

California Uniform Construction Cost Accounting Commission

Minutes of Thursday, May 23, 2019

The Commission at the subsequent public meeting on September 20, 2019, approved these minutes.

1. Call to order

Chair Will Clemens called the meeting to order at 10:00 AM

Present: Will Clemens, Linda Clifford, Steven Hartwig, Michael Hester, Eddie Bernacchi, Leeann Errotabere, and John Nunan

Via teleconference: Nathaniel Holt

Absent: Paavo Ogren, Robert Campbell, and Jeremy Smith

Unexcused Absences: Jeff Armstrong and Julie Lucido

Guests: Michelle Tucker from the Construction Industry Force Account Council (CIFAC)

State Controller's Office: Harpreet Nakhwal, Sandeep Singh, Debbie Torres, and Alexandria Green

2. Introductions

Debbie Torres from the State Controller's Office (SCO) conducted roll call.

Note: In the event that one or more Commissioners participate in the meeting via teleconference, pursuant to the Bagley-Keene Open Meeting Act (Government Code [GC] section 11123), votes will be recognized using the roll call method.

A. Oath of Office

Chair Clemens administered the Oath of Office to Peter Worhunsky, who was appointed on May 7, 2019, to represent General Contractors.

3. Approval of the Minutes (Refer to attachment Item 3A)

A. Meeting held on January 10, 2019

Commissioner Clifford motioned to approve the January 10, 2019, meeting minutes without changes; Commissioner Errotabere seconded the motion. The motion was approved 8-0. Commissioner Worhunsky abstained from voting, as he was appointed after the January 10, 2019, meeting.

4. Commission Updates (Refer to attachment Item 4)

A. Participating Agencies

Ms. Torres presented an update on participating agencies, noting that the SCO had received 38 resolutions from agencies that opted into the California Uniform

Public Construction Cost Accounting Act (Act). Participating agencies, including newly opted-in agencies, currently total 1,239.

B. Funding Update

SCO staff reported that there were no updates, and that \$10,002.50 of unrestricted funds are available to the Commission for its use and reimbursement. Commissioner Clifford mentioned that she would distribute the donation letter to Commissioners Hester, Nunan, and Bernacchi to send out for donations. Commissioner Nunan mentioned the possibility of obtaining annual grants from a Construction Industry Trust Fund he is involved with.

C. Inquiry Update

SCO staff presented a report on inquiries received since the last meeting. Commissioner Errotabere commented that she has received several questions concerning CUPCCA and wanted clarification on the inquiry process. SCO staff mentioned that she should forward any questions and answers to the SCO so staff can keep a log of the inquiries. Chair Clemens also mentioned that keeping track of the inquiries would help complete the annual Legislative report.

5. Public Comment

No Public Comment.

6. Staff Comments/Requests (Refer to attachment Item 6A)

A. Annual Report to California State Legislature for 2018

SCO staff mentioned that the 2018 Annual Report was mailed and emailed to the California Legislative Assembly members, and was posted on the SCO website.

7. Report of the Officers

A. Chair

Chair Clemens mentioned that he gave a presentation to the County General Services Association in April. In addition, Chair Clemens mentioned that Commissioner Bernacchi and he participated in a conference call with Santa Clara Valley Water District to perform educational outreach about the Act. Chair Clemens mentioned that he and Commissioner Ogren are scheduled to present at the California Special Districts Association in September.

B. Vice Chair

Nothing to report.

C. Secretary

Commissioner Holt wanted to remind the Commissioners that, when doing outreach/presentations to school districts, school districts should consult with their County Offices of Education prior to submitting their resolutions to the State Controller's Office to be subject to CUPCCAA.

8. Committee Reports

A. CUCCAC Manual

- i. Proposed Changes-Legislative Update
No Changes.
- ii. Proposed Changes – Non-Legislative Update
No Changes.

9. Commissioner Comments/Request

Commissioner Errotabere mentioned that she and Guiselle Carreon (former Commissioner) reached out in April to the California Association of School Business Officials (CASBO) and informed it about the information on the CUCCAC webpage; best practices for its own board approval; how to communicate with its facilities and maintenance department; and how to share that information with its County offices. In May 2019, Commissioner Errotabere presented to the San Luis Obispo County Office of Education at CASBO's Chief Business Officials training. She stated that she presented the topic "Purchasing Procedures," which was related to CUPCCAA.

Commissioner Clifford stated that Governor Newsom would be terminating her status with the State Contractors License Board (SCLB) as a license "A." The Governor would be appointing a new license "A" contractor soon. Her last day as a license "A" contractor representative with the SCLB would be on June 1, 2019.

Commissioner Nunan mentioned that he has retired from Unger Construction as the Chief Executive Officer; however, he will remain active in the industry as a consultant and will remain an active member of the Associated General Contractors.

10. Old Business (Refer to attachment Items 10A and 10B)

A. Revision of By-Laws and Orientation Guide

Sandeep Singh mentioned at the previous meeting that there were two amendments made to the by-law and approved by the Commission; however, SCO Legal had a chance to review the amendments, and only one of them was approved, as follows:

Original content from sub-committee:

Therefore, if a Commissioner is reappointed, the date the term expired is based on a three-year increment from the same as the original appointment date.

Proposed revised language:

Therefore, if a Commissioner is reappointed, the date of term expiration is three years from the date of reappointment.

Removing the language:

~~Travel will be reimbursed if sufficient funding.~~

The first revision is not permissible under the Controller's statutory authority to appoint Commissioners. The second revision, "Travel will be reimbursed if sufficient funding" was approved to be removed from the by-laws.

Commissioner Clifford motioned to approve SCO recommended amendments and change the adopted date to May 23, 2019; Commissioner Hartwig seconded the motion. The motion was approved 9-0.

B. Revision of FAQs

At the last meeting held on January 10, 2019, Chair Clemens and Commissioner Clifford volunteered to revise CUCCAC's FAQs to provide clarification and any necessary changes. Commissioner Clifford mentioned that the goal was to make the FAQs readable as much as possible to members of the public who were not familiar with the Act.

Chair Clemens mentioned that an additional FAQ would be added from the inquiries with the subject procurement.

Chair Clemens motioned to adopt the changes in the FAQs; Commissioner Hartwig seconded the motion. The motion was approved 9-0.

11. New Business

A. Modernization of advertising requirements in the Act

Commissioner Bernacchi requested that Chair Clemens form a subcommittee to gather language for agencies to advertise online in addition to paper publications. In relation to Public Contract Code section 22036:

The commission shall determine, on a county-by-county basis, the appropriate construction trade journals, which shall receive, mailed, faxed, or emailed notice of all informal and formal construction contracts being bid for work within the specified county.

Chair Clemens appointed Commissioners Bernacchi, Errotabere, Holt, Hartwig, and Hester to serve on the Subcommittee. He requested that they return to the Commission at the next meeting with any recommendations to improve the formal bidding process. In addition, they are to review the current manual with the listing of trade journals that would need to be updated.

12. Next Meeting

The Commission agreed to schedule the next meeting for:

Friday, September 20, 2019
10:00 a.m. – 2:00 p.m.
State Controller's Office
300 Capitol Mall, 6th Floor, 635 Terrace Room
Sacramento, California 95814

13. Adjournment

Commissioner Hester moved to adjourn the meeting at 11:35 a.m.; Commissioner Hartwig seconded the motion. The motion was approved 9-0.

If you would like more information regarding this meeting, please contact:

State Controller's Office
Local Government Programs and Services Divisions
Local Government Policy Section
LocalGovPolicy@sco.ca.gov