

California Uniform Construction Cost Accounting Commission

Minutes of Wednesday, September 19, 2018

The Commission at the subsequent public meeting on January 10, 2019, officially approved these minutes.

1. Call to order

Chair Will Clemens called the meeting to order at 10:00 a.m.

Present: Will Clemens, Robert Campbell, Linda Clifford, Steven Hartwig, Michael Hester, Ken A. Kayser, Eddie Bernacchi, Guiselle Carreon, Paavo Ogren, Jeff Armstrong, John Nunan, Jeremy Smith, and Julie Lucido

Via teleconference: Nathaniel Holt (Compton Unified School District)

Absent: None

Unexcused Absences: None

Guests: Amanda Rish and Ken Rish from Fairfield-Suisun Unified School District
Philip J. Henderson from Orbach, Huff, Suarez, & Henderson, LLP
(Fairfield-Suisun Unified School District's Legal Counsel)
Michelle Tucker from the Construction Industry Force Account Council
(CIFAC)

State Controller's Office: Kimberley Chow, Sandeep Singh, Debbie Torres, and Alexandria Green

2. Introductions

A. Introductions

Debbie Torres from the State Controller's Office (SCO) conducted roll call. 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 are going to be recognized using the roll call method.

Commissioner Ken Kayser arrived at 10:04 a.m. Commissioner Steve Hartwig arrived at 10:05 a.m.

Commissioner Ogren administered the Oath of Office to Julie Lucido, appointed on July 30, 2018, to represent Cities.

Commissioner Hester administered the Oath of Office to Jeremy Smith, appointed on June 25, 2018, to represent Labor.

3. Approval of the Minutes

A. Meeting held on February 15, 2018

Commissioner Campbell proposed an amendment to the meeting minutes from May 17, 2018:

Change the language on page 2, 4th paragraph from the top of the page.

“In addition, he stated that it was the Commission understands that the donations received on behalf of the Commission were primarily used for audits.”

Change to: “*Commission’s understanding...*”

Commissioner Clifford moved to approve the minutes with amendments. Commissioner Ogren seconded the motion. (Approved 8-0; five Commissioners abstained from voting.)

4. Commission Updates (Refer to attachments for Item 4)

A. Participating Agencies

Ms. Torres presented an update on participating agencies, noting that the SCO had received 29 resolutions, with 21 additional resolutions from agencies that opted into the California Uniform Public Construction Cost Accounting Act (Act) prior to the May 8, 2018 meeting. Participating agencies, including newly opted-in agencies, currently total 1,170.

B. Funding Update

SCO staff reported that there were no updates, and that \$12,055.57 of unrestricted funds are available to the Commission for its use and reimbursement.

C. Inquiry Update

SCO staff presented a report on inquiries received since the last meeting.

Commissioner Campbell recommended that the SCO staff create a CUCCAC email group instead of having individual commissioners respond to inquiries.

The Commission had discussed removing inquirer’s names and organizations from inquiry reports and replacing them with organization types on future inquiry reports. Commissioner Clifford motioned that inquirer’s names and organizations are to be removed from inquiry reports. Commissioner Ogren seconded the motion. (Approved 14-0.)

5. Public Comment

Amanda Rish from Fairfield-Suisun Unified School District presented a question to the Commission that was not on the agenda. Commissioner Campbell stated that the agenda was for public comment and the question was not an agenda item, therefore the Commissioners would not be able to respond to her question in detail. Commissioner Campbell suggested that the Chair take the question, refer it to a sub-committee, and respond to the question using the inquiry process

that the Commission has set forth. Chair Clemens agreed with Commissioner Campbell that the Commission could not respond during the meeting, but Amanda Rish may submit the question in writing to the SCO staff.

6. Staff Comments/Requests

A. Ethics Training

Ms. Torres provided the Commissioners with their Ethics Training expiration dates.

B. SCO Staff Update

Ms. Torres announced that she had returned to her duties as lead analyst for the CUCCAC program, and thanked Alexandria Green for filling the lead role while she was on maternity leave. Ms. Torres requested that the Commission send correspondence to her and cc: Ms. Green and Jenny Jones, Supervisor of the Local Government Policy unit, in case Ms. Torres is out of the office.

Ms. Torres reported that there had been a change in management at SCO. Jim Reisinger retired in June 2018, and Sandeep Singh was hired as the Local Government Policy Manager. Mr. Singh talked briefly about his background; when he started with the SCO in 2011, the Commission only met annually. Mr. Singh mentioned that in 2016 he worked in Stanislaus County as an Internal Audit Manager.

C. Commissioner's Contact Information

Ms. Torres stated that Ms. Green had created an internal-use contact form for the Commission. The SCO staff will email the form to the Commissioners. Ms. Green provided details about what information was on the form that will be used internally and externally.

7. Reports of Officers

A. Chair

Nothing to report.

B. Vice Chair

Nothing to report.

C. Secretary

Nothing to report.

8. Committee Reports

A. CUCCAC Manual

i. Proposed Changes – Legislative Update

Chair Clemens stated that the Commission would need to update the California Uniform Public Construction Cost Accounting manual to

reflect the changes brought forth in AB 2249, which will become effective on January 1, 2019. Chair Clemens proposed that a subcommittee revise the manual; Commissioners Clifford and Carreon volunteered for the subcommittee. Commissioner Clifford stated that the goal is to complete and post the manual on the CUCCAC website by the effective date. Commissioner Bernacchi motioned that the subcommittee update and reconcile the manual with the legislative changes presented in AB 2249, upon Chair Clemens' approval. Chair Clemens seconded the motion. (Approved 14-0.)

ii. Proposed Changes – Non-Legislative Update

No changes.

9. Commissioner Comments/Requests

Commissioner Carreon reported that she would be attending three more workshops this year. Chair Clemens thanked Commissioner Carreon for her recruitment work with the school districts.

10. Old Business

A. AB 2249 Chaptered

Commissioner Campbell indicated that he wanted to clarify whether the effective date would be January 1, 2019. SCO staff responded that Mr. Campbell is correct. Chair Clemens asked if there was any additional information that the Commission should be aware of. Ms. Torres stated that the notices of the changes are going to be mailed by November 1, 2018, to ensure that SCO is abiding by the current legislation. Mr. Singh mentioned that the Commission had recommended adding language to the notification and having the Chair review it for clarity.

B. SCO Legal Response

i. Retirement

At the May 17, 2018 meeting, the Commission raised a question with SCO's Legal Office: if a Commissioner retires from his or her employment, is he or she permitted to continue serving on the Commission? SCO Legal responded that it is not stated in the Act whether Commissioners are able to serve on the Commission after retirement, but it is the will of the State Controller that Commissioners are actively employed in their respective industries while serving on the Commission. If Commissioners retire, they may vote and serve on the Commission only until their successors are appointed.

Commissioner Campbell stated that two Commissioners are an exception to the rule—Chair Clifford's appointment by the California State Licensing Board (CSLB), and Commissioner Campbell's appointment as a County Auditor. Chair Clifford mentioned that she had been re-appointed by the CSLB for an additional four years. Commissioner Campbell was recently re-elected by Contra Costa

County for another four-year term to serve as the county's Auditor-Controller. If Commissioner Campbell resigns, or is not re-elected as a County Auditor, he will no longer qualify to be a Commissioner.

ii. Commission Funding

Kimberley Chow, with SCO's Legal Office, informed the Commissioners that the Commission is monetarily responsible for its expenses, as the SCO will no longer provide monetary support for the Commission. Chair Clemens added that the State Controller would reimburse mandated CUCCAC travel only if CUCCAC funds are depleted.

11. New Business

A. Revision of By-Laws

SCO staff mentioned with the clarification from SCO Legal Office, the commission might want to include retirement for any new commissioners in the future. Commissioner Clifford mentioned it would be a good idea to update the bylaws and orientation guide. Chair Clemens asked if there were any volunteers. Commissioners Hartwig and Ogren volunteered to update the above mentioned.

12. Next Meeting

The Commission agreed to schedule the next meeting for:

Thursday, January 10, 2019
10:00 a.m. – 2:00 p.m.
State Controller's Office
300 Capitol Mall, 6th Floor, 635 Terrace Room
Sacramento, California 95816

13. Adjournment

Chair Clemens moved to adjourn the meeting at 11:55 a.m.; Commissioner Clifford seconded the motion.

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