



SERVE OHIO
Ohio Commission on Service and Volunteerism

BYLAWS

Article I

Legal Authority, Name, Mission

SECTION 1, Legal Authority

- 1.01 The Ohio Commission on Service & Volunteerism is authorized under Section 121.40, of the Ohio Revised Code (ORC) and shall fulfill the duties enumerated therein.
- a. All operations shall be in accordance with that statute and other applicable state laws, regulations, rules and directives in addition to these Bylaws.
 - b. In accordance with its legal authority, the Commission retains both fiduciary responsibility and responsibility for the overall policy and management of the agency.
- 1.02 Authorization of the Commission fulfills a federal mandate under 42 USC 12638 that a state must have a commission on national and community service in order to receive funding for AmeriCorps and related programs. Operations shall be consistent with that statute, related federal statutes and regulations, and other guidance from the Corporation for National and Community Service.

SECTION 2, Servicemark Name

- 2.01 Except in formal legal documents that require use of the statutory legal name, the Commission may operate under the names of "ServeOhio, Ohio's commission on service and volunteerism" or simply "ServeOhio". The servicemark name is more user friendly for clients and constituents and is consistent with the practices of state service commissions nationwide.

SECTION 3, Mission

- 3.01 The mission statement of the Commission is: *ServeOhio strengthens Ohio communities through AmeriCorps and volunteer engagement.*

ARTICLE II

Composition, Attendance, Ethics Provisions

SECTION 1, Composition

- 1.01 The Commission consists of 23 members as defined in Ohio Revised Code 121.40, which composition is intended to be broadly inclusive and non-partisan, in compliance with federal statute (42 USC 12638).
- a. Four (4) voting members represent state agencies as follows: Department of Aging, Board of Regents, Department of Education, and Department of Youth Services. Members are designated by and serve at the pleasure of the agency directors.
 - b. Two (2) voting members represent the education committees of the Ohio House of Representatives and Senate. Members are the committee chairs or their designees; designees serve at the pleasure of the committee chairs.
 - c. Fifteen (15) voting members are appointed by the Governor. The Executive Director will advise the Governor's Office of the federal statutory requirements that govern appointments to the Commission, including required representatives of specific groups or programs. Governor's appointments are not assignable or transferrable.
 - d. Two (2) non-voting members serve *ex officio* as follows: The Director of the State Office of the Corporation for National and Community Service and the Director of the Governor's Office of Faith-Based and Community Initiatives.
- 1.02 Appointed members shall serve for a term of three (3) years and may be reappointed for two additional three-year terms. If a member is appointed to fill an unexpired term or appointed after April, the customary beginning time of a term of service, that member may be appointed for two additional three-year terms. An appointed member's total service may not exceed nine (9) years.
- 1.03 Members of the Commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.
- 1.04 An appointed Commission member may resign at any time by giving written notice to the Chair and Executive Director of the Commission. Executive Director will forward the resignation to the Governor's office with request for appointment of a new Commissioner.

SECTION 2, Attendance

- 2.01 Under Ohio Revised Code 3.17 any Commissioner who fails to attend at least three-fifths (60%) of the regular and special Commission meetings in any two-year period forfeits his/her position on the Commission. Legislative representatives are statutorily exempt from the attendance requirement but the law does not distinguish between Governor appointees and representatives of state agencies. The Commission expects all voting members to meet the

attendance standard; *ex officio* members are exempted from the attendance requirement.

- 2.02 The Executive Director will keep a record of Commission member attendance. Following each meeting, the Executive Director will review attendance data for the most recent two-year period and will inform the Chair of:
- a. Any appointed members or agency representatives projected to fail the 60% test should they miss the next meeting. The Chair or Executive Director will contact said members and remind them of the attendance requirement.
 - b. Any appointed members failing the 60% test as of the meeting just past. The Chair or Executive Director will report the noncompliance in writing to the Governor's Office with a copy to the Commission member. The seat will be considered vacant as of the date of the last Commission meeting and the Executive Director will work with the Governor's office to secure a new appointment.
 - c. Any agency representatives failing the 60% test as of the meeting just past. The Chair or Executive Director will report the noncompliance in writing to the agency Director with a copy to the Commission member. The agency Director will determine whether or not to designate a new representative.
- 2.03 Commissioner participation by conference call is not permitted due to statutory restrictions preventing public bodies from meeting via electronic or telephonic conferencing.

SECTION 3, Ethics Provisions

- 3.01 Members of the Commission shall be knowledgeable of and act in compliance with all ethics requirements and restrictions imposed under Ohio ethics laws (ORC Chapters 102 and 2921), and shall:
- a. Attend annual ethics training sponsored by the Ohio Ethics Commission or another State of Ohio agency (members representing state agencies only).
 - b. File annual financial disclosure statements with the Ohio Ethics Commission. The Executive Director shall advise the Governor's office of any failure to file and request that the commissioner(s) be replaced.
 - c. Consult with the Ohio Ethics Commission and/or the Assistant Attorney General assigned to the Commission if they have questions regarding state ethics laws and regulations.
- 3.02 Conflict of interest as related to administration of AmeriCorps grants in Ohio is governed by federal regulations issued by the Corporation for National and Community Service at 45 CFR 2550.110 in addition to Ohio ethics laws. The federal regulation makes no distinction between voting and *ex officio* members in defining conflict of interest.
- a. A Commission member is considered to have a conflict of interest if the member is currently or was within one year of the submission of a grant

application to the Commission, an officer, director, trustee, full-time volunteer or employee of an organization submitting an AmeriCorps grant application.

b. Restrictions for such individuals are as follows:

- (1) They may not participate in the development of an application for AmeriCorps funding that will be considered, reviewed, or administered by the Commission.
- (2) They must recuse themselves from all discussions and decisions regarding all AmeriCorps funding passed through the Commission under the same federal subtitle (e.g. Subtitle C-AmeriCorps State & National). Specifically:
 - They may not serve as peer reviewers during the application review process; and
 - They must declare the conflict and leave the room at the start of any discussion/deliberation on AmeriCorps funding decisions during a Commission meeting.
- (3) They may not participate in the oversight, evaluation, continuation, suspension or termination of the grant award. Specifically:
 - They may not participate in the management or operation of any AmeriCorps project funded by the Commission; and
 - They may not be a member of any Commission standing or ad hoc committee charged with developing or reviewing agency policies and procedures relative to AmeriCorps grant administration or evaluation.

3.03 Prior to the start of any discussion or deliberation on AmeriCorps funding during a Commission meeting the Chair will provide opportunity for Commission members to declare conflicts and recuse themselves. Declared conflicts of interest and recusals will be recorded in the official minutes of the meeting.

3.04 Commissioners who do not have a conflict of interest as defined above but who wish to avoid any possibility of perceived conflicts may participate in discussion but abstain from voting on funding for specific projects, at their discretion. Such abstentions will be recorded in the official minutes of the meeting.

ARTICLE III

Officers and Committees

SECTION 1, Officers

- 1.01 The Officers of the Commission shall consist of a Chair, Vice-Chair, and Secretary. Commission members in good standing who are Governor appointees or representatives of state agencies may serve as officers.
- 1.02 Officers shall be elected at a regular or special meeting in May or June of even-numbered years to a two (2) year term and shall take office effective the first day of July to align with the fiscal year of the Commission.
- 1.03 Officers may be elected to no more than two consecutive terms in the same office, exclusive of any partial terms.
- 1.04 A Nominating Committee shall be appointed by the Chair two meetings prior to the election of officers.
 - a. Committee shall present to the Commission at the meeting prior to the election a slate of candidates, one for each office, who have been determined to be willing to serve.
 - b. Current officers who will not exceed the term limit and wish to continue in office shall receive an automatic nomination.
 - c. In addition to the recommendation from the Nominating Committee, nominations will be solicited from the floor at the meeting prior to the elections.
- 1.05 Voting shall be conducted collectively on the slate as presented, unless nominations were received from the floor. In that case, voting shall be conducted on each office separately.
 - a. Nominees must receive a majority of votes cast to be elected; in contested elections a run-off shall be conducted if necessary for a candidate to receive a majority.
 - b. Candidates may participate in the vote, which shall be by voice, unless it is moved from the floor to conduct the election by ballot. In that case the Executive Director and a Commission member who is not a candidate shall tally the ballots and report the results to the group.
- 1.06 Any officer may resign at any time by giving written notice to the Chair, or in case of the Chair resigning, by giving written notice to the Vice-Chair or full Commission.
 - a. In event of vacancy in the office of Vice-Chair or Secretary, the Chair shall appoint a replacement who shall serve until the next election.
 - b. In the event of vacancy in the office of Chair, the Vice-Chair shall become Chair, the Secretary shall become Vice-Chair, and a new Secretary shall be appointed to serve until the next election.

SECTION 2, Duties of Officers

- 2.01 The Chair shall preside at all meetings of the Commission and Executive Committee and shall perform all duties usually pertaining to that office. The Chair shall be a member of all committees except the Nominating Committee.
- 2.02 The Vice-Chair shall perform all duties of the Chair in the absence or inability to serve, and shall perform other duties as designated by the Chair.
- 2.03 The Secretary shall perform the duties of the Chair in the absence of the Chair and Vice-Chair and shall perform other duties as designated by the Chair.

SECTION 3, Committees

- 3.01 The Executive Committee shall consist of the Commission officers. The Executive Committee shall:
 - a. Regularly meet with the Executive Director for provision of advice and oversight on issues of policy and procedure;
 - b. Confer with the Assistant Attorney General assigned to the Commission as necessary regarding legal issues or ethics concerns;
 - c. Conduct an annual review of the Executive Director, to be completed during the first quarter of the calendar year, with a written copy to be maintained in the personnel file.
 - d. Initiate and recommend to the full Commission any personnel actions related to the Executive Director, including recruitment, selection, compensation, discipline or termination;
 - e. Act on the Commission's behalf between meetings, if necessary, subject to ratification by the full Commission at its next regularly scheduled or special meeting obtaining a quorum.
- 3.02 Standing Committees in addition to the Executive Committee may be established by amendment to these Bylaws to specify the composition and responsibilities of such committees.
- 3.03 Ad Hoc or Working Committees may be appointed/dissolved by the Chair at any time and for such purpose as is deemed advisable.
 - a. Such committees may act in an advisory role only; any recommendations must be reported to the Commission at large for consideration and action.
 - b. All Commissioners shall be afforded the opportunity to serve on working committees consistent with their expertise and interests;
 - c. At least one staff member will be appointed to each working committee for the provision of technical assistance and administrative support.

ARTICLE IV

Meetings

SECTION 1, General

- 1.01 The Commission shall meet at least four (4) times a year. A quorum shall be those members present but not less than five (5) voting members.
- 1.02 Unless otherwise specified or required by law, meetings shall be conducted according to the most recent edition of Robert's Rules of Order Newly Revised.
- 1.03 All meetings of the Commission and its committees shall be open to the public in accordance with the Open Meetings Act (ORC 121.11). All meetings shall be considered "regular" meetings for the purposes of that Act and shall be for "general purposes", unless specifically designated a "special" meeting for the consideration of particular issues and so announced as detailed under Section 2 below. "Emergency" meetings (special meetings that do not allow for 24 hour notice) are to be avoided except under the most extreme situations.
- 1.04 The Commission and its committees will maintain accurate minutes of each meeting.
 - a. The Executive Director shall assign staff as necessary to record and prepare meeting minutes. Following their approval at the next meeting, minutes will be certified by signature of the Chair or Vice-Chair prior to posting for public review on the Commission website.
 - b. For working committee meetings held as part of a regular Commission meeting, the committee minutes shall consist of the committee reports as captured within the official minutes of the general meeting.

SECTION 2, Notice

- 2.01 Written notice of the time and place of each regular meeting of the Commission and a proposed agenda shall be given to each Commission member by personal delivery, postal mail, or electronic mail, at least 7 days before each meeting.
- 2.02 Any person may learn the time and place of all regular Commission and committee meetings by writing the Commission at its business address; calling the Commission at 614-728-2916 during normal working hours; or accessing the Calendar link on the Commission website at www.serveohio.org.
- 2.03 If the Commission or a committee determines that a special meeting is necessary for consideration of particular issues, the time, place, and purpose of the meeting will be announced to the press via posting on Gongwer News Service at least 24 hours in advance of the meeting as no specific media outlets have requested advance notice of special meetings. Special meetings shall be limited in scope to the announced purpose. Emergency meetings, if required, will be posted on Gongwer immediately upon scheduling.

ARTICLE V

Staff and Operations

SECTION I, Staff

- 1.01 An Executive Director shall be appointed by the Commission and report to the Chair.
- 1.02 The Executive Director shall supervise overall agency operations and provide periodic reports to the Commission on the status of same.
- a. The Executive Director shall be the executive agent of the Commission to perform such duties and transact such business as directed by the Commission.
 - b. The Executive Director shall ensure that all transactions and operations are carried out in compliance with applicable state and federal laws and regulations.
- 1.03 The Executive Director shall be empowered to hire and oversee staff members as needed to transact and manage the ongoing affairs of the Commission.

SECTION 2, Budget

- 2.01 All obligations and expenditures of funds shall be authorized by and be in compliance with the laws, rules, policies, and procedures of the Commission and State of Ohio.
- 2.02 The Executive Director shall present to the Commission for approval an annual budget no later than the first meeting of the fiscal year and shall report to the Commission at least quarterly on the status of agency finances relative to that budget.
- a. Provided that the total approved budget is not exceeded, the Executive Director and fiscal staff may reallocate spending among budget lines so long as no approved budget line is exceeded by more than \$10,000 or 10%, whichever is greater. Budget reports will continue to reflect the approved spending levels and the reallocations will show as over/under-expended amounts and percentages.
 - b. Any increase in the total approved budget, and/or any reallocation among approved budget lines in excess of the limits detailed above, shall require advance approval of a revised budget by Commissioners, except as provided in 2.02(c) below.
 - c. In event of an unanticipated or emergency expenditure that does not allow for advance approval of a revised budget by Commissioners, the Chair may authorize in writing a reallocation in excess of the limits detailed above with ratification via budget revision at the next meeting. Such emergency reallocation may not increase the total approved budget.

ARTICLE VI

Review and Amendments

SECTION I, Review

1.01 The Executive Committee will review the Bylaws at least once every two years.

SECTION 2, Amendments

2.01 Bylaws may be amended or revised at any time provided that each member receives a written copy of proposed amendments or revisions at least 30 days prior to action.

2.02 Proposed amendments or revisions to the Bylaws must receive a two-thirds majority vote of those Commission members in attendance and constituting a quorum in order to be adopted.

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