matters or cases to be disposed of by the CHR in any particular month. Written notice of the time and place of business meetings shall be given to all CHR members and to all parties scheduled to be heard by facsimile, email or hand-delivered and shall be posted on the County's calendar.

b. Special and Emergency Meetings: The Chairperson or three (3) CHR members may call an emergency or special meeting upon written request to the Director. The written notification of said meetings shall be in the same manner as described in Article IV, Section 4.2a. Emergency or special meetings shall be scheduled no less than forty-eight (48) hours prior to the date of said meeting.

4.3 Hearings. Hearings shall be held as frequently as necessary to effectuate the purposes and provisions of Chapter 11A. Hearings shall be held in accordance with the CHR Hearing Procedures and the Florida Rules of Civil Procedure. Each hearing shall be chaired by the Chairperson, 1st Vice Chairperson, Second Vice Chairperson or any other member of the CHR. Each member of the CHR are encouraged to serve as chair on at least one hearing panel during a twelve month period.

4.4 Standing Committees, Subcommittees and Ad Hoc Committees. From time to time the CHR may establish standing committees, subcommittees and ad hoc committees to carry out certain of its functions. Standing committees, subcommittees and ad hoc committees shall be comprised of no fewer than three (3) CHR members, who shall be appointed by the Chairperson. The written notification of said meetings shall be in the same manner as described in Article IV, Section 4.2a.

4.5 Agenda. The Agenda for all business meetings of the CHR shall be determined by the Chairperson in consultation with the staff and with regard to the recommendations of the members. The agenda for hearings shall be determined by staff in consultation with the designated chairperson of the hearing panel.

4.6 Voting. Each member shall be entitled to one vote, if present, on each matter coming before the CHR. No member may vote by proxy.

4.7 Conduct of Meetings and Hearings. All meetings and hearings shall be open to the public but participation in discussion by members of the public shall be at the sole discretion of the chairperson of the meeting or hearing. The agenda shall be followed to the extent practicable, but the matters considered and the procedure to be followed shall be within the sole discretion of the Chairperson, subject to requirements of any applicable County ordinance or other laws. In the absence of the Chairperson at a business, emergency or special meeting, the First Vice Chairperson shall serve as the Chairperson. The Second Vice Chairperson shall serve in the absence of the Chairperson and First Vice Chairperson. In the absence of the Chairperson and the First and Second Vice Chairpersons, the most senior board member shall serve as the Chairperson of the business, emergency or special meeting.

4.8 Attendance. CHR members shall participate in at least one hearing panel per month and one business meeting per month. In the event that a business meeting or hearing to which a member has committed his or her attendance is cancelled or continued, the member is encourage but not required, to participate in another business meeting or hearing panel during that same month. In the event a business meeting or hearing is cancelled or continued on the date it is scheduled and the business meeting or hearing panel has convened, the attendance of each CHR member shall be counted for attendance purposes.

4.9 Minutes. Written minutes shall be kept of all meetings of the CHR. Although recorded minutes are permissible, such recordings shall not serve as a substitute for written minutes. All meetings shall be public and all minutes shall be subject to public inspection except where prohibited by law.

4.10 Public Requests. Any Miami-Dade County resident or organization concerned with issues of discrimination shall be entitled to request consideration for a hearing before the CHR. Such request shall be made in writing and shall be delivered to the CHR Director. The Director in consultation with the Chairperson may schedule the request at a regularly scheduled meeting of the CHR, provided that the requesting party is notified in writing at least fifteen (15) days prior to the scheduled meeting. The request shall include all relevant facts concerning the subject of the request, including, if possible, the solution the requesting

party believes the CHR should consider. The CHR will not consider a request which deals directly or indirectly with matters pertaining to a case under investigation by staff.

ARTICLE V
VACANCIES

5.1 Appointment. For the purposes of filling vacancies of those whose terms are expiring, the CHR shall submit no more than three (3) names of candidates per vacancy to the appointing County Commissioner.

5.2 Resignation and Removal. Any member may resign at any time by delivering written notice of such resignation to the Chairperson, the Director of the CHR and the appointing County Commissioner. No person shall be eligible to serve on the CHR if, at the time of appointment to the County board, the person has filed a lawsuit against the County that is pending at the time of appointment and that challenges a policy set by the County Commission, unless the County Commission by two-thirds (2/3) vote of its membership waives this requirement. No person sitting on the CHR may file a lawsuit against the County that challenges a policy set by the County Commission without relinquishing his or her seat on the CHR unless the County Commission by two-thirds (2/3) vote of its membership waives this requirement. Additionally, no member of the CHR shall become a candidate for elective political office during his or her term. Should any member of the CHR qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from the CHR. No CHR member shall serve on more than two (2) County boards simultaneously, unless the County Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits, or said CHR member sits on any of the advisory boards identified in Section 2-11-38 of the Code of Miami-Dade County.

ARTICLE VI

OFFICERS

6.1 Number. The officers of the CHR shall be a Chairperson and First and Second Vice-Chairpersons, and other such officers as may be determined from time to time by the CHR to be necessary or desirable for the efficient administration of CHR business.

6.2 Removal. Any officer may be removed from office upon a two-third (2/3) vote of the remaining members of the CHR at a duly noticed business or special meeting called for that purpose, provided that in the case of the special meeting the notice of the meeting shall specify the purpose thereof. The CHR may remove an officer for inefficiency, neglect of duty or misconduct in office, but only after a hearing before the CHR and only if he or she has been given a copy of the charges at least ten (10) days prior to the hearing.

6.3 Duties.

- (a) The Chairperson of the CHR shall preside at all CHR business and special meetings. The Chairperson shall appoint members to serve on standing and ad hoc committees of the CHR. The Chairperson shall have the right to vote at all meetings. The Chairperson shall serve as the designated spokesperson for the CHR on all matters affecting the CHR. No member of the CHR, including the Chairperson, shall appear before the Miami-Dade Board of County Commission or any other public body in their capacity as a CHR member or speak on behalf of the CHR without the approval of the members of the CHR.
- (b) First Vice-Chairperson. The First Vice-Chairperson shall act in the absence of the Chairperson in the conduct of business or special meetings and/or appeal hearings and shall perform such duties as may be delegated to him or her by the Chairperson from time to time.
- (c) Second Vice-Chairperson. The Second Vice-Chairperson shall act in the absence of the Chairperson and First Vice-Chairperson in the conduct of meetings and/or appeal hearings and shall perform such duties as may be delegated to him or her by the Chairperson from time to time.

6.4 Term of Office and Elections. Each Officer shall be elected for a two (2) year term, and may be re-elected for an additional two (2) year term. Election of the Chairperson, First Vice-Chairperson and Second Vice-Chairperson shall be held every two (2) years in

October of said year. Nominations for Chairperson, First Vice-Chairperson and Second Vice-Chairperson shall be made every two (2) years in September of said year in which the election is to be held.

ARTICLE VII CONFLICT OF INTEREST

7.1 Conflict of Interest and Recusal. All CHR members shall comply with all applicable federal, state and county Code of Ethics governing financial interest, ownership or other business disclosure and conflict of interest rules. CHR members shall not vote on any matter where they have a conflict of interest. CHR members with a conflict of interest must recuse themselves from voting during any business, special or emergency or serving on a hearing panel. CHR members shall refrain from participating or involving his or herself in any discrimination matter where said matter is being investigated by the CHR Director or the reviewed by a CHR hearing panel. CHR members shall publicly disclose any possible conflict of interest regarding a case brought before them prior to the commencement of an appeal hearing. If a member believes he or she has a conflict of interest, said member shall seek a written opinion from the Miami-Dade Commission on Ethics and Public Trust. Notwithstanding the foregoing sentence, any member who learns that he or she may have a conflict of interest during the course of a business, special or emergency or hearing shall make public the conflict and shall refrain from voting in said meeting or recuse himself or herself from said hearing.

7.2 Ex Parte Communication No member shall engage in or encourage ex parte communication with any party appearing before the CHR. CHR members shall disclose in writing any ex parte communication relative to any pending case before the CHR by any party to the proceeding, or by any person who has a direct or indirect interest in the proceeding, or by any authorized representative or counsel.

7.3 Exceptions. Notwithstanding Section 7.1 of this Article, CHR members and employees are not prohibited from participating in organizations or projects endorsed or supported by the CHR. Nevertheless, CHR members and employees should avoid any action that could possibly be interpreted as a use of CHR membership or employment for direct or indirect financial gain through the furthering of the economic interests of an organization or project with which they are affiliated.

ARTICLE VIII
STAFF SUPPORT

8.1 Support Staff. The CHR shall have assistance from staff designated by the County Manager and the County Attorney's Office. Staff shall maintain and keep the records of the CHR; prepare, in cooperation with the Chairperson, the agenda for each meeting; be responsible for the preparation of orders, subpoenas, reports, minutes, documents, resolutions, correspondence or any other documents as the CHR may direct; and generally administer the business and affairs of the CHR subject to budgetary restrictions.

ARTICLE IX
MISCELLANEOUS

9.1 Reports. The CHR shall present to the County Commission on an annual basis a written report describing the CHR's activities related to enforcement of Chapter 11A of the Code of Miami-Dade County and any other matters of importance affecting the civil rights of citizens of Miami-Dade County. Subject to the approval of the CHR, from time to time the Chairperson or any member of the CHR may also make oral presentations and/or reports to the County Commissioners as the need arises.

9.2 Amendments. These bylaws may only adopted, promulgated, amended or rescinded following a public hearing and subject to the approval of the County Commission.