

1.5 COMMISSION BYLAWS



BYLAWS

of

ServeNebraska - Nebraska Volunteer Service Commission

Revised: October 23, 2008

ByLaws

Article I. NAME, PURPOSE AND AUTHORITY

Section A. Name of Organization

The name of the organization under the original Executive Order 94-5 is the Nebraska Commission for National and Community Service. The operating name shall be ServeNebraska-Nebraska Volunteer Service Commission hereinafter referred to as “the Commission” in this document.

Section B. Mission of Organization

The mission of the Commission is “Mobilizing Nebraskans to strengthen their communities through volunteering, collaboration and national service programs.”

Section C. Purpose of Organization

1. To provide state administration for community service and volunteerism programs in Nebraska.
2. To provide oversight and technical assistance to the community and national service programs funded through the Commission.
3. To promote and expand community service and volunteerism in Nebraska.
4. To coordinate and serve as a resource for community service and volunteerism throughout Nebraska.

Section D. Authority of Organization

The Commission is organized under the Laws of The State of Nebraska Pursuant to Executive Order 94-5, Dated July 26, 1994, of the Governor of the State of Nebraska.

Article II. GOVERNANCE

Section A. Purpose of Bylaws

These Bylaws shall:

1. Provide procedures for the structure, duties and conduct of Commission business as a state agency,
2. Describes a code of ethics for Commission board members and staff,
3. Designates committees to the Commission board, and
4. Establishes procedures for oversight of the Commission administrative agency.

Section B. Definition of Term “Commission”

The term “Commission” shall be used to refer to both the board and the administrative agency which carries out the purpose and programs administered by ServeNebraska-Nebraska Volunteer Service Commission.

Section C. Commission Board

1. The term, “Commission Board”, shall refer to the Governor-appointed board that governs the business of the Commission.
2. Commission members have authority when acting as a body in regular session and when acting as a body in Commission board committee meetings.
3. Commissioners are accountable to ensure the Commission administrative agency is operating and carrying out the purpose of the Commission.

Section D. Power and Responsibilities of the Commission Board

The Commission shall be self-governing in all matters permitted by applicable law, except for the appointment of Commissioners and subject to the requirements of applicable law. The Commission shall have sole power to carry out the following responsibilities, including, but not limited to:

1. Policy Making
 - a. Approve the statement of mission of the agency.
 - b. Approve policies guiding the operation of the agency.
 - c. Approve the memorandum of agreement with the “Host” state agency that provides administrative support functions to the Commission administrative agency.
 - d. Recommend and approve such policies and procedures as may be consistent with its Bylaws and other applicable laws.
2. Employing the Executive Director
 - a. Interview and hire the Executive Director.
 - b. Authorize the Executive Director to employ, within budgetary limits, the necessary staff to carry out the duties of the agency.
 - c. Authorize the Executive Director to act for the Commission in administering and funding programs and projects of the Commission.
 - d. Provide for the yearly evaluation of the Executive Director.
 - e. Request a written quarterly report of activities of the agency.
 - f. Aid and support the work of the Executive Director.
3. Strategic Planning
 - a. Develop and approve the long-range plans of the agency.
 - b. Annually examine the agency’s strategy in relation to the long-range plan.
 - c. Annually review the performance of the Commission board and take steps to improve its performance.
4. Financial Management
 - a. Approve the annual operating budget of the agency and fiscal requests to be presented to the legislature.
 - b. Review financial reports as a regular agenda item.
 - c. Be accountable as stewards of public and private funds.
 - d. Abstain from any action that might lead to or be perceived as a conflict of interest.
 - e. Set up and manage a 501(c)(3) public foundation to provide additional resources to advance the mission of the Commission.
5. Operations
 - a. Review the results of programs of the agency and compare to the mission, annual strategy and long-range plan.
 - b. Provide constructive advice and comments.
 - c. Consider and act upon grant applications for funds managed by the Commission.
 - d. Apply for and receive funds, grants, gifts, and services from local, State and Federal government, or any of their agencies, or from any other public or private source, and using funds derived from these sources to defray administrative costs and implement programs to fulfill the Commission’s duties and responsibilities.
6. Advocacy
 - a. Serve as advocates to ensure the continued funding of the operations and special programs of the agency.
 - b. Serve as advocates of the programs of the agency and work towards enhancing its public image.
 - c. Pursue the donation of funds from the private sector into the Nebraska Volunteer Foundation.
7. State Citizen Corps Council

- a. The Commission will sit as the State Citizen Corps Council to develop, implement and administer the State Citizen Corps Program to achieve and expand citizen preparedness and participation in Nebraska.
- b. Administrative responsibilities include but are not limited to considering and acting upon grant applications for Citizen Corps funds managed by the Commission, collaborating with the Nebraska Emergency Management Agency (NEMA) and complying with federal requirements for State Citizen Corps Programs.
- c. The Commission shall invite a representative to be named by NEMA to join the Commission Board when it sits as the State Citizen Corps Council.
- d. When the Commission Board sits as the State Citizen Corps Council, the NEMA representative shall have voting powers.

Section E. Commission Staff

1. The Commission Staff shall mean any person currently employed by the Commission full-or part-time to carry out the business of the Commission.
2. Executive Director shall mean the chief executive officer of the Commission administrative agency who is employed at the direction of the Commission board.
3. The Executive Director is responsible for all administrative functions of the Commission. This person serves under general direction of the Commission through the Commission Chairperson.
4. The Executive Director shall hire and supervise such staff as are necessary to carry out the duties of the Commission.

Article III. MEMBERSHIP

Section A. Appointed Members

1. The total number of voting Commissioners shall be at least fifteen (15), but not more than twenty-five (25).
2. Appointed members shall have voting privileges and shall have the right to hold an office on the Commission.
3. Not more than fifty percent (50%) plus one of the voting Commissioners shall be from the same political party.
4. The number of voting Commissioners of the Commission board who are officers or employees of the State of Nebraska may not exceed twenty-five percent (25%) of the total membership.
5. A balance with respect to race, ethnicity, age, gender and disability characteristics shall be a priority.

Section B. Ex-Officio Members

1. The total number of non-voting Ex-Officio Commissioners shall not be more than ten (10).
2. A representative of the Nebraska Office of the Corporation for National and Community Service shall serve as a non-voting ex-officio member.
3. Commissioners may recommend the Governor appoint other non-voting ex-officio members.
4. Ex-officio members may not hold office or vote but shall serve in an advisory capacity.

Section C. Required Categories for Appointed Commissioners

Membership shall include the following voting Commissioners appointed by the Governor of the State of Nebraska:

1. A person with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
2. A person with experience in the promotion of the involvement of older adults in service and volunteerism;
3. A person who represents a community-based agency or organization within the State of Nebraska;
4. The head of the state education agency or his or her designee;
5. A person who represents the local governments of the State of Nebraska;
6. A person who represents local labor organizations in the State of Nebraska;
7. A person who represents the business community of the State of Nebraska;
8. A person who is between the ages of 16 and 25 years, and who is a participant or supervisor in a service program for school-age youth, or of a campus-based or national service program;
9. A person who represents a national service program; and
10. A person who represents persons with disabilities.

Section D. Additional Categories for Appointed Commissioners

The following additional persons may be given priority for appointment by the Governor of the State of Nebraska as voting members.

1. Persons who are actively involved and represent volunteers in community service;
2. Educators, including persons who represent institutions of higher education and local education agencies;
3. Experts in the delivery of human, educational, environmental, or public safety services to communities and persons;
4. Representatives of Native American tribes; and
5. Youth at-risk or out-of-school.

Section E. Terms

A term for a Commissioner shall be for three years, provided that the Commissioners serve at the pleasure of the Governor. Members may be reappointed to serve up to three terms of service.

Section F. Resignation

A Commissioner may resign at any time by giving written notice to the Office of the Governor and to the Chair or Executive Director of the Commission.

Section G. Vacancy

Commissioners appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed and shall be eligible for reappointment.

Section H. Attendance

1. A Commission member is expected to attend all of the regular scheduled meetings of the Commission.
2. A member must notify Commission staff if they are unable to attend a meeting.
3. Failure to comply will be reviewed by the Executive Committee and may result in the member being asked to resign from the Commission.
4. Notice of absences and the request for resignation will be forwarded to the Governor.

Section I. Compensation

Commission members shall serve without compensation but will be eligible for reimbursement of the actual and necessary expenses incurred in discharging their duties and responsibilities as set by state law for members of such boards and commissions. Expenses will be paid only for appointed members and for technical advisors who are not

representing state agencies. Commissioners who are State employees may be reimbursed by the Commission when they do not represent their employing State agency on the Commission.

Section J. Conflict of Interest

1. Commissioners and committee participants shall sign a conflict of interest form at the beginning of their term of appointment.
2. Commissioners who are employees of an agency receiving a grant from the Commission shall recuse themselves from participation in the grant review and approval process or any action taken to approve or deny funding by the Commission board.
3. Commissioners shall disclose any conflict of interest or potential conflict of interest in any transaction, occurrence or circumstance that exists or may arise with respect to his/her serving as a Commissioner or participating on any committee.
4. Should any Commissioner have a conflict of interest involving personal financial gain or a financial gain for any organization on whose governing board the Commissioner serves, or by whom the Commissioner is employed, volunteers, or is otherwise presently associated with or for any other reason is not or does not appear to be impartial with respect to a matter before the Commission (collectively and individually, each of the foregoing constituting a "conflict of interest"), that Commissioner will declare such conflict of interest and recuse himself/herself from any vote involving the conflict of interest.
5. If the presiding officer of the Commission declares such a conflict of interest, he/she shall relinquish the Chair during any vote that involves the conflict of interest.
6. If adherence to the foregoing recusal procedure results in an insufficient number of eligible voting members to maintain quorum, then the remaining member(s) of the Commission shall have authority to act by majority vote, unless a unanimous vote of all members is required by applicable law, in which case authority to act shall require a unanimous vote of the remaining members.
7. Commission members may not, under any circumstances, assist an organization in the preparation of a grant application, except as part of a Commission approved technical assistance program available to all potential applicants.

Article IV. OFFICERS

Section A. Officers

1. The officers of the Commission shall be the Chair and the Vice Chair.
2. The spouse of the Governor may be appointed Honorary Chair at the discretion of the Governor and shall be a voting member of the Commission.
3. The Chair and Vice Chair shall be elected by the Commission membership and perform the duties prescribed by these guidelines and by parliamentary procedure.

Section B. Eligibility

1. Any voting Commissioner in good standing shall be eligible to serve as an elected official except that no commissioner who is an employee of an agency receiving a grant from the Commission shall be eligible to hold elective office.
2. Non-voting Commissioners may not hold offices, but may serve as chairs of committees. No more than one committee can be chaired by a non-voting ex-officio commissioner.

Section C. Selection

1. Officers shall be elected by members of the Commission.

2. An independent nominating committee composed of a Nominating Chair and two Commissioners will be elected at the last meeting of the Commission in the year prior to an officer election.
 - a. In January prior to a Commission Officer election, the Nominating Chair will make a written request to Commissioners for officer nominations.
 - b. The Nominating Committee may nominate additional names. The nominations will be screened for eligibility and all qualified names will be sent to the Commission office to be distributed in the agenda packet for the annual meeting.
3. At the second quarterly meeting also known as the Annual Meeting of the Commission, additional nominations will be taken from the floor when accompanied by written notice of acceptance and eligibility.
4. A secret ballot that includes all nominees will be conducted. A runoff will be held if needed. Each officer must receive at least 51% of cast ballots.
5. Members of the Nominating Committee are not eligible to run for any other Commission office while serving in this position.

Section D. Term

1. All elected officers shall take office and assume the powers and duties that are associated with their respective position upon the next scheduled meeting.
2. All elective officers shall each serve a term of two (2) years and until their successor is duly elected.
3. Elective officers are eligible for re-election for one more successive term.
4. The Executive Committee may fill any vacancy in any office by appointment of a qualified member to the office for the balance of the unexpired term.
5. In the event the vacancy is with the Chairperson, the Vice-Chairperson shall serve as Chair pro tem until the next regular annual meeting of the Commission.

Section E. Resignation

1. Any officer may resign at any time by giving written notice to the Chairperson of the Commission and to the Executive Director of the Commission.
2. The Chairperson of the Commission may resign by giving written notice to the Commission.
3. Any officer who resigns office shall continue to serve as a Commissioner for the remaining time of their term of appointment.

Section F. Removal from Office

The Commission may at any time remove an officer by a two-thirds vote of all voting members present following adequate notice required by law of such matter to the entire Commission.

Section G. Duties

1. Chairperson
 - a. The Chair shall be the chief officer of the Commission Board, and shall preside at all meetings of the Commission and the Executive Committee. The Commission Chair shall serve as an ex-officio member of all committees except the Nominating Committee.
 - b. The Chair shall authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Commission, make committee assignments, set agendas for Commission meetings with advice from the Executive Committee, and generally perform all duties associated with that office.

- c. The Chair shall communicate to the Commission such matters and make such suggestions as may in the Chair's opinion promote the welfare or interests of the Commission, and shall perform such other duties as are necessary to the office.
 - d. The Chair or designee shall represent the Commission to promote exchange of information and to facilitate cooperation with other organizations promoting community service and volunteerism.
2. Vice-Chairperson
 - a. The Vice-Chair shall act as an aide to the Chair and shall perform all duties of the Chair during the absence of the Chair.
 - b. The Vice-Chair shall be an ex-officio member of all committees except the Executive Committee, in which the Vice-Chair shall serve as a full member.

Article V. COMMITTEES

Section A. Executive Committee

1. Composition. The Executive Committee shall consist of the Chair, Honorary Chair, Vice Chair, and all committee chairs. The Chair person may appoint the most recent past chair to serve on the Executive Committee as an advisor to the committee.
2. Duties. The Executive Committee shall have the authority to conduct the business of the Commission between its regular meetings in accordance with the Bylaws of the Commission. It shall:
 - a. Coordinate all committee assignments, establish ad hoc committees in order to carry out the business of the Commission, and appoint members of standing and ad hoc committees.
 - b. Meet to conduct Commission business, preview proposed Commission Board agenda items and draft appropriate motions for Commission consideration.
 - c. Meeting notes of each meeting shall be prepared and copies forwarded to the appropriate committee members and chair. A written or verbal report from the committee chairs shall be delivered at each meeting of the Commission.
 - d. Call additional Commission meetings deemed necessary to transact the business of the Commission.
 - e. Submit the Commission's Report to the Governor.
 - f. Carry out or assign any other duties as deemed necessary by the Commission.
3. Meetings. The Executive Committee shall meet by telephone conference or in-person at least one time prior to each scheduled Commission meeting at the call of the Chair or upon written request of three members of the Executive Committee.
4. Quorum. A majority of the members shall constitute a quorum.

Section B. Committees and Committee Meetings

1. The Commission shall have the authority to establish and remove committees as deemed necessary to conduct the Commission's business. Membership of committees shall consist of Commissioners and other interested persons invited to participate in an advisory capacity. All committees shall be chaired by a member of the Commission. All committees shall have the support and technical assistance of the Commission staff.
2. Committees will review major issues as assigned by the Executive Committee or the Commission. Committees will report all results to the Executive Committee and Executive Director prior to reporting to the Commission if the Committee meets between Commission Board meetings. When Committees meet on the same day and prior to the Commission Board meeting, they will report directly to the Commission during the business meeting.
3. Committee members. Following the Annual Meeting, each committee member will indicate a preference for committee membership. The Executive Committee will

- finalize the membership of each committee member. Each committee member must serve on one or more Committee(s).
4. **Committee Chairs.** The Commission Chair shall appoint a chair from among its members. Committee chairs shall be a Commissioner. The Committee Chair shall preside at all meetings of the committee. A commission member may only serve as chair of one committee at any one time.
 5. **Meetings.** The Committees shall meet by telephone conference between Commission Board business meetings and in-person at each regularly scheduled Commission Board meeting.
 6. **Committee Meeting Notes.** Meeting notes of each meeting shall be prepared and copies forwarded to the appropriate committee members and chair. A written or verbal report from the committee chairs shall be delivered at each meeting of the Commission.
 7. **Procedures.** Each committee may adopt its own rules of procedures, which shall not be inconsistent with the terms of its creation and the Bylaws.
 8. **Recommendations.** Committees shall forward any recommendations to the Commission for formal action. Committees shall not take action on behalf of the Commission without Commission authorization. Committees are not authorized to expend funds.

Article VI. VOTING

Section A. One Commissioner One Vote

Each voting Commissioners shall be entitled to one (1) vote on the Commission.

Section B. Conflict of Interest Voting

No Commissioners shall be entitled to vote upon any matter in which that member has, perceivably or actually, a “conflict of interest” as that term is defined under Nebraska law

Section C. Quorum

A quorum shall be constituted by ten (10) of the voting members of the Commission.

Section D. Majority Vote

Actions, including the election of officers, shall require a majority vote of all eligible voting members present, in person or electronically.

Article VII. COMMISSION BOARD MEETINGS

Section A. Public Notice

1. The Commission is subject to the Nebraska Open Meetings Law, Neb. Rev. Stat. sec. 84-1408 to 84-1414 and any revisions thereto.
2. Public Notice will be made for each meeting of the Commission and will state at a minimum: “The Nebraska Volunteer Service Commission will meet (date) (time) (place). Interested persons are invited to attend. Agendas are available on the Commission website, by calling or writing the Commission.” The above announcement will be duly issued through the Commission office ten (10) days prior to each meeting of the Commission.
3. Provisions for Special and Emergency meetings are governed by Nebraska State Law.

Section B. Meeting Rules

1. Written notice stating the place, day and hour of any meeting shall be transmitted to each member not less than ten calendar days before the date of such meeting by the Executive Director of the Commission.
2. The ten-day notice provision is waived if the Executive Committee determines that the Commission will meet within less than ten days of the last meeting or a special or emergency meeting is called. Notice of a special or emergency meeting shall be actual notice to each Commissioner by whatever means as appropriate.
3. In the absence of the Chair and Vice-Chair, a temporary chair shall be appointed by the Commission to preside at the meeting.
4. All meetings shall be conducted in a manner consistent with Nebraska Open Meeting Laws, Neb. Rev. Stat. sec. 84-1408 to 84-1414.
5. The rules contained in the current edition of Roberts Rules of Order, Newly Revised shall govern the Commission in all cases in which they are applicable and not inconsistent with these Bylaws and any special rules or Bylaws the Commission may adopt.
6. The agenda shall include time for citizens to speak. The Chair may impose limits on the length of time each citizen may speak.

Section C. Meeting Schedule

1. The Commission shall meet in-person a minimum of four times during each calendar year, one of which will be the Annual Meeting which may be held in conjunction with the Governor's Conference on Community Service.
2. Additional meetings necessary to transact the business of the Commission may be called upon the recommendation of the Commission Executive Committee.
3. The Executive Director shall provide means for commission members to indicate their ability to attend each scheduled meeting 10 days prior to all scheduled meetings.
4. When it is established that there will not be a quorum in attendance, all Commissioners will be notified and the meeting cancelled.
5. The Chair may cancel commission meetings for good cause. All Commissioners and other interested parties will be notified.

Section D. Meeting Procedure

1. Formal action of the Commission shall be conducted by a roll call vote. According to Neb. Rev. Stat. sec. 84-1413 of the open meeting laws, all actions on any questions or motion shall be by roll call vote.
2. The Commission shall limit discussion to items on the agenda adopted at the beginning of each meeting.
3. Items accepted by the Commission for emergency action may be added by a majority vote.
4. Proposed agenda items shall be transmitted by individual commission members 15 calendar days prior to the scheduled meeting. The Chair shall then determine the agenda. When situations arise that are not covered in the Bylaws, the Commission will proceed according to Robert's Rules of Order.
5. Persons or organization representatives not scheduled on the agenda may be heard by the Commission during the portion of the agenda designated as "public comment". The Chair shall set a time limit for such comment.
6. Reports and support materials for the agenda items should be in written form and transmitted to the commission members along with the agenda prior to the meeting whenever possible.
7. All meeting sites must be barrier free and accessible for all persons with disabilities including the provision of an interpreter when appropriate.

Article VIII. AMENDMENTS TO BYLAWS

Section A. Review

The Committee assigned to review Bylaws shall do so annually and make recommendations for appropriate amendments to the Commission Bylaws.

Section B. Amendments

1. These Bylaws may be amended, repealed, or altered, wholly or in part by a two-thirds vote of the general voting membership at any duly called meeting of the Commission.
2. Amendments to these Bylaws must be submitted to Commission members for review at least 30 days prior to the Commission meeting when a vote will be executed to approve.

Adopted:



Barry Kriha, Commission Chair Signature

Date: October 23, 2008