

By-Laws  
Of The  
Nevada Committee of Blind Vendors  
2004

ARTICLE I  
Name of Committee

Section 1. Name: This committee is known and designated by the name "Nevada Committee of Blind Vendors."

ARTICLE II  
Definitions

Section 1. Definitions: As used in these by-laws, unless the context otherwise requires, the term:

- A. "Committee": means the Nevada Committee of Blind Vendors (NCBV);
- B. "Act:" means the Randolph-Sheppard Act Amendments of 1974, P.L. 93-516, 20 U.S.C., Chapter 6A, Section 107.
- C. "Bureau": means the Bureau of Services to the Blind and Visually Impaired (BSBVI) of the Nevada Rehabilitation Division of the Department of Employment, Training and Rehabilitation – the agency designated as

the State Licensing Agency (SLA) for purposes of the Act.

D. "Vending Facility": means a [site or vending route] that includes automatic vending machines, cafeterias, snack bars, cart service, shelters, counters and such other appropriate auxiliary equipment, which is necessary for the sale of newspapers, periodicals, confections, foods, beverages, and other articles or services.

E. "Vending Facility Program": means the program offered by the Bureau to operate vending facilities on federal or other property, as defined in 34 CFR 395.1(g) and (n) pursuant to the Act and or [Nevada Revised Statutes (NRS)] Chapter 426.

F. "Blind Person": means a person who after examination by a physician skilled in diseases of the eye or by an optometrist, has been determined to have:

1. Not more than 20/200 best corrected central visual acuity in the better eye;  
or
2. An equally disabling loss of the visual field of vision in the better eye to such a degree that its widest diameter

subtends an angle of no greater than 20 degrees.

G. "Licensed Blind Operator": means a blind person who has been issued a license by the Bureau to operate of vending facility.

H. "Vendor": means a licensed blind operator who is operating a vending facility under an operating agreement or an interim operating agreement.

I. "Assembly": means the committee and licensed blind operators in attendance at an NCBV meeting or special meeting.

J. "Member" or "Membership": means a committee member or committee members.

K. "Annual Vendor Meeting": A meeting of purveyors and participants for the purpose of reviewing displayed products, equipment or other services.

L. "Biennial Election Conference": A meeting held before, during or after the Annual Vendors Meetings to elect NCBV officers.

M. "Southern and Northern Nevada Vendor Designation": A vendor is eligible to represent facilities in Southern Nevada if

the vendor lives in or operates a facility south of a line drawn from the northern most point of Goldfield, Nevada to the northern most point to Caliente, Nevada and extending to the state boundary on the east and west. A vendor is eligible to represent facilities in Northern Nevada if the vendor lives in or operates a facility located north of that line.

### ARTICLE III

#### Committee Basis, Organization, Purposes, and Functions

Section 1 Legal Basis. This Committee is established under and by virtue of The Act. 3395.14.

Section 2. Purpose. The purpose of this committee are:

A.To fully and actively participate with BSBVI in the growth and development of the BEN program in order to expand and enhance economic and employment opportunities for blind persons.

B.To engage in positive public relations activities.

C.To assist BSBVI in identifying training and other needs of vendors and potential vendors.

D.To enhance communications and cooperation between BSBVI, NCBV and the vendors.

E.To participate with and assist BSBVI in meeting its responsibilities under The Act, and,

F.To promote the economic growth of all vendors by enhancing their knowledge, skills, and abilities.

Section 3. Responsibilities. The responsibilities and authority of NCBV include:

A.Active participation with BSBVI in major administrative decisions, especially those involving program and policy development decisions affecting the overall administration of the BEN program.

B.Receive and transmit grievances of vendors to BSBVI and assist vendors at their request.

C.Active participation with BSBVI in the development and administration of a transfer and promotion system for vendors.

D.Active participation with BSBVI in the development of training and retraining programs.

E.Sponsorship, with assistance of BSBVI, of meetings and instructional conferences for vendors, such as the Biennial Election Conference.

F.Act as an advocate for the vendors, the BEN program and its proper management.

#### Section 4. Committee Composition.

A.As of January 1999, the NCBV consisted of five (5) members, two (2) of who represent facilities in northern Nevada and three (3) members representing facilities in southern Nevada.

1. To the extent possible as determined by the willingness of vendors to serve on the NCBV and the results of the biennial election, at least two (2) members of the Committee will be vendors who operate facilities on federal property.

B. Whenever the number of licensed operators in Nevada reaches thirty-five (35), membership of the NCBV will be increased from five (5) to seven (7) members.

1. This increase will be accomplished at the next scheduled biennial election conference, at which time the NCBV will be reapportioned based upon the geographic distribution of vending facilities with the goal of achieving proportional representation by location, type of facility, the willingness of vendors to serve on the Committee, and the results of the election.

2. Such reapportionment will be by simple majority vote of the vendors at the Biennial Election Conference.

Section 5. Eligibility, Election and Term of Office.

A. To be eligible for membership on the NCBV, a potential member must:

1. Have been licensed to operate a vending facility in the State of Nevada for a continuous period of one year, and;

2. Be a licensed operator in good standing with BSBVI as defined in NAC 426.140.

B. Members of the NCBV will be elected at a Biennial Election Conference to be held during even-numbered years. . This election-conference shall be held via teleconference to at least two sites, one in Clark County and one in Washoe County. Vendors attending at either site are eligible to vote in the election. Each vendor in attendance shall be entitled to vote in the elections for every member of the NCBV without regard to facility type or location. No proxy votes will be counted.

1. Before entertaining nominations, the NCBV Chair will review and announce the requirements and goal of Article III, Section 4,
2. Northern Nevada candidates will be nominated and elected by a majority vote of all vendors present.
3. Southern Nevada candidates will be nominated and elected by a majority vote of all vendors present.

C. The two-year term of office of NCBV members begins when the newly elected



members have fulfilled the requirements of Article III, Section 6.

1. The newly elected Committee will complete the agenda for the meeting at which they were elected.

Section 6. Organization.

A. The newly elected Committee members will resume the public meeting to organize the Committee by electing a Chairperson, a Vice-Chairperson, and a Secretary, each of who will serve in their respective capacity during their term of office.

Section 7. Duties of The Committee. The duties of The NCBV include:

B. To confer with vendors and elicit their views on matters affecting the administration of the BEN Program and communicate those views to BSBVI.

1. Copies of all written communications between BSBVI and the NCBV will be provided at Committee meetings unless such communications violate the privacy of a vendor.

B.To review BEN financial reports, revenues, including but not limited to unassigned vending income, costs of operating the program and contracts (other than operating agreements with licensed blind operators).

C.Fully and actively participate with BSBVI in preparing the BEN Program budget.

D.To become familiar with applicable laws, rules and regulations and with BEN requirements, procedures, and policies in order to provide technical assistance to vendors upon their request.

1. BSBVI will provide assistance to Committee members as requested in order to allow them to fulfill this duty.

E.To adopt measures and policies, which protect the financial security of the BEN Program and its vendors, and promote a more efficient operation of the program.

F.To assist BSBVI in resolving problems that a vendor may have with the BEN program.

1. The Committee or its individual members must maintain, in strictest

confidence, information with respect to an individual vendor.

2. Establish subcommittees that will assist in the management and resolution of various aspects of the BEN Program.
3. All subcommittees shall be listed in Appendix A of these By-Laws. Appendix A may be changed without effect to the By-Laws whenever changes or additions of subcommittees occur.
4. Subsequent to the biennial elections, produce a guide for all NCBV members and vendors containing:

1. List of NCBV members with contact information, Federal and State laws governing the BEN Program, NCBV By-Laws, and Active BEN Policies.

## Section 8. Duties of Officers.

A. The Chairperson will preside at all NCBV meetings, and will represent the NCBV in written correspondence, unless the Chairperson or the Committee directs otherwise. Duties of the Chairperson include:

1. Calling the meeting to order.
2. Announce business according to the prescribed order of business.
3. State and put all questions that legitimately come before the assembly, and announce the result of the vote.
4. Rule on points of order.
5. Maintain order throughout the meeting.
6. Enforce the rules of debate and decorum.
7. Expedite business, and do so fairly.
8. Answer parliamentary inquires.
9. Provide factual information in response to questions, without expressing opinion.
10. Declare the meeting adjourned at the appropriate time.

**B. The Chairperson cannot make a motion or second a motion, but can vote.**

C.The Vice-Chairperson will preside over the meeting in the absence of the Chairperson, and,

1. Will serve as an ex-officio member of all sub-committees.

D.The Secretary will be responsible for taking, preserving and distributing minutes of all meetings.

1. The BSBVI may render assistance, at the request of the Committee, in the performance of this duty.
2. In the absence of the chair and Vice-Chair, preside at meetings of the Committee.

Section 9. Vacancies. When a vacancy on the NCBV occurs during a term of office, the remaining Committee members will, by majority vote, fill the vacancy by appointment in accordance with these By-Laws.

A.If a vacancy occurs in one of the offices of the NCBV, the newly constituted Committee will convene to reorganize itself and elect a member to fill the vacated office by the next meeting.

B.If the NCBV experiences vacancies resulting in a loss of majority, the membership will, within 15 days:

1. Create a list of eligible vendors who are willing to serve on the NCBV, with the assistance of BSBVI and remaining members.
2. Distribute this list to all licensed vendors who will place a mark beside the vendor or vendors they choose to fill the vacated positions, and return the ballot in a self addressed envelope to BSBVI.

C.The unopened ballots will be tallied by any remaining members of the committee at the noticed meeting.

1. If a tie exists on the returned ballot, such tie will only serve to elect a majority of the Committee members. A tie between the two vendors receiving the most votes results in their appointment to the Committee. Any remaining vacancy would be selected by vote of the seated members.

## Section 10. Quorum.

A. A simple majority of the members of the NCBV will constitute a quorum for the transaction of business at any Regular or Special meeting.

B. If a quorum of the NCBV is not present to open the meeting at the appointed time, no business may be conducted until a quorum is present.

1. Discussion of any matter is allowable in the absence of a quorum but no votes may be taken.

Section 11. Meetings: Open to the Public, Keeping of Minutes, Types and Frequency of Meetings.

A. The business of the NCBV will be conducted in regular or special meetings. All NCBV regular and special meetings must be open to the public unless closure of the meeting to the public is necessary to discuss the character, alleged misconduct, professional competence or physical or mental health of a person. Notices, agendas and attachments of all such meetings will be prepared and posted by the Committee. Copies of such notices, agendas and attachments will be mailed by the NCBV to each Committee member, to each vendor and to others who

have requested such notification in writing. BSBVI will provide assistance to the Committee as requested in order to allow them to fulfill this duty.

1. Minutes of previous regular or special meetings must be prepared and available to all vendors within thirty (30) working days of the meeting except: If a special meeting had been called and held within the two week period prior to a regularly scheduled meeting, the minutes of the special meeting will be prepared and submitted within the prescribed time lines prior to the next regular meeting.

B. Regular Meetings of the NCBV will be held at least four times annually.

C. Special Meetings of the NCBV may be held whenever necessary or appropriate to conduct Committee business.

1. Such meetings may be called by the NCBV Chair or a majority of the Committee members.
2. The Chief of BSBVI may request in writing, a special meeting of the NCBV. The request will state the purpose of the



meeting. A copy of the request will accompany the notice of the meeting sent to all vendors.

3. Any actions taken at a Special Meeting must be listed on the agenda of the next Regular Meeting under "Old Business" and again approved by the Committee.

D. The time and place for all meetings of the NCBV will be determined by the Committee.

a. The agenda item "Date of next meeting" will appear on each meeting agenda. Such determination will be made, whenever possible, during the current meeting.

E. BSBVI representatives may assist NCBV during meetings by providing resource materials, clerical support and in any other manner that the Committee may request.

F. The most recent edition of Robert's Rules of Order will govern the conduct of all NCBV meetings.

1. Rules may only be suspended by a vote of two-thirds of the members present, subject to Robert's Rules of Order.

2. Any motion or resolution affecting a change in the way a meeting is conducted requires a two-thirds vote of the members present.

3. Annual Vendors Meetings will be held at a time and place designated by the NCBV.

a) The Biennial Election Conference will be held on even numbered years at the Annual Vendors Meeting whenever possible.

G. Regular and special meetings can be held via teleconference.

Section 12. Motions and Voting at Regular and Special Meetings: Motions are made, passed or rejected by members of the Committee, except motions made under Article III, Section 5 (elections) and Article IV (Revision, Repeal and Amendment of By-Laws) of these By-Laws, and:

A. The Committee or any vendor in attendance at any meeting may make a motion that the

assembly considers the question. The Committee, upon the request of one blind vendor present, may take a poll of all blind vendors present before the Committee votes on an agenda item.

### Section 13. Meeting Agenda.

- A. Agenda items *must* be submitted to the Chairperson at least ten days prior to the meeting by the Committee, Bureau or vendors, for consideration at the next meeting. All items submitted will be included on the agenda. The agenda can be revised up to four (4) days prior to the date of the meeting.
- B. Following the Call to Order, the agenda will always contain an action item "Vote to Accept the Agenda", at which time the Committee will vote to accept or amend the agenda.
- C. Agenda items requiring action must be clearly identified on the agenda. Action items cannot be added to the agenda at the time of the meeting.

### Section 14. Expenses of Committee. With the exception of travel and per diem expenses, NCBV members will serve without compensation.

A.Reimbursement for travel and expenses will be made by BSBVI for expenses incurred while on official business of the Committee, upon receipt of a valid travel claim within fourteen days of the event.

1. Reimbursement will be at the same rate and under the same terms as travel expenses for state employees.

B.All Committee expenses will be paid by the Bureau from the Set Aside account.

1. This includes personnel expenses of an NCBV member who is operating a facility without regular employees.

#### Section 15. Removal of Officers or Committee

Members: The removal of officer or Committee members can be initiated by any Vendor. This process requires a two-thirds (2/3) vote of all vendors to conduct a Vote for Removal, and a two-thirds (2/3) Vote to Remove the NCBV member.

A.NCBV members may be removed with or without cause.

B. Notice must be given on the agenda for the next meeting that a vote will be taken to remove a member of the Committee.

1. Such an agenda item shall serve notice to all NCBV members of an action to remove.

C. This action requires that two-thirds (2/3) of all vendors vote at the meeting to remove.

D. The chair will, by ballot of all the vendors present, determine whether or not a vote should be taken to remove a member of NCBV.

E. If a vote to remove an NCBV member is sustained, then the Chair will announce which NCBV member is to be removed.

1. Only one NCBV member may be removed for each vote by the assembled vendors.

F. If a vote to remove a specific member is sustained, the term of that member shall immediately end.

G. If there are no more declarations for removal, the vacancy will be filled in

accordance with Article III, Section 9 of these By-Laws.

## ARTICLE IV

### Revision, Repeal and Amendment of By-Laws

Section 1. Revisions and Repeal: The process to revise or repeal the By-Laws can be initiated by the NCBV.

A. These By-Laws cannot be revised or repealed until:

1. The revisions have been presented to the vendors for discussion at two (2) meetings and have been approved by the Committee.
2. After the second meeting, another meeting will be held and vote taken. Two-thirds (2/3) of all vendors voting must vote in favor of the revisions and then they can be repealed or amended.

Section 2. Procedures to Revise or Repeal or Amend:

A. The procedures to revise, amend or repeal the By-Laws of the NCBV are:

1. To identify as an action item on the agenda, during a regular meeting, the

intention to review the By-Laws with intent to revise, amend or repeal them.

2. Thirty days prior to the meeting, the By-Law revisions will be sent to all vendors; an explanation will be provided for the suggested revisions; and notification of the date of the next meeting for vote on suggested revisions by the Committee will be provided.
3. At the third meeting in which the revisions are discussed, the NCBV will vote to accept any revisions of the By-Laws. Two-thirds (2/3) of the vendors voting in favor of the revisions and then they can be repealed or amended.
4. Copies of any draft revisions must be clearly marked as DRAFT.
5. No later than thirty days after the second meeting at which a final draft of the revisions to the By-Laws have been approved by the NCBV, they will be marked "Final Draft", and sent by registered mail to the vendors for final review.

B. Voting by vendors on revisions of these By-Laws to repeal or amend.

1. At least thirty days after the "Final Draft" has been sent to the vendors, the bureau will distribute by certified mail one (1) ballot per vendor to be signed by all vendors to designate approval or disapproval of the revisions for amendment or repeal of the By-Laws. BSBVI will provide a return envelope to vendors for submission of ballots.
  
2. The ballot will require a signature of the vendor and the date on which the vendor voted.

### Section 3. Certification.

#### A. Certification of New By-Laws

1. Vendors will receive written notice of the results of the vote within thirty (30) days.
  
2. The amended By-Laws will be sent to them with a copy of the vote and a certification page signed by the NCBV accepting the amended By-Laws.
  
3. Each page of the amended By-Laws will be clearly marked with the date on which they became effective.



4. The certification page will contain a statement attesting to which By-Laws are being amended or repealed.

Certification of By-Laws

Two thirds of all vendors voting have voted in favor of the revisions to these By-Laws.

These By-Laws replace the current By-Laws attached and identified as Appendix B.

These By-Laws have been accepted as amended and are approved by the NCBV on (June 12, 2004).

  
Chairperson Signature

6/17/04  
Date

  
Vice Chairperson Signature

15 June 04  
Date

  
Secretary Signature

6/15/04  
Date

WILLIAM SCHLEY  
Northern Representative Signature

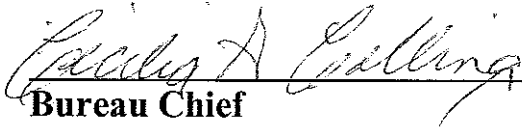
6/29/04  
Date

GENE WILSON

6-12-04  
Date

Southern Representative Signature

Nothing in these By-Laws limits or restricts the Bureau from exercising its authority under the Act or the Nevada Revised Statutes, Chapter 426 or any other provision of State or Federal law applicable to the Bureau or the Committee. These By-Laws have been accepted as amended and are approved by the BSBVI on June 12, 2004.



**Bureau Chief**

\_\_\_\_\_ Date

**Bureau of Services to the Blind and Visually Impaired**

## Appendix A

The following subcommittees are established and vendors appointed to them by the Committee:

Policy and Procedures Sub Committee

Budget, Site Expansion and Long Range Planning Sub Committee

Health and Retirement Sub Committee

Training Sub Committee

Loan and Subsidy Review Sub Committee