

BY-LAWS OF THE CALIFORNIA UNIFORM ~~PUBLIC~~ CONSTRUCTION COST ACCOUNTING COMMISSION

~~Under the Division of Accounting and Reporting, of the Office of the California State Controller, State of California and authorized per~~ Created by
~~The~~ The Uniform Public Construction Cost Accounting Act (“Act”) of 1983, and as amended, and supported by the California State Controller’s Office.

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, stipulated in Division 2, Part 2, Chapter 2 of the California Public Contract Code (the “Code”), beginning with Section 22000, 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.~~ All notices, meetings, and actions, of the Commission shall be in accordance with governed by the Bagley-Keene Open Meeting Act, ~~Government Code Sections 11120-11132.~~

ARTICLE III MEMBERSHIP

~~The M~~ Membership ~~in~~ of the Commission shall be ~~limited to the number of members of such qualifications and standing as is outlined in Article 2 – Section 22010 – 22014 of the Act~~ 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 at which the next subsequent meeting ~~date~~ may shall 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. 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 and the public by posting such change on the Commission’s CUCCA’s website and informing eEach ~~c~~ 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 ~~may~~ shall meet as needed more than once a year to render decision(s) on account reviews, and may meet more than once per year or by a majority agreement of the Commissioners and with the concurrence of the ~~SCOSCO~~ staff.

Meetings shall be held at a location as identified and provided by the ~~State Controller’s office~~ SCO and agreed to by the commissioners. ~~and agreed to by the Commissioners.~~

~~The State Controller’s Office support staff 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 meeting, a specific agenda, including a brief description of the items of business to be~~

Comment [JC1]: Page: 1
I don't think they need to agree on the location site.
I think we pick and they need to conform.

~~discussed in either open or closed session. In addition, notice in writing shall be provided to any person who requests notice in writing per Section 11125 of the Bagley Keene Open Meeting Act.~~

~~The presence participation of a majority of the members appointed commissioners shall constitute a quorum and shall be necessary to conduct the business of the Commission organization. If the number of commissioners participating in a meeting drops below the number required for a quorum, the meeting shall be suspended, with no further action taken, until such time as a quorum is re-established, as herein before set forth shall be required at any adjourned meeting.~~

~~Special meetings of this organization may be called by the Chairmanperson when he or she he deems it for the best interests of the organization. Notices of such meeting shall be mailed, e mailed, or provided telephonically to all members at their addresses, e mails, or telephone numbers as they appear in the membership roll book at least ten (10) days before the scheduled date set for such special meeting at the discretion of the State Controller's support staff. 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 a majority of the members of the organization, the Chairmanperson 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.~~

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

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.~~

~~Each commissioner shall have one vote and such voting may not be done by proxy. 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 Chairmanperson 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 Chairmanperson 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

Comment [JC2]: Page: 1

If this stays in, the commissioners need to know that the meeting ends if quorum is no longer met. Many commissioners leave in the middle of meetings.

Comment [JC3]: Page: 2

Due to Bagley-Keene, items that are not on the agenda, noticed 10 days before hand, cannot be discussed.

- 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 the ~~Commissionis organization~~ shall be managed by the ~~cCommissioners, consisting of all members, which also includ~~ing the officers of the ~~Commissionis organization~~.

The ~~cCommissioners, with the concurrence of the staff of the S-COSCO,~~ shall ~~have the~~ control and management of the affairs and business of the ~~Commissionis organization~~. Such Commissioners shall ~~only~~ act in the name of the ~~organization-Commission only~~ when it shall be regularly convened by its Chair~~man~~person after due notice to all the ~~cCommissioners~~ of such meeting.

~~Participation of A~~ majority of the members of the Commissioners shall constitute a quorum. ~~The SCO shall have sole custody of the Commission's assets and shall act as the fiscal agent of the Commission.~~

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

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

~~Commissioner~~ Vacancies ~~in the Commissioners~~ shall be filled ~~by the process outlined in the Act and in Article 3 herein in accordance with the California Public Contract Code.~~

The ~~cCommissioners~~ shall select ~~from one of their members among themselves~~ a Chair~~person~~man, Vice Chair~~person~~man, and a Secretary/~~Treasurer 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 ~~cCommissioner~~ may be removed when sufficient cause exists for such removal, ~~as determined -by the California State Controller and its legal counsel, and a majority of the Commissioners vote to remove a~~

Comment [JC4]: Page: 3
Any due process that is owed to such commissioner will be given by SCO legal counsel, not the commission.

~~commissioner. A majority of the then sitting Commissioners 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:

Chair~~man~~person:

Vice Chair~~man~~person:

Secretary/~~Treasurer~~:

The Chair~~man~~person shall preside at all ~~membership~~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 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 ~~Code~~Act.

Comment [JC5]: Only SCO DAO can sign drafts since the funds are in a special fund deposit account.

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

The Secretary/~~Treasurer~~ shall comply with the following:

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

Perform such duties as are reasonable and assigned by the Chair~~man~~person

Review financial reports from the ~~State Controller's Office~~ 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, other than ~~legislatively entitled travel reimbursement for meeting attendance, or~~ for expenses incurred on behalf of the ~~organization~~Commission which were approved prior to expenditure by a majority of the ~~C~~ommissioners.

~~Travel will only be reimbursed if there is sufficient funding.~~

ARTICLE IX COMMITTEES

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

ARTICLE X — DELETED

ARTICLE XI 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 State Controller's Office.

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: _____