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CALIFORNIA VENDORS POLICY COMMITTEE BYLAWS

ARTICLE I – AUTHORITY AND NAME

Authority to establish a committee of licensed blind vendors is granted by statute, United States Code 107 (B) (2), and the California Welfare and Institution Code 19638.

Authority is granted by Title 9, California Code of Regulations Section 7226 (b): “The Committee shall be known as the California Vendors Policy Committee (CVPC)”.

ARTICLE II - PURPOSE

SECTION 1

- A. CVPC by statute has been authorized to represent the Blind Vendors in the State Licensing Agency, Business Enterprises Program (BEP).
- B. CVPC shall receive and transmit to the State Licensing Agency grievances at the request of licensees and serve as advocate.
- C. CVPC shall participate with the State Licensing Agency in development and administration of a State system for the transfer and promotion of licensees.
- D. CVPC shall participate with the State Licensing Agency in development of training and retraining programs for licensees.
- E. CVPC shall sponsor, with the assistance of the State Licensing Agency, meetings and instructional conferences for licensees within the State.
- F. CVPC shall conduct all necessary business for liability, workers compensation, retirement, life and health plans for vendors in accordance with Welfare and Institution Code 19629 (a) (5).

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- G. In all aspects of the Program, CVPC shall be responsive to the needs of the licensed vendors. CVPC shall seek opinions and views from the blind vendors they represent. CVPC and its Delegates are charged with communicating all issues to the vendors.
- H. CVPC “Shall participate at a minimum, with the department, in major administrative decisions and policy and program development. Any implementation of changes in administrative policy or program development that is within the discretion of the department shall occur only after review by this committee of licensed blind vendors.” As prescribed in California Welfare and Institution Code 19638. Active participation shall be accomplished only through a majority vote of the CVPC.

ARTICLE III - MEMBERS

SECTION 1

- A. The members of CVPC shall consist of and be limited to one voting member duly elected by plurality from the licensed vendors operating a non-interim facility from each of the districts in the State of California. The number of licensees shall not vary more than seven between the districts having the least number of licensees and the district having the greatest number of licensees.
- B. Only CVPC shall determine the number of districts with no more than twenty-five (25) licensed vendors per district.
- C. CVPC may only reapportion its districts four months prior to the regularly scheduled general election for those districts out of compliance, by CVPC’s majority vote, and may only become effective on the subsequent Committee.
- D. Eligibility to serve as a Committee delegate within a district is limited to a licensee, operating a non-interim facility within a district.

NOTE: Authority cited: Welfare and Institutions Code. Reference: Section 19638, California Code of Regulations Section 7226

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- E. The term for CVPC members shall be two (2) years. The election shall be held in odd-numbered years and the elected members shall take office on January 1 of the following even-numbered year.

SECTION 2

- A. No later than October 1 of each odd-numbered year the BEP shall mail notification to all vendors that nominations are open in all districts. Vendors choosing to be considered for the upcoming two (2) year CVPC delegate term must complete, sign, and return the enclosed form within fifteen (15) days.
- B. Ballots shall be sent to all licensed vendors in each district listing their district's nominees. These ballots shall be sent by November 1, and returned within fifteen (15) days.
- C. All vendors shall be notified of the election results no later than November 25.
- D. If there is any delay of the election schedule, then present delegates will continue to represent the Vendors until completion of the election.
- E. The State Licensing Agency, with the agreement of BEP, may arrange for an independent organization to be responsible for carrying out the election procedures in this section.
- F. When only one nomination in a district has been received for election, that nominee will automatically be seated as a delegate for that district.
- G. If, after ballot counting has taken place, a plurality vote is not obtained, re-balloting must take place.

SECTION 3

- A. Each delegate is responsible for developing effective communication with vendors within the delegate's district.

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- B. While carrying out their duties, delegates will conduct themselves in a courteous and professional manner.
- C. All delegates are expected to be a mentor and promote vendor program co-operation.
- D. An alternate is a licensed vendor operating a non-interim facility, in the same district as the delegate they are replacing.
- E. An alternate will have the same rights and privileges as a delegate in the delegate's absence at CVPC meetings. At the first meeting of each new term all delegates shall sign a form authorizing his/her alternate for that term. This authorization form is given to the CVPC Secretary/Treasurer for filing

SECTION 4

- A. Termination of a delegate shall occur when a member leaves a facility within the district wherein the delegate was elected, due to resignation from BEP, resignation from the committee, retirement, death, or transfer to a facility outside the district. Delegate transferring to a facility within the same district shall maintain their positions on the committee.
- B. When a majority of the licensees in a district sign a written petition stating cause to recall their delegate, and the delegate has been notified by certified mail return receipt requested of the action, the petitioners shall present the petition to CVPC. The CVPC Executive Committee shall validate the petition's authenticity. After authenticity, the Chairperson in writing shall request a new special election for that district. "Cause" is defined as incompetency, dishonesty, misconduct, or malfeasance of office.
- C. If no delegate or his/her alternate is present at two (2) regular meetings per term from any one district, his/her seat shall be vacated, and a special election will take place.
- D. If a delegate vacancy occurs due to resignation, no nomination, illness or death, the Executive Committee, by majority vote, may

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appoint an alternate from the vendors in that district until a new election has been completed.

ARTICLE IV - OFFICERS

SECTION 1

- A. The Executive officers of CVPC shall be a Chairperson, Vice-Chairperson, and Secretary-Treasurer, each of whom shall be elected by a majority of recorded roll call vote of CVPC at the first Committee meeting of the new CVPC term. Officers shall serve until the first meeting of the next committee term.
- B. In the case of a vacancy, the members of the Executive Committee will preside in the following order, Chairperson, Vice Chairperson, Secretary-Treasurer.
- C. If all members of the Executive Committee are absent, any delegate can call the meeting to order and CVPC must immediately elect a Chairperson pro tem to preside during that meeting. Such office is terminated by the entrance of a member of the Executive Committee or when CVPC elects a new Chairperson or Executive Committee.
- D. An officer may be recalled for cause by a three-fourths (3/4) vote at a meeting of the entire membership of the elected delegates at the next regularly scheduled meeting. Cause shall be, when non compliance occurs of "Officers" Section (2) or as stated in "Members" Section (4) (B). Cause must be filed in writing with all delegates no less than 45 days prior to a recall vote. The recall vote shall be the first order of business on the agenda.
- E. If cause is not received within 45 days of the next CVPC meeting, the recall vote shall be heard at the following CVPC meeting.

SECTION 2

- A. The Chairperson is responsible for the assignment of duties for the Executive Secretary for CVPC.

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- B. The Chairperson shall send copies to all delegates of correspondence to BEP or from BEP to CVPC.
- C. The Chairperson assigns chairmanship of subcommittees, adhoc, and task force or study groups for CVPC, with a confirmation vote by CVPC.
- D. The Chairperson shall conduct all CVPC meetings.
- E. The Chairperson is responsible for the composition of the agenda.
- F. The Chairperson for the purposes of public relations, press conferences or spokesperson for CVPC shall convey the approved CVPC's positions on behalf of the CVPC.
- G. The Chairperson shall be allowed to participate in all subcommittee meetings as a provisional member and shall have no vote, and may not chair any subcommittee functions other than as stated in (H) of this section.
- H. When a subcommittee chairperson is absent from a subcommittee meeting, the chairperson's responsibilities may be performed by the CVPC Chairperson or their designee.
- I. The Chairperson or the chairperson's designee shall address each BEP training class and explain the duties and responsibilities of CVPC.

SECTION 3

- A. The Vice Chairperson shall perform the duties of the Chairperson in his/her absences.
- B. The Vice Chairperson shall attend the Director's Blind Advisory Council or may designate an alternate representative.

SECTION 4

- A. After Vice Chairperson, the Secretary-Treasurer shall perform the

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duties of the Chairperson in his/her absences.

- B. The Secretary-Treasurer shall be responsible for the recording and transference of all CVPC motions, minutes, or resolutions passed by CVPC.
- C. The Secretary-Treasurer shall either read or request to be read the previous meeting's action items, minutes, BEP responses to motions, by the Director's designee, at each CVPC meeting.
- D. The Secretary-Treasurer shall maintain and report any bank accounts or lending programs of CVPC, including current balances or pertinent information; and with CVPC's designee be allowed to sign for the debiting of those accounts.
- E. The Secretary-Treasurer shall be responsible for maintaining CVPC's non-profit status with all government agencies.

SECTION 5

- A. The Executive committee as a whole shall represent CVPC business between meetings with approval by the body.
- B. The Executive committee shall report on any actions taken between meetings at the next regularly scheduled CVPC meeting.
- C. The Executive committee shall appoint two blind vendor representatives to assist with the duties required in special elections.
- D. The Executive committee shall set the date, time, and location of all CVPC meetings.
- E. The Executive committee shall track and report to the committee and act as advocates for CVPC and the vendors on all legislation concerning BEP.

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ARTICLE V - MEETINGS

SECTION 1

- A. All meetings are to be held in accordance with all applicable “open meeting acts” (Bagley Keene 11120-111321).

- B. Agenda items to be transacted or discussed must be placed on the agenda at a minimum of ten days prior to any regular meeting. This includes agenda items or reports from the committee, the state, the public, or vendors.
 - 1. Stated on the agenda, there must be a deadline for contacting the committee, for any accommodation required by any person. (ADA 202).

 - 2. Motions, minutes, or reports for the meeting must be supplied in the preferred format to the individuals requesting it.

 - 3. Closed sessions of CVPC may only take place after being noticed in the agenda. (Govt. Code Sec. 11126)
 - a. Minutes must be taken and held on behalf of the committee and furnished when ordered by a court.

 - 4. Agenda exceptions allowed by the Bagley Keene Act are only for emergency or items that are considered to be of an immediate nature. Immediate nature agenda items take a 3/4 vote of the body, 48 hours prior to the meeting.

- C. Agendas besides being noticed in writing must be placed on the CVPC’s web site.

- D. Exceptions to the Bagley Keene Act are when at conventions, education conferences, retreats, or where there are only two members meeting.

- E. The Bagley Keene Act provides for misdemeanor penalties against individual members of the body if the member attends a meeting in violation of the Act with the intent to deprive the public of information

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to which he or she knows, or has reason to know, the public is entitled to receive. (§ 11130.7.)

SECTION 2

- A. The CVPC shall meet at least four (4) times a year at a time and place determined by the Executive Committee. All meetings shall be open to all interested parties.
- B. Special meetings may only be called when it is determined that signed authorizations from delegates amounting to a quorum of the entire membership are rendered to the chairperson.

SECTION 3

- A. Any motion introduced at a regularly scheduled Committee meeting, where the subject matter has not been before a subcommittee and does not pertain to procedural or emergency matters or has not been noticed on the agenda, may not be heard. The chairperson shall assign the issue to the proper subcommittee, who will review and return the motion at the next regularly scheduled Committee meeting.

SECTION 4

Written notice stating location, date, agenda, and the hours, together with all appropriate information, shall be mailed to all vendors and interested parties at least ten (10) calendar days prior to all meetings.

SECTION 5

For CVPC to conduct its business, a quorum constitutes a majority, of seated delegates.

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SECTION 6

At all CVPC meetings, the rules of order as prescribed in the latest revised issue of "Roberts Rules of Order" shall govern, when Bylaws do not cover the issue.

SECTION 7

- A. The minutes shall contain a roll call vote on all motions placed before CVPC.
- B. The Secretary-Treasurer is responsible for recording meeting minutes.
- C. The Secretary-Treasurer is responsible for sending all affirmed motions to Administration within fifteen (15) working days.
- D. The Secretary-Treasurer, in conjunction with BEP, shall distribute minutes, motions, and BEP responses to all vendors and interested parties, in their preferred media.

SECTION 8

All records and materials of CVPC and its committees are the property of CVPC and these records shall be retained in files by the Executive Secretary.

ARTICLE VI – STANDING SUBCOMMITTEES

- A. The Chairperson with the approval of the majority of CVPC shall have the authority to appoint subcommittees, as necessary, prescribing the duties, membership, and scope of their activities. These duties will be defined in writing in the first meeting of their term.
- B. Only CVPC Delegates may be subcommittee chairpersons.
- C. During a term if there is a vacancy of a chairperson from his/her subcommittee, the Chairperson of CVPC may act as the

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appointed chairperson of the subcommittee until the next regularly scheduled meeting. During that meeting, a permanent subcommittee chairperson shall be appointed by a majority vote of the delegates.

SECTION 2

- A. The standing subcommittees shall be: Benefits, Facilities, Fiscal, Grievance, Rules, and Training.
- B. At no time may delegates attending a subcommittee meeting cause a quorum of CVPC's body, except when that meeting has been properly noticed under the open meetings act.
- C. Subcommittee Chairpersons shall give reports and motions to the CVPC Chairperson, 20 calendar days prior to the CVPC meeting, for proper notice of agenda. Reports and motions must be written or typed to include: names of members and persons attending, date, location, history of items, pros and cons for action, and any written motions or recommendations, to be presented to CVPC.
- D. Subcommittee handbooks will be handed out with the subcommittee assignments, and shall act as instructional aids compiling subcommittee records, correspondence, subcommittee member roster, motions, responses, term exit reports and any other pertinent material. Each subcommittee shall have two handbook copies, one copy for the CVPC Executive Secretary, and one copy for the subcommittee. Before adjourning the last meeting of the term, each subcommittee chairperson shall surrender his or her copy of the handbook to the Executive Secretary of CVPC.
- E. At each subcommittee meeting, the subcommittee chairperson shall review their subcommittee's portion of this handbook for updating. If it is found after review, amendments or updates are needed; a motion shall be presented to CVPC at its next regularly scheduled meeting. CVPC subcommittee handbooks may only be amended or updated by majority vote at any regularly scheduled

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CVPC meeting.

- F. Subcommittee Chairpersons shall provide a written exit report at the last meeting of each term; to include at a minimum all unfinished business for the term.
- G. Within 20 calendar days after each regular CVPC meeting, Subcommittee Chairpersons shall schedule with the CVPC Chairperson their next subcommittee meeting.

SECTION 3

- A. Benefits subcommittee shall annually review Federal reports as prescribed in US Code 107(B) (2), and biannually General Services report as prescribed in W & I Code 19640, and report to CVPC any recommendations for vending machine income or potential facility opportunities.
- B. Benefits subcommittee shall review and report annually any changes needed for prices to be used in BEP Vending Machine contracts.
- C. Benefits subcommittee shall review BEP Master Plan insurance claims and give any recommendations to CVPC of any excessive claims or recommendations for reducing costs to all vendors.

SECTION 4

- A. Facilities subcommittee shall meet with BEP between each CVPC meeting and report to the CVPC any plans for downsizing, remodels, and building out of new facilities.
- B. Facilities subcommittee shall review facility announcements using the standards set forth by CVPC. These standards shall include minimum net income return as prescribed in California Code of Regulations Section 7216 (a), type of facility for customer count shown, proposed gross sales, equipment, and employees needed. If it is found, that the notice does not comply with minimal standards set by CVPC, the subcommittee chairperson shall immediately notify the CVPC Executive Committee.

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- C. Facilities subcommittee shall annually review reports to BEP as prescribed under US Code 107(B) (2) and W & I Code 19640.
- D. Facilities subcommittee has the responsibility to monitor and report any infractions to the committee of any Master Plan service or equipment contracts that were approved by CVPC.

SECTION 5

- A. Fiscal subcommittee shall be responsible for reviewing and reporting all pertinent BEP audits, budgets and Federal and State fiscal reports.
- B. Fiscal subcommittee shall annually review the fee schedule DR 475 and ascertain its compliance with W & I Code 19629 (b).

SECTION 6

- A. Grievance subcommittee shall act as an advocate in assisting BEP vendors in procedures and acquiring grievance materials.
- B. Grievance subcommittee shall request in writing from BEP staff copies of all new and pending grievances, full evidentiary hearings, and federal arbitrations, between all regular CVPC meetings. All details shall be reported to CVPC. If the grievance subcommittee determines that resolutions or pending cases may adversely impact the BEP, recommendations specific to such cases shall be reported to CVPC.

SECTION 7

- A. Rules subcommittee shall review for BEP compliance with Federal and State Laws, codes, regulations, or policies.
- B. Rules subcommittee shall review for CVPC compliance with BEP regulations, CVPC bylaws, and open meeting acts.
- C. Rules subcommittee shall review CVPC delegate districts for

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compliance as prescribed under California Code of Regulations section 7226(c) and CVPC Bylaws Article III Section 1(c).

SECTION 8

- A. Training subcommittee shall report to CVPC any written recommendations needed to improve the training, retraining, upward mobility, training curriculum, and BEP training staffing levels as prescribed in W & I 19636.
- B. Training subcommittee, in conjunction with BEP, shall promote and provide upward mobility, educational seminar, or conference/convention opportunities for BEP Vendors.
- C. Training subcommittee, in conjunction with BEP training instructor(s), will have two members review applicants for acceptance into training program.
- D. Training subcommittee shall collaborate with the BEP training instructor(s) to develop ongoing programs for vendor mentoring, training applicant pre-evaluations, on the job training, and upward mobility opportunities.
- E. Training subcommittee shall personally assist with exit interviews, of all BEP trainees and do follow-up reviews within the first year of their placement in a facility.

FINANCE

CVPC shall have for its necessary expenses adequate funding provided by the State Licensing Agency to perform its duties.

The items of this budget shall include but not be limited to mailings, telephone calls, guides, readers, travel, and per diem. As prescribed under Welfare & Institution Code 19638 (a), members and subcommittee members shall be reimbursed for their actual and necessary expenses in participating in committee functions.

All Committee expenditures must be presented with original

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receipts and proper documentation before payment may be made.

As provided in the W&I code 19630; (D) & (G) (1) The amount of vending machine income accruing from vending machines on state property which may be used to contract for professional services, as provided in subdivision (D), shall be determined upon a vote of approval of three-fourths of CVPC. Under no circumstances shall the amount approved for professional services exceed 10 percent of the annual gross vending machine income, as determined by the previous year's income. (2) CVPC may contract for the provision of professional services without the express approval of the Department of General Services.

ARTICLE VII - AMENDMENTS TO BYLAWS

SECTION 1

- A. Bylaws are to comply and not conflict with any BEP codes or regulations.
- B. Bylaws may be amended by a three-quarters (3/4) roll call vote of the entire membership of the Committee.
- C. Bylaws may also be amended by vendor vote with a simple majority of ballots returned.
- C. Bylaw amendments may at any time be presented for a statewide vote of licensed vendors by petitioning CVPC with twenty-five (25) vendor signatures.
- D. All proposed Bylaw amendments by the Committee must be presented at one regularly scheduled meeting and to be voted on at the next regularly scheduled meeting.

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ARTICLE VIII - INTERPRETATION

SECTION 1

- A. Interpretation of Bylaws and motions may be determined only by majority vote of the seated body of CVPC.
- B. Such determinations shall be maintained for the record by the Secretary of the Committee.
- C. When a majority consensus cannot be obtained for a ruling determination of a Bylaw or motion, the issue must go to a statewide vendor vote for a simple majority opinion.