

**Indiana Commission on Hispanic/Latino Affairs (ICHLA)**  
**Commission Meeting Minutes**  
**Indiana Government Center South, Conf. Rm. 4 & 5**  
**7-28-05**

**Attendance:**

Rep. John Aguilera ,House Democrat – Chair  
Margie Chavez, Designee, Family and Social Services Administration-Vice Chair  
Pat Rios-House Lay Member-Secretary  
Mara Candelaria Reardon-House Lay Member  
Myrna Maldonado- House Lay Member  
Sal Soto-Senate Lay Member  
Juana Watson-Senate Lay Member  
Mistie Morales-Designee, Dept. of Correction  
Director Gregory Kellam Scott-Civil Rights Commission  
Deputy Director Christine Cde Baca-Civil Rights Commission  
Hilda Vazquez, Designee-Dept. of Education  
Carmen Quintana, Designee- Dept. of Health  
Claudia Ontiveros-Fuentes, Designee- Indiana Economic Development Corporation

**Staff:**

Executive Director Amy Mendoza  
Lawrence McCormack

**I. Establish Quorum**

A quorum was established that consisted of 12 Commissioners.

**II. Guest Speaker Presentations**

Chair Aguilera introduced the guest speakers and invited them to begin their presentations.

*Deputy Commissioner Joe Vandevender, Indiana Department of Revenue*

Deputy Commissioner Vandevender explained that the Department of Revenue has a new Tax Amnesty Program that was created by legislation in the past Indiana Session. September 15 – November 15, 2005, the Tax Amnesty program will be effective. If someone has not filed taxes prior to July 1, 2004, that person will be able to pay their liability without interest or penalties. After November 15, 2005, all penalties will double for those who are eligible for the amnesty program and do not take advantage of it. The Dept. of Revenue website contains all information to file for the program. Deputy Commissioner Vandevender asked the Commission for assistance in translating the Dept. of Revenue website and materials related to amnesty. He also mentioned that the website translations would need to be maintained and that the Dept. does not have the funds to translate the materials needed. He asked for ideas from the Commission to translate the documents and mentioned the possible use of volunteers.

Commissioner Sal Soto pointed out that because of the technicality of the documents, the Dept. of Revenue may not want to use volunteers.

Deputy Commissioner Vandevender mentioned that most of the forms are already in Spanish. He mentioned that the Question and Answer information on the website is what needs to be translated. The goal is to have most inquiries done on the website.

Lawrence McCormack mentioned that Access Indiana has an automatic translating tool that most State Agency websites use.

Chair Aguilera suggested that the Dept. of Revenue inquire about using the automatic translation tool.

Director Mendoza mentioned that the automatic translation tool is a step in the right direction, but a quality translation will be the best option.

Vice Chair Chavez suggested using state procurement to use a professional translation resource. She spoke to the need of investing money in a quality translation.

Commissioner Juana Watson asked to receive the final translations and review them.

Chair Aguilera asked if there would be public service announcements about the tax amnesty program and if any monies would be targeted towards Hispanic/Latino media.

Deputy Commissioner Vandevender answered that there would be public service announcements, but it's uncertain if Hispanic media would be involved, but the Dept. of Revenue would look into that option. He mentioned that any suggestions given will be pursued.

Vice Chair Chavez mentioned there are plenty of Spanish newspapers, radio and television outlets.

*Karen Davis, Indiana Public Access Counselor*

Counselor Davis explained that she would present a refresher course on the Open Access Law and provided a fact sheet about the law. The office of the Public Access Counselor was established in 1999 and answers questions from the public, state agencies, etc. The office has a formal complaint process that includes investigation and the issuance of advisory opinions. She explained that most materials, including the handbook are available on the office's website. She explained that meetings are open to the public, unless there is specific reason to hold an executive session. A meeting is a gathering of a majority to take official action on business. Official action can be anything from receiving information, voting, discussing activities, etc. Some examples of gatherings that are not meetings are caucuses or traveling to outside association meetings. At meetings, the public has the right to observe and record the meetings. The organization can put reasonable restrictions on the recording. Notices of meetings and executive sessions are required to be posted at least 48 hours in advance of the meeting. She then explained requirements for notices and agendas. Executive sessions can include receiving information about misconduct, job applicants, etc. Agendas should be posted at the location of the meeting sometime before the meeting. Deviation from the agenda is permitted. When voting on items, the subject or title of the item should be announced when voting on it. General memorandum of the meeting should be taken and be available within a reasonable time frame. Meetings must be held at places that are open to people with disabilities. Senate enrolled Act 503 (IC 4-1-10) was passed this past

session, stating that state agencies may not disclose Social Security numbers. Counselor Davis further explained the new law.

Commissioner Carmen Quintana asked how the Open Door Law applies to Subcommittee meetings.

Counselor Davis mentioned that committees appointed by the governing body or the presiding officer of the governing body are considered to be governing bodies themselves. It doesn't matter if committee members are members of the governing body or not. Subcommittee meetings are also open to the Open Access Law.

Chair Aguilera asked if Subcommittee members can participate in subcommittee meetings via telephone.

Counselor Davis mentioned that when a majority of the governing body of the subcommittee is present, participation through ways other than physical presence is prohibited. Even if no voting is taking place, receiving information is an "official action," and therefore the open door law is required. She also explained that she was not voicing her opinion on the law, but she was explaining her interpretation of the law.

Director Mendoza asked if most agencies face the same conflict with wanting to bring members via conference phone for meetings.

Counselor Davis mentioned that she is not aware of it unless people call to ask a question about it, but more than likely, most agencies face the same issue.

Commissioner Quintana mentioned that before the public access counselor office was established, similar direction was taken from the Attorney General's Office.

*Ginger Jarboe, Executive Assistant to the Commissioner of the Department of Workforce Development (DWD)*

Mrs. Jarboe explained that she has had conversations with Juana Watson about the possibility of turning the Commission over to the Governor's Office under Juana's leadership.

Chair Aguilera explained that the Commission reports to DWD because they have the resources needed. He explained that the Commission had taken the initiative to send Director Mendoza to the NALEO Conference but it did not happen. He explained the Commission's efforts to network with others and the Commission's budget.

Mrs. Jarboe explained that there are certain offices that travel requests need to be sent through before being approved. That is standard state policy. She explained that Juana, DWD Controller, and Executive Assistant sat down and reviewed the issue and DWD realizes the importance of the Hispanic/Latino Conference.

Commissioner Soto explained that the Commission had never discussed being moved under another office.

Mrs. Jarboe mentioned that that conversation was very brief, and DWD does not want to appear like it's controlling the Commission, and DWD is looking for the best option for the Commission to operate more smoothly.

Commissioner Watson explained that she had a conversation with Commissioner Stiver and he mentioned that he would send any requests to Commissioner Watson before signing off on them.

Commissioner Claudia Ontiveros Fuentes explained that the Commission has not received a financial report for a few months.

Mrs. Jarboe explained that the Budget Department was making changes in their system and DWD has also not received a copy of the budget. She said that a report would be provided to the Commission.

Vice Chair Chavez pointed out that DWD is the only agency that has a strict travel and procurement policy. Most other agency policies are not as strict.

Mrs. Jarboe explained that the requests go through Oversight and Budget as well as the Department of Administration. Teresa Melton, Legal Counsel for DWD also explained that materials could be provided to the Commission regarding the travel and procurement process.

### **III. Commission Business**

Letter of Request from Rep. Budak and Rep. Pelath

Director Mendoza explained the letter received from both representatives asking the Commission to review and make recommendations about the driver's license issue. She explained that the Commission has already done this with the Driver's License Subcommittee report, but now that the Real ID Act has been signed into law, which brings new requirements and issues, there is a need to have the subcommittee reconvene and make another report to the governor and legislators.

Chair Aguilera explained that all legislators were sent the initial driver's license report. He also pointed out the point that the letter refers specifically to "legal immigrants" and not undocumented individuals, where most of the issue lies. It seems that the legislators do not fully understand the issue.

Secretary Pat Rios mentioned that a request to the BMV Commissioner is still pending. The request would be to look at the issues specific to the documentation requirements. A separate request needs to be made to consider the Commission's recommendations to best implement the Real ID Act.

Commissioner Watson explained that most people were complaining about renewing the licenses. Most complaints were directed to the local Representatives that were present.

Chair Aguilera mentioned that the house Committees addressing the driver's license legislation that was previously introduced will be meeting soon, and the Driver's License Subcommittee should send letters to the committees requesting to make presentations to the committees.

Commissioner Watson mentioned that the forums have had a positive effect, and that Director Mendoza has traveled to Ligonier, Elkhart and Hammond to make presentations about the Commission.

*Review and accept Commission meeting minutes*

A motion was made by Commissioner Sal Soto and seconded by Commissioner Pat Rios to accept the 4-28-05 Commission meeting minutes. Motion carried by all in attendance. A motion was made by Commissioner Sal Soto and seconded by Vice Chair Margie Chavez to accept the 5-26-05 Commission meeting. Motion carried by all in attendance. A motion was made by Secretary Pat Rios and seconded by Commissioner Mara Reardon to accept the 6-30-05 Commission meeting minutes. Motion carried by all in attendance. Chair Aguilera mentioned the need for all Commissioners to designate a proxy to attend Commission meetings for quorum purposes.

*Review and Accept Commission Bylaws*

Director Mendoza explained that the bylaws have been brought to the Bylaws Committee, and after not receiving much input, the bylaws were brought to the Executive Committee. The underlined sections are areas of the bylaws is language that is not in the Commission's statute. Director Mendoza pointed out Article II of the bylaws which includes the Commission's Mission statement, which was shortened because it included points that are not in the Commission's statute as duties. The mission statement now reads, "The mission of the Indiana Commission on Hispanic/Latino Affairs is to work toward economic, educational and social equality, including promoting cooperation and understanding. The Commission identifies measures and reviews programs, legislation and researches challenges and opportunities affecting the Hispanic/Latino community. The Commission identifies solutions and provides recommendations to the Governor and Legislature." Director Mendoza explained that the former mission statement included that the Commission makes recommendations to the judiciary and agencies serving Hispanics/Latinos. This was omitted because it is not in the Commission's statute. On page 3 Article V. Section 1 explains the duties of the Commission Chair, the Vice Chair duties are included in section 2, in Section 3 the duties of the Secretary are explained. Section 4 outlines the duties of the Commission Treasurer, who will also be the Chair of the Commission's Budget Subcommittee. The Executive Committee suggested having a treasurer to include them in the executive committee. Section 5 explains the Executive Committee.

Commissioner Soto asked if Section 5 can specify when the election of an officer would occur if a vacancy occurs.

Commissioner Rios pointed out that the specification was not necessary. This would not restrict the Commission to electing a new officer at a certain time. This may be more convenient for the Commission. She also suggested eliminating the 48 hour notice requirement attached to the monthly meeting requirement.

Director Mendoza mentioned that she agreed with Secretary Rios' suggestion.

Chair Aguilera asked for further discussion on the bylaws.

Commissioner Ontiveros-Fuentes requested that the Department of Commerce in Article 6 section 1 be changed to Indiana Economic Development Corporation.

Director Mendoza pointed out Article 4, section 5 which establishes a process for Commissioner removal. This is not in the statute. The main factor would be lack of attendance at the Commission meetings. She read the article and asked for feedback.

Secretary Rios made a correction in grammar: subject *to* removal. She asked if the Treasurer will be included in the Executive Committee.

A motion was made by Vice Chair Chavez and seconded by Secretary Rios to include the Treasurer in the Executive Committee. Motion carried by all in attendance.

A motion was made by Vice Chair Chavez and seconded by Commissioner Reardon to accept the ICHLA bylaws. Motion carried by all in attendance.

#### *Update on Hispanic/Latino Conference*

Commissioner Soto explained that Lawrence McCormack has agreed to coordinate all volunteers of the conference. He explained that volunteers are needed. He explained the timing of the conference from 1:00pm – 5:00pm and the closing dinner would be at 6:00-pm. The Commission is still searching for a closing speaker.

#### *Regional/Departmental Updates*

Commissioner Soto mentioned the upcoming Fiesta Fort Wayne held on September 2, 3 and 4, 2005.

Chair Aguilera mentioned that the Puerto Rican Parade was recently held in East Chicago.

Secretary Rios explained that Fiesta Indianapolis will be held on September 17, 2005 at the American Region Mall, Indianapolis. She also announced the Indianapolis public forum the Commission will host on September 7<sup>th</sup> at La Plaza, Inc.

Director Mendoza asked new Commissioners for introductions. New Commissioners include Misty Morales, new designee of the Department of Correction and Christine Cde Baca, Deputy Director of the Indiana Civil Rights Commission.

Commissioner Gregory Kellam Scott informed everyone that Deputy Director Cde Baca comes from Maryland with an educational background, working for the public school system as a school psychologist.

#### *Subcommittee Meetings, Goals and Outline*

Director Mendoza pointed out the handout which includes requirements for the Subcommittee meetings. She pointed out that Subcommittees must meet 3 more times this year in order to generate material for the Commission's 2005 Annual Report. Requirements include generating input, statistical data and recommendations. She pointed out from IC 4-23-28 the specific areas of research.

#### **IV. Subcommittee Reports**

##### *Health, Vice Chair Margie Chavez*

Vice Chair Chavez mentioned that the Health Subcommittee met last Thursday. The conference and health workshop were explained. The governor's new health programs were discussed, and subcommittee members offered some research and reports to help the subcommittee with the annual report.

##### *Education, Commissioner Hilda Vasquez*

Commissioner Vasquez distributed a handout which breaks down the funding for the Dept. of Education Language Minority and Migrant Programs. Darlene Slaby, the

Director of the program would like to come present to the Commission. She explained that there are many organizations who are also concerned with the lower student allocations and will also be involved.

Chair Aguilera suggested waiting to send a letter to legislators explaining the need for more LEP funding until after the presentation by Darlene Slaby. He also suggested examining other states so as to have a model to follow.

## **V. Announcements**

Chair Aguilera invited audience members to introduce themselves and asked for questions or comments.

Andre Guzman explained that he works for the Indiana Commission for Higher Education, and he's done research on the dropout issue. He is also interested in participating in Business/Economic Development related issues.

Yvonne Armendariz introduced herself as a law student and is president of the Hispanic Law Society.

James Garrett introduced himself as the Executive Director of the Indiana Commission on the Social Status of Black Males(ICSSBM). He announced the Commission's upcoming conference in October, and expressed that he would like to work together with the Hispanic/Latino Commission. The conference's theme is Education versus Incarceration.

Chair Aguilera mentioned that the Commission would like to work together with the ICSSBM on an educational piece on new Indiana legislation, particularly regarding the Voter ID Act.

Director Mendoza suggested working together to put out a publication to educate minority communities.

Commissioner Juana Watson mentioned that she is traveling a lot from different communities, and doing most of the Commission work herself.

Director Mendoza said that the Commissioners can help by attending the public forums, getting familiar with the powerpoint presentation and speaking at the public forums. Also needed are 3 more meetings of the Subcommittees. Those are the 2 most important ways that Commissioners can help with the Commission's effort.

Chair Aguilera mentioned the importance of Commissioner participation because the Commission is defining itself and budgets are very importance

Director Mendoza asked all Commissioners to attend local community meetings and represent the Commission. Commissioners can bring and distribute Commission brochures and also make presentations about the commission. She said the most important way to contribute is to bring as many people from local regions as possible. This will greatly help the commission and the conference.

Vice Chair Chavez explained the Governor's Inshape Indiana program has had a positive effect on different cities. She asked the Commissioners include their communities and

get them to sign onto the program. She also explained the Rx for Indiana Day on August 15, 2005. Many organizations will be involved.

Secretary Rios asked if Rx for Indiana has numbers on the amount of Hispanics/Latinos that have been served.

Vice Chair Chavez explained that the information was not available.

Director Mendoza announced that she will be in Mexico City from August 10 – 13 for a meeting with the Institute for Mexicans Abroad (IME). The purpose is to learn about new initiatives and programs of IME and strengthen the relationship between the Mexican Government and Hispanic/Latino leaders in the states. She also announced that the next public forum will be held in Lafayette at Ivy Tech State College on September 22, 2005. In addition she pointed out that there is a need to clarify what the Commission is in different communities. She mentioned that most people think the Commission is the Governor Commission, which it's not. Also, the clarification that the commission is bipartisan should also be made. She asked Commissioners to keep this in mind when talking about the Commission in their communities. She also pointed out an event hosted by the Indiana Supreme Court that will be held on August 23, 2005, to explore options to create an interpreters referral system. This would be for all state agencies.

Director Mendoza mentioned that this program and the initial swearing-in ceremony is a result of the ICHLA recommendations in the 2002 report.

## **VI. Adjournment**

The meeting was adjourned at approximately 12:20pm.