

California Uniform Construction Cost Accounting Commission

Minutes of Friday, January 10, 2025

The following minutes are not official and are subject to change until approved by the California Uniform Construction Cost Accounting Commission (Commission) at a subsequent public Commission meeting.

1. Call to Order

Chair John Nunan called the meeting to order at 10:02 a.m.

Commissioners present: John Nunan, Eddie Bernacchi, and Will Clemens.

Commissioners present via Teleconference: Nathaniel Holt, Mike James, Chuck Poss, Hertz Ramirez, Chad D. Rinde, and Jennifer Wakeman.

Excused Absences: Johannes Hoevertsz, Jeremy Smith, and Peter Worhunsky. Leeann Errotabere attended remotely as a member of the public.

Absent: Mary Teichert

State Controller's Office (SCO) Staff present: Sandeep Singh, Kynsie Lovell, and Gene Hughes.

2. Introductions

Chair Nunan invited the public to introduce themselves and identify the organization they represent.

3. Approval of the Minutes

A. Meeting held on August 16, 2024

The Commission agreed to review and vote on the meeting minutes from August 16, 2024 at the next scheduled meeting.

4. Commission Updates

A. Participating agencies update

B. Funding update

C. Inquiry update

SCO staff provided updates for the three topics listed. During discussion it was clarified that supporting documentation for the updates are accessible via the Commission webpage on the SCO website.

5. Public Comments

Chair Nunan asked if there were any comments from the public. There were no comments from the public.

6. Staff Comments/Requests

- A. SCO Staff Update
- B. Form 700
- C. Appointment & Reappointment Updates

SCO staff provided updates for the three topics listed. During discussion it was clarified that beginning January 1, 2025, commissioners must file their Form 700 documents electronically. It was also stated that there are new requirements related to appointments and reappointments to the Commission, which is causing the current process to be slightly delayed.

7. Reports of Officers

- A. Chair

The Chair made his report, announcing that Commissioner Errotabere will be presenting on behalf of the Commission at the California Coalition for Adequate School Housing annual conference in February and attending the annual California Association of School Business Officials conference in April.

- B. Vice-Chair

The Vice-Chair attended the meeting remotely as a member of the public; therefore, no report was presented.

- C. Secretary

The Secretary did not have anything to report.

8. Committee Reports

- A. Frequently Asked Questions (FAQs)
- B. CUCCAC Manual

SCO staff provided an overview of proposed changes made to the FAQs document and CUCCAC Manual in accordance with the provisions of Assembly Bill 2192. Chair Nunan then asked if members of the public had any questions or comments. Hearing none, the commission proceeded.

Commissioner Bernacchi motioned to approve the proposed changes. Commissioner Rinde seconded the motion. SCO staff conducted a roll call vote.

Ayes: Nunan, Holt, Bernacchi, Clemens, James, Poss, Ramirez, Rinde, and Wakeman

Noes: None

Abstentions: None

The motion passed unanimously 9-0 with no abstentions.

9. Commissioner Comments/Requests

The Commission asked if the public had any comments. Speaking as a member of the public, Leeann Errotabere, expressed support of the Committee Reports.

It was generally agreed the Commission should continue open dialogue with all involved parties and encouraged negotiations to reach consensus as to how often the bid limit amount should be reviewed for consideration of an increase.

10. Old Business

Nothing to report.

11. New Business

Due to his firm's business relationship with CIFAC, Commissioner Bernacchi recused himself from the Accounting Review portion of the meeting due to a possible conflict of interest and will be abstaining from the related motions.

A. Accounting Review – Madera County

The Commission invited the interested party, the Construction Industry Force Account Council (CIFAC), to present their complaint against Madera County. A representative from CIFAC outlined evidence to support their claim that the County of Madera had violated the provisions of Public Contract Code section 22042(b).

The Commission invited the County of Madera to respond to the complaint as presented. A representative from the County of Madera opposed the complaint that they had knowingly or intentionally violated the Act, yet acknowledged there was an instance of violation of the Act.

During discussion the Commission clarified that the intent of the accounting review process is not to punish, unless there is a blatant or defiant violation of the Act, but to provide an opportunity to educate.

Furthermore, it was noted that while most complaints are typically treated as errors in judgement or knowledge, the Commission is statutorily obligated to respond to complaints, reach a decision concerning them, and provide formal notice of that decision. The intent is not to make an example of any participating agency.

Commissioner Clemens motioned to find that the County of Madera violated the provisions of Public Contract Code section 22042(b). Commissioner Wakeman seconded the motion. SCO staff conducted a roll call vote.

Ayes: Nunan, Holt, Clemens, James, Poss, Ramirez, Rinde, and Wakeman

Noes: None

Abstentions: Bernacchi

The motion passed unanimously 8-0 with one abstention.

B. Accounting Review – Fillmore Unified School District

The Commission invited the interested party, CIFAC, to present their complaint against Fillmore Unified School District (Fillmore USD). A representative from CIFAC outlined evidence to support their claim that Fillmore USD had violated the provisions of Public Contract Code section 22034.

The Commission invited Fillmore USD to respond to the complaint as presented. A representative from Fillmore USD opposed the complaint. It was questioned whether Fillmore USD should update their processes and procedures.

Chair Nunan motioned that the Commission find there was no violation of the provisions of Public Contract Code section 22034 in this matter, but provided an advisory comment that Fillmore USD review their informal bid procedures so that proper implementation is adhered to in similar instances in the future.

Commissioner Clemens seconded the motion. SCO staff conducted a roll call vote.

Ayes: Nunan, Holt, Clemens, James, Poss, and Wakeman

Noes: Ramirez and Rinde

Abstentions: Bernacchi

The motion passed 6-2 with one abstention.

C. Accounting Review – City of Beaumont

The Commission invited the interested party, CIFAC, to present their complaint against the City of Beaumont. A representative from CIFAC outlined evidence to support their claim that the City of Beaumont had violated the provisions of Public Contract Code section 22032.

The Commission invited the City of Beaumont to respond to the complaint as presented. A representative from the City of Beaumont opposed the complaint that they were not compliance with the provisions of Public Contract Code 22032.

The City of Beaumont questioned whether the Commission had received all relevant documentation from them prior to this meeting. During discussion it was confirmed that the Commission has yet to receive all relevant documentation from the City of Beaumont.

The Commission reached a general consensus that this issue is of a time sensitive nature and should be resolved prior to the next regular meeting. The Commission requested that all relevant documentation be provided to the Commission so that both parties can be fully heard in this matter.

Commissioner Rinde motioned to move this agenda item to a special meeting to be held on Friday, January 31, 2025. Commissioner James seconded the motion. SCO staff conducted a roll call vote.

Ayes: Nunan, Holt, Clemens, James, Poss, Ramirez, Rinde, and Wakeman

Noes: None

Abstentions: Bernacchi

The motion passed unanimously 8-0 with one abstention.

12. Next Meeting

The Commission agreed to schedule the next meeting for:

Friday, January 31, 2025
10:00 a.m. – 12:00 p.m.
California State Controller's Office
Buckeye Meeting Room
3301 C Street, Suite 750
Sacramento, CA 95816

13. Adjournment

Chair Nunan motioned to adjourn the meeting at 12:01 p.m., all in favor with zero opposition.

To request additional information concerning this meeting, please use the following contact information:

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