

## **Bylaws**

### **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 (the "Commission"). See reference 1 on page 8.

#### **ARTICLE II PURPOSES**

The Commission is formed for the purposes, and shall fulfill the responsibilities, stipulated in Division 2, Part 3, 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 (see reference 2 on page 8) 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 (see reference 2 on page 8).

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.

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

## 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) section 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

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- 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 to 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 (see reference 3a on page 8). Therefore, if a Commissioner is reappointed, the date of term expires is based on a three year increment from 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.

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Commissioner vacancies shall be filled in accordance with the Code (see reference 4 on pages 8 and 9)

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 or until they are removed for cause or retire, whichever is earlier. Officers may be elected for multiple years, not exceeding four (4) years in the same position. In no event shall two consecutive chairpersons be appointees representing either the construction industry or public agencies (see Public Contract Code 22014 on page 9).

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.

### Resignation, termination, and absences:

#### Resignations

Resignation by an appointed Commission member shall be in writing and made to the California State Controller. The resignation is to be delivered to the Local Government Policy Section of the State Controller's Office, which will accept the resignation for the Controller and forward a copy to the Commission Chair.

[Government Code section 1750]

#### Vacancies

An appointed Commissioner's office becomes vacant on the happening of any of the following events before the expiration of the term:

- a) The death of the Commissioner
- b) An adjudication pursuant to a quo warranto proceeding declaring that the Commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the Commissioner will not be able to perform the duties of his or her office for the remainder of his or her term.
- c) His or her resignation.
- d) His or her removal from office.
- e) His or her ceasing to be an inhabitant of the state.
- f) His or her conviction of a felony or of any offense involving a violation of his or her official duties.
- g) His or her refusal or neglect to file his or her required oath within the time prescribed.

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- h) The decision of a competent tribunal declaring void his or her appointment.
- i) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- j) [Government Code section 1770.]

If any of the above events or any other event listed in Government Code section 1770 occur, or if a Commissioner has two or more consecutive unexcused absences from commission meetings and has not participated in any manner in other commission activities between those meetings, the Chair (or the commission by a majority vote) may submit a recommendation to the Controller that office of the Commissioner in question be considered vacant. If the State Controller's Office determines that a commissioner's office is vacant, the Controller will appoint a new commissioner for the unexpired term of that office.

### Absences

The Chair will determine whether an absence is excused or unexcused. Acceptable reasons for an excused absence include, but are not limited to: an 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. 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.

## 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

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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.

### 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 bylaws 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 March 12, 2021.

#### 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 2<sup>nd</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.

REFERENCES

1. Public Contract Code section 22010 creates the California Uniform Construction Cost Accounting Commission
2. Public Contract Code section 22016 states, “the commission shall meet not less than once each year, at a time and place chosen by its membership”
3. Stated by Public Contract Code section 22014
  - a) The members of the commission shall hold office for terms of three years, and until their successors are appointed.
  - b) Members may be reappointed, by the Controller, for subsequent terms of three years.
  - c) The Controller may appoint a successor for any commissioner after his or her three-year term expires.
  - d) The Controller shall, within 120 days, appoint a replacement to fill any vacancy on the commission.

*(Amended by Stats. 2015, Ch. 269, Sec. 25. Effective January 1, 2016.)*

4. Defined by PCC sections 22010 to 22014

PUBLIC CONTRACT CODE 22010

There is hereby created the California Uniform Construction Cost Accounting Commission. The commission is comprised of 14 members.

- A) Thirteen of the members shall be appointed by the State Controller as follows:
  - 1) Two members who shall each have at least 10 years of experience with, or providing professional services to, a general contracting firm engaged, during that period, in public works construction in California.
  - 2) Two members who shall each have at least 10 years of experience with, or providing professional services to, a firm or firms engaged, during that period, in subcontracting for public works construction in California.
  - 3) Two members who shall each be a member in good standing of, or have provided professional services to, an organized labor union with at least 10 years of experience in public works construction in California.
  - 4) Seven members who shall each be experienced in, and knowledgeable of, public works construction under contracts let by public agencies; two each representing cities, counties, respectively, and two members representing school districts, and one member representing a special district. At least one of the two county representatives shall be a county auditor or his or her designee.

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- B) The member of the Contractors' State License Board who is a general engineering contractor as that term is defined in Section 7056 of the Business and Professions Code shall serve as an ex officio voting member.

(Amended by Stats. 2015, Ch. 269, Sec. 24. Effective January 1, 2016.)

### PUBLIC CONTRACT CODE 22011

The Controller, in an effort to select highly qualified commission members, shall solicit from organized representatives of the construction industry and public agencies recommendations for appointments to the commission.

### PUBLIC CONTRACT CODE 22012

At least one commission member of the seven representing the construction industry and at least one of the seven representing public agencies shall have previous accounting experience.

### PUBLIC CONTRACT CODE 22013

The commission members shall select a chairperson from among its membership. The chairperson shall serve as chair for a term of two years from the date of selection. In no event shall two consecutive chairpersons be appointees representing either the construction industry or public agencies.

### PUBLIC CONTRACT CODE 22014

- A) The members of the commission shall hold office for terms of three years, and until their successors are appointed.
- b) Members may be reappointed, by the Controller, for subsequent terms of three years.
- c) The Controller may appoint a successor for any commissioner after his or her three-year term expires.
- d) The Controller shall, within 120 days, appoint a replacement fill any vacancy on the commission.

(Amended by Stats. 2015, Ch. 269, Sec. 25. Effective January 1, 2016.)