

California Uniform Construction Cost Accounting Commission

Meeting Agenda

Friday, March 12, 2021

10:00AM – 2:00PM

[Click here to join the Microsoft Teams meeting](#)

Teleconference Number (Audio only)

+1 (916)-318-8201 (United States (Sacramento))

Phone Conference ID: 32247360#

Name	Position	Representing
Will Clemens, Chair	General Manager	Oceano Community Services District <i>Special Districts</i>
John Nunan, Vice Chair	Consultant	<i>General Contractors</i>
Nathaniel Holt, Secretary	Chief Facilities Officer & Bond Program Manager	Compton Unified School District <i>School Districts</i>
Eddie Bernacchi	President	National Electrical Contractors Association – Politico Group <i>Subcontractors</i>
Leeann Errotabere	Director of Purchasing	Clovis Unified School District <i>School Districts</i>
Brad Farmer	Finance Director	City of Emeryville <i>Cities</i>
Rosemarie R. Gaglione	Public Works Director	City of Oxnard <i>Cities</i>
Steven L. Hartwig	Deputy County Executive	Public Works and Infrastructure at Sacramento County <i>Counties</i>
Chuck Poss	President	Earth Construction and Mining <i>Subcontractors</i>
Hertz Ramirez	Business Manager	Laborers' International Union of North America <i>Labor</i>
Chad D. Rinde	Chief Financial Officer	County of Yolo <i>Counties</i>

Name	Position	Representing
Jeremy Smith	Deputy Legislative Director	State Building and Construction Trade Council <i>Labor</i>
Mary Teichert	Chief Operating Officer	Teichert Construction <i>Contractors State License Board</i>
Peter Worhunsky	President & CEO	Live Oak Utility Infrastructure, LLC <i>General Contractors</i>

Name	Position	Representing
David Brownfield	Staff Counsel	State Controller's Office (SCO) <i>Legal Office</i>
Sandeep Singh	Manager	SCO <i>Local Government Policy Section</i>
Jia (Jenny) Liu	Supervisor	SCO <i>Local Government Policy Section</i>
Daniel Basso	Policy Analyst	SCO <i>Local Government Policy Section</i>

Meeting Agenda

- 1. Call to Order**
- 2. Introductions**
- 3. Approval of the Minutes (Refer to attachment 3A)**
 - A. Minutes for meeting held November 6, 2020
- 4. Commission Updates (Refer to attachments 4B, 4C and 4D)**
 - A. Oath of Office
 - I. Swear Chuck Poss to represent Subcontractors for the period of December 18, 2020, through December 17, 2023, or until a successor appointed.
 - II. Swear Hertz Ramirez to represent Labor for the period of January 18, 2020, through January 17, 2023, or until a successor appointed.
 - B. Participating agencies
 - I. New
 - II. Withdrawing
 - C. Funding update
 - D. Inquiry update

5. Public Comments

6. Staff Comments/Requests

- A. SCO Staff Update
- B. Form 700 due by April 2, 2021
- C. SCO Staff will reach out for reappointments 90 days before terms expire.

7. Reports of Officers

- A. Chair
- B. Vice Chair
- C. Secretary

8. Committee Reports

- A. CUCCAC Manual
 - I. Proposed changes – Legislative updates
 - II. Proposed changes – Non-Legislative updates

9. Commissioner Comments/Requests

10. Old Business (Refer to attachments 10A and 10B)

- A. Action on Construction Industry Force Account Council inquiry from previous meeting
- B. Revising Bylaws – Reduce Officer Term Limit from 5 years to 4 years

11. New Business (Refer to attachments 11A and 11B)

- A. 2020 Report to Legislature
- B. Assembly Bill 29- Impact on CUCCAC meetings

12. Next Meeting

13. Adjournment

If you would like further information regarding this meeting or require special accommodations for attending this meeting, please contact:

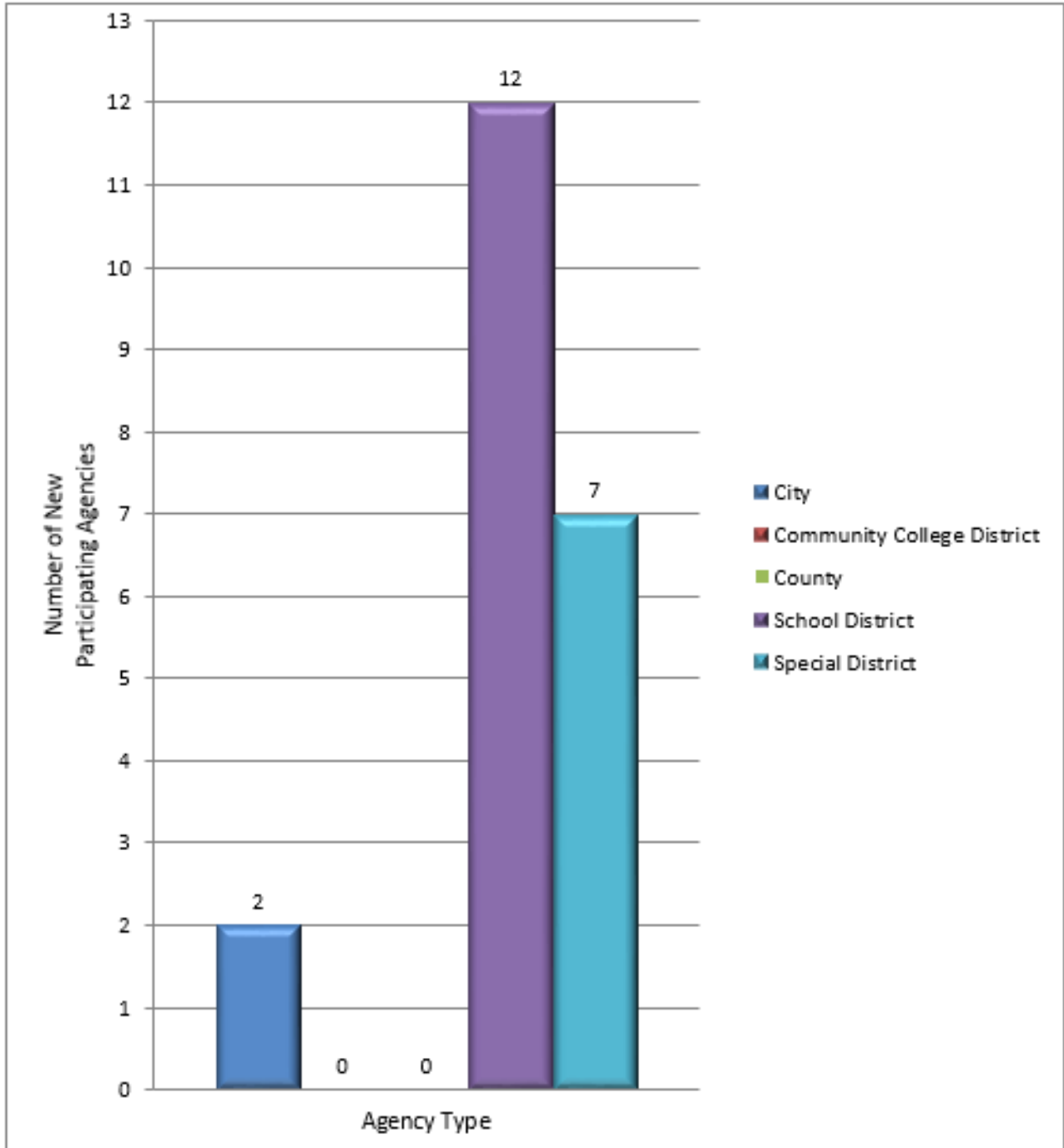
State Controller's Office
Local Government Policy Section
LocalGovPolicy@sco.ca.gov

Participating Agencies Update
For the period October 30, 2020-March 5, 2021

Report on new participating agencies

The State Controller’s Office has received 21 resolutions from agencies that have opted into the California Uniform Public Construction Cost Accounting Act (CUPCCAA), bringing the number of agencies participating in the Act to 1,410.

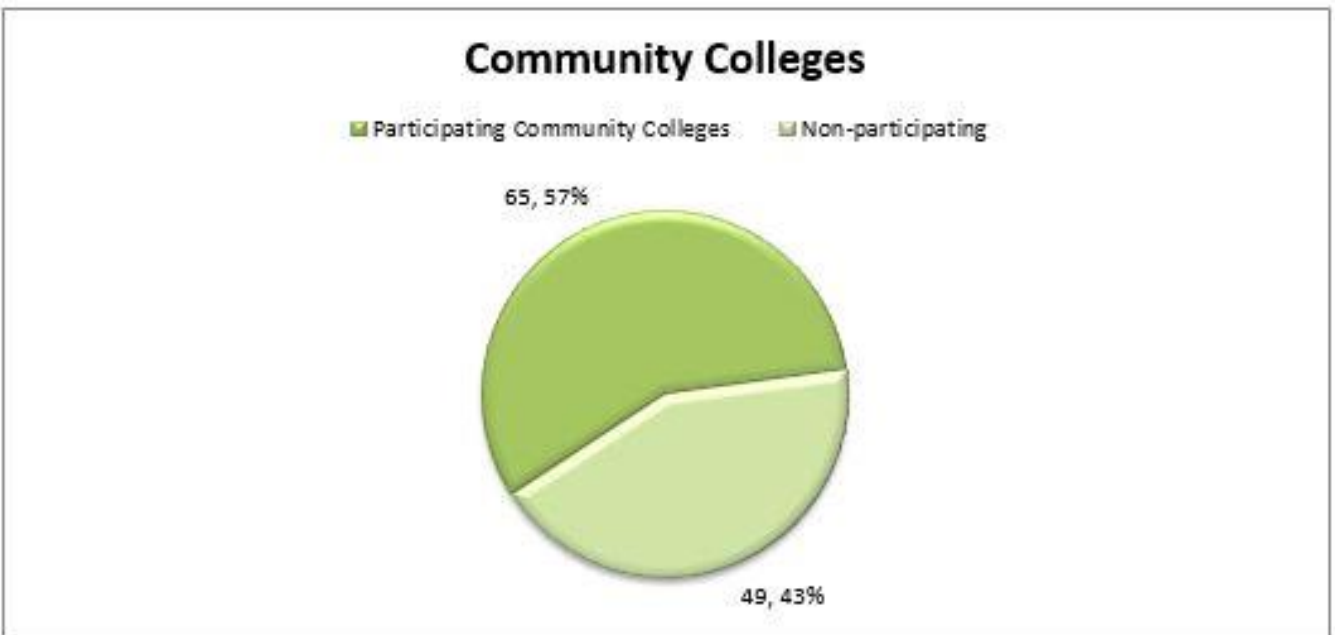
New Participating Agencies



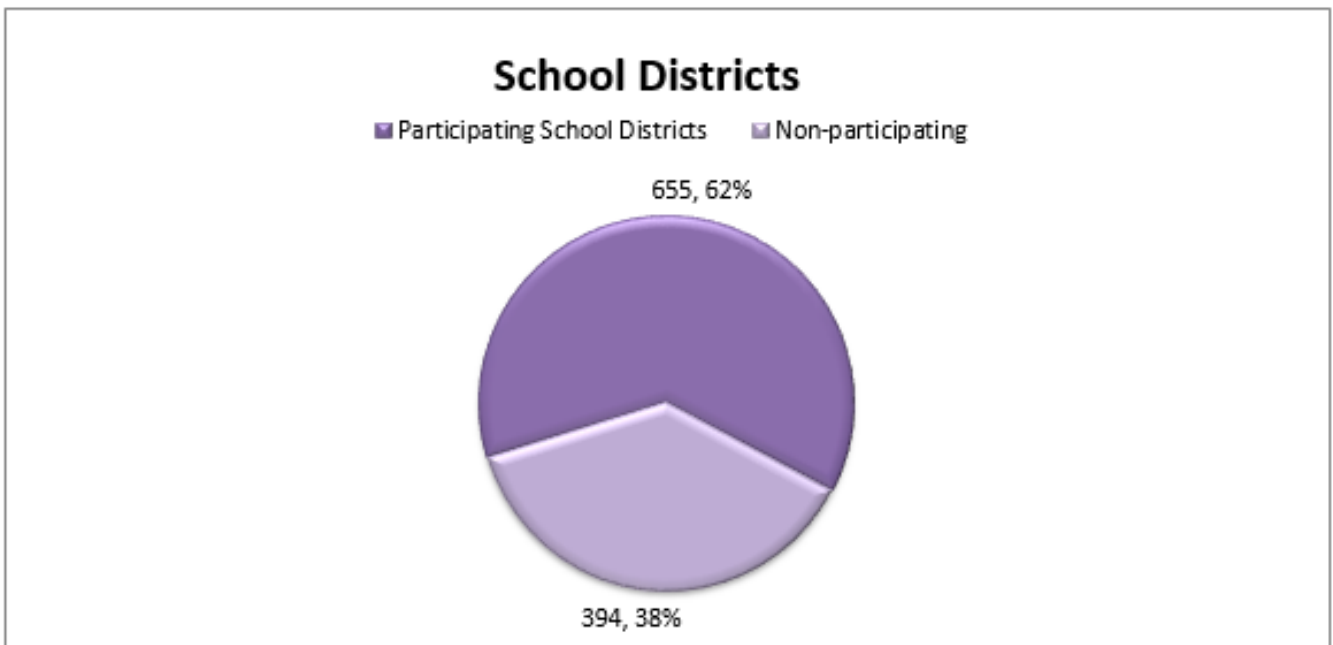
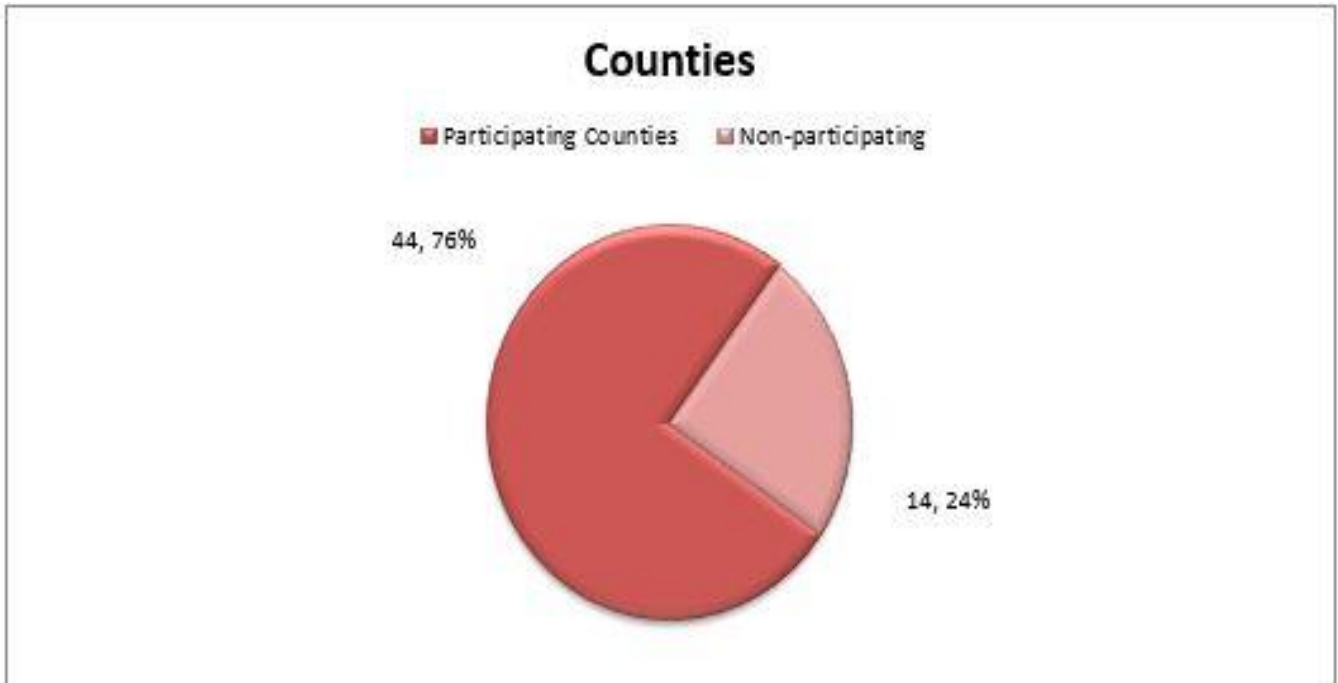
Participating Agencies Update
For the period October 30, 2020-March 5, 2021

	Agency	Date Opted In	Agency Type
1	El Centro Elementary School District	8/11/16	School District
2	McSwain Union Elementary School District	5/9/17	School District
3	Anderson Valley Unified School District	1/17/18	School District
4	Tulare County Office of Education	2/13/19	School District
5	City of San Bruno	6/25/19	City
6	Liberty Elementary School District	1/16/20	School District
7	Vallejo Flood and Wastewater District	9/8/20	Special District
8	Indian Diggings School District	10/14/20	School District
9	City of Sonora	10/19/20	City
10	Menifee Union School District	10/27/20	School District
11	Tipton Elementary School District	11/3/20	School District
12	Gridley Unified School District	11/4/20	School District
13	Greater Hayfork Valley Park and Recreation District	11/9/20	Special District
14	Waterloo Morada Fire District	11/11/20	Special District
15	Montecito Sanitary District	11/12/20	Special District
16	South Whittier School District	12/15/20	School District
17	Wilsona School District	1/21/21	School District
18	Buena Park School District	1/25/21	School District
19	Diablo Community Services District	2/09/21	Special District
20	Centerville Community Services	2/17/21	Special District
21	San Joaquin Regional Transit District	2/19/21	Special District

Participating Agencies Update
For the period October 30, 2020-March 5, 2021



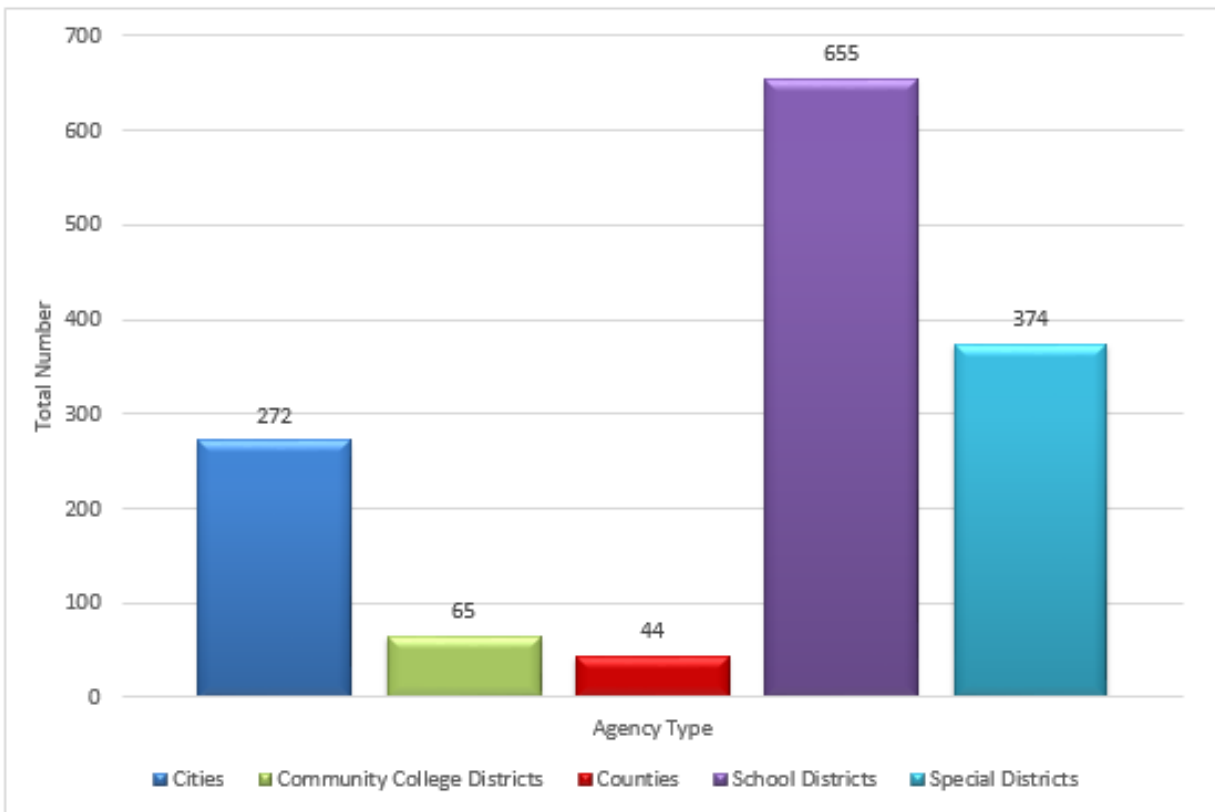
Participating Agencies Update
For the period October 30, 2020-March 5, 2021



Participating Agencies Update
For the period October 30, 2020-March 5, 2021



Total Participating Agencies (1,410)



Commission Funding Update for the Period October 30, 2020 - March 3, 2021

Beginning balance 10/29/2020	\$	13,363.89
Grant – CCAP* 11/05/2020	\$	625.00
Grant – CCAP* 01/26/2021	\$	<u>625.00</u>
	\$	14,613.89
Travel claims from November 6 meeting		0
Total travel claims	<u>\$</u>	<u>-</u>
Total funds	<u>\$</u>	<u>14,613.89</u>

*California Construction Advancement
Program 3rd & 4th quarter grants.

10. Old Business – Taken from 11/6/20 Meeting Minutes

A. The Construction Industry Force Account Council – Inquiry

I. Force account limit

Question 1: In order for the Commission to review the accounting procedures of a participating agency that exceeded the force account limit, must the work undertaken by the agency be performed by force account?

Answer 1: Yes, according to the Public Contract Code (PCC) 22042(b) it would have been done by force account.

Question 2: Will the Commission review the accounting procedures of an agency that contracts out work without bidding in excess of the limit(s) set forth in PCC 22032, pursuant to PCC 22042(b) exceeded the force account limit?

Answer 2: No, the Commission will not review the accounting procedures according to PCC 22042(b), but under the PCC 22042.5 they will review the practices of the agency if an interested party presents evidence that the agency is not in compliance with Section 22034.

II. Review agencies accounting procedures

Question 1: May an agency use force account to perform a portion of the work on a public project that exceeds \$60,000?

Answer 1: No

Question 2: Will the Commission review the accounting procedures of an agency that self-performs a portion of the work that equals under \$60,000 on a public project and contracts out a portion pursuant to PCC section 22042(b), where the total amount of the project exceeds \$60,000?

Answer 2: No, because the force account work did not exceed \$60,000 on the project.

Commissioner Bernacchi mentioned it may violate the formal bidding process and the agency may run into issues with PCC 22033 regarding bid splitting.

CALIFORNIA UNIFORM CONSTRUCTION COST ACCOUNTING COMMISSION

Commissioner vacancies shall be filled in accordance with the Code (see reference 4 on pages 8 and 9)

The Commissioners shall select among themselves a Chairperson, Vice Chairperson, and a Secretary. Said officers shall serve for two (2) years from the date of selection or until they are removed for cause or retire, whichever is earlier. Officers may be elected for multiple years, not exceeding four (4) in the same position. In no event shall two consecutive chairpersons be appointees representing either the construction industry or public agencies (see Public Contract Code 22014 on page 9).

Each Commissioner is expected to attend meetings and to participate either in person or via telephone.

Each Commissioner is expected to study the issues or problems which come before the Commission in order to contribute to the resolution process.

Resignation, termination, and absences:

Resignations

Resignation by an appointed Commission member shall be in writing and made to the California State Controller. The resignation is to be delivered to the Local Government Policy Section of the State Controller's Office, which will accept the resignation for the Controller and forward a copy to the Commission Chair.

[Government Code section 1750]

Vacancies

An appointed Commissioner's office becomes vacant on the happening of any of the following events before the expiration of the term:

- a) The death of the Commissioner
- b) An adjudication pursuant to a quo warranto proceeding declaring that the Commissioner is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the Commissioner will not be able to perform the duties of his or her office for the remainder of his or her term.
- c) His or her resignation.
- d) His or her removal from office.
- e) His or her ceasing to be an inhabitant of the state.
- f) His or her conviction of a felony or of any offense involving a violation of his or her official duties.
- g) His or her refusal or neglect to file his or her required oath within the time prescribed.

California Uniform Construction Cost Accounting Commission

Item 11A

Will Clemens
General Manager
Oceano Community Services
District
Special Districts
Chair-CUCCAC

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Consultant
General Contractors
Vice Chair-CUCCAC

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State Building and Construction
Trade Council
Labor

Mary Teichert
General Contractors
Contractors State License Board
Appointed

Peter Wrohunsky
President & CEO
Live Oak Utility Infrastructure,
LLC
General Contractors

March 12, 2021

Erika Contreras
Secretary of the Senate
State Capitol, Room 3044
Sacramento, CA 95814

Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, CA 95814
Sent via electronic mail

Re: Annual Report to the California State Legislature for 2020

Dear Members of the Legislature:

In accordance with Public Contract Code (PCC) §22017(d), this report describes the activities and operations of the California Uniform Construction Cost Accounting Commission (Commission) for 2020.

The Commission is tasked with providing technical support to public agencies by prescribing uniform construction cost accounting procedures for those agencies that opt into the Uniform Public Construction Cost Accounting Act (Act), pursuant to PCC §22000 et seq. The Commission works to ensure the equitable application and compliance of the Act by reviewing public complaints and recommending accounting reviews when the criteria of the Act are not fulfilled. The Act promotes statewide uniformity of cost accounting standards and flexibility in bidding procedures on construction work performed or contracted by public entities in California.

The Act results in cost savings and improved efficiency to public agencies in the bidding, award, execution, and completion of public works projects. In addition, the Commission conducts meetings open to the public, provides a manual for use by public agencies signatory to the Act, and maintains a Commission web page on the State Controller's Office (SCO) website. Commissioners also facilitate and participate in outreach and training to participating agencies, candidate agencies, and professional organizations.

California Uniform Construction Cost Accounting Commission

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Appointed*

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General Contractors

The activities and operation conducted by the Commission during 2020 are listed below:

- The Commission met on March 6, July 17, and November 6. Will Clemens chaired the meetings. The Commission transitioned to videoconference meetings as a result of the COVID-19 pandemic resulting in cost savings, time efficiency, and increased opportunity for public participation.
- Four new Commissioners were sworn in to represent sectors for Cities (2), Counties (1), and the Contractors State License Board (1).
- Ninety-eight additional agencies have opted into the Act, bringing the number of agencies participating in the Act to 1,402.
- The Commission responded to twenty-five inquiries outside of normal meetings. This indicates the level of importance, public agency interest, and dependence upon the ongoing technical support the Commission provides annually to its participants.
- Commissioners made presentations at various public agency association meetings, including the California Association of Public Procurement Officials.
- The Commission received \$1,875 in grants from donors in the construction industry. These funds are to be used to conduct Commission meetings, outreach programs, and other duties deemed necessary to continue the Commission's purpose.

Sincerely,

Original signed by

Will Clemens, Chair
California Uniform Construction Cost Accounting Commission

cc: State Controller's Office

ASSEMBLY BILL**No. 29**

**Introduced by Assembly Member Cooper
(Coauthor: Assembly Member Blanca Rubio)**

December 7, 2020

An act to amend Section 11125 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as introduced, Cooper. State bodies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which

those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11125 of the Government Code is
2 amended to read:

3 11125. (a) The state body shall provide notice of its meeting
4 to any person who requests that notice in writing. Notice shall be
5 given and also made available on the ~~Internet~~ *state body's internet*
6 *website* at least 10 days in advance of the ~~meeting~~, *meeting* and
7 shall include the name, address, and telephone number of any
8 person who can provide further information ~~prior to~~ *before* the
9 ~~meeting~~, *meeting* but need not include a list of witnesses expected
10 to appear at the meeting. The written notice shall additionally
11 include the address of the ~~Internet site~~ *internet website* where
12 notices required by this article are made available.

13 (b) The notice of a meeting of a body that is a state body shall
14 include a specific agenda for the meeting, containing a brief
15 description of the items of business to be transacted or discussed
16 in either open or closed session. A brief general description of an
17 item generally need not exceed 20 words. A description of an item
18 to be transacted or discussed in closed session shall include a
19 citation of the specific statutory authority under which a closed
20 session is being held. No item shall be added to the agenda
21 subsequent to the provision of this notice, unless otherwise
22 permitted by this article.

23 (c) (1) *A notice provided pursuant to subdivision (a) shall*
24 *include all writings or materials provided for the noticed meeting*
25 *to a member of the state body by the staff of a state agency, board,*
26 *or commission, or another member of the state body that are in*
27 *connection with a matter subject to discussion or consideration*
28 *at the meeting.*

29 (2) *The writings or materials described in paragraph (1) shall*
30 *be made available on the state body's internet website, and to any*
31 *person who requests the writings or materials in writing, on the*
32 *same day as the dissemination of the writings and materials to*

1 *members of the state body or at least 72 hours in advance of the*
2 *meeting, whichever is earlier.*

3 (3) *A state body may not distribute or discuss writings or*
4 *materials described in paragraph (1), or take action on an item*
5 *to which those writings or materials pertain, at a meeting of the*
6 *state body unless the state body has complied with this subdivision.*

7 (e)

8 (d) *Notice of a meeting of a state body that complies with this*
9 *section shall also constitute notice of a meeting of an advisory*
10 *body of that state body, provided that the business to be discussed*
11 *by the advisory body is covered by the notice of the meeting of*
12 *the state body, provided that the specific time and place of the*
13 *advisory body's meeting is announced during the open and public*
14 *state body's meeting, and provided that the advisory body's*
15 *meeting is conducted within a reasonable time of, and nearby, the*
16 *meeting of the state body.*

17 (d)

18 (e) *A person may request, and shall be provided, notice pursuant*
19 *to subdivision (a) for all meetings of a state body or for a specific*
20 *meeting or meetings. In addition, at the state body's discretion, a*
21 *person may request, and may be provided, notice of only those*
22 *meetings of a state body at which a particular subject or subjects*
23 *specified in the request will be discussed.*

24 (e)

25 (f) *A request for notice of more than one meeting of a state body*
26 *shall be subject to the provisions of Section 14911.*

27 (f)

28 (g) *The notice shall be made available in appropriate alternative*
29 *formats, as required by Section 202 of the Americans with*
30 *Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal*
31 *rules and regulations adopted in implementation thereof, upon*
32 *request by any person with a disability. The notice shall include*
33 *information regarding how, to whom, and by when a request for*
34 *any disability-related modification or accommodation, including*
35 *auxiliary aids or services may be made by a person with a disability*
36 *who requires these aids or services in order to participate in the*
37 *public meeting.*