

**PAINTING AND DECORATING  
CONTRACTORS OF CALIFORNIA, INC.**

**BYLAWS**

Last Amended  
**JANUARY 2014**

**BYLAWS OF THE  
PAINTING AND DECORATING CONTRACTORS OF CALIFORNIA, INCORPORATED**

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**BYLAWS OF THE  
PAINTING AND DECORATING CONTRACTORS OF CALIFORNIA, INCORPORATED**

**ARTICLE I NAME**

Sec. 1 Name

The name and title of this organization shall be the Painting and Decorating Contractors of California, Inc., and referred to as: P.D.C.C., California Council, Corporation, Organization, or Association.

Sec. 2 Location

The location and principal place of business of this Association is hereby fixed and located at Carmichael, California.

**ARTICLE II OBJECTIVES**

The object of this organization shall be to promote the general welfare of its members, to encourage and promulgate educational programs, to mediate and resolve difference, to oppose discriminatory practices, to lawfully encourage and promote the purpose of and flow of information in P.D.C.C.

**ARTICLE III MEMBERSHIP**

Sec. 1 Composition

This organization shall be composed of six classes of membership: Individual, Active, Affiliate, Associate, Trial, and Honorary members.

Sec. 2 Active

Active Membership shall consist of employers whose business is the execution of contracts, usually subcontracts, requiring the art, science, knowledge, experience, skills and ability to intelligently examine surfaces and specify and execute the preliminary and preparatory work, such as, but not limited to, filing, flushing, bedding, taping, sanding, sandblasting, etc., necessary to bring such surfaces to a condition where, under an agreed specification acceptable work can be executed thereon with the use of any, or all, of the following: Paints, pigments, oils, turpentine, japan, driers, thinners, varnishes, lacquers, shellacs, stains, fillers, waxes, cement, epoxy, esters, plastic catalyst coatings and textures, plastic wall coverings and wall papers, murals etc., water and any other vehicles, mediums and materials that may be mixed, used and applied for decorative or protective purposes regardless of thickness to the surfaces of buildings, edifices, structures, monuments, and the appurtenances thereto, of every kind, type and description in their natural state or condition, or constructed or fabricated of any material or materials whatsoever that can be painted and decorated, and who fulfill the following qualifications:

- a) Such member must have and maintain a license issued by the State of California.

- b) Such membership shall be contingent upon the member obtaining and maintaining an active membership in a Chapter affiliated with this Council, if there be such a Chapter in the area in which the member maintains its head office provided that membership is not contingent upon control or direction of the applicant's labor relations.

If there be no Chapter in such area, the contractor shall be privileged to join a Chapter nearest to the area of their head office. However, if the member is signatory to a collective bargaining agreement and there is no union chapter in such area, that member may join the nearest union chapter.

- c) Home Chapter - the Chapter having jurisdiction of the area in which the member's head office is located.
- d) In the event such member operates in more than one area, in which there is existent a Chapter thereof, the contractor shall be required to maintain such Chapter membership in their Home Chapter.
- e) Violation of either Parts, a, b, c, or d shall subject such member to expulsion from membership herein accordance with the procedure elsewhere herein set forth.
- f) Every union signatory member-contractor working in the area of jurisdiction, normally covered by a Chapter other than his own, shall be required in the event of a strike in that area to register all jobs in that area with the Chapter Secretary before commencing work, and shall abide by the local Chapter bylaws and work rules; unless work rules as covered by these Chapter bylaws are strictly adhered to, said contractor shall be subject to such disciplinary proceedings and penalties as may be provided under the Chapter bylaws.
- g) No individual Firm, Co-partnership or Corporation may join any Chapter of this organization until all obligations owed any other Chapter of this Council have first been fulfilled.

### Sec. 3 Individual

Individual membership shall consist of Individual members in such area in which there may be four or less members as defined in Article III, Section 2, and subject to parts a and b of that particular section.

### Sec. 4 Honorary

Honorary memberships hereafter may be conferred by a majority vote of a regular Council Convention assembled, upon Active members hereto who have retired from all active painting contracting business and who were in good standing at the time of their retirement, and upon persons who have performed conspicuous meritorious service or achieved distinction in the painting and decorating profession.

- a) However, any Honorary membership in any Chapter shall not, solely because of such membership, be entitled to Honorary membership of the Council.

- b) Honorary members shall not be entitled to vote at any meetings of the Executive Board or Convention.

Sec. 5 Affiliate

Affiliate membership shall consist of business groups, governmental bodies or institutions employing persons in connection with or incidental to the coating applications industry. Affiliate members shall not be eligible to vote or hold office.

Sec. 6 Associate

Associate membership shall consist of manufacturers, wholesalers, distributors, and dealers in equipment, services and materials of all kinds used in the coating application industry. Associate members shall not be eligible to vote or hold office except as provided in Section 1(b) of Article IV.

Sec. 7 Per Capita Dues

- a) a) The amount of membership dues for all classifications of membership shall be set by the Board of Directors. Membership dues shall be collected by PDCC and PDCA. It is the responsibility of Union Contractor Chapters to remit dues collected on behalf of their members to PDCC and PDCA.
- b) Said Per Capita Dues shall be due and payable quarterly in accordance with the quarters of the Calendar year, namely, March 31st, June 30th, September 30th, and December 31st, and shall be paid not later than thirty (30) days following the end of the quarter when due. Per Capita Dues shall be forwarded by the Chapter Secretary to the Council Executive Director, based upon dues to the Chapter during the quarter just past, for said quarter or any other previous quarter. Remittance shall be made by Express, Post Office Money Order, Check or Bank Draft, payable to the Painting and Decorating Contractors of California, Inc.
- c) Accompanying said per Capita Dues shall be an official form provided by the Council, upon which shall be recorded the name and address of each Chapter member whose dues were paid for the previous quarter together with the names and addresses of those who have become delinquent or dropped from membership of the Chapter.
- d) Assessments may be levied upon the Chapters and Individual Members whenever voted at a Convention of the Council after a recommendation to that effect from the Executive Board or upon resolution on the floor of the Convention. Whenever, in the opinion of the Executive Board, it is necessary to make such an assessment, they shall make a recommendation to that effect, which recommendation shall state the amount of the assessment, the reason for same, and the time it shall become due and payable. The Executive Board may recommend such assessments at any of its meetings and it shall then be referred to the Council Convention. The delegates to the Council Convention shall vote on the recommendation of the Executive Board, and if approved by a two-thirds vote of those present at such Convention the assessment shall become due and payable in the amount and at the time specified in the recommendation of the Executive Board.

- e) Failure on the part of any Chapter or Individual Member to pay the dues and/or assessments in accordance herewith shall be deprived of the right of representation and vote at either an Executive Board Meeting or the Annual Convention of the Council. After ninety (90) days' delinquency any chapters or Members who have not paid their Per Capita Dues shall be dropped from the rolls of the Council.
- f) Trial Member dues shall be established by the Executive Committee.

Sec. 8 Legal Notice — Member's Place of Residence

- a) Upon becoming a member of this Association, each person shall leave with the Executive Director the members mailing address. Said address shall be deemed the address of the member for all purposes whatever until written notice of the change thereof is left by the member with the Executive Director.
- b) Any notice or other communication desired to be sent to any member of the Association, or by the President and/or Executive Director, may be given to such member by depositing a written copy of such notice or communication in the United States mail addressed to said member at said address, or in lieu thereof, said notice or communications may be made to the member by giving them a copy thereof personally, or by causing a copy thereof, to be delivered, addressed to the member, at the last address left with the Executive Director as above mentioned.
- c) Any notice or communication given in any of the manners above set forth shall be deemed fully effective upon the deposit thereof in the United States mail, if mailed, or if left at said address, shall be effective as soon as left or deposited at such address, irrespective of whether or not the member actually receives such notice or communication.
- d) Such notice or communication may be sent, if desired, by the Association or by the President and/or Executive Director, by registered mail, return receipt requested, and the deposit of same in the United States Post Office shall be deemed actual delivery to the member; or such notice or communication may be made by telegraph, requiring or not requiring the receipt of the member as the Association or the office may request, and the deposit of such notice or communication with any telegraph or other communication company, shall constitute delivery to the member.

Sec. 9 Trial

- a) Trial membership may be offered for up to one (1) year.

**ARTICLE IV - ORGANIZATION AFFILIATION**

Sec. 1 Chapter

- a) Five or more persons, qualifying under Article III, Section 2, of the bylaws, may make application to this Council for a Charter to be issued by the national organization, which

when issued, shall be entitled to recognition as a Chapter of this Council, provided, however, that should the jurisdictional area of the application overlap the jurisdictional area of any existent Chapter, such Chapters shall be notified in writing, and they be given an opportunity to be heard on the question of said application, and due consideration to be given the objections, if any.

All applications for a Charter must be forwarded to the national organization, together with such objections or approvals as may have developed and the recommendations of the Council.

- b) All Chapter officers shall be active members in good standing at the time of their election to office, except as Secretary, and shall maintain good standing as long as they continue to serve in office.
- c) Each Chapter shall be entitled to the following representation at each Council Executive Board meeting:
  - 1. The regular accredited Executive Board members, as provided for in Article V, Sections 1 and 2, of these bylaws.
  - 2. In each case the delegate must be an active member in good standing of affiliated Chapter.

## Sec. 2 Council

- a) The elective officers of the Council shall consist of a President, two (2) Vice-Presidents, of equal rank, a Treasurer, a Secretary, and a Sergeant-at-Arms.
- b) There shall be in addition to the elective officers, the office of Chaplain. The office of Chaplain shall be automatically filled by the Junior Past Council President.
- c) All officers of this Council shall be an Active member in good standing of one of the Chapters hereof or Individual member, except the position of Secretary may be filled by an Associate Member of the Council.
- d) The Council bylaws shall supersede Chapter bylaws where they conflict. All chapter bylaws and amendments thereto shall be filed with the State Council office within thirty (30) days of their adoption.
- e) All meetings of the Council shall be held within the area under its jurisdiction.

## **ARTICLE V - GENERAL MEMBERSHIP**

The General membership shall transact the business of the Council in the interim of Convention in accordance with the bylaws. However, all their acts shall be subject to these bylaws and/or any other rules, regulations, or resolutions adopted by the Convention assembly.



## Sec. 1 Composition

There shall be a meeting of the General Membership consisting of the officers of this Council (President, three (3) Vice-Presidents, of equal rank, a Treasurer, a Secretary, and a Sergeant-at-Arms), Past Council Presidents who qualify by maintaining an active membership herein, and three Executive Board members from each Chapter, regardless of its membership size, together with one additional Executive Board member for each fifty (50) Active members of the Chapter or major portion thereof, over and above an initial minimum of twenty-five (25) members.

## Sec. 2 Members

Chapter Board members to the General Membership meeting are to be elected by the respective Chapters, to serve for a period of one (1) year, or until their successors are selected, in accordance with a list submitted by each Chapter to the Council Executive Director, not later than thirty (30) days following the Convention. Each Chapter shall be permitted two (2) alternative Executive Board Members.

## Sec. 3 Annual Meeting

The General Membership shall hold a regular annual meeting on the day and/or evening preceding the first Convention day of each Convention.

## Sec. 4 Regular Board Meeting

The General Membership shall, in addition, hold one regular membership meeting between the 1st of May and the last day of August, the time and place subject to the call of the President.

## Sec. 5 Special Board Meetings

Additional Special Board meetings shall be called by the President, or upon the written request of five or more Chapters hereof. The request shall set forth the purpose of the meeting; other business may be transacted if granted by two-thirds (2/3) vote of those delegates in attendance.

## Sec. 6 Quorum

A quorum for the transaction of business at a General Membership meeting shall consist of not less than ten (10) members, inclusive of Council Officers, representative of not less than six (6) Chapters.

## Sec. 7 Rules of Procedure

Unless otherwise provided herein, all meetings shall be governed by *Robert's Rules of Order*, Newly Revised, Latest Edition

Sec. 8 Voting

The following shall be entitled to the privilege of voice and the total of one vote each at meetings of the Council General Membership meeting after being duly qualified:

1. Regular Chapter Executive Board members;
2. Incumbent Council Officers and Past Council Presidents

**ARTICLE VI - CONVENTION**

Sec. 1 Annual Meeting

This Council shall meet in Convention during each calendar year to conduct the business of the P.D.C.C at such time and place as shall be determined by the Executive Committee, unless referred to the General Membership who shall determine the time and/or place at its meeting thereafter.

Sec. 2 Invitation

Any Chapter wishing to invite the Painting and Decorating Contractors of California, Inc. to hold its Convention in their city shall submit the invitation to the Executive Committee at least four years prior to the year they wish to host the Convention. The Executive Committee may take these invitations into consideration when recommending a number one and number two choice to the Convention assembled four years in advance of the Convention.

- a) In voting on the choice of the Convention city, the Council shall vote for a number one choice and a number two choice. In the event satisfactory arrangements cannot be made for the holding of the Annual Convention during the month of January the Executive Committee or the General Membership may fix the nearest available date to the month of January.
- b) The Host Chapter representing the Council or place in which the Annual Convention is to be held shall assist the officers of the Council in connection with all preparations for such Convention.

Sec. 3 Attendance

Attendance at all business meetings of the Convention and General Membership shall be limited to Accredited delegates, Chapter members, and paid employees of our Association. Others may attend business meetings only by action of the Convention, General Membership or President, and may be entitled to the privilege of voice only.

Sec. 4 Representation

Each Chapter shall be entitled to the following representation at Council Conventions. In each case the delegates must be an Active Chapter member. Representation is based upon an average of members paid by each Chapter in the first three (3) quarters of the year just past and the fourth (4th) quarter of the previous year for which the dues are paid, said basis to be taken from the per capita tax report to the Council Executive Director at the end of each quarter.

- a) One Regular delegate for each ten members or fraction thereof.
- b) One Alternate delegate for each Regular delegate.

#### Sec. 5 Meeting Places

The Council shall provide proper meeting places for its meetings. It shall also provide for the taking of verbatim minutes of the Convention and the General Membership meetings.

#### Sec. 6 Social Activities

The Council shall, subject to the limitations of the Budget, provide for suitable social activities at the convention. It shall also assume responsibilities for the banquet at each annual convention.

#### Sec. 7. Fiscal Responsibilities

The Council shall be financially responsible for the expenses of the convention and any surplus shall go into the General Fund.

#### Sec. 8 Printing

The Council shall provide for the printing of the official program for the Annual Conventions.

#### Sec. 9 Quorum

A quorum for the transaction of business at a Convention is twenty-five (25) members, inclusive of Council officers, representing at least six (6) Chapters.

#### Sec. 10 Registration

The Registration Fees for attendance at the Annual Convention shall be that sum established by the Executive Committee.

#### Sec. 11 Parliamentarian

On the first day of the General Membership Meetings and Convention the President shall appoint a Parliamentarian.

#### Sec. 12 Voting

- a) Accredited delegates shall be privileged to call for Chapter strength vote at any of the Convention meetings, which shall be granted and voted by the regular Accredited delegates to the Convention. The total Chapter strength shall be equally divided among the Regular Accredited delegates present.
- b) The following shall be entitled to the privilege of voice and the total of one vote each at all meetings of the Annual Convention after being duly qualified as being in good standing as an active member:
  - 1. Regular delegates
  - 2. Alternate delegates when acting for a Regular delegate
  - 3. Delegates-at-Large
  - 4. Each Individual member as defined in Article III, Section 3.

### Sec. 13 Credentials Committee

On the first day of the Convention the President shall appoint a Credentials Committee, whose duty it shall be to examine the Credentials and qualifications of all delegates, etc., and to accredit those entitled to vote or appear in accordance with the above. In the event a member is dissatisfied with the decision of the Credentials Committee the member may appeal to the accredited delegates of the Convention.

## **ARTICLE VII - OFFICERS AND ELECTIVE POSITIONS**

### Sec. 1 Term of Office

Officers and Directors shall serve for one year or until their respective successor is elected.

- a) Elective officers to the Council, shall be nominated on the second day, elected on the third day of each Convention, and be installed to office on the last Convention day.
- b) Nominations shall be made by a Nominating Committee, which shall be appointed by the president, and which shall be composed of eight (8) members in good standing, four (4) of whom shall be Past Council Presidents, provided however, that further nominations may be made by any Accredited delegate upon the Convention floor. The appointments shall be made on the opening day of the Convention or at the Executive Board Meeting immediately preceding the Convention.
- c) No member elected to the Office of Treasurer shall serve more than three (3) years. All Past Treasurers of the Council who shall have served in such capacity for three years, shall be accorded the same privileges as Past Presidents of the Council.

### Sec. 2 Vacancy

In case of vacancy in any elective position, the President shall within thirty (30) days call a special meeting of the Executive Committee to fill said vacancy for the unexpired term, provided however, the said vacancy does not occur within (30) days of the election date of the next Convention.

### Sec. 3 Incumbent Council Officers

Incumbent Council Officers, and Past Council Presidents who are maintaining an Active membership within the Council are automatically Delegates-at-Large to all Council meetings.

### Sec. 4 Officers

- a) **PRESIDENT**
  - 1) Shall preside at all regular and special meetings of this Council, preserve order, enforce the requirements of these Bylaws, decide all questions of order, appoint all committees unless otherwise provided for, and exercise a general supervision of the Council.
  - 2) Shall call all meetings as provided for herein.
  - 3) Shall be allowed a sum not in excess of four thousand (\$4,000.00) dollars annually to defray the expenses incurred in the performance of his duties, which shall be provided for in the budget.

b) VICE-PRESIDENTS

It shall be the duty of the Vice-Presidents to assume the duties of the President in the President's absence, and at other times, each of them to act as assistant to the President.

c) EXECUTIVE DIRECTOR

- 1) Shall be employed by the Executive Committee.
- 2) Shall supervise the Council Headquarters office, and be responsible for its staff.
- 3) Shall attend and keep accurate minutes of all meetings of the Council, attend to all correspondence and general business of the Council during the interim of meetings, and keep a true and faithful record thereof.
- 4) Shall be custodian of the seal of the Council, papers, pamphlets, books, etc., and all other property belonging to it.
- 5) Shall receive all monies and deposit all monies to the Council in a bank, or banks, or approved depositories, authorized by the title of "Painting and Decorating Contractors of California, Inc." Monies received from all sources shall be credited to a General Fund and deposited in a commercial or savings account.
- 6) Shall pay all correct and authorized bills of the Council. All checks shall be approved by the Treasurer, prior to being signed by any one of the following: President, Treasurer, or Executive Director. Any check in an amount exceeding \$3,000 must be signed by any two (2) of the following: President, Treasurer, or Executive Director.
- 7) Shall keep a clear and accurate record of the finances of the Council.

d) SECRETARY

Shall keep an accurate record of all Executive Committee meetings.

e) TREASURER

- 1) Shall attend all meetings of the Council.
- 2) Shall designate a Certified Public Accountant, who shall prepare an annual year-end review of the Council's financial statements and who shall perform a financial review of the Council's books every third year or at change of Treasurer and/or Executive Director, a copy of each to be sent to the President, Treasurer, Executive Director, and members of the Ways, Means & Budget Committee.

f) SERGEANT-AT-ARMS

Shall take charge of the door at all meeting and see that none enter not entitled to do so in accordance with the bylaws.

g) CHAPLAIN

Shall upon proper occasions officiate in the capacity of that office in the conduct or services we owe to God, our country, our neighbors, and ourselves.

Sec. 5 Indemnification

“The corporation shall, to the maximum extent permitted by California’s Nonprofit Mutual Benefit Corporation Law, have power to indemnify its agents against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with any proceeding arising by reason of the fact that any such person is or was an agent of the corporation, and shall have power to advance to each such agent expenses

incurred in defending any such proceeding to the maximum extent permitted by that law. For purposes of this article, an “agent” of the corporation includes any person who is or was a director, officer, employee, or other agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, or was a director, officer, employee, or agent of another corporation that was a predecessor corporation of the corporation or of another enterprise serving at the request of such predecessor corporation.”

**ARTICLE VIII - UNBUDGETED EXPENSES, FINANCIAL LIABILITY AND BONDING**

Sec. 1 Unbudgeted Expenses

The Convention Delegates or the General Membership may authorize the withdrawal and use of funds for unbudgeted expenses, by a two-thirds (2/3) vote of those in attendance at said meetings, subject to Article IX, Section 5, paragraph 4.

Sec. 2 Expenditure Responsibilities

The Painting and Decorating Contractors of California, Inc. shall not be responsible or liable for an expenditure or indebtedness or any part thereof, of, any individual or chapter, unless such responsibility, liability, expenditure or indebtedness shall have been previously authorized or assumed by the Executive Committee, General Membership, or the Convention Delegates in accordance with the provisions of the bylaws.

Sec. 3 Bonding

The President, Treasurer, and Executive Director shall each be bonded in the amount of One Hundred Thousand dollars (\$100,000.00), said expenses for surety bond and/or insurance rider to be paid by the Council.

**ARTICLE IX - COMMITTEES**

Sec. 1 Standing Committees

Standing Committees of the Council to which the President shall be an ex-officio member in addition to the number appointed by the President will be the following (except (d) and (o)).

- a) Apprenticeship and Training Committee
- b) Associate Member Committee
- c) Contractor Education Committee
- d) Executive Committee
- e) General Insurance Committee
- f) Grievance Committee

- g) Group Compensation Insurance and Safety Committee
- h) Industry Compliance Committee
- i) Legislative Committee
- j) Membership Committee
- k) Publication Committee
- l) Resolutions Committee
- m) State Committee of Union Contractors
- n) Wallcovering Committee
- o) Ways, Means and Budget Committee

## Sec. 2 Executive Committee

- a) The Executive Committee shall be composed of the President, the immediate Past President, two (2) Vice Presidents, two (2) Secretaries, one from Northern California and one from Southern California, the Treasurer, and a Sergeant-at-Arms, elected by the members of the California Council.
- b) The Executive Committee shall be empowered to employ a Field Representative, subject to approval of the Executive Board, the Field Representative shall be under the jurisdiction of the Council Executive Director.
- c) The Executive Committee shall also make decisions necessary to the operation of the California Council between meetings of the Council.
- d) The Executive Committee is the Board of Directors.

## Sec. 3 Group Compensation Insurance and Safety Committee

- a) The Group Compensation Insurance and Safety Committee shall consist of:
  - 1) Three (3) members to be appointed by the State Council President, one of whom shall be appointed as Chairman, one as Vice-Chairman, and the other as Secretary.
  - 2) One (1) representative appointed by each Chapter participating in the Group Policy.
  - 3) Each member classified above shall be participating in said policy.
  - 4) This committee shall make its own bylaws and rules for administering the Group, and rules for safety. Said bylaws and rules shall not conflict with the bylaws and policies of the Painting and Decorating Contractors of California, Inc.
  - 5) Meetings shall be held at the time of the General Membership meetings and the Convention, or at a time prior to said meetings.

#### Sec. 4 The Grievance Committee

- a) The Grievance Committee shall consist of three (3) members of the Council and one (1) alternate member of the Council in good standing, said Committee to be appointed by the president.
- b) The Committee shall hold meetings, when necessary to hold hearings, on the day of or the day prior to the meeting of the General Membership or Convention and shall be held at the locale of the said meeting.
- c) Duties:
  - 1) To this committee shall be referred any and all complaints and charges of violations of the Council Bylaws by the members, and this Committee shall hold hearings and make decisions thereon. The Grievance Committee shall render its report or decision to the General Membership or Convention.
  - 2) The Committee shall be empowered to impose upon a member of the Council damages for failing to comply with the bylaws when so found by said Committee. Failure to pay said damages within thirty (30) days after the notice of said decision, or failure to comply with the decision of the Grievance Committee shall deprive said members of their rights of membership and the member shall be dropped from the rolls.
  - 3) A copy of the complaint or charge of a specific violation or violations shall be filed with the Executive Director of the Council, who shall prepare and forward a copy of said complaint or charge in writing, together with notice of time and place of hearing on said complaint or charge, to the member or members complained of or against whom the charge has been made, by registered mail to the last known address not later than two (2) weeks preceding the hearing.
  - 4) In the event a member of the Council feels that an adverse decision has been unjustly rendered in the member's case the member shall have the right of appeal by filing a written statement of the case to the Executive Director within thirty (30) days following notice of the decision of the Committee. The President shall appoint an Appeals Committee to hear this particular case and the decision of said committee shall be final. No member of the Appeals Committee shall have been a member of the original Grievance Committee. A member may personally appear and present the member's case if the member so desires.
  - 5) If a member of the Council fails to comply with Article III by maintaining the qualifications therein, the member shall be referred to the Grievance Committee, and if said Committee finds it to be true, the member shall be deprived of all rights of membership and dropped from the rolls.
- d) Appeals
  - 1) To the Grievance Committee shall be referred any appeals from decisions rendered by a local Chapter upon a member of a Chapter who shall have violated the agreement in said locality, provided that procedure of appeals as stipulated in their local bylaws be carried out first.



- 2) If a member has violated a section of the Labor Agreement in any other locality in the State of California in which there is in existence a Chapter having a Labor Agreement affiliated herewith, the member shall be tried for said violation in the locality where the violation occurred and by the local Chapter or Chapters having jurisdiction in said locality.
- 3) However, should the accused member feel that the damages assessed by the Grievance Committee having the original jurisdiction is excessive, or that the member had not had a fair and impartial trial by the body which has been duly authorized by the bylaws of that chapter to hear such matters the member shall have the right to appeal to the State Grievance Committee by filing a written notice of said decision. The member shall, at the same time, file a written statement of the member's case and shall post a certified check or bond in the sum of damages assessed with the Executive Director of the Council, amount of damages assessed to be returned to the member, in whole or in part, in the event the decision of the Grievance Committee having original jurisdiction be reversed or modified. If the decision of the Grievance Committee of the Chapter having original jurisdiction is upheld, the total amount of the damages deposited with the Executive Director shall be paid to said Chapter.
- 4) Upon receipt of the notice of appeal by the Executive Director of the Council, he shall set a time for the hearing of said appeal and shall send copies of said notice, together with a copy of the written statement of the case referred to above, and the time and place of hearing to the Secretary of the Chapter having original jurisdiction, and the accused member, not later than two (2) weeks preceding the hearing on the appeal.
- 5) Failure of a member to appear for trial before the local Chapter trial board in the area where the violation occurred, or to present the member's case in writing at the time and place set forth in the notice, shall deprive the member of the right to appeal to the State Grievance Committee.
- 6) Said decision of the Grievance Committee shall be final.
- 7) When a member or a Chapter affiliated with this Council has been tried by a Chapter for any offense, and damages which have been assessed, shall, if not collected by or paid to the Chapter assessing same, within thirty (30) days be collected by the Chapter of which the member is a member, and shall be forwarded when so collected to the assessing Chapter. A transcript of the charges and trial shall accompany the bill of assessment.
- 8) If said member fails to pay said damages within three (3) months after same has been assessed, and after written notice of assessment was sent, the member shall be deemed to have resigned.

A member who feels unjustly assessed shall have the right of appeal provided in Section 4 (d) under "Appeals."

Sec. 5 Ways, Means and Budget Committee shall:

- 1) Be automatically filled by the two Junior Past Presidents, the incumbent Treasurer, and two senior Vice-Presidents. In the case of a vacancy the President shall appoint an alternate from the Past Council Presidents.
- 2) Assist and advise the officers and General Membership on any matter having to do with the financial activities of the Council.

- 3) Prepare and present to each Convention a budget for the ensuing year. Such report, when adopted, to become final and binding upon all officers charged with the disbursements of funds of the Council.
- 4) Review all resolutions or motions calling for the disbursement of any funds and shall present their recommendations to the Resolutions Committee, at the General Membership meetings or Convention before said resolutions or motions can be acted upon by the Council.
- 5) Review all Vouchers for bills paid by the Council, and make a complete report to its activities at each General Membership meeting and Convention.

#### Sec. 6 Special Committees

Special Committees to take care of any business not covered by the standing Committees shall be appointed by the President when necessary.

- a) Unless otherwise specifically provided herein each Standing Committee shall have the duties indicated by its title and customarily exercised by committees having such title.
- b) Council Committee members shall be reimbursed for expenses incurred in attending meetings approved by the President as follows:
  - 1) Said members shall be allowed fifty dollars (\$50.00) per diem expense except when meetings occur during session of the Convention and General Membership meetings.
  - 2) Said members shall be allowed transportation expense equivalent to plane fare and taxi or parking except when meetings occur during session of the Convention and General Membership meetings.
- c) All statements of reimbursement shall be submitted by committee members in accordance with paragraph (b) above in writing to the Council Office.
- d) Any appointed member of a committee who misses two (2) consecutive meetings of the committee without sufficient cause shall be immediately replaced.

### **ARTICLE X - PROPERTY AND FUNDS**

#### Sec. 1 Assets

All property and funds of the Corporation shall be in the name of the Corporation. No member, Chapter, Firm or any other corporation shall have any rights in or to any property or funds of the Corporation and upon death, withdrawal or expulsion from the Corporation shall not be entitled to receive any interest in any of the assets of the Corporation.

#### Sec. 2 Individual Rights

There shall be no individual rights in the property belonging to this Association during its existence. The property belonging to and in the name of the Association shall be held in trust by the General Membership to be used and administered in accordance with the desires, purposes and intention of the Association.

Sec. 3 Dissolution

In the event of the dissolution of the Corporation, its assets shall be divided among those who are members at the time of dissolution. Should this Corporation at that time have a charter from any other organization, it shall return to the person issuing the charter such charter together with the right to use any seals or other rights or property accruing to this Corporation from said organization issuing the charter. In no event shall any assets of this Corporation be transferred to any other organization or corporation without the written consent of this Corporation in obtaining any such charter, this Corporation shall do so only upon the express understanding that the title and use of any property which may accrue to or be placed in the name of this Corporation shall at all times remain in the ownership of this Corporation. This provision shall not prevent returning to any organization issuing a charter to this Corporation anything received from such organization.

**ARTICLE XI - COUNCIL SEAL**

This organization shall have a seal consisting of a circle having on its circumference the words Painting and Decorating Contractors of California, Inc. and inside of the palette the words Incorporated November 12, 1942.

**ARTICLE XII - AMENDMENTS**

Sec. 1 Effective

These bylaws shall become effective upon their adoption by persons who executed the Articles of Corporation of this organization.

Sec. 2 Amendments

Amendments to these Bylaws may be made only at the Annual Convention. At the first Convention a majority of the votes cast on any particular amendment shall be sufficient for the adoption of the amendment. At succeeding Conventions it shall require a two-thirds (2/3) vote for the adoption of any amendment.

Sec. 3 Per Capita Dues

The "Convention Procedures" or the "Rules and Regulation for the collection of Per Capita Dues" shall be subject to change or amended from time to time by action of the General Membership, with the exception of the total annual amount of Per Capita and/or in accordance with rules or amendments as provided for in Section 2 of this Article.

We the undersigned, constituting all of the incorporators and members of the within mentioned Painting and Decorating Contractors of California, Inc., do hereby adopt the foregoing as the bylaws of this Corporation and do hereby certify that the foregoing has been duly adopted as and is and constitutes the bylaws of this Corporation.

Adopted: December 15, 1942

As amended: January 1967  
As amended: January 1976  
As amended: January 1985  
As amended: January 1993  
As amended: January 1994  
As amended: January 1995  
As amended: January 1996

As amended: January 1998  
As amended: January 1999  
As amended: February 2002  
As amended: February 2005  
As amended: January 2009  
As amended: January 2013  
As amended: January 2014

SIGNED:  
*Greg Cato, President*  
*Sharon Hilke, Executive Director*