



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, March 26th, 2009
3:00pm – 4:30pm
Conference Center Room 12
Indiana Government Center South
Indianapolis, IN**

Commissioners Present:

Rep. Mara Candelaria Reardon
Betsy Blaser, Proxy for Sen. Frank Mrvan
Adam Doerr, Proxy for Rep. Richard McClain
Ryan Bergerman, Proxy for Sen. Carlin Yoder
Richard Espinosa, Senate Lay Member, Fort Wayne (Vice Chair)
Christian Gallo, Senate Lay Member, Lafayette
Guadalupe 'Herb' Hernandez, Senate Lay Member, Fort Wayne (Chair)
Teddy Flores, House Lay Member, East Chicago
Freddie Thon, House Lay Member, South Bend
Angel Riviera, Senate Lay Member, Indianapolis
Andrea Bueno, Designee, Lt. Governor's Office
Alfonso Vidal, Governor Appointee
Tina Little, Designee, Department of Corrections (Treasurer)
Andrea Perez, Designee, Department of Health
Lauren Harvey, Designee, Department of Education (Secretary)
Director Tony Kirkland, Civil Rights Commission
Karen Weber, Proxy for Kristy Musall, Designee, Department of Workforce Development
Michelle Stein-Ordóñez, Designee, Family and Social Services Agency

Commissioners Not Present:

Lisa Kusiak, House Lay Member, Munster
Pat Rios, House Lay Member, Indianapolis

Staff Present:

Pat Sanchez, Executive Director
Mary Ferguson

Audience Present:

Gordon White, Office of the Attorney General

I. Call to Order

A. Establish Quorum

Chair Hernandez called the meeting to order at 3:03pm.

Chair Hernandez established quorum at 3:23pm.

II. Commission Business

Approval of Minutes February 09

Rep. Candelaria-Reardon made a point of order regarding the January minutes and the election of the officers. Rep. Candelaria-Reardon spoke with the Attorney's General office and asked them to review the January minutes and how the election was conducted and asked them to review how a proxy establishes a quorum. She received a document today from the Attorney General's office that stated that proxies cannot establish quorum. She assumes that we will have to do everything since January over again. The Attorney General's office states that the other thirteen members with exception of the agency heads have designees specifically assigned; the other 13 members are not statutorily authorized to have proxies. She wasn't sure how the commission would like to proceed, but she brought the document forward for member's consideration.

Hernandez mentioned that at the first meeting in January this information was clarified. The code does not specify any distinction between quorum or proxy and quorum for voting. Hernandez agreed that further clarification needs to be made. We will get it resolved because if that is true, then everything that was done in 2008 was also flawed. Hernandez asked for a motion to get the Governor's office or Attorney General or someone that has authority to give us the right ruling on how we look at proxies in regard to quorum, voting, and designees for quorum and voting.

Rep. Candelaria-Reardon added that in this letter it specially states that designees are basically the proxies for the agency; the designee and proxy are used to be synonymous. Rep. Candelaria-Reardon stated that she believes the chairman to be Alfonso Vidal until we act on a correction. Rep. Candelaria-Reardon did not feel that the election held in January was valid. Hernandez requested that until we have further clarification we will proceed with the meeting.

Gordon White from the Attorney General's office made himself available for any questions regarding the letter in question. White mention the Hispanic Commission may not use proxies to establish a quorum or vote.

Hernandez questioned Mr. White where the information can be found. Can the information be found in code? Mr. White mentioned "no".

Rep. Candelaria-Reardon asked Mr. White on his recommendations for proceeding forward. Mr. White responded by stating that he did not recommend that the commission proceed. He stated if we did not have quorum then we do not have a meeting. He suggested that we form a subcommittee and discuss the issues. He also suggested that he be given time to look further in to the matter. Hernandez mentioned that in fairness to the commission that any opinions should be in writing to the commission and on who's authority is the opinion.

Rep. Candelaria-Reardon again brought up that she felt that the election was not done in good faith. She also stated that Thon also brought up the fact that he did not feel it was in good faith. Rep. Candelaria-Reardon asked that we do the election over again.

Vidal stated that now is the time to do things correctly. Vidal felt that the election was "pushed". "I'm actually glad to hear a clarification is being brought up." Vidal also questioned the validity of the January meeting.

Thon mentioned that he was misquoted in the February minutes and prepared in writing his statement to be put in the February minutes. Thon added that he did have a rejection to the results and further had fault with the individuals that held the meeting.

Rivera moved that based on the findings of the Attorney's General office, if needed that Commission has the election for officers in April. The motion was moved and second.

Thon brought up the cancellation of the January meeting. Hernandez mentioned that all was clarified in the January and February meetings. The commission can refer to the open Disclosure Laws regarding the meetings postings.

Vidal stated, "regardless of our opinions, it is appropriate that we also require an opinion of that. The paper trail is there – phone calls and emails. There are some questions about calling the meeting prior to 24 hours. It's an opinion. I think we're here to be fair and clarify everything, to conduct business in a clear and fair manner".

Sanchez asked for clarification on the letter Rep. Candelaria-Reardon presented as part of public recorded which states, "not an official opinion". Rep. Candelaria-Reardon stated that she did not submit it for public record. Weber (Assistant Chief Counsel for Department of Workforce Development) added that the letter has already been waived by Rep. Candelaria-Reardon when she presented the letter to all members and public audience to view.

Hernandez stated that Gordon White from the Attorney's General office has given his opinion on whether or not we should conduct official business at this meeting. He requested for a motion to delay the approval of minutes. He opened the floor for discussion.

Thom moved to delay the minutes for a vote till the next meeting. The Bueno motion was seconded with Perez absenting from the motion.

White requested that all the questions be submitted in writing.

The following were submitted:

1. Under what parameters can ICHLA have quorum?
2. How can ICHLA establish a meeting and/or cancel a meeting (with the open door policy in mind)?
3. Are the quorum parameters the same as the voting parameters?
4. What happens to decisions made in the past (what is the effectiveness of the motions made in the past)?
5. What is the difference between a designee and proxy in regard to voting?

Hernandez stated that questions be submitted to Sanchez by email no later than Saturday, March 28, 2009 at 4pm EST.

Hernandez agreed to make sure that the meetings are run according to the Code, By-Laws, and Open Disclosure law. This information was brought up in the January meeting and no one questioned the information nor was it questioned in January 2008. Our intent is to move forward.

III. Reports

A. Executive Director's Report

Sanchez talked about the state commissioner's conference in Chicago that she attended. She noted reports that other commissions have created, specifically a two-page legislative brief and health brief from Minnesota, and that other state commissions have higher budgets and more staff including grant writers. She also mentioned that the U.S. Hispanic Leadership Institute (USHLI) funded her trip to Chicago and will fund a trip to Washington D.C. for a Hispanic Education Summit organized by the U.S. Council on Latino Affairs from April 13 – 15, 2009. This Summit will address topics including the dropout rate of Hispanic students.

Sanchez stated that the state commissioner's conference in Chicago also addressed 2010 Census and Indiana does not have a plan yet. The moto is, "Fill out the paper and mail it in and no one will knock on your door." The 2010 Census will provide ICHLA will a complete Census kit.

Telemundo is starting the publicity campaign to make sure that no one will be afraid to participate.

Sanchez mentioned Cesar Chavez day and that there are 35 states in the U.S. that celebrate the national holiday and Indiana is not one of them. We will put up a web blast about him if people want to know more information on celebration events around the state. Sanchez also recommended developing a plan to celebrate in 2010.

B. Chair's Report

Chair Hernandez talked about the U. S. Hispanic Chamber of Commerce (USHCC) Conference that he attended March 9-11, 2009.

Hernandez stated that the process for requesting out-of-state travel approval was followed. He outlined the highlights of the conference.

He cited President Obama's talk about education reform in regard to the Latino dropout rate. Hernandez mentioned Pres. Obama's bullet points for improving education including longer school days, longer school years, merit-based pay for teachers, and publicly funded charter schools. Hernandez mentioned meeting with key staffers from the offices of Sen. Bayh and Sen. Lugar about the Development, Relief and Education for Alien Minors Act (DREAM) Act to provide undocumented students with the opportunity to earn conditional permanent residency through completion of higher education along with discussing the needs of English Language Learners (ELLs) and immigration reform. Hernandez stated that terminology has changed from English as a Second Language (ESL) to English Language Learner (ELL).

Hernandez discussed the senators and congressmen that spoke at the reception and their different topics of conversation including education, health care, and immigration reform among other topics. Many panelists at the discussion mentioned that E-Verify is flawed and stated many reasons why it is flawed.

Secretary Harvey commented on the Chair's Report. She stated that Pres. Obama's vision for education is consistent with Indiana's Superintendent of Public Instruction, Dr. Tony Bennett, concerning improving student learning. She stated that the *No Child Left Behind* Act is funded at a supplemental level and that the term ESL is used to describe instructional programs whereas the term ELL is used to describe students.

C. Budget Report

Little stated that she and Sanchez met with DWD regarding the budget for next year. They are working on moving money around so people will be

able to receive money for the appropriate areas including per diems and travel.

D. Standing Committees

1. Education

Harvey discussed the changes to the subcommittee membership and their added members. She talked about the 2009 strategic plan for the subcommittee and their goals for the year. She also mentioned some events that are in the works.

Gallo asked about the tracking of a dropout rate as opposed to people moving into another jurisdiction. Harvey will get him more data on this subject.

Candelaria-Reardon brought up Latino educational information from Notre Dame that Harvey would find useful and provided her with some documentation.

2. Health

Stein-Ordonez talked about starting the report from scratch. She approached different people in her department and asked if they would help work on the report. The individuals she approached said that they would help write the report.

IV. Old Business

A. Upcoming Conference Attendance

Hernandez mentioned the upcoming events. There was a list provided for people to look over and they will be discussed at the next meeting. The deadline for requesting to attend an event is 60 days prior to the event in order to gain approval through the lengthy process.

Sanchez discussed the Education Summit in DC April 12-15, 2009. She stated that this is the event that will be fully paid so there would be no out of pocket cost to the commission.

Hernandez talked about the following events.

MALDEF Dinner June 18

NAELO June 24-27

NCLR July 25-28

USHCC Sept 16-19

Candelaria-Reardon mentioned the Indiana Black Legislative Caucus Symposium in Lake County (Meriville/Hammond Area) Sept 10-11, 2009

B. Ad Hoc Committee List of Events to Consider

Hernandez mentioned that the other events will be presented to the commission shortly. Hernandez has a list of groups requesting support (given amount is budget and requested amount is somewhere within the budget amount).

Indiana Commission of Higher Education: \$11,000 total budget

La Plaza Fiesta: \$20,000 total budget

Indiana Latino Institute Intern Program: \$23,850 total budget

Walker Plaza Comunitaria: \$38,792 total budget (in Indianapolis)

Project Stepping Stones (Pre-College Program): travel requested amount currently unknown (hosted in Indianapolis, but applicants are from all over the state)

La Plaza "Night at the Americas" Scholarship Dinner: \$1500 total budget

USA Funds Latina Scholarship Dinner: \$1500 total budget

There was a request for more clarification on the groups requesting money, how much money the groups are requesting, and a need to keep the money inside the state as opposed to financing travel to events outside the state. We will get more information to the commission for April's meeting about where the money will come from and the specific details.

There was a discussion on establishing guidelines and priorities for giving money to groups. Hernandez mentioned that it is in the early stages and will be finalized for the next meeting.

The members of the Ad Hoc Committee are as follows: Angel Rivera, Tina Little, Andrea Bueno, Andrea Perez, Michelle Stein-Ordonez. Rep. Candelaria-Reardon requested to join.

- C. Implementation of specific actions that compliment Strategic Plan
No conversation was held.

V. New Business

Cesar Chavez Day

Sanchez passed around the billboard that will be posted on the website and stated that it will link to important information regarding Cesar Chavez.

Sanchez wants to send out an e-mail blast to gain support for the creation of Cesar Chavez Day.

Thon moved to adjourn the meeting.

Bueno seconded

Motion passed

Chair Hernandez adjourned the meeting at 4pm.