

## By-Laws

### **Created by the Uniform Public Construction Cost Accounting Act (Act) of 1983 as amended and supported by the California State Controller's Office.**

#### **ARTICLE I ORGANIZATION**

The name of the organization shall be California Uniform Construction Cost Accounting Commission<sup>1</sup> (the "Commission").

#### **ARTICLE II PURPOSES**

The Commission is formed for the purposes, and shall fulfill the responsibilities, stipulated in Division 2, Part 2, Chapter 2 of the California Public Contract Code (the "Code"), beginning with Section 22000. All notices, meetings, and actions, of the Commission shall be in accordance with the Bagley-Keene Open Meeting Act.

#### **ARTICLE III MEMBERSHIP**

The membership of the Commission shall be in accordance with the requirements of the Code. Members shall be referred to as Commissioners.

#### **ARTICLE IV MEETINGS**

The Commission shall meet no less than annually<sup>2</sup> at which the next subsequent meeting date may be set. All meetings of the Commission shall be conducted in accordance with the requirements of the Bagley-Keene Open Meeting Act (Bagley-Keene). Written notice to the public of all scheduled meetings, and any related agendas or other documents shall be posted at the Commission's website in conformity with Bagley-Keene requirements. Each commissioner shall receive notification of scheduled meetings, and any related agendas or other documents, by mail, e-mail, or telephone, at the option of the State Controller's Office (SCO) support staff. The Commission shall meet as needed to render decision(s) on account reviews and may meet more than once per year with the concurrence of the SCO staff.

Meetings shall be held at a location as identified and provided by the SCO and agreed to by the Commissioners<sup>2</sup>.

The participation of a majority of the appointed Commissioners shall constitute a quorum and shall be necessary to conduct the business of the Commission. If the number of Commissioners participating in meeting drops below the number required for a quorum, the meeting may continue, but no further action may be taken, until such time as a quorum is re-established.

Meetings shall be conducted under Robert's Rules of Order. Parliamentary questions shall be resolved by the Chair in consultation with SCO staff.

<sup>1</sup> Public Contract Code (PCC) section 22010 creates the California Uniform Construction Cost Accounting Commission

<sup>2</sup> PCC section 22016 states, "the commission shall meet not less than once each year, at a time and place chosen by its membership."

## ARTICLE V VOTING

At all meetings, all votes shall be by voice. The Commission will recognize that all votes will be taken by rollcall when one or more Commissioners participate in the meeting via teleconference, pursuant to the Bagley-Keene Open Meeting Act Government Code (GC)§11123.

Each Commissioner shall have one vote and such voting may not be done by proxy.

## ARTICLE VI ORDER OF BUSINESS

1. Call to Order
2. Introductions
3. Approval of the Minutes of the preceding meeting
4. Commission Update
  - A. Oath of Office
  - B. Participating Agencies
    - i. New
    - ii. Withdrawing
  - C. Funding Update
  - D. Inquiry Update
5. Public Comment
6. Staff Comments /Requests
7. Reports of Officers
  - A. Chair
  - B. Vice Chair
  - C. Secretary
8. Committee Reports
  - A. Frequently Asked Questions
    - i. Review and Discuss
  - B. Legislative Update
    - i. Identify future legislative changes if needed
  - C. CUCCAC Manual Update
    - i. Current status of manual
    - ii. Proposed changes non-legislative
    - iii. Proposed changes legislative
9. Commissioner Comments / Request
10. Old Business
11. New Business
12. Next Meeting
13. Adjournment

## ARTICLE VII COMMISSIONERS

The business of the Commission shall be managed by the Commissioners, including the officers of the Commission.

The Commissioners, with the support of the staff of the SCO, shall control and manage the affairs and business of the Commission. Commissioners shall act in the name of the Commission only when it shall be regularly convened by its Chairperson after due notice to all the Commissioners of such meeting.

The SCO shall have sole custody of the Commission's assets and shall act as the fiscal agent of the Commission.

The Commission may make such rules and regulations covering its meetings as it determines to be necessary, as long as such rules and regulations are in compliance with the Code and the Bagley-Keene Open Meeting Act.

The members of the Commission shall hold office for terms of three years, and until their successors are appointed.<sup>3</sup> Therefore, if a Commissioner is reappointed, the date the term expires is the same as the original appointment date. A newly appointed Commissioner would have a term that expires three years from the date that they are originally appointed.

Commissioner vacancies shall be filled in accordance with the Code<sup>4</sup>.

The Commissioners shall select among themselves a Chairperson, Vice Chairperson, and a Secretary. Said officers shall serve for two (2) years from the date of selection<sup>5</sup> or until they are removed for cause or retire, whichever is earlier. Officers may be elected for multiple years, not exceeding five (5) years in the same position. In no event shall two consecutive chairpersons be appointees representing either the construction industry or public agencies<sup>5</sup>.

Each Commissioner is expected to attend meetings and to participate either in person or via telephone.

Each Commissioner is expected to study the issues or problems which come before the Commission in order to contribute to the resolution process.

<sup>3</sup> Stated by PCC section 22014

<sup>4</sup> Defined by PCC sections 22010 to 22014

<sup>5</sup> Stated by PCC section 22013 \_\_\_\_\_

## Resignation, termination, and absences:

Resignation from the board must be in writing and received via email by the Chair and to the SCO Local Government Policy Section or hand delivered to the Chair at the next CUCCAC meeting.

A Commissioner ~~shall~~may be terminated from the Commission due to excess absences. An excess absence is defined as more than two unexcused absences from committee meetings in a calendar year. Determination of the legitimacy of the absence is up to the discretion of the Chair. Acceptable reasons for an excused absence would be, by way of example only: individual or family illness or health condition, death in the family, pregnancy, birth or adoption of a child, extraordinary one-time travel problems in attending the meeting, or one-time conflict in meeting times for committee members that serve on more than one committee.

Any absence is expected to be reported as soon as it is feasible to do so. Anticipated absences should be reported at least ten (10) business days prior to the scheduled meeting date to allow the Chair to make other arrangements, if necessary and/or possible. In cases where absences cannot be anticipated, notification shall be made at least 24 hours prior to the next meeting at which the Commissioner will not be attending or as far in advance of said meeting as possible.

It is understood that the Commission serves at the pleasure of the Controller. The Controller makes the final decision on terminations and appointments. The Commission can only make recommendations.

## ARTICLE VIII OFFICERS

The initial officers of the organization shall be as follows:

Chairperson:

Vice Chairperson:

Secretary:

The Chairperson shall preside at all Commission meetings.

He/she shall present at each annual meeting of the organization an annual report of the work of the organization.

He/she shall appoint all committee chairpersons, either temporary or permanent, after the Commission has voted by a majority to form a specific committee, either temporary or permanent.

He/she shall see that all books, reports, and certificates, required by law are properly kept or filed.

He/she shall have such powers as may be reasonably construed as belonging to the chief executive of any organization to the extent that such powers do not conflict with the powers granted to the State Controller under the Code.

The Vice Chairperson shall, in the event of the absence or inability of the Chairperson to exercise his/her office, become acting Chairperson of the Commission with all the rights, privileges, and powers, as if he/she had been the duly elected Chairperson.

The Secretary shall comply with the following:

Submit to the Commission any communications which shall be addressed to him/her as Secretary of the Commission.

Perform such duties as are reasonable and assigned by the Chairperson

Review financial reports from the SCO's assigned staff.

Rule on questions of order in consultation with SCO staff.

No officer shall, for reason of his office, be entitled to receive any salary or compensation, but shall be reimbursed for travel and other expenses necessarily incurred in the performance of the member's duties. Reimbursement rates shall conform to the Controller's travel guideline rates. Travel will only be reimbursed if there is sufficient funding.

## **ARTICLE IX COMMITTEES**

All committees of the Commission shall be formed by the Commission and the members appointed by the Chairperson. They shall serve on the committee for a period of one year, or less if terminated by the action of the Commission. Committee members may be re-appointed for multiple years at the pleasure of the Chairperson.

## **ARTICLE X AMENDMENTS**

These By-Laws may be altered, amended, repealed or added to by an affirmative vote by a majority of the Commissioners and approval by the SCO.

Adopted by the Commissioners on July 8, 2016.

### **Ethics Training**

Pursuant to Government Code 11146, one of the CUCCAC member requirements is to complete the State Officials Ethics course within six months of assuming office and every two years (odd numbered year) thereafter. An interactive and non-interactive version of the course may be found on the Office of Attorney General's web site, <http://oag.ca.gov/ethics/course>. Certificates of completion must be provided to the SCO by mail or email.

In the event a Commissioner has already completed the State Officials Ethics course for their company, the course is not required to be taken again. A copy of the certificate of completion provided to the SCO is sufficient for meeting the requirement.

### **Statement of Economic Interests**

The Political Reform Act established by Government Code section 81000 et seq., prohibits state and local public officials from using their position to influence a governmental decision in which he or she knows or has reason to know or has a financial interest. Upon establishing a Conflict of Interest Code, each agency's public officials must file a Statement of Economic Interests Form 700 with the Fair Political Practices Commission (FPPC).

Commissioners must file the Form 700 within 30 days of assuming office, and annually thereafter by the April 1<sup>st</sup> deadline. The SCO is the Filing Officer for the Commission and will remind Commissioners of their duty to comply. Commissioners who file their Form 700 electronically with another agency must send their Form 700 with an original signature along with schedules to the SCO to file with the FPPC. The FPPC will send amendments if there are any error or if the form is incomplete. Should a Commissioner resign from the Commission, a Form 700 is required to be filed within 30 days of leaving office.