

**BYLAWS  
OF  
THE STATE CORPORATION COMMISSION  
UNDERGROUND UTILITY DAMAGE PREVENTION ADVISORY  
COMMITTEE**

**ARTICLE I – NAME**

This Committee shall be known as the “Damage Prevention Advisory Committee.”

**ARTICLE II – PURPOSE**

This Committee is established by the Virginia State Corporation Commission (“Commission”) pursuant to Section 56-265.31 A of the Code of Virginia. The purpose of this Committee is to perform duties which may be assigned by the Commission. Such duties may include, but are not limited to, the review of reports of probable violations of the Underground Utility Damage Prevention Act ("Act"), making recommendations to the Commission relative to such reports, making recommendations with regard to Public Education and Awareness Programs that further public safety by the reduction of damage to the underground utility facilities in the Commonwealth, and to monitor, analyze, influence, propose, support or oppose programs or regulations that directly affect damage to underground facilities serving the citizens of the Commonwealth.

**ARTICLE III – COMMITTEE MEMBERSHIP**

The Advisory Committee shall consist of thirteen (13) voting members representing the following entities:

- (2) Underground Utility Operators
- (2) Underground Utility Locators
- (2) Local Governments
- (3) Excavators
- (1) Notification Center
- (1) Commission Staff
- (1) Virginia Department of Transportation (VDOT)
- (1) Virginia Board for Contractors

The Advisory Committee members are appointed by the Commission in accordance with § 56-265.31 A of the Code of Virginia. The Advisory Committee shall be empowered to establish one or more subcommittees to assist in performing its tasks.

## **ARTICLE IV – QUALIFICATION TO SERVE**

Membership on the Advisory Committee shall be by Commission appointment. Candidates for membership representing the Virginia Department of Transportation, Board for Contractors, and the Commission Staff who are appointed to the Committee shall be nominated from each of the respective organizations. Persons appointed to the Advisory Committee shall have expertise with the operations covered by the Underground Utility Damage Prevention Act.

## **ARTICLE V – TERM OF APPOINTMENT**

All terms shall be for a period of two years. A member in good standing may, upon recommendation, be re-appointed for an additional term. There is no limit on the number of additional terms. Appointments shall be made in the months of December or January to be effective with the first regular meeting of the new year.

## **ARTICLE VI – OFFICERS AND DIRECTORS**

The Advisory Committee members shall elect from their ranks a Chairperson, a ViceChairperson, and a Secretary. These officers shall be elected at the Committee's first regular meeting of the year and serve for a term of one year. Each officer shall be elected by a majority vote. The Chairperson position will be voted upon first. Following the election of the Chairperson, the Vice Chairperson position will be voted upon next. Following the election of the Vice Chairperson, the Secretary position shall be voted upon.

When no candidate receives a majority of the votes, the candidate who receives the most votes shall be elected to the position. When there is a tie in the most votes received by two or more candidates for a position, the members of the Advisory Committee shall take another vote, and only those candidates who were tied for the most votes shall be included in that ballot. This shall continue until one person has received the most votes or a tie continues to exist. If a tie continues to exist, the previous term's Chairperson shall choose the person, from the candidates who are still tied with the most votes, to hold that position for the next one-year term.

The Chairperson shall preside at all meetings of the Committee except that in his/her absence the Vice-Chairperson shall preside. The Secretary shall be responsible for recording the actions of the Committee. Minutes of the meeting shall be recorded by Commission Staff and approved by the majority vote of the Committee at the subsequent meeting. No other officers and Directors shall be appointed, except that the Chairperson or Vice-Chairperson may from time to time appoint members to head subcommittees.

## **ARTICLE VII – REMOVAL**

Any member of the Advisory Committee may resign, be removed at any time by the Commission, or be removed by majority vote of the Committee and the concurrence of the Commission.

A member may be removed for failure to attend 75 percent of the scheduled meetings in a calendar year, actions not consistent with the Act, or changes in employment which remove the person from his/her position with the entity he/she was appointed to represent.

## **ARTICLE VIII – VACANCIES**

Any vacancy occurring on the Advisory Committee shall be filled as soon as practical by appointment by the Commission. Should a list of candidates for the position be unavailable, the Commission may appoint a person to fill the vacancy based on a recommendation by the remaining Advisory Committee members and consistent with Article III of these bylaws. The term of such appointment shall be for two years.

When a vacancy occurs in an officer or director position, the replacement for that position shall be elected, according to the provisions of Article VI of these Bylaws, at the Advisory Committee meeting following the occurrence of the vacancy.

## **ARTICLE IX – COMPENSATION**

Members of the Advisory Committee and any subcommittee members shall serve without compensation. Nothing contained in this section shall be construed to prevent any sponsoring organization from compensating their representative for salary, expenses, or other compensation considered as a condition of their employment.

## **ARTICLE X – MEETINGS**

Regular meetings of the Advisory Committee shall be held monthly, as needed, within the Commonwealth at a time and place selected by majority vote of members present. Unless suspended by the Chairperson, the regular meetings will be held on the first Tuesday of each month unless that day is a State or Federal holiday. In such cases, the meeting shall be the next regular workday or a day agreed upon by the majority of the Committee. If a scheduled meeting is cancelled due to weather or other reasons, the meeting may be rescheduled or combined with the next regularly scheduled meeting. Meetings of the Advisory

Committee shall be open, however, those attending that are not members or have not been called by the Committee shall be allowed to speak only at the discretion of the Chairperson. All meetings shall follow Robert's Rules of Order.

### **ARTICLE XI – SPECIAL MEETINGS**

The Commission or the Chairperson may upon notice to the Committee members call special meetings of the Advisory Committee. Such notice shall be as far in advance as practical, but not less than three days. Such meetings may be held at a time and place established by the notice. Special meetings may be by conference call or by other telecommunications means approved by the Committee.

### **ARTICLE XII – ATTENDANCE**

A roll call shall be taken by the Secretary at the beginning of each meeting and a record of those members in attendance shall be kept as part of the records of the actions of the Committee. To remain in good standing a member must attend 75 percent of all meetings conducted in a calendar year.

### **ARTICLE XIII – AMENDMENTS**

These bylaws may be amended by a two-thirds (2/3) majority vote of the members of the Advisory Committee present at any regular meeting, if such amendment is first read and approved by a two-thirds (2/3) vote of the members present at the prior regular meeting of the Committee.

### **ARTICLE XIV – QUORUM**

At any meeting of the Advisory Committee, seven members present shall constitute a quorum for the transaction of business. Actions by a quorum shall be deemed to represent the actions of the entire Advisory Committee.

### **ARTICLE XV – ACTIONS AND POWERS**

Enforcement action recommendations by the Advisory Committee relative to the reports of probable violations of the Act shall be reported to the Commission by roll call vote of those present. A simple majority vote of those voting shall be deemed to be the position of the Advisory Committee. Members who cannot attend meetings shall not be allowed to send an alternate representative. When an enforcement action is brought before the Advisory Committee that directly involves the employer of a committee member, that member shall have the right to speak on the issue before the Committee and the Committee shall consider the views of the member; however, the member will

abstain from voting. Such abstention shall be reported in the roll call vote. Each member shall vote in person. No person shall vote by proxy or allow his/her vote to be cast by another.

The Advisory Committee may vote on and adopt policies to be used as guidelines to the Committee during its review and recommendation process relative to reports of probable violations of the Act. Such policies may serve as guidelines to the Committee as described above, but do not represent a general order, rule or regulation of the State Corporation Commission