

# DRAFT

## BY-LAWS OF CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION

**under the Division of Accounting and Reporting of the Office of the State Controller,  
State of California and authorized per  
The Uniform Public Construction Cost Accounting Act (“Act”) of 1983 and as amended.**

### ARTICLE I ORGANIZATION

The name of the organization shall be California Uniform Public Construction Cost Accounting Commission (the “Commission”).

### ARTICLE II PURPOSES

The Commission is formed for the purposes and shall fulfill the responsibilities outlined in Article 2, Section 22017 - 22020 of the Act. The Commission shall further enforce the procedures outlined in the Act in Article 3, Sections 22030 – 22050.

### ARTICLE III MEMBERSHIP

Membership in the Commission shall be limited to thirteen (13) members of such qualifications and standing as is outlined in Article 2 – Section 22010 – 22014 of the Act. Members shall be referred to as Commissioners.

### ARTICLE IV MEETINGS

The Commission shall meet no less than annually at which the next subsequent meeting date shall be set. If the meeting date is changed for any reason, it shall not be changed with less than two (2) weeks written notice to the Commissioners. The Commission may meet more than once a year by a majority agreement of the Commissioners.

Meetings shall be held at a location as identified and provided by the State Controller’s office.

The Secretary shall cause to be mailed or e-mailed to every member in good standing at his address as it appears in the membership roll book in this organization a notice telling the time and place of such annual meeting.

The presence of not less than sixty five percent (65%) percent of the members shall constitute a quorum and shall be necessary to conduct the business of this organization; but a lesser percentage may adjourn the meeting for a period of not more than four (4) weeks from the date scheduled by these By-Laws and the secretary shall cause a notice of this scheduled meeting to be sent to all those members who were not present at the meeting originally called. A quorum as herein before set forth shall be required at any adjourned meeting.

Special meetings of this organization may be called by the Chairman when he deems it for the best interests of the organization. Notices of such meeting shall be mailed to all members at their addresses as they appear in the membership roll book at least ten (10) days before the scheduled date set for such special meeting. Such notice shall state the reasons that such meeting has been called, the business to be transacted at such meeting and by whom it was called. At the request of sixty five percent (65%) percent of the members of the organization, the

Chairman shall cause a special meeting to be called but such request must be made in writing at least ten (10) days before the requested scheduled date.

No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting.

#### ARTICLE V VOTING

At all meetings, including, if agreed by a majority as defined herein, for the election of officers, all votes shall be by voice. For election of officers, if not agreed upon to be by voice, ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such ballot.

At any regular or special meeting, if a majority so requires, any question may be voted upon in the manner and style provided for election of officers.

At all votes by ballot the chairman of such meeting shall, prior to the commencement of balloting, appoint a committee of three who shall act as "Inspectors of Election" and who shall, at the conclusion of such balloting, certify in writing to the Chairman the results and the certified copy shall be physically affixed in the minute book to the minutes of that meeting.

No inspector of election shall be a candidate for office or shall be personally interested in the question voted upon.

#### ARTICLE VI ORDER OF BUSINESS

1. Roll Call.
2. Introductions
3. Approval of the Minutes of the preceding meeting.
4. Commission Update
  - a. New Members
  - b. Funding Update
5. Public Comment
6. Staff Comments /Requests
  - a. Participating Agencies
    - i. New
    - ii. Withdrawing
  - b. Finance Report
  - c. Other Items
7. Reports of Officers
  - a. Chairman
  - b. Secretary
8. Committee Reports
9. Commissioner Comments / Request
10. Old and Unfinished Business.
11. New Business.
12. Next Meeting Date, Time & Location
13. Adjournment.

#### ARTICLE VII COMMISSIONERS

The business of this organization shall be managed by the Commissioners consisting of all members which includes the officers of this organization.

The Commissioners shall have the control and management of the affairs and business of this organization. Such Commissioners shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the Commissioners of such meeting.

Sixty five percent (65%) percent of the members of the Commissioners shall constitute a quorum.

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

The Commissioners may make such rules and regulations covering its meetings as it may in its discretion determine necessary as long as such rules and regulations are in compliance with the Act.

Vacancies in the Commissioners shall be filled by the process outlined in the Act and in Article 3 herein.

The Commissioners shall select from one of their members a Chairman, Vice Chairman and Secretary and such other officers as the majority deems necessary to conduct the business of the Commission. Said officers shall serve for one (1) year 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.

A Commissioner may be removed when sufficient cause exists for such removal and a super majority of the Commissioners vote to remove a commissioner. A super majority shall be 80% of the then sitting Commissioners.

The Commission may entertain charges against any Commissioner. A Commissioner may be represented by counsel upon any removal hearing. The Commission shall adopt by majority vote such rules for this hearing as it may in its discretion consider necessary for the best interests of the organization.

## ARTICLE VIII OFFICERS

The initial officers of the organization shall be as follows:

Chairman:

Vice Chairman:

Secretary:

The Chairman shall preside at all membership 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, temporary or permanent after the Commission has voted by a majority to form a specific committee, temporary or permanent.

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

He/She shall be one of the officers who may, if required to do so or if not in conflict with the Act, sign the checks or drafts of the organization.

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 Act.

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

The Secretary shall cause to be kept as provided by the staff of the State Controller's office the following:

The minutes and records of the organization in appropriate books.

Any certificate required by any statute, federal or state.

Give and serve all notices to members of this organization.

Be the official custodian of the records and seal of this organization.

May be one of the officers required to sign the checks and drafts of the organization.

Present to the membership at any meetings any communication addressed to him as Secretary of the organization.

Verify that all Commissioners have fulfilled the requirements of their office specifically related to Ethics Training

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

Attend to all correspondence of the organization and shall exercise all duties incident to the office of Secretary.

Review financial reports from the State Controller's Office assigned staff.

No officer shall for reason of his office be entitled to receive any salary or compensation, other than for expenses incurred on behalf of the organization which were approved prior to expenditure by a majority of the Commissioners.

#### ARTICLE IX COMMITTEES

All committees of this organization shall be appointed by the Commission and their term of office shall be for a period of one year or less if sooner terminated by the action of the Commission.

#### ARTICLE X DUES

The dues of this organization shall be \$ \_\_\_\_\_ per annum per Commissioner and shall be payable on or before March 31<sup>st</sup>.

#### ARTICLE XI AMENDMENTS

These By-Laws may be altered, amended, repealed or added to by an affirmative vote of not less than Eighty Percent (80%) percent of the Commissioners.

Adopted by the Commissioners of the:

**CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING COMMISSION**

ON: \_\_\_\_\_

Commissioners:

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

\_\_\_\_\_ Printed Name: \_\_\_\_\_

Ex-Officio Members:

\_\_\_\_\_ Printed Name: \_\_\_\_\_