

APPENDIX B
(Resolution T-17249)

CHARTER
of the
TELECOMMUNICATIONS ACCESS FOR THE DEAF AND DISABLED
ADMINISTRATIVE COMMITTEE

1. ARTICLE ONE: NAME

1.1 Name.

The name of this committee shall be the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC or Committee).

2. ARTICLE TWO: PURPOSE

2.1 Purpose of the Committee.

The purpose of the TADDAC is to function, pursuant to Pub. Util. Code §§ 278(a)(1), 2881, 2881.1, and 2881.2, as an advisory board to advise the California Public Utilities Commission (Commission) in connection with the provision of telecommunications equipment and telecommunications relay services for persons with functional limitations of hearing, vision, movement, manipulation, speech, cognition, and interpretation of information.

3. ARTICLE THREE: MEMBERSHIP AND NON-VOTING LIAISONS

3.1 Members.

The TADDAC shall be composed of nine members consisting of the following representatives: two representatives of the Deaf community, one representative of the Hard-of-Hearing community, one representative of the Late-Deafened community, three representatives of the Disability community (including one Mobility Impaired seat, one Speech-to-Speech seat, and one Blind/Low Vision seat), one representative of the Commission's Division of Ratepayer Advocates (DRA), and one At Large representative. With CD's concurrence, the TADDAC may, at its discretion, recommend to the Executive Director that the number of voting members be expanded to include other significant disability groups that it deems to deserve membership. The total number of voting members shall not exceed eleven. The Commission's Executive Director shall be notified in writing if the TADDAC seeks to expand its membership. The TADDAC must ask the Executive Director to determine if there is adequate program funding to support per diem and expenses for additional members and that such expansion is consistent with TADDAC's purpose.

3.2 Non-voting Liaisons.

The non-voting liaisons will be as follows:

3.2.1 Commission Staff Liaisons.

The Directors of the Commission's Communications Division (CD) and Information Management Services Division (IMSD) and the General Counsel of the Legal Division, or their successors, shall each assign a liaison from their respective divisions. The CD liaison shall report on future plans for the DDTP program and, as appropriate, for the TTY Placement Program (TPP) at each committee meeting, and solicit input as necessary. Additionally, the Public Advisor, at its option or on the Commission's direction, may designate a liaison to the TADDAC.

3.2.2 DDTP Administrative Contractor Liaison.

The DDTP Administrative Contractor is the vendor that provides the following services to support the DDTP: implementing Commission policies and directives and performing administrative, management, and operational tasks. The DDTP Administrative Contractor shall designate a non-voting liaison to the TADDAC and give monthly status reports concerning the DDTP program.

3.3 Selection of Members.

Potential members of the Committee shall provide personal and/or professional reference letters from the organizations or constituencies they are to represent or from individuals with the same impairment. With the exception of the DRA representative, the TADDAC shall select and approve its members. The DRA Director shall appoint DRA's representative. Proposed new members must complete a Conflict of Interest statement for review and approval by the Commission's Executive Director prior to serving on the TADDAC.

3.4 Qualifications of Members.

Members shall have professional or technical expertise and consumer experience sufficient to enable them to be conversant with the policy, budgetary, and consumer issues that arise in connection with advising the Commission about the programs. Consumer members should be able to demonstrate organizational or other ties to the constituency(ies) they represent and should be familiar with and must currently use the services and equipment the program provides. Members also must reside in California during the term of their appointment. In addition, consistent with the Disclosure and Conflict of Interest Policy, members shall not be employed by or represent the interests of any vendors or distributors who are providing or who may in the future provide equipment or services for the Deaf and Disabled Telecommunications Program.

3.5 Term of Appointment.

Members will be appointed for four-year terms. A member may be reappointed, but no member shall serve for more than two consecutive full terms. Partial terms of two years or less shall not be counted as full terms. After serving two consecutive full terms, a

member (1) is ineligible to serve another term until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period. After a hiatus of at least two years, an individual will be eligible for nomination to the TADDAC or a permanent subcommittee of the TADDAC.

3.6 Removal.

Any member may be removed at any time by the Commission's Executive Director, in accordance with procedures the Executive Director adopts. Also, two-thirds of the TADDAC members present and voting may vote to recommend removal of a member upon demonstration of reasonable cause, provided, however, that reasonable cause may not include any policy position taken by the member in his or her capacity as a member of the committee. Members who do not attend three consecutive meetings without just cause or proxy may be subject to removal from the committee. The member in question has the right to hear the complaints or accusations related to the request for resignation and has the right to rebut such complaints or accusations either in writing or in person before the Committee.

3.7 Resignation.

Any member who wants to resign should give thirty (30) days written notice to the Committee Chair. The member's appointment shall terminate upon the expiration of the thirty (30) day notification period.

3.8 Vacancies.

An individual may nominate him or herself to fill a vacancy, and the TADDAC shall select and approve the individual to fill each vacancy according to the process in Section 3.3. Expired term vacancies will be filled with full-term appointments; un-expired term vacancies will be filled for the remainder of the term.

3.9 Indemnification.

Members of the TADDAC who are not Commission staff are uncompensated servants of the State of California within the meaning of Gov. Code § 810.2. Accordingly, the State will indemnify Committee members as it indemnifies its compensated employees and will provide them with representation for their acts done within the course and scope of the services they perform for the TADDAC, pursuant to Gov. Code §§ 815-825.6 and 995-996.6. The TADDAC budget may include the purchase of Errors and Omissions (E&O) and Directors and Officers (D&O) or similar insurance to indemnify Committee members for acts done within the course the scope of services performed for the TADDAC, to the extent that such activities are held not to be indemnified by the State under Gov. Code §§ 810.2, 825-825.6 and/or 995-996.6.

3.10 Expenses and Per Diem.

Members of the TADDAC who are not employees of the Commission or who are not otherwise reimbursed by a governmental agency of the State of California shall be entitled to reimbursement from the Committee Fund of reasonable expenses and/or per

diem incurred in connection with their service on the Committee or subcommittees of the Committee authorized by the Commission, in accordance with Pub. Util. Code § 271(f). Per diem and expenses are authorized for meetings TADDAC members attend at the request of the Communications Division Director. The per diem shall be \$325 for each day of meetings attended by the eligible non-officer members or \$225 if the meeting lasts for less than approximately two hours. For officers other than the Chair, the per diem shall be \$350 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. For the Chair, the per diem shall be \$400 for each day of meetings attended or \$250 if the meeting lasts for less than approximately two hours. Reasonable expenses shall include transportation, lodging, meals and incidental expenses incurred in connection with service on the Committee, in conformance with Commission rules and regulations for Commission management employees, as outlined in Standard Form 262 or its successor.

Committee members shall receive no per diem for preparation work. Eligible Committee members must seek reimbursement of expenses and per diem through the state's Travel Expense Claim (TEC) process. Completed TECs must be submitted to the Commission's Communications Division for review. The director of the Communications Division will assign a designated staff member to review, and if appropriate, approve payment.

Committee members shall not be eligible to receive intervenor compensation under Pub. Util. Code §§ 1801 et seq. for their work related to the TADDAC.

4. ARTICLE FOUR: DUTIES AND RESPONSIBILITIES

4.1 Duties:

The TADDAC shall have the following duties and responsibilities. While performing these duties and responsibilities, the Committee shall act in an advisory capacity to the Commission. The Commission shall have all policy and program decision-making authority. The Committee will undertake the following actions and report to the Commission:

- a) Review proposed program budgets and make budget recommendations consistent with TADDAC's policy recommendations.
- b) Advise the Commission on key policy issues related to the programs, particularly with regard to the Commission's specific requests.
- c) Review TPP applications to the Commission for the placement of telecommunications devices for the deaf in existing buildings and public accommodations pursuant to Public Utilities Code section 2881.2, and make recommendations to the Commission whether to approve or deny those applications.
- d) Oversee the activities of its subcommittee(s).

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- e) Recommend a standard equipment list, and subsequent changes thereto, for adoption for the disabled programs after receiving recommendations from the Equipment Program Advisory Committee.
- f) Notify the Executive Director of member appointments to the TADDAC and to the permanent subcommittee(s). Seat new members after the Executive Director determines that there are no conflict of interest issues.
- g) Recommend new member positions on the TADDAC and on the permanent subcommittee(s), subject to the Commission's review and approval described in Section 3.1.
- h) Create such task forces as it believes are necessary or appropriate to carry out its functions.
- i) File an annual report with the Commission.
- j) As requested, TADDAC and/or its subcommittee(s) shall assist Commission staff in the development of specifications and requirements for Requests for Proposals (RFPs) and Invitations for Bids (IFBs) relating to the programs.
- k) Make recommendations with respect to the quality and efficiency of relay services, including procedures for the conduct of calls and effective means of implementing these recommendations.
- l) Make recommendations on options for controlling expenses and increasing efficiency in the programs, including the relay service program.
- m) Evaluate the effectiveness of the relay service by offering recommendations for service standards.
- n) Make recommendations to Communications Division staff and to the DDTP Administrative Contractor to help design surveys as a means to evaluate performance of the programs, including the relay service program.
- o) Make recommendations on future relay service contract requirements and specifications.
- p) Make recommendations regarding ascertaining compliance with federal Traditional Relay Service (TRS) requirements, which are mandatory minimum standards established by the Federal Communications Commission (FCC).
- q) Perform such other duties as the Communications Division may request from time to time.

- r) The Committee will specify those members or other designees authorized to represent the views of the Committee in public on a case-by-case basis. At all times, members will clearly designate whether they represent the views of the Committee, the views of their community or state agency division, or their own individual views. The Committee members who appear publicly must state that they do not represent the views of the Commission unless requested to do so by the Commission.

4.2 Administrative and Legal Assistance:

The Commission Staff Liaisons, as set forth in section 3.2.1, are not members of the Committee and shall have no vote.

- a) One liaison, from the Commission's Communications Division, or its successor, who shall be appointed by the Director of that division. This non-voting liaison will communicate Commission policies and decisions to the TADDAC and work with the DDTP Administrative Contractor to assist the Committee in the preparation and filing of the annual report.
- b) One liaison, from the Commission's Information and Management Services Division, or its successor, who shall be appointed by the Director of that division, shall provide the Committee with periodic reports on the financial status of the program.
- c) One liaison, from the Commission's Legal Division, or its successor, who shall be appointed by the Commission's General Counsel, shall provide the Committee with legal advice, upon request.

5. ARTICLE FIVE: MEETINGS AND RECORDS

5.1 General.

The TADDAC shall act only in the course of a duly noticed meeting. With CD's concurrence, the Committee shall hold such meetings as it shall decide are necessary or appropriate in order to carry out its functions, but in no event less frequently than quarterly. Additionally, an annual meeting of TADDAC and the Equipment Program Advisory Committee will be held for the purpose of jointly discussing DDTP goals for the coming year. The succeeding meeting, place, time, and location shall be scheduled at the preceding meeting. Notification of the date, place, and time of each meeting shall be given to each member and shall be published as required by the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 et seq.) and in the Commission's Daily Calendar at least ten (10) calendar days in advance of the meeting. Unless another location is stated in the notice, meetings shall be at the DDTP administrative offices. The notice shall include the name, address, and telephone number of a person who can provide additional information prior to the meeting, as well as a brief general description of the business to

be transacted and shall highlight important pending decisions, including those to be sent to the Commission for approval. The agenda, once published, shall not be revised ten (10) days prior to the meeting. The Committee may take action on an item of business not appearing on the published agenda, as long as the action is taken in accordance with Gov. Code § 11125.3.

5.2 Open Meetings.

All meetings shall be open to the public and shall be held in accordance with the provisions of the Bagley-Keene Open Meetings Act. A copy of the Act shall be given to all existing and new members of the Committee. All meetings shall be conducted pursuant to Robert's Rules of Order, 10th Edition (Year 2000) and in accordance with Government Code Sections 1120ff.

5.3 Quorum.

A majority of the members of the Committee shall constitute a quorum for the transaction of business. No action shall be taken at any meeting unless a quorum is present. Each voting member shall have one vote, and the Committee may take action by vote of a majority of the members present and voting at a meeting at which a quorum is present. A majority of the members present at a meeting, whether or not a quorum is present, may adjourn the meeting to another time and place. Any adjourned meeting shall be subject to the same notice requirements as a regular meeting.

5.4 Proxies.

A member may be represented at any meeting by oral or written authorization by that member to the chair, naming a designated individual to represent that member at a specified, noticed meeting. Notification must be made to the chair in advance of the meeting and must be given orally or in writing before the time of the meeting. Any proxy may be revoked at any time before the meeting begins by oral or written notice to the chair by the member who gave the proxy. By traditional Committee practice, it is expected that proxies be from the same representative group as the member.

5.5 Public Participation.

The TADDAC shall provide an opportunity for members of the public to address the Committee directly on each agenda item before or during the Committee's discussion or consideration of the item.

5.6 Records.

The DDTP Administrative Contractor liaison shall ensure that written minutes are taken of TADDAC meetings. Written minutes shall: (a) identify the date, time, and place of the meeting; (b) identify the Committee members and non-voting liaisons in attendance, and (c) contain a summary. Draft minutes shall be provided to members prior to the next regular meeting in order to allow sufficient time for the members to review them for adoption at that meeting. Copies of the minutes shall be provided upon request.

Committee records are public documents under the California Public Records Act, §§ 6250 et seq. of the California Government Code.

6. ARTICLE SIX: OFFICERS

6.1 Three Officers.

The TADDAC shall have three officers, a Chair, a Vice-Chair, and a Secretary (if desired), all of whom shall be members of the Committee. The Committee members shall elect the Committee officers to serve a term of one year, and they may be re-elected to one or more successive terms. An officer shall continue to hold office until a successor has been elected and assumes office.

6.2 Duties.

The Chair shall be responsible for the general supervision and direction of the affairs of the Committee. The Chair shall preside at all meetings of the Committee. In the absence of the Chair, the Vice-Chair shall perform the duties of that office. If the Chair and Vice-Chair are unavailable for a meeting where a quorum nevertheless exists, the Committee may appoint a Chair Pro-Tem for that meeting. The officers shall perform such other duties as the Committee may from time to time prescribe.

7. ARTICLE SEVEN: ADVISORY COMMITTEES

7.1 General.

The Committee shall have one permanent subcommittee reporting to it, the Equipment Program Advisory Committee. After first obtaining CD's concurrence, the TADDAC shall seek Commission approval by recommendation to the Commission's Executive Director for any additional permanent subcommittees it believes have become necessary or advisable in connection with the programs. The role of the subcommittee is limited to the responsibilities expressed herein and in its charter. The Equipment Program Advisory Committee shall report each month to the TADDAC on its activities and any issues that it wants to bring forward to the TADDAC for discussion and approval as necessary.

7.2 Equipment Program Advisory Committee.

The purposes of the Equipment Program Advisory Committee are to recommend to the TADDAC and update, as new technology is developed, a standard equipment list for the programs, to develop procedures for evaluating new products, and to make recommendations for priorities in TTY placement in existing buildings and public accommodations pursuant to Public Utilities Code Section 2881.2, and for policy changes with respect to the quality, efficiency, and cost effectiveness of both equipment and service in the equipment distribution and TTY placement programs. The Committee shall have the authority to meet with potential vendors in reviewing and assessing new technology and equipment designed to address the telecommunications needs of deaf and disabled individuals.

7.3 Membership.

The TADDAC will appoint persons to the subcommittee(s), after receiving the subcommittee's recommendation and subject to review of conflict of interest statements by the Commission's Executive Director as provided in Article III, above. Members will be appointed for four-year terms. A member may be reappointed, but no member of a subcommittee shall serve for more than two consecutive full terms. After serving two consecutive full terms, a member (1) is ineligible to serve another term until that individual has been off the committee for two years; and (2) cannot serve as a proxy for two consecutive months during that two-year period. After a hiatus of at least two years, an individual will be eligible for nomination. Vacancies for expired terms will be filled for a full, four-year term; vacancies for un-expired terms will be filled for the remainder of the un-expired term.

8. ARTICLE EIGHT: EFFECTIVE DATE

8.1 Effective Date.

This Charter shall become effective on October 31, 2011.

9. ARTICLE NINE: LIMITATION ON POWER AND AUTHORITY

9.1 Limitation on Power and Authority.

The members of the TADDAC in the performance of their duties and in the actions the Committee takes shall at all times be subject to the direction, control and approval of the Commission.

(End of Appendix B)