



**STATE OF INDIANA**

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

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**Indiana Commission on Hispanic/Latino Affairs  
Commission Meeting Minutes  
Thursday, September 30, 2010  
3:00pm – 4:30pm  
Conference Center Room A  
Indiana Government Center South  
Indianapolis, IN**

**Commissioners Present:**

Richard Espinosa, Senate Lay Member, Fort Wayne  
Rep. Mara Candelaria Reardon  
Guadalupe 'Herb' Hernandez, Senate Lay member, Fort Wayne (Chair)  
Alfredo Gonzalez, Governor Appointee, Indianapolis  
Michelle Stein-Ordóñez, Designee, Family and Social Services Administration  
Freddie Thon, House Lay Member, South Bend (Treasurer)  
Josie Williams, Designee, Civil Rights Commission  
Christian Gallo, Senate Lay Member, Lafayette (Secretary)  
Tina Little, Designee, Dept of Correction  
Shanida Sharp-Byrnes, Designee, Dept of Education  
Andrea Perez, Designee, Department of Health

**Commissioners Not Present:**

Pat Rios, House Lay Member, Indianapolis  
Rep. Rich McClain  
Senator Greg Walker  
Pedro Ledo, Senate Lay Member, Ft. Wayne  
Lisa Kusiak, House Lay Member, Munster  
Senator Frank Mrvan  
Ralph Flores, House Lay Member, Munster

**Visitors:**

Juan C. Gonzalez  
Victor Hernandez, La Prensa newspaper

**Staff Present:**

Danny Lopez, Executive Director

## Opening

Chairman Hernandez called the meeting to order at 3:04p.m.

Hernandez opened the meeting discussing the potential amendment of the commissioner absentee policy to include specific definitions of excused versus unexcused absences. He referenced the commission bylaws and said that he was seeking intent with respect to the outlined period of “one year.” Essentially, did the bylaws intend that period to be any 12-month period or the period of one calendar year? As none was made clear, Hernandez specified that the commission would have to discuss and decide on the subject.

Hernandez then stated his opinion that what was meant was the January-December calendar year. Commissioners Stein-Ordoñez and Thon agreed with that interpretation, and Thon went on to point out that “40%” attendance requirement meant that commissioners would have to attend 4 meetings per calendar year. He also said that the absentee policy is clear but not enforced, and that the commission should begin strictly enforcing its existing policy.

Executive Director Lopez said that “enforcement” really only means a formal recommendation made by the executive board to the appointing official for that commissioner. In the end, the commission itself cannot remove a commissioner for lack of attendance. Only the appointing official – the Governor, Speaker of the House, or President of the Senate – has that authority.

Thon reiterated that according to the code, continued absenteeism needs to be pointed out to the appointing authority.

Noting the absence of quorum, Hernandez asked for a show of hands to decide on whether “calendar year” or “12-month period” should serve as the accepted standard in the bylaws, and unanimously the commissioners agreed it should be “calendar year.”

Hernandez then said the distinction would then need to be made between “excused” and “unexcused.” Lopez said that in thinking more about the subject, he felt that the reason that absences had been built into the bylaws (i.e.; commissioners are only *required* to attend a certain percentage of meetings each year) was to allow for a certain amount of leeway. Allowing for “excused” absences in addition to the allowed for absences in the bylaws would be detrimental to the commission. Hernandez said that he hopes commissioners are honest about their absences and would want to attend and participate rather than be looking for ways to avoid attending meetings.

Commissioner Candelaria-Reardon asked for clarification as to what, specifically, was up for discussion. Hernandez said that the discussion centered around the intent of the definition of “one year period” in the original bylaws. Secondly, he pointed out that the commissioners were looking at the number of allowable absences and the provision of excused absences for commissioners who notify the executive director in advance of the meeting.

Candelaria-Reardon then pointed out that regardless of the verbiage used in the bylaws, removals can only be made by the appointing authority. Lopez said that this had been discussed, but that the only outstanding question was at what point does the executive committee have the authority to recommend removal. Thon said that while the discussion was not attempting to be hard-nosed, a standard did have to be in place to encourage attendance or lay out consequences for non-compliance. Commissioner Gallo then said that the commission should inform appointing authorities that their appointments are not participating, and Thon reiterated.

Hernandez also said that commissioners need to notify the executive director in advance of the meeting in order for the absence to be considered excused. Thon stressed that this form of regulation was necessary because of a continual lack of quorum.

Candelaria-Reardon asked if the language pertained to absences within a calendar year or absences from meetings scheduled within a calendar year, and Lopez pointed out that the language states the latter. Thon asked that the executive director create a spreadsheet looking at attendance for the year. Hernandez asked for a motion to approve the distinction between "excused" and "unexcused" absences as presented during the August meeting and again at this meeting. No motion was made. Hernandez reminded commissioners that attendance at 60% of meetings per year was still required.

### **Approval of Minutes**

Minutes for the August 26, 2010 meeting were presented for approval. Thon asked for distinctions to be made in the minutes for "excused" vs "unexcused" absences. Hernandez reminded the commissioners that no motion had been voted upon indicating that such a distinction would be made.

Minutes were approved unanimously.

### **Approval of Financials**

Financials for the month of August were presented for approval. Lopez said that the commission is well under budget, and that the only change for the month was salary. Thon asked if anything was outstanding, and Lopez said that with the September 24 strategy summit expenses will be significantly higher for the coming month of September.

Financial reports were then approved unanimously.

Thon pointed out that the visitors were now present. Victor Hernandez from La Prensa newspaper and Juan C. Gonzalez introduced themselves.

### **Chairman's Report**

Hernandez said that the election of the vice-chairman was still pending following the resignation from the commission by Angel Rivera. He proposed that the commission discuss whether or not to fill that post now or in January. Commissioner Espinosa suggested that the issue should be tabled until January since no meetings are scheduled for November and December and a number

of commissioners were not present. Gallo suggested that because the commission is still active and in order to fulfill the requirements, the commission should elect a vice-chairman.

Candelaria-Reardon agreed that the position should be filled. She then asked who has replaced Rivera as one of Senator Long's lay appointments, and Lopez responded that Pedro Ledo had been selected.

Hernandez then called for nominations for vice-chairman. Thon nominated himself for the position, stating that he believes the Treasurer position he currently holds has no relevance for this commission. Candelaria-Reardon seconded the nomination. Hernandez said that a Treasurer would have to be found, and Thon offered to resign as Treasurer. Hernandez then stated that he felt this would create two problems.

Thon expressed that he did not want to create additional problems, only to help the commission. He withdrew his nomination. Candelaria-Reardon said that she was not in agreement that the commission was not accepting Thon's offer to serve as vice-chairman. Gallo reiterated that this would create additional issues with respect to the Treasurer position, and she said that it could be easily dealt with. Commissioner Gonzalez said that anyone who wants to serve on the executive board must be committed to attending all meetings, and that he is concerned because he sees new faces every meeting.

Candelaria-Reardon said that many of the changes in attendance have come because of staff turnover. Gonzalez said that many people must resign because of too many responsibilities, and that taking additional responsibilities on is critical. Candelaria-Reardon said that, specifically to that point, Thon's offer to help should be accepted. Hernandez said that the vice-chairman, along with the other board members, would be voted upon at the end of the year anyway.

He asked for a show of hands on desire to fill the vice-chairman's position at this meeting. The majority agreed. He then said that the option on the table would be to have Thon resign and re-nominate himself. Thon asked for someone else to take the position. Thon said he had asked others, and that no one else had wanted to become vice-chairman. Lopez asked whether anything in the bylaws restricted the same person from holding two positions.

Hernandez verified, and there is no such restriction. As a result, Thon could become vice-chairman and remain treasurer. Hernandez reiterated that by code, only a vice-chairman and chairman are required, so Thon's nomination was unopposed and accepted unanimously by the commission.

### **Executive Director's Report**

Lopez said that the month was spent preparing for the Strategy Summit, and about 240 participants attended at the various campuses. He showed the many easel pages of notes and consensus strategies collected during the discussion from the different meetings and said that all was collected from the comments made from participants throughout the state. He thanked commissioners who attended and facilitated the campuses.

Lopez then said that the key was follow-up. While good momentum has been built and significantly positive buzz throughout the state is palpable as the commission has carried out some very good work, not following through on the commitment to synthesize and distribute the information would constitute a major breach of trust with the public. The question, Lopez said, was what form the follow-up would take. He also asked for feedback from the commissioners as to what could be done to improve next year.

Lopez said that the product would be used to make recommendations to the legislature, to build a report for the public, and to help build the commission's strategic plans moving forward. Thon asked what summarizing would be done. Thon said that much of what discussed in other areas were pertinent to South Bend, as well, and that the list of strategies could be outlined according to what was discussed regionally.

Candelaria-Reardon then said the report should be distributed and discussed statewide in the context of potential legislative agenda items. Lopez said that the report would definitely be issued, but that the greater question was what physical form the next steps would take, be it holding town hall meetings or simply placing on the website, for example. Stein-Ordoñez said that it is also important, when reviewing the suggestions of the different regions, the individual needs of the communities so that blanket applications of strategies are not suggested. Candelaria-Reardon suggested that the report could be used to bridge gaps between communities in terms of matching services with needs.

Hernandez then suggested that Lopez and Stein-Ordoñez meet to discuss the health aspect and Commissioner Sharp-Byrnes on the education side. He would also like to see a matching of needs and services throughout the state and suggested that a grid be built to map regional suggestions as a starting point.

Lopez stated that the commission does not have the manpower or resources to be programming extensively throughout the state or forcing communities to adopt strategies, but that instead it can broker meetings and dialogues to help facilitate positive change. Hernandez said that a similar session could be carried out in March, and Lopez said that suggestions had been made to have monthly meetings in different regions throughout the state to discuss the end product.

Candelaria-Reardon then said that decisions would need to be made as to who the target market for the report would be and ways to attract media attention would need to be established, as well. Thon said that in many cases, participants in South Bend were shocked at the perceived lack of communication across the state.

Finally, Hernandez thanked all commissioners who attended and participated.

### **Civil Rights Subcommittee report**

Commissioner Gallo said that one growing problem in Indiana is parental kidnapping. Gallo said he has been working to identify resources that victims can use here in the state on this issue and that he would soon be providing a report on it.

### **Education Subcommittee report**

Lopez said that the subcommittee had a conference call on the 29<sup>th</sup> of October, and Head-Start and Even-Start programs had been discussed. He said that in Crawfordsville, the Even-Start had had tremendous impacts and that a breakdown of the implementation of the program in the area would be provided by subcommittee members from the region. One major idea discussed was that schools must begin treating students as a family unit rather than individuals in the schools.

Additionally, Lopez said he had asked the subcommittee to think about projects that could be focused upon next year.

### **Health Subcommittee report**

Stein-Ordoñez said that the subcommittee began by intending to analyze diabetes programming, such as DEEP, in Indiana, but that it quickly became evident that there wasn't a comprehensive understanding of what services exist in the state. The subcommittee has reached out to Dr. David Marrero at IU School of Medicine, and he is helping the commission through the Community Health Engagement Program to develop a scan of services. Stein-Ordoñez said he will be providing a draft by noon on the 30<sup>th</sup> of October, and that this information would be provided to subcommittee members along with the health report for the year.

### **Unfinished Business**

Lopez said that all commissioners who had resigned had received letters of appreciation from the commission other than Andrea Bueno, for whom no new address had been established.

Hernandez reiterated the importance of commissioners attending meetings and commission events.

The retreat date has been set for Thursday, November 4. Lopez said that all commissioners had been emailed meeting confirmations through Meeting Wizard and asked that commissioners reply by the given deadline in order to facilitate the catering.

Thon suggested that commissioners be allowed a budget to stay in Indianapolis overnight. He said that it would be difficult for commissioners to arrive by 8:30am. Hernandez asked that commissioners work through the executive director should they need accommodations. Candelaria-Reardon suggested that a number of hotels provide reduced rates for the state and that all commissioners should be staying at the same hotel.

A motion was made to grant Lopez the authority to work with hotels to establish rates and make reservations on behalf of the commission. Stein-Ordoñez suggested that hotel choices should be restricted to those offering the reduced rate. It was seconded and passed unanimously.

### **New Business**

Thon said that he had spoken to the mayor of Goshen, Indiana, who he says has been very pro-Latino, and that he was asked for help on two issues: Latino gangs and drivers licenses for immigrants. Thon said that the mayor is being pressured to crack down on illegal immigrants. He said that the mayor's police currently do not arrest those who do not have driver's licenses or impound the cars, but rather ticket them and allow someone else to drive the vehicle away.

The mayor is organizing a town hall meeting and has invited commissioners to attend. Thon said the mayor needs to know what he can and cannot do legally. Espinosa asked if it was the role of the commission to be involved in issues that local. Lopez said that his concern is that if the mayor needs clarification on the law, what he needs is an attorney. Assuming the mayor has a general counsel, that person can be guiding him on what is legal and what is not for him to do.

As a state agency, it is important to clarify state policy that the immigration issue is a federal one. Lopez said that this is an issue that must be addressed at the federal level.

The driver's license issue is one that the commission in the past has studied, but Lopez clarified that a law currently exists in Indiana that must be enforced. The mayor could instruct his police forces to interpret that law however he deems appropriate, but as an agency the commission should not advocate for the breaking of existing laws.

Thon reiterated that the mayor is not sure what is legal and what is not, and Lopez stated once again that what the mayor needs is legal counsel that ICHLA cannot provide. Candelaria-Reardon said that what the mayor is seeking is outside the scope of the commission, but perhaps providing the report that was already issued by the commission would be prudent. Additionally, Candelaria-Reardon said that perhaps commissioners could attend to simply listen and discuss past recommendations.

Gallo said that the law varies depending on the specifics of the case, and that the mayor needs to check on the legality of his practices. Candelaria-Reardon reiterated that the commission would not be able to advise him on this.

Hernandez said that the discussion was thorough and that any commissioners who would want to attend the meeting were free to do so. However, he clarified, the commission could not take any actions, make any recommendations, or advise anyone on any issue without first having discuss the issues more comprehensively at a meeting.

Lopez said that commissioners should be careful not to speak for the agency at any meetings and to make it clear that all comments and opinions were specifically theirs personally.

## **Adjournment**

At 4:33pm, a motion was made and seconded to adjourn.