

Allied Council Mission Statement

To represent all the members. To speak on their behalf. Allied Council will advocate for the membership of the home.

It is the Allied Council's mission and team effort to maintain the quality of life and the quality of care for the residents of the home.

To integrate and engage all the residents of the home. To help eliminate any isolation of the members and to keep them informed on issues that affect their lives.

To support intelligent legislation that will aid in conservation and management in all matters relating to the operation of the Yountville Veterans Home.



Code:

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MILITARY AND VETERANS CODE - MVC

DIVISION 5. VETERANS' INSTITUTIONS [1010 - 1121] (*Division 5 enacted by Stats. 1935, Ch. 339.*)

CHAPTER 1. Veterans' Home of California [1010 - 1051] (*Chapter 1 enacted by Stats. 1935, Ch. 389.*)

1010. As used in this chapter:

(a) "Home" means any facility operated by the department for the provision of long-term care, assisted living, adult day health, independent living, or other health care services to eligible veterans. The Veterans' Home of California system is comprised of the following subsidiary home locations:

- (1) The Veterans' Home of California, Yountville, in Napa County.
- (2) The Veterans' Home of California, Barstow, in San Bernardino County.
- (3) The Veterans' Home of California, Chula Vista, in San Diego County.
- (4) The Veterans' Home of California, West Los Angeles, in Los Angeles County.
- (5) The Veterans' Home of California, Lancaster, in Los Angeles County.
- (6) The Veterans' Home of California, Ventura, in Ventura County.
- (7) The Veterans' Home of California, Fresno, in Fresno County.
- (8) The Veterans' Home of California, Redding, in Shasta County.

(b) "Administrator" means the senior executive appointed to operate a home.

(c) "Department" means the Department of Veterans Affairs.

(d) "Member" means a veteran or nonveteran spouse or domestic partner who has been admitted to residency at a veterans' home.

(e) "Secretary" means the Secretary of Veterans Affairs.

(f) "Veteran" means a person who is eligible for benefits under this chapter.

(Repealed and added by Stats. 2017, Ch. 23, Sec. 40. Effective June 27, 2017.)

1011. (a) There is in the department a Veterans' Home of California system, as defined in subdivision (a) of Section 1010.

(b) There shall be an administrator for each home or homesite in that system, who shall be recommended by the Secretary of Veterans Affairs and appointed by the Governor, and shall be located at that home or homesite. The salary for each administrator shall be subject to the approval of the Department of Human Resources.

(Repealed and added by Stats. 2017, Ch. 23, Sec. 42. Effective June 27, 2017.)

1012. (a) Except as provided in Section 1012.4, veterans' homes are for aged or disabled persons who served in the Armed Forces of the United States of America who were discharged or released from active duty under conditions other than dishonorable, who are eligible for health care benefits, hospitalization or domiciliary care in a veterans' facility in accordance with the rules and regulations of the United States Department of Veterans Affairs, and who are bona fide residents of this state at the time of application; and for the spouses or domestic partners of these persons if all of the following conditions, as are applicable, are satisfied:

- (1) Space is available.
- (2) Joint residency will be in the best interests of the home member, as determined by the administrator.
- (3) The spouse or domestic partner is a bona fide resident of this state at the time of application for admission to the home and either is married to, and has resided with, the veteran applicant for at least one year, or is the widow or widower of a recipient of the Medal of Honor or a former prisoner of war (POW).

(4) The home member and spouse or domestic partner agree to pay the fees and charges for joint residency, or for a widow or widower, for the residency, that the department may establish.

(b) (1) Veterans who qualify for benefits under this chapter due to service during a time of war shall be given priority over veterans who qualify due to service during a time of peace.

(2) Veterans who qualify for benefits under this chapter who are recipients of the Medal of Honor or who were prisoners of war (POWs) shall be given priority over all other qualified veterans, regardless of the level of care required.

(3) Veterans who qualify for benefits under this chapter who have been rated by the United States Department of Veterans Affairs as being 70 percent or greater service-connected disabled may be given priority over other veterans.

(4) The secretary may establish needs-based criteria for admission to the homes, and any veteran meeting those criteria may be given priority over veterans who do not qualify for prioritization under paragraph (2) or (3) and can afford to provide for their own care elsewhere.

(5) Paragraphs (3) and (4) shall not apply to veterans who, as of January 1, 2018, are on a wait list awaiting admission to a veterans' home.

(c) A member spouse or domestic partner may continue residence after the veteran's death so long as they continue to pay all applicable fees.

(d) The property of the home shall be used for this purpose.

(Amended by Stats. 2017, Ch. 23, Sec. 43. Effective June 27, 2017.)

1012.1. (a) Prior to the admission of a veteran, spouse, or domestic partner as a member of a home, and at any time during which a veteran, spouse, or domestic partner is a member of a home, the department may investigate an applicant's or member's financial status or personal background to determine the applicant's or member's income, assets, and suitability for residence at a home to ensure that the veteran is unable to pay for necessary hospital or domiciliary care outside of the home. The department may contract with any other state, federal, or private agency to conduct the investigation in its behalf.

(b) Providing false financial and other information by an applicant or member or nonpayment of fees may be grounds for financial penalties or denial of admission to, or discharge from, a home.

(Amended by Stats. 2017, Ch. 23, Sec. 44. Effective June 27, 2017.)

1012.2. (a) (1) Notwithstanding any other law, any member of the home who is receiving an aid and attendance allowance from the United States Department of Veterans Affairs for his or her own care shall pay to the home an amount equal to that allowance in all levels of care excluding domiciliary.

(2) Paragraph (1) shall not apply to a member of a home who is in intermediate care or skilled nursing care and has a disability that has been rated by the United States Department of Veterans Affairs as being 70 percent or more service-connected, as determined under Part 4 of Title 38 of the Code of Federal Regulations.

(b) One hundred percent of the moneys received by a home under this section shall be placed to the credit of the home and shall augment the current appropriation for the support of the home.

(Amended by Stats. 2017, Ch. 23, Sec. 45. Effective June 27, 2017.)

1012.3. (a) Members of a home, including members who are nonveteran spouses or domestic partners, shall pay fees as determined by the department to cover room and board and other expenses defined in regulations, except that the total of the individual member's fees for any fiscal year shall not be greater than as set forth in the following schedule:

(1) Forty-seven and one-half percent of the member's annual income for domiciliary care.

(2) Fifty-five percent of the member's annual income for residential care for the elderly or assisted living.

(3) Sixty-five percent of the member's annual income for intermediate care.

(4) Seventy percent of the member's annual income for skilled nursing care.

(b) Subdivision (a) shall not apply to a member of a home who is in intermediate care or skilled nursing care and has a disability that has been rated by the United States Department of Veterans Affairs as being 70 percent or more service-connected, as determined under Part 4 of Title 38 of the Code of Federal Regulations and whose related payments made under Section 51.41 of Title 38 of the Code of Federal Regulations are considered by the United States Department of Veterans Affairs as payment in full for the member's care.

(c) Subdivision (a) shall not apply to penalties for late fee payment.

(d) Failure to pay the required fees may be cause for the administrator to refer the member to collections or dismiss the member from the home.

(Amended by Stats. 2017, Ch. 23, Sec. 45. Effective June 27, 2017.)

1012.4. Notwithstanding Section 1012, the department may arrange by contract or any other form of agreement with the United States Department of Veterans Affairs to do all of the following:

(a) Authorize veterans, collateral dependents, and other beneficiaries authorized by the United States Department of Veterans Affairs, who are not members of a Veterans' Home of California, to receive outpatient medical services at that home.

(b) Establish rates for reimbursement from the federal government to the State of California for outpatient services rendered by a Veterans' Home of California to veterans who are authorized under subdivision (a).

(c) Establish and charge fees for outpatient services rendered by a Veterans' Home of California.

(d) The outpatient services and reimbursement procedures authorized under subdivisions (a), (b), and (c) may be established for any veterans' home established by the department.

(Amended by Stats. 2017, Ch. 23, Sec. 47. Effective June 27, 2017.)

1013. All property conveyed to and accepted by the State under the provisions of Chapter 101, Statutes of 1897, and any other property conveyed to and accepted for the home shall be the property of the home the same as though the description of such property and acceptance thereof were herein set forth.

(Enacted by Stats. 1935, Ch. 339.)

1023. (a) The department may sue and be sued in any of the courts of this state. All property held by the department for a home shall be held in trust for the state and for the use and benefit of the home. The department shall manage the homes and administer their affairs, and, subject to the direction of the secretary, adopt rules and regulations for the government of the homes in conformity, as nearly as possible, to the rules and regulations of the United States Department of Veterans Affairs for their facilities.

(b) The Director of General Services may lease or let any real property held by the department for a home, and not needed for any direct or immediate purpose of the home, to any entity or person upon terms and conditions determined to be in the best interests of the home. In any leasing or letting, primary consideration shall be given to the use of real property for agricultural purposes, and except as provided in Section 1043, all moneys received in connection therewith shall be deposited in the General Fund to the credit of, and shall augment the current appropriation for the support of, the home.

(Amended by Stats. 2017, Ch. 23, Sec. 51. Effective June 27, 2017.)

1025. The home shall be open at any time to the inspection of the Secretary of the United States Department of Veterans Affairs or his or her authorized representative.

(Amended by Stats. 2017, Ch. 23, Sec. 53. Effective June 27, 2017.)

1030.1. The department may enter into contracts with the United States or any agency thereof, any governmental agency, any person, or any corporation for the performance of services or manufacture of articles by disabled members of the homes. The proceeds of a contract described in this section, less the actual operating expenses, shall be paid to the individual disabled veterans who perform the services or labor.

(Amended by Stats. 2017, Ch. 23, Sec. 55. Effective June 27, 2017.)

1030.2. The department may enter into contracts with the United States or any agency thereof and any other governmental agency for the purpose of providing courses of vocational training for disabled veterans who have been bona fide residents of this state for five years.

(Amended by Stats. 1963, Ch. 490.)

1031. All moneys received by the state from the United States for the use of a home shall be placed to the credit of and shall augment the current appropriation for the support of the home.

(Amended by Stats. 2017, Ch. 23, Sec. 56. Effective June 27, 2017.)

1032. The department shall fix a schedule of wages for members who are employed at a home, subject to the approval of the Director of Finance.

(Amended by Stats. 2017, Ch. 23, Sec. 57. Effective June 27, 2017.)

1033.1. (a) The department may pay the premiums on behalf of its members who are required to participate in eligible coverage, including medical assistance provisions contained in Title XVIII and Title XIX of the federal Social Security Act, from funds appropriated for the support of a home.

(b) The department may pay for copayments and deductibles for members receiving care under the limitations of the veterans' home medical program and under the direction of the veterans' home physician. Medical expenditures in excess of the premiums, copayments, and deductibles are the responsibility of the member.

(c) When entering a home and while residing in a home, a member is required to obtain and maintain basic medical insurance policies that are in accordance with all applicable state and federal laws and regulations.

(Repealed and added by Stats. 2017, Ch. 23, Sec. 59. Effective June 27, 2017.)

1034. Except money received from this state for disbursement, all moneys received by a home, or by an officer of a home, including pension and other moneys belonging to members and other trust moneys, shall be immediately paid to the administrator of the home. On or before the tenth day of each month the administrator of each home shall forward to the State Treasurer all moneys in his or her possession, except pension and other moneys belonging to members, trust moneys, donations made to each home, and the emergency fund, hereinafter mentioned, together with a statement of the sources from which the moneys have been received. The moneys shall be deposited by the State Treasurer to the credit of the General Fund; provided, however, that abatements of support expenditures shall be credited to the support appropriation current at the time of collection.

(Amended by Stats. 2017, Ch. 23, Sec. 61. Effective June 27, 2017.)

1035. (a) (1) All moneys and other personal property of any member held by a home, or by its authority, or left by the member upon the premises of a home, shall, upon the death of the member, be held by the home in trust to be paid or delivered by the home upon proof determined to be proper to the administrator, directly and without probate, to the heirs of the member, except that the administrator may disburse funds of any deceased member for payment of funeral expenses or any obligation owed to any home, including the cost of any care rendered by a home in excess of the fees paid by the member to the home. Any funds of the deceased member representing the cost of care rendered by a home in excess of the fees paid by the member to the home shall be paid to the Morale, Welfare, and Recreation Fund.

(2) This subdivision applies only to veterans, spouses, and domestic partners becoming members of a home on or after January 1, 1984.

(b) (1) All moneys and other personal property of any member held by a home, or by its authority, or left by the member upon the premises of a home, shall, upon the death of the member, be held by the home in trust to be paid or delivered by the home upon proof determined to be proper to the administrator, directly and without probate, to the spouse, domestic partner, children, grandchildren, or father or mother of the member, except that the administrator may disburse funds of any deceased member for payment of funeral expenses or any obligation owed to any home.

(2) This subdivision applies only to veterans, spouses, and domestic partners who have become members of a home prior to January 1, 1984.

(Amended by Stats. 2017, Ch. 23, Sec. 62. Effective June 27, 2017.)

1033.05. (a) (1) All moneys and other personal property of any member other than that described in Section 1035 shall, upon the death of the member, first be paid to the administrator for payment of funeral expenses or any obligation owed to any home remaining unpaid after the disbursement required by Section 1035 is completed; and second, in the absence of an heir or heirs or a will, pass and descend to and become the property of the state for credit to the Morale, Welfare, and Recreation Fund. If the total value of that property in the state over and above any amounts due the veteran for services in the Armed Forces of the United States or from any other employment does not exceed fifteen thousand dollars (\$15,000), the home may, without procuring letters of administration, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness, or right transferred to it upon furnishing the person, representative, corporation, official, or body owning the money, having custody of the property, or acting as registrar or transfer agent of the evidence of that interest, indebtedness, or right, with an affidavit showing the right of the home to receive the money or property or to have the evidences transferred. The receipt of the home shall constitute sufficient acquittance for any payment of money or delivery of property made pursuant to this section and shall fully discharge that person, representative, corporation, officer, or body from any further liability with reference thereto, without the necessity of inquiring into the truth of any of the facts stated in the affidavit. However, that payment or transfer does not preclude administration when necessary to enforce payment of the decedent's debts, and the administrator may, upon proof determined to be sufficient, pay the debts directly and without administration.

(2) This subdivision applies only to veterans, spouses, and domestic partners becoming members of a home on or after January 1, 1934.

(b) (1) All moneys and other personal property of any member other than that described in Section 1035 shall, upon the death of the member, in the absence of a spouse, domestic partner, children, grandchildren, or father or mother, pass and descend to and become the property of the state for credit to the Morale, Welfare, and Recreation Fund. If the total value of that property in the State of California over and above any amounts due the veteran for services in the Armed Forces of the United States or from any other employment does not exceed fifteen thousand dollars (\$15,000), the home may, without procuring letters of administration or awaiting probate of any will, collect any money due the decedent, receive the property of the decedent and have any evidences of interest, indebtedness, or right transferred to it upon furnishing the person, representative, corporation, official, or body owning the money, having custody of that property, or acting as registrar or transfer agent of the evidence of that interest, indebtedness, or right, with an affidavit showing the right of the home to receive that money or property or to have those evidences transferred. The receipt of the home shall constitute sufficient acquittance for any payment of money or delivery of property made pursuant to this section and shall fully discharge the person, representative, corporation, officer, or body from any further liability with reference thereto, without the necessity of inquiring into the truth of any of the facts stated in the affidavit. However, the payment or transfer does not preclude administration when necessary to enforce payment of the decedent's debts, and the administrator may, upon proof determined to be sufficient, pay those debts directly and without administration.

(2) This subdivision shall apply only to veterans, spouses, and domestic partners who have become members of a home prior to January 1, 1934.

(c) For the purpose of application to this section of the provisions of the Probate Code governing distribution of property, the home shall be deemed to be a beneficiary of the decedent.

(Amended by Stats. 2017, Ch. 23, Sec. 63. Effective June 27, 2017.)

1035.1. (a) (1) A will executed by a member who was a member of a home at the time of death, whether executed prior or subsequent to January 1, 1934, which purports to leave any part of the member's estate to an officer or employee of a home, unless that officer or employee would be eligible to take by intestate succession under the probate laws of this state, is void as to that provision.

(2) This subdivision shall apply only to veterans, spouses, and domestic partners becoming members of a home on or after January 1, 1934.

(b) (1) A will heretofore or hereafter executed by a member, whether executed before or after admission to a home, shall not be valid as to any provision therein contained which purports to dispose, either directly or indirectly, of moneys or personal property to other than the spouse, domestic partner, children, grandchildren, or father or mother of the member. This section does not apply to any veteran, spouse, or domestic partner who is not a member of a home at the time of death.

(2) This subdivision shall apply only to veterans, spouses, or domestic partners who became members of a home prior to January 1, 1934.

(Amended by Stats. 2017, Ch. 23, Sec. 64. Effective June 27, 2017.)

1035.2. Any personal property held by a home pursuant to Section 1035 that the administrator determines to be of no substantial monetary value may be immediately delivered to any heir, devisee, or legatee under a will of the deceased member, or to any other interested person who makes application therefor, or if unclaimed within one year, may be destroyed or used, as the administrator directs, for the benefit of the home or its members.

(Amended by Stats. 2017, Ch. 23, Sec. 65. Effective June 27, 2017.)

1035.3. (a) (1) If no will or heir is discovered within two years after the death of the member, any moneys not exceeding fifteen thousand dollars (\$15,000) held by a home pursuant to Section 1035 and not paid or otherwise delivered to the heir or heirs or pursuant to the will of the deceased member, or otherwise disbursed by the administrator pursuant to Section 1035, shall be paid to the Morale, Welfare, and Recreation Fund.

(2) If no will or heir is discovered within five years after the death of the member, any moneys exceeding fifteen thousand dollars (\$15,000) held by a home pursuant to Section 1035 and not paid or otherwise delivered to the heir or heirs or pursuant to the will of the deceased member, or otherwise disbursed by the administrator pursuant to Section 1035, shall be paid to the Morale, Welfare, and Recreation Fund.

(3) This subdivision applies only to veterans, spouses, and domestic partners becoming members of a home on or after January 1, 1934.

(b) (1) If no spouse, domestic partner, child, grandchild, or father or mother is discovered within two years after the death of the member, any moneys not exceeding fifteen thousand dollars (\$15,000) held by a home pursuant to

Section 1035 and not paid or otherwise delivered to the spouse, domestic partner, children, grandchildren, or father or mother, or otherwise disbursed by the administrator pursuant to Section 1035, shall be paid to the Morale, Welfare, and Recreation Fund.

(2) If no spouse, domestic partner, child, grandchild, or father or mother is discovered within five years after the death of the member, any moneys exceeding fifteen thousand dollars (\$15,000) held by a home pursuant to Section 1035 and not paid or otherwise delivered to the spouse, domestic partner, children, grandchildren, or father or mother, or otherwise disbursed by the administrator pursuant to Section 1035, shall be paid to the Morale, Welfare, and Recreation Fund.

(3) This subdivision applies only to veterans, spouses, and domestic partners who have become members of a home prior to January 1, 1984.

(Amended by Stats. 2017, Ch. 28, Sec. 66. Effective June 27, 2017.)

1035.4. (a) All personal property held or received by a home pursuant to Section 1035, other than moneys or property described in Section 1035.2, which is unclaimed by, or not otherwise delivered to, the heir or heirs or pursuant to the will of a deceased member within one year after death, may be sold by the administrator by public auction or private sale. The sale shall take place at a public place in the home, and notice of the sale shall be posted in that place at least 10 days previous to the date of the sale. The proceeds of the sale shall be credited to the Morale, Welfare, and Recreation Fund.

This subdivision applies only to veterans, spouses, and domestic partners becoming members of a home on or after January 1, 1984.

(b) All personal property held or received by a home pursuant to Section 1035, other than moneys or property described in Section 1035.2, which is unclaimed by, or not otherwise delivered to, the spouse, domestic partner, children, grandchildren, or father or mother of a deceased member within one year after death, may be sold by the administrator by public auction or private sale. The sale shall take place at a public place in the home, and notice of the sale shall be posted in that place at least 10 days previous to the date of the sale. The proceeds of the sale shall be credited to the Morale, Welfare, and Recreation Fund.

This subdivision applies only to veterans, spouses, and domestic partners who have become members of a home prior to January 1, 1984.

(Amended by Stats. 2017, Ch. 23, Sec. 67. Effective June 27, 2017.)

1035.5. (a) The administrator shall provide to the heirs or devisees of every deceased member who became a member of a home on or after January 1, 1984, a statement or accounting of all charges made against the member's money or personal property under Sections 1035 to 1035.4, inclusive.

(b) Every veteran applying for membership in a home on or after January 1, 1984, shall be furnished a written explanation of the limitations and restrictions on the right to dispose of money and personal property contained in Sections 1035 to 1035.4, inclusive.

(Amended by Stats. 2017, Ch. 23, Sec. 63. Effective June 27, 2017.)

1035.6. (a) The administrator shall provide each member of a home with a quarterly statement or accounting of all charges for the costs of care rendered to the member in excess of the member fee, as defined in subdivision (b). The quarterly statement or accounting of charges shall include, in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style, all of the following:

(1) A statement that the charges for the excess costs of care are provided to the member for informational purposes only.

(2) A statement that, if the member is a resident of a home at the time of death, the home may use his or her money or personal property that is in possession of the home or outside the home for payment of unreimbursed costs of care.

(3) A statement that advises the member to seek counsel from a legal expert to protect his or her assets.

(b) "Costs of care in excess of the member fee" means all costs that are not covered by the member contribution fee, including, but not limited to, the unreimbursed costs of medical or dental services rendered to the member, either by a home or under contract with a home. The Department of Veterans Affairs shall promulgate regulations specifying the costs that are in excess of the member contribution fee and constitute the unreimbursed costs of care.

(c) The quarterly statement or accounting described in subdivision (a) and any notice relating to quarterly statements posted in a home shall be in 14-point font or larger.

(Amended by Stats. 2017, Ch. 23, Sec. 69. Effective June 27, 2017.)

1035.7. (a) Upon admission to a home, the administrator of each home shall provide written notice to the member informing him or her of costs of care that may be incurred in excess of the member contribution fee. The notification shall:

- (1) Include an explanation of circumstances under which the member may incur costs that are in excess of the contribution fee.
- (2) Specifically indicate that these excess costs of care are costs in addition to, or above and beyond, the member contribution fee.
- (3) Provide examples of "excess costs of care that are frequently incurred by members."
- (4) Inform the member that he or she will receive a quarterly accounting statement of the total excess costs of care, but that the statement is provided for informational purposes only.
- (5) Inform the member that, if he or she is a resident of a home at the time of death, the home may disburse his or her moneys or personal property for payment of unreimbursed excess costs of care.
- (6) Include a statement advising the member to seek counsel from a legal expert to protect his or her assets.
- (7) Include the terms and conditions upon which the member fees and costs can be changed.

(b) The notification shall require the signature of the member that acknowledges that he or she has read and understands the notification.

(c) The notification shall be written in plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style.

(d) A copy of the notification, containing all the information specified in subdivision (a) and titled in large font "NOTICE TO RESIDENTS," shall be conspicuously posted in each home by the administrator of the home.

(Amended by Stats. 2017, Ch. 23, Sec. 70. Effective June 27, 2017.)

1036. The members may voluntarily deposit money with a home, which the home shall receive and keep without charge as a trust fund.

(Amended by Stats. 2017, Ch. 23, Sec. 71. Effective June 27, 2017.)

1037. The money belonging to a member and voluntarily deposited with a home may be withdrawn, in whole or in part, at the will of the member.

(Amended by Stats. 2017, Ch. 23, Sec. 72. Effective June 27, 2017.)

1038. All money deposited with a home for a member shall be paid to him or her on demand, upon his or her discharge or voluntary departure from the home. If the money is not so demanded at the time of his or her discharge or departure or within a period of two years thereafter, if the amount does not exceed five thousand dollars (\$5,000), or within a period of five years thereafter, if the amount exceeds five thousand dollars (\$5,000) either by the member, or, in the event of the member's death after his or her discharge or departure, by the member's heirs, devisees, legatees, or qualified executor or administrator of his or her estate, the money shall be paid to the Morale, Welfare, and Recreation Fund.

(Amended by Stats. 2017, Ch. 23, Sec. 73. Effective June 27, 2017.)

1038.1. All personal property other than money left at a home by a member at the time of his or her discharge or voluntary departure therefrom, unclaimed within a period of one year, either by the member or, in the event of his or her death after his or her discharge or departure, by his or her heirs, devisees, legatees, or qualified executor or administrator of his or her estate, shall be sold in the manner described in Section 1035.4 and the proceeds paid to the Morale, Welfare, and Recreation Fund.

(Amended by Stats. 2017, Ch. 23, Sec. 74. Effective June 27, 2017.)

1038.5. Any money deposited with a home by a member shall be credited with interest in compliance with applicable federal law and regulation, and shall be paid to the member or to his or her heirs, devisees, legatees, or the qualified executor or the administrator of his or her estate pursuant to Section 1037 or Section 1038.

(Amended by Stats. 2017, Ch. 23, Sec. 75. Effective June 27, 2017.)

1039.3. The administrator, subject to the approval of the secretary, may accept cash donations or other gifts to be used for the welfare of the members. Cash shall be paid into trust funds as the administrator may establish, and shall be expended for promoting the welfare of the members and for the purpose designated by the donor.

(Amended by Stats. 2017, Ch. 23, Sec. 76. Effective June 27, 2017.)

1042. All accrued interest on money turned over to the administrator and retained by him or her under this chapter shall be accounted for by the home and deposited to the credit of the Morale, Welfare, and Recreation Fund and used for the common benefit of members.

(Amended by Stats. 2017, Ch. 28, Sec. 77. Effective June 27, 2017.)

1042.1. If any check is drawn upon any trust fund of a home, except checks drawn by members of the home on their own accounts, and remains unclaimed, or is not cashed, for a period of one year, it shall be canceled and the amount of the check shall be turned over to the administrator and be deposited to the credit of the Morale, Welfare, and Recreation Fund and used for the common benefit of the members of the homes.

(Amended by Stats. 2017, Ch. 23, Sec. 78. Effective June 27, 2017.)

1043. With the exception of officers and employees and their families, no person shall be admitted to reside in a home who is not eligible under Section 1012.

(Amended by Stats. 2017, Ch. 23, Sec. 79. Effective June 27, 2017.)

1044. The secretary may adopt rules and regulations governing the admission of applicants and may prescribe the conditions upon which they may enter and remain with a home.

(Amended by Stats. 2017, Ch. 23, Sec. 80. Effective June 27, 2017.)

1044.5. (a) A member of a home has the right to complain and otherwise exercise the freedom of expression and assembly guaranteed by the Sections 2 and 3 of Article I of the California Constitution and the First Amendment to the United States Constitution. The administrator of the home shall inform each member in writing at the time of admission of the right to complain to the administrator about home accommodations and services. A notice of the right to complain shall be posted in the home. The administrator shall also inform each member of the right to complain to the board or to the Secretary of Veterans Affairs. Each member of a home shall be encouraged and assisted, throughout the period of stay in the home, to understand and exercise the rights of freedom of expression and assembly as a member and as a citizen. To this end, the member may voice grievances and recommend changes in policies and services to home staff, other members, and outside representatives of the member's choice, free from restraint, interference, coercion, discrimination, or reprisal, including retaliatory eviction.

(b) An administrator may not retaliate against any member who exercises the right to voice grievances by evicting the member. There shall be a rebuttable presumption that any eviction within 45 days of the exercise by a member of the right to voice grievances is retaliatory. This presumption does not apply in favor of a member who has failed to pay maintenance fees unless the member pays the overdue fees.

(Amended by Stats. 2017, Ch. 23, Sec. 81. Effective June 27, 2017.)

1045. This chapter does not prevent the state from transferring the property and management of a home to the United States for a home of similar character.

(Amended by Stats. 2017, Ch. 23, Sec. 82. Effective June 27, 2017.)

1046. (a) If it appears necessary or proper that a guardian or conservator of the estate of a member be appointed, the court, in its discretion, upon application of the administrator, or officer designated by the administrator, may appoint a home as guardian or conservator of the member's estate and cause letters of guardianship or conservatorship of the estate to be issued to the home.

(b) For the purposes of this chapter, a home is a corporation and, acting through an officer designated by the administrator, may act as guardian or conservator of estates, assignee, receiver, depository, or trustee under appointment of any court or by authority of any law of this state and may transact business in that capacity in the same manner as an individual, and for this purpose may sue and be sued in any court of this state.

(c) A home shall be appointed as guardian, conservator, assignee, receiver, depository, or trustee without bond. The home shall receive reasonable fees for its expenses for filing fees and attorneys' fees. The fees paid to the home may be used as a trust account from which may be drawn expenses for filing fees and attorneys' fees in all estates it undertakes to administer. Whenever the balance remaining in the trust account exceeds a sum determined to be necessary by the administrator for the payment of the filing fees and attorneys' fees incurred in the various estates, the excess shall be paid annually into the Morale, Welfare, and Recreation Fund.

(d) When acting as guardian or conservator of a member, a home may deposit the funds of the estate in the special deposit fund of the home, and may invest and reinvest the funds in securities which are legal investments for savings banks in this state.

(Amended by Stats. 2017, Ch. 23, Sec. 83. Effective June 27, 2017.)

1047. (a) (1) The Veterans' Home Morale, Welfare, and Recreation Special Fund (MWR Fund) is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, all funds deposited in the MWR Fund as authorized by this section shall be continuously appropriated to the department, without regard to fiscal year. All references in this chapter to the "Morale, Welfare, and Recreation Fund" or "MWR Fund" are deemed to refer to the fund created by this paragraph.

(2) The department shall distribute moneys in the MWR Fund to the homes to provide for the general welfare of the members of the homes.

(3) For the purposes of this subdivision, providing for the general welfare of the members of a home includes, but is not limited to, operating a canteen, base exchange, hobby shop, theater, library, or band, and payment for newspapers, chapel expenses, entertainment expenses, sports activities, celebrations, or any other function or activity that is related to the morale, welfare, and recreation of the residents that would not otherwise be paid for by the General Fund.

(4) The administrator of a home shall deposit all moneys maintained by the administrator in a Morale, Welfare, and Recreation Fund pursuant to this section as it read on January 1, 2015, into the Veterans' Home Morale, Welfare, and Recreation Special Fund created by paragraph (1).

(5) All future moneys collected as a result of unreimbursed costs of care determinations are special state funds and shall be deposited in the MWR Fund.

(6) Each home shall establish an MWR Advisory Committee to provide ongoing guidance for the MWR Fund processes, including, but not limited to, budgeting, contracts, investments, expenditures, and revenues. The committee shall be comprised of the administrator or a representative and representatives of the Veterans' Home Allied Council or resident council.

(7) On or before July 1, 2018, the department, in consultation with the MWR Advisory Committee in each home, the Veterans' Home Allied Council, or the resident council at each home, shall adopt regulations that carry out the intent of this section, including, but not limited to, the administration of the MWR Fund and Morale, Welfare, and Recreation Operating Funds (MWRO Funds), the process by which the homes submit annual budgets and receive allocations, the process by which the secretary shall review and act upon the allocation requests and requests for augmentation of those allocations.

(b) Moneys deposited in the MWR Fund are exempt from the requirements of Article 2 (commencing with Section 11270) of Chapter 3 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) (1) The department shall annually determine the amount for disbursement from the MWR Fund to the homes. This amount shall be disbursed proportionally by each home's relative share of the total population of the entire veterans' home system. All annual allocation requests and annual allocations, as well as any augmentations to those allocations, shall be made known to the members of the homes. In making allocation decisions, the department shall consider whether there are economies of scale or other savings which may be realized by aggregating home requests or otherwise while still meeting the intent of the homes' requests.

(2) The secretary, in consultation with the administrator of the affected home, may augment the allocation from the MWR Fund to any veterans' home after making a determination that this action is appropriate on the basis of factors including, but not limited to, the home's unique age, size, population, and historical significance.

(c) Moneys in the MWR Fund shall not be expended for the following:

(1) A medical treatment or medical care of a member of a home.

(2) The maintenance or major capital improvement of the physical plant of a home.

(3) Any function, operation, or activity that is not directly related to the morale, welfare, or recreation of the members of the home.

(d) Appropriations from the General Fund for the purposes described in paragraph (3) of subdivision (b) may not be reduced for the purpose of, or to have the effect of, requiring increased expenditures from the MWR Fund for those described purposes.

(e) The department shall adopt, use, and require the homes to use uniform accounting procedures for the MWR Fund and the MWRO Funds subject to the department's oversight and audit as needed. The department shall prepare an itemized report that is organized by category, including sufficient detail to allow legislative oversight, and accounts for all expenditures from, and all funds deposited into, the MWR Fund and the MWRO Funds for the

previous fiscal year. The department shall submit the report on or before December 31, 2018, and annually on or before August 20 thereafter, to the following:

- (1) The Department of Finance.
 - (2) The Board of Directors of the MWR Fund.
 - (3) The committees of the Assembly and the Senate that have subject matter jurisdiction over veterans' affairs.
 - (4) The Veterans' Home Allied Council or the resident council of each home.
 - (5) The administrator of each home.
 - (f) The department shall maintain a reserve in the MWR Fund of not less than three million dollars (\$3,000,000).
 - (g) The department may transfer funds from the MWR Fund to the Surplus Money Investment Fund for investment pursuant to Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 of the Government Code or may hire a third-party investment broker to invest moneys from the MWR Fund consistent with Section 16480.2 of the Government Code and any regulations regarding selecting prudent, approved investment types. The amount invested and the accrued interest or earnings shall be credited to the MWR Fund for allocation by the department.
 - (h) The administrator of a home may enter into an agreement with the Veterans' Home Allied Council that authorizes the council to operate facilities and engage in activities that are authorized by subdivision (b). The agreement shall be in the form and manner specified by the administrator and in conformity with applicable California law and regulations, including, but not limited to, the state procurement and contracting process.
- (Repealed and added by Stats. 2016, Ch. 424, Sec. 3. Effective January 1, 2017.)*

1048. (a) A Morale, Welfare, and Recreation Operating Fund (MWRO Fund) shall be maintained by the administrator of each home to administer quality of life activities for the general welfare of the members, pursuant to the annual allocation, including any augmentation provided by the secretary, from the MWR Fund.

(b) The annual allocations from the MWR Fund, including any augmentations provided by the secretary, and any other quality of life moneys received shall be deposited in a local bank account established for this purpose.

(c) Moneys in the MWRO Fund shall not be expended for the following:

- (1) Medical treatment or medical care for a member.
- (2) The maintenance or major capital improvement of the Home's physical plant.
- (3) A function, operation, or activity that is not directly related to the morale, welfare, or recreation of the members of the home.

(Repealed and added by Stats. 2016, Ch. 424, Sec. 5. Effective January 1, 2017.)

1049. (a) Moneys in the Morale, Welfare, and Recreation Fund maintained under subdivision (a) of Section 1047 may be used, subject to approval by the secretary, to establish or operate a canteen and base exchange at each home location. The canteen may sell goods at a profit.

(b) The MWRO Fund of each home shall include proceeds from the operation of a canteen, or base exchange. Any moneys derived from golf course green fees, range ball fees, and operations of activities unique to each Veterans' Home of California shall be deposited in the MWRO Fund allocation for that home after appropriate state costs, fees, and rent are deducted from the revenue received for those operations.

(Amended by Stats. 2016, Ch. 424, Sec. 6. Effective January 1, 2017.)

1050. Veterans' Home Allied Councils, which are established pursuant to the constitution of the Allied Council, Veterans' Home of California, for each home, and which are composed of members of each home, are hereby recognized as established advisory bodies to the administrator of each home. Each Veterans' Home Allied Council may also represent members who reside at the home for which the council was established in matters before the Legislature. In the course of providing that representation, each council shall comply with the following requirements:

- (a) The council's representation shall be approved by a majority of the voting members of the council.
- (b) The council shall not engage in any campaign or endorse public candidates in connection with that representation.
- (c) The council's actions shall be in accordance with its constitution, bylaws, and policies and procedures.

(Amended by Stats. 2017, Ch. 23, Sec. 84. Effective June 27, 2017.)

1051.

(a) On or before January 1, 2019, the department shall create a transparent admissions and waiting list process for admission to the homes.

(b) On or before January 1, 2019, the department shall create a page on its Internet Web site that does all of the following:

- (1) Explains the application and waiting list process developed in subdivision (a), including an explanation of the process, laws, and regulations pertaining to admission, the wait list, and continuum of care.
- (2) Allows online submission of applications.
- (3) Provides a reasonable level of information to applicants about the projected wait time at each home for various levels of care, enhancing applicant's ability to make long-term care planning decisions.
- (4) Allows an applicant to check his or her current wait list status and overall application status.

(Repealed and added by Stats. 2017, Ch. 23, Sec. 85. Effective June 27, 2017.)

CONSTITUTION of the ALLIED COUNCILS

VETERANS HOMES of CALIFORNIA

Article I **ESTABLISHMENT**

Home members of each of the Veterans Homes in California shall have the authority to organize an Allied Council under the general guidelines set forth by this Constitution. The establishment of an Allied Council is voluntary and is not a mandate imposed by the California Department of Veterans Affairs or the California Legislature.

Article II **ROLE**

Each Allied Council shall act as an advisory body to its respective Home Administrator (section 1050 of Military and Veterans Code). Each Allied Council shall provide a vehicle for the dissemination of information, policies, regulations, questions and constructive criticism between Home members and the Administration.

Article III **MEMBERSHIP**

Each Allied Council shall consist of elected officers and representative members of the Home (veterans or non-veteran spouses) in functions and capacities as established by the Allied Council Bylaws of each Home. The number of representative members on each Allied Council will be established by the Bylaws of each Home.

Article IV **OFFICERS**

A. The elected officers of each Allied Council shall be a Chair and a Vice-Chair. Additional officers may be elected by the members or appointed by the Chair and may or may not have the right to vote. All appointees serve at the pleasure of the Chair and are subject to the approval of the Allied Council. Officers shall perform the duties prescribed by the Bylaws, Policies and Procedures, and the parliamentary authority adopted by each Home's Allied Council. No Home member shall hold more than one office at a time. The Chair may appoint the chair for a Committee, as provided in the Allied Council's Bylaws.

B. The Chair and Vice-Chair shall be elected by ballot. All Home members are eligible to vote. The Chair and Vice-Chair shall serve for the term stated in the Bylaws. Their term of office shall begin at the first Allied Council meeting following the election.

Article V
SCOPE OF AUTHORITY

- A. The Allied Council may offer the Administrator advice on Morale, Welfare and Recreation Fund (MW&RF) expenditures, but shall not be able to overrule the Administrator's final decision.
- B. The Allied Council shall not engage in any partisan political activity. Individual Allied Council members and officers are free to exercise their rights when speaking on their own behalf as an individual constituent and not as a representative of the Allied Council.
- C. Any action by one or more Allied Council members or officers that is taken under the auspices of the Allied Council and is done without the authority and approval of the full Allied Council is null and void and shall be grounds for removal from an elected, appointed or a delegate Allied Council position.
- D. Notwithstanding any other provision in this Constitution, the Home Administrator retains the authority to remove one or more Allied Council members for misconduct subject to the approval of the Deputy Secretary, Veterans Homes.

Article VI
RECALL OF ELECTED MEMBERS AND ELECTED OFFICERS

Any Allied Council officer or member may be removed by the Home's Membership by a recall petition and election initiated by Home members. A recall may be initiated by a petition signed by no less than one-fourth of the total number of votes for that candidate in the previous election. Upon receipt of a verified petition, a recall election must be set in accordance with proper public notice as defined by the Allied Council Bylaws or policy and procedures.

Article VII
MEETINGS

- A. Regular meetings shall be held on a monthly basis in accordance with the Bagley-Keene Open Meeting Act. All Allied Council meetings shall be open to all Home members. The Administrator, or designee, shall be invited to all Allied Council meetings.
- B. A quorum shall consist of a majority of the voting members of the Council. If a quorum is not present, the Chair shall declare no meeting and set a new meeting date, the notice of which shall be published in accordance with the Bagley-Keene Open Meeting Act.
- C. Only seated delegates and the Vice-Chair shall vote, make or second a motion. The Chair shall only vote to break a tie.
- D. The Chair or a majority of the delegates may convene a special session, the notice of which shall be published in accordance with the Bagley-Keene Open Meeting Act.

Article VIII
BYLAWS, POLICIES AND PROCEDURES

Each Allied Council shall establish Bylaws, policies and procedures and make changes to them upon motion and a two-thirds (2/3) roll call vote at a scheduled Allied Council meeting. No bylaw, policy or procedure may be used or adopted which conflicts with a provision of this Constitution.

Article IX
PARLIAMENTARY AUTHORITY

Robert's Rules of Order, Newly Revised, shall govern all Allied Council meetings unless such rules are modified by this Constitution or Allied Council Bylaws or Policies and Procedures.

Article X
RATIFICATION AND AMENDMENT OF CONSTITUTION

This Constitution will be ratified and may be amended by a two-thirds (2/3) vote of the Allied Councils, and approval of the Secretary, California Department of Veterans Affairs.

APPROVED:

TOM JOHNSON, SECRETARY
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS

DATE

Veterans Home of California at Yountville
ALLIED COUNCIL OPERATIONS MANUAL

BYLAWS
14 August 2019

**ARTICLE I
NAME**

The name of this Organization, authorized by the Constitution of the Allied Councils of the Veterans Homes of California, shall be the "Allied Council of the Veterans Home of California at Yountville."

**ARTICLE II
PURPOSE**

The Allied Council shall function as the representative body of the Home Members of the Veterans Home of California at Yountville (VHCY) to act (1) as an advisory body to the Administrator in order to facilitate the orderly administration of the Home and to insure, as far as possible, equal rights, opportunity and treatment for all members of the Home; (2) as an advisory body to the Home Membership advocating programs or policies promoting their welfare; and (3) represent the Home Membership before the California Legislature so long as there is compliance with section 1050 of The California Military And Veterans Code.

**ARTICLE III
MEMBERSHIP**

Section 1 - Composition: The Allied Council shall be composed of elected delegates, elected officers and appointed officers as set forth in these Bylaws. All members of the Allied Council shall be Members of the Home (VHCY).

Section 2 – QUALIFICATIONS: All Voting members nonvoting members and Alternate Delegates must certify; (1) that they are willing and able to attend to the affairs of the office they seek; (2) that they have no physical or mental condition that would prelude their ability to perform the duties of the office they seek; (3) that they have no home disciplinary action pending against them; (4) that their fees and charges to the home are current.

Section 3 - Voting Members: The voting membership of the Allied Council shall consist of one elected delegate from each section, and each higher care facility except the Memory Care Center, plus the elected officers. The voting members shall be elected by the Members of the Home (VHCY)

Section 4 - Non-voting Members: Non-voting members of the Allied Council shall be the officers appointed by the Chair.

Section 5 - Standard of Conduct: All members of the Allied Council, both elected and appointed, shall always conduct themselves with dignity and adhere to the Constitution, Bylaws, Policies and Procedures and the Veterans Home Code of Conduct.

ARTICLE IV OFFICERS

Section 1 - Elected Officers: The elected officers of the Allied Council shall be a Chair, a Vice-Chair and a Delegate-at-Large. The elected officers shall be elected by ballot by the Members of the Home in the General Election in January of every even year.

Section 2 - Appointed Officers: The Chair shall appoint a Secretary, Treasurer, Parliamentarian, and a Sergeant-at-Arms, none of whom shall be either a delegate or voting member of the Council. All appointed officers are subject to the approval of the Council and serve at the pleasure of the Chair. The Chair is responsible for each appointed officer's performance of their respective duties.

Section 3 - Term of Office: The term of office for elected officers shall be two years, or until their successors are elected and installed. Such term of office shall begin at the next Allied Council meeting following the election. No elected officer shall serve more than two consecutive terms in the same office. A member succeeding to an elected officer's unexpired term with 1 year or more remaining will have served a full term; If less than 1 year remains, no term will be considered to be served. No member shall hold more than one office at a time.

Section 4 - Alternate Delegate-at-large: The Alternate Delegate-at-large shall be the candidate receiving next to the highest number of votes in the general election. If there is no such candidate, or if the candidate is unwilling to serve, the Alternate shall be elected by the voting members of the Allied Council.

Section 5 - Recall: Any recall petition to remove an Allied Council elected Member shall include the following: (1) date of issuance of the petition and identity and Section of the party or parties issuing the petition; (2) home members signing the petition must first print their full name and indicate their section or residence unit and date when they signed; (3) the petition must identify the name and position of the person to be recalled; (4) the requisite number of signatures must be obtained within 30 days of issuance of the petitions and the petition delivered within 3 business days to the Secretary of Allied Council.

The Petition must include a preamble above the signatures that states (a) the reason(s) for the recall attempt; (b) that if a recall election results in removal from office, no election necessarily follows; and (c) a statement that the signor has read and

understood the preamble above his/her signature. The recall of any elected officer shall be initiated by a petition signed by Home members constituting at least one-fourth (1/4) of the total votes cast for that candidate in the previous election. A special recall election shall be set by the Allied Council to take place after due public notice.

Section 6 - Vacancies: Should vacancies in any elected office occur for any reason the vacancies shall be filled in the following manner.

- a. A vacant Chair position shall be filled by the Vice-Chair succeeding to fill the vacancy.
- b. If the Vice-Chair position becomes vacant, then a delegate shall be elected to that position by the delegates of the Allied Council. If the Delegates of the Council fail to elect a Delegate to fill a vacate Vice-Chair position, then the council may elect a qualified Home Member to fill the unexpired term of the vacate Vice-Chair position.
- c. A vacant Delegate-at-Large position shall be filled by the Alternate Delegate-at-Large.
- d. If Notice of-unfilled vacancies occurs among these 3 elected offices within the same term and there are more than 90 days until the next General Election, the Allied Council shall arrange a special election, to be held within 45 days of the last vacancy, to fill the two vacant positions for the remainder of those terms.
- e. If Notice of two unfilled vacancies occurs among these 3 elected offices with 90 days or fewer prior to the next General Election, the Allied Council shall within 10 days issue a proclamation that the date of the said next General Election is moved forward to a time not less than 30 and not more than 40 days following the proclamation. The term of office for officers elected under this provision shall extend until the installation of officers following the next scheduled General Election.

ARTICLE V DELEGATES & ALTERNATE DELEGATES

Section 1 - Delegates: One delegate of the Allied Council shall be a Home member living in and elected from each section each higher care facility except the Memory Care Center. The delegates shall be elected in Section Elections in January of each odd numbered year and shall be seated at the first meeting of the Allied Council after the Section Elections.

Section 2 - Alternate Delegates: The delegate shall appoint a first and second alternate, subject to approval by a majority of those attending regular scheduled monthly meeting of the section. The alternate delegates shall assist the elected delegate and, in order, succeed the delegate should he/she become unable to perform the duties of the office.

Section 3 - Recall: Recall of any delegate shall be initiated by a petition signed by members residing in the section, higher care facility that elected the delegate in the

amount of one-fourth (1/4) of the total votes cast for that office in the previous election. The recall election shall be set by the Allied Council after public notice has been given.

ARTICLE VI RESIGNATIONS

Any member of the Allied Council, or its appointed committees, may resign from their elected or appointed position. Resignations shall be submitted in writing to the Secretary or the appointing officer. Verbal resignations shall not be accepted. Resignations of elected officers and delegates shall become effective upon announcement by the Allied Council at the next regular meeting. Unless otherwise stipulated resignations from appointed positions become effective when the resignation is acted upon by the appointing officer.

ARTICLE VII MEETINGS

Section 1 - Regular Meetings: Regular Meetings of the Allied Council, open to the public, shall be convened at the same time and place on the second Wednesday of each month.

Section 2 - Special Meetings: The Chair, or a majority of the Delegates, may call the Allied Council to convene in special session exclusively for a stated purpose, at any time, having given proper public notice.

Section 3 - Executive Meetings: The Allied Council may meet in weekly sessions as often as it deems necessary for planning and study purposes only. No Council action may be taken at these meetings.

Section 4 - Public Notice: All meetings of the Allied Council shall have due Public Notice prior to the meeting.

Section 5- Quorum: At all meetings a quorum shall consist of a majority of the seated delegates and voting officers. If a quorum is not present, the Chair shall select a new meeting date and instruct the Secretary to inform all members of the Allied Council in writing and give public notice of the new meeting time, place and date.

ARTICLE VIII COMMITTEES

Section 1 - Standing Committees: To facilitate its operation the Allied Council shall create Standing Committees to monitor on a on-going operation within the Home and report regularly to the Council. If the Allied Council finds it necessary, it may by two-thirds roll call vote of members present and voting create additional Standing Committees.

Section 2 - Select Committees: To facilitate operations of the Allied Council the Chair of the Allied Council may, by its own volition or upon the request of three or more

Council members create Select Committees; (aka Special, Temporary or Ad Hoc Committees) subject to a 2/3 roll call vote of the members present and voting to investigate, gather data or research specific issues or subjects of concern to the Council and report their findings as instructed to the Council for any necessary action.

Section 3 - Appointment and Composition: Subject to approval by the Council, the Chair of the Allied Council shall appoint the Chair of all Standing and Select Committees. Other committee members shall be appointed by the Committee Chair and are subject to approval by the Council Chair. All committee members serve at the pleasure of the appointing officer.

Section 4 - Responsibility for Performance: Committee chairs have the basic responsibility to assure that committees perform their appointed tasks and make necessary reports in a timely and efficient manner. If a committee fails to satisfy the charge given to it at formation, the Council shall, upon a 2/3 roll call vote of the members present and voting take one or more of the following actions:

- a.. Convey its disapproval of the committee's performance to the Allied Council Chair requesting replacement of the Committee Chair,
- b. Reconstitute the membership of the committee,
- c. Abolish the committee if its designated function is not necessary,
- d. Extend the time for completion of its designated function.

ARTICLE IX POLICIES AND PROCEDURES

As provided in the Constitution the Allied Council may establish permanent policies and procedures to guide Council activity. A two-thirds (2/3) roll call vote of the delegates and elected officers present and voting at a regular meeting of the Allied Council is required to adopt a new policy or procedure or to amend, rescind or revoke a previously enacted policy or procedure.

ARTICLE X PARLIAMENTARY AUTHORITY

The parliamentary authority for procedures of the Allied Council shall be Robert's Rules of Order, Newly Revised, latest edition.

ARTICLE XI AMENDMENTS

The Bylaws may be amended by a two-thirds (2/3) roll call vote of the entire voting membership of the Council at a regularly scheduled Allied Council Meeting

Veterans Home of California at Yountville
ALLIED COUNCIL OPERATIONS MANUAL

**POLICIES
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PROCEDURES**

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