

CALIFORNIA VENDORS POLICY COMMITTEE
MOTIONS FROM CVPC MEETING
November 8, 2007
Sacramento, CA

MOTION 2006.068. Moved that the committee accept the minutes of the August 2, 2007 California Vendors Policy Committee meeting as distributed.

Moved: Delegate Griffith
Seconded: Delegate Adams
Vote: Passed Unanimously

No response required – Motion supports itself

MOTION 2006.069. Moved that the Department stops implementing the new selection procedures until all Vendors are fully informed by the Department about the new selection process.

Moved: Delegate Begian
Seconded: Delegate Bedikian
Vote: Passed Unanimously

BEP Fully supports this motion and has already notified vendors of the changes in writing effective December 1, 2007

MOTION 2006.070. Moved that CVPC hereby authorize reimbursement of the \$225.00 registration fee from the CVPC Convention Fund for BEP Vendor Andrew Brown who attended Lobbying 201 on Friday, October 26th in Sacramento. And for that consideration, Andrew Brown has agreed to use this training to assist CVPC in lobbying efforts and give a presentation on such training to CVPC members.

Moved: Delegate Hanlon

Seconded: Delegate Murphy
Vote: Passed Unanimously

No Response Required – BEP Supports the motion

MOTION 2006.071. Moved that the CVPC approve the following position in Articles 1, 2, & 3 Proposed BEP Regulations. CVPC further requests the Executive Committee to provide these positions in writing and/or in person for the intent of public comment for the BEP Regulatory hearing dated December 19, 2007.

Moved: Delegate Hanlon
Seconded: Delegate Murphy
Vote: Passed Unanimously

No Response Required for Public Comment Motions

(Note: Each comment was discussed and voted on as a separate motion.)

MOTION 2006.072. Move to accept public comment on:
7211 (a)(1)

Active participation does not include existing language in law (W & I) stating “only after consultation”.

“**19638** (b)(1) Participation, 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.”

Public comment:

Request that DOR include at the end of paragraph the following: “As prescribed in section 19638(b)(1) of the W & I Code.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Passed Unanimously

MOTION 2006.073. Move to accept public comment on:
7211(a)(2) “adequate income” motion from August 2, 2007 Meeting.

MOTION 2006.066. Moved that CVPC makes a formal request to DOR to amend proposed regulations 7211 2A and 2B and to incorporate changes to existing proposed regulation as shown below.

7211 Definitions:

- a)
- (2) “Adequate Net Income means:
 - (A) Pursuant to the Welfare and Institutions Code, Section 19631, the Department has established a minimum projected net income of \$3,200 per month for the purpose of establishing **(CHANGE “and” TO “OR”)** placing a licensee or vendor in a **(REMOVE “newly established”)** vending facility. That minimum income shall be adjusted annually in accordance with the Welfare and Institutions Code, Section 19629(b) by using the cost of living separate indices for Los Angeles and San Francisco and as published by the United States Bureau of Labor Statistics. If the minimum projected monthly net income is less than \$3,200, it may be announced as part of a new combined or consolidated vending facility or it may be announced as available for vendors to add the site to their existing vending facility as a satellite.
 - (B) For the purpose of placing a licensee or vendor in a previously operated vending facility or in a facility newly formed by consolidating two or more previously operated vending facilities, as specified in

Section 7216.1, the Department has established a minimum projected net income of (**CHANGE FROM "\$2,200" TO \$3,200**) per month for the purpose of establishing and placing a licensee or vendor in these previously established vending facilities. That minimum income shall be adjusted annually in accordance with the Welfare and Institutions Code, Section 19629(b) by using the cost of living separate indices for Los Angeles and San Francisco and as published by the United States Bureau of Labor Statistics. If the minimum projected monthly net income is less than (**CHANGE "\$2,200." TO \$3,200.**) It may be announced as available for vendors to add the site to their existing vending facility.

Moved: Delegate Adams
Seconded: Delegate Murphy
Vote: Passed Unanimously
Absent: Delegate Bedikian
Delegate Collins

Public Comment

CVPC passed motion at August 2, 2007 meeting requesting the department amend \$2,200 to \$3,200 for existing facilities under adequate income definition.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Passed Unanimously

MOTION 2006.074. Move to accept public comment on:

7211 (17) "Disabled Employee" should make reference to Federal Law that NISH uses.

Public Comment:

CVPC believes for the purposes of reporting disabled employees for all governmental agencies, not using the Federal definition used by the National Institute for Severely Handicapped (Self-Identification of Handicap, US Office of Personnel Management, Form 256), places the California Business Enterprises Program at a severe disadvantage. This disadvantage could cause the loss of the priority given to the Randolph Sheppard Programs for the further.

Specific recommendation:

In definition for “Disabled Employee” a specific reference to the criteria should be inserted. Presently, it is our understanding that the intent of these proposed regulations will be to use the Fair Employment and Housing Act (12926, 12926.1) for this purpose. Without a specific reference a physician or counselor may use their own interpretation of “Disabled”. Presently, BEP is utilizing form DR.1129 Certification of Disabled Employee of a Vending Stand or Food Service Facility; this form has not been included for public hearing. If DOR plans on utilizing this or any other form for the purposes of certification, CVPC believes it is necessary that the form should include the criteria used for certificating disabled or signification of what governmental code is being used for this purpose on the form.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Passed Unanimously

MOTION 2006.075. Move to accept public comment on:

7211 (29) “Interim Facility “6 months”

Public Comment:

Existing Regulations read a six-month maximum. The Program Manager has violated this regulation with no regard to the consequences to the Program. As of this year we have had interims as long as 11 years. This disregard has caused severe loss of fees to the Blind vendors set aside fund. Next to the selection process, the

lack of following the regulations has caused the second most grievances. By allowing the program manager to renew an interim without any oversight by the committee of blind vendors will only lead to more abuse. CVPC requests the following be added to this regulation: "Before this renewal may take place, the program manager shall give notice with the reason for renewal to CVPC in writing at a minimum of 30 days prior to the renewal institution.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Passed Unanimously

MOTION 2006.076. Move to accept public comment on:

7211 (40) Selection Committee for Vending Facilities.

Public Comment:

CVPC believes that the exclusion of all BEP staff or any DOR staff dependent or presently providing services to BEP should be eliminated from being a selection member. The possibility for a conflict or influence is too great to not have it mentioned in this definition.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Passed Unanimously

MOTION 2006.077. Move to accept public comment on:

7211 (57) Excludes life insurance – why?

Public Comment:

Under Welfare and Institution Code 19652(b) licensed blind vendors are allowed life insurance. The department has balloted and found the majority requesting said life insurance. The Business Enterprises Program has been administering a life insurance program for the vendors for over two decades. CVPC believes it is necessary that life insurance be referred to in Vendor Benefits 7211 (57) in Proposed Regulations.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Passed Unanimously

MOTION 2006.078. Move to accept public comment on:

7212 (a)(5) United States Citizen not California Resident

Public Comment:

States that the condition of licensing is only that a blind person must be a United States Citizen. BEP Administration is aware that several vendors licensed in the California program have their main residents in other states. CVPC believes condoning this practice weakens our program's intent of providing remunerative opportunities for California residents. CVPC requests that United States Citizen be changed to United States Citizen and California resident in this section.

Moved: Delegate Murphy
Seconded: Delegate Hanlon
Vote: Motion Failed

District One – No	District Six – No
District Two – No	District Seven – No
District Three - No	District Eight – No
District Four – Yes	District Nine – No
District Five – Chairperson	District Ten – Yes

MOTION 2006.079. Where as the 2006-2007 CVPC will not be meeting as a full body until the new CVPC for 2008-2009 meets, and; where as, the public comment and public hearings for BEP proposed regulations will take place after this full body of CVPC meets; CVPC grants the authority to the CVPC Executive committee after consultation with the CVPC Rules subcommittee to represent in

person or by correspondence the CVPC's positions or believed stance for the proposed regulations until the next CVPC regular meeting.

Moved: Delegate Hanlon
Seconded: Delegate Begian
Vote: Passed Unanimously

MOTION 2006.080. The CVPC approves and asks the Department to add the following language to the Selection procedures presently under consideration by the Legal Department.

The Department to provide the following information about all applicants who will be participating in any selection process to the Building Manager at least 10 working days prior to the selection or interview date.

- A Full name of the Vendor
- B Name of the Business
- C Business phone number
- D Business address and location

Moved: Delegate Begian
Seconded: Delegate Bedikian
Vote: Motion Failed
Absent: Delegate Adams
Delegate Hanlon

District One – No
District Two – No
District Three - Absent
District Four – No
District Five – Chairperson

District Six – No
District Seven – Yes
District Eight - Yes
District Nine – No
District Ten – Absent

MOTION 2006.081. Moved to adjourn at 5:00 p.m.

Moved: Delegate Murphy

Seconded: Delegate Begian

Vote: Passed Unanimously

Absent: Delegate Adams
Delegate Hanlon

No Response Required