## 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#

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will Clemens, Chair</td>
<td>General Manager</td>
<td>Oceano Community Services District Special Districts</td>
</tr>
<tr>
<td>John Nunan, Vice Chair</td>
<td>Consultant</td>
<td>General Contractors</td>
</tr>
<tr>
<td>Nathaniel Holt, Secretary</td>
<td>Chief Facilities Officer &amp; Bond Program Manager</td>
<td>Compton Unified School District School Districts</td>
</tr>
<tr>
<td>Eddie Bernacchi</td>
<td>President</td>
<td>National Electrical Contractors Association – Politico Group Subcontractors</td>
</tr>
<tr>
<td>Leeann Errotabere</td>
<td>Director of Purchasing</td>
<td>Clovis Unified School District School Districts</td>
</tr>
<tr>
<td>Brad Farmer</td>
<td>Finance Director</td>
<td>City of Emeryville Cities</td>
</tr>
<tr>
<td>Rosemarie R. Gaglione</td>
<td>Public Works Director</td>
<td>City of Oxnard Cities</td>
</tr>
<tr>
<td>Steven L. Hartwig</td>
<td>Deputy County Executive</td>
<td>Public Works and Infrastructure at Sacramento County Counties</td>
</tr>
<tr>
<td>Chuck Poss</td>
<td>President</td>
<td>Earth Construction and Mining Subcontractors</td>
</tr>
<tr>
<td>Hertz Ramirez</td>
<td>Business Manager</td>
<td>Laborers’ International Union of North America Labor</td>
</tr>
<tr>
<td>Chad D. Rinde</td>
<td>Chief Financial Officer</td>
<td>County of Yolo Counties</td>
</tr>
<tr>
<td>Name</td>
<td>Position</td>
<td>Representing</td>
</tr>
<tr>
<td>---------------------</td>
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<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Jeremy Smith</td>
<td>Deputy Legislative Director</td>
<td>State Building and Construction Trade Council Labor</td>
</tr>
<tr>
<td>Mary Teichert</td>
<td>Chief Operating Officer</td>
<td>Teichert Construction Contractors State License Board</td>
</tr>
<tr>
<td>Peter Worhunsky</td>
<td>President &amp; CEO</td>
<td>Live Oak Utility Infrastructure, LLC General Contractors</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Brownfield</td>
<td>Staff Counsel</td>
<td>State Controller's Office (SCO) Legal Office</td>
</tr>
<tr>
<td>Sandeep Singh</td>
<td>Manager</td>
<td>SCO Local Government Policy Section</td>
</tr>
<tr>
<td>Jia (Jenny) Liu</td>
<td>Supervisor</td>
<td>SCO Local Government Policy Section</td>
</tr>
<tr>
<td>Daniel Basso</td>
<td>Policy Analyst</td>
<td>SCO Local Government Policy Section</td>
</tr>
</tbody>
</table>

**Meeting Agenda**

1. **Call to Order**
2. **Introductions**
3. **Approval of the Minutes (Refer to attachment 3A)**
   - Minutes for meeting held November 6, 2020
4. **Commission Updates (Refer to attachments 4B, 4C and 4D)**
   - **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.
   - **Participating agencies**
     - I. New
     - II. Withdrawing
   - **Funding update**
   - **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
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.
### Participating Agencies Update
**For the period October 30, 2020-March 5, 2021**

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Date Opted In</th>
<th>Agency Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Anderson Valley Unified School District</td>
<td>1/17/18</td>
<td>School District</td>
</tr>
<tr>
<td>4. Tulare County Office of Education</td>
<td>2/13/19</td>
<td>School District</td>
</tr>
<tr>
<td>5. City of San Bruno</td>
<td>6/25/19</td>
<td>City</td>
</tr>
<tr>
<td>7. Vallejo Flood and Wastewater District</td>
<td>9/8/20</td>
<td>Special District</td>
</tr>
<tr>
<td>8. Indian Diggings School District</td>
<td>10/14/20</td>
<td>School District</td>
</tr>
<tr>
<td>9. City of Sonora</td>
<td>10/19/20</td>
<td>City</td>
</tr>
<tr>
<td>13. Greater Hayfork Valley Park and Recreation District</td>
<td>11/9/20</td>
<td>Special District</td>
</tr>
<tr>
<td>15. Montecito Sanitary District</td>
<td>11/12/20</td>
<td>Special District</td>
</tr>
<tr>
<td>17. Wilsona School District</td>
<td>1/21/21</td>
<td>School District</td>
</tr>
<tr>
<td>19. Diablo Community Services District</td>
<td>2/09/21</td>
<td>Special District</td>
</tr>
<tr>
<td>20. Centerville Community Services</td>
<td>2/17/21</td>
<td>Special District</td>
</tr>
<tr>
<td>21. San Joaquin Regional Transit District</td>
<td>2/19/21</td>
<td>Special District</td>
</tr>
</tbody>
</table>
Participating Agencies Update
For the period October 30, 2020-March 5, 2021

Cities
- Participating Cities: 272, 56%
- Non-participating: 210, 44%

Community Colleges
- Participating Community Colleges: 65, 57%
- Non-participating: 49, 43%
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

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning balance 10/29/2020</td>
<td>$13,363.89</td>
</tr>
<tr>
<td>Grant – CCAP* 11/05/2020</td>
<td>$625.00</td>
</tr>
<tr>
<td>Grant – CCAP* 01/26/2021</td>
<td>$625.00</td>
</tr>
<tr>
<td>Travel claims from November 6 meeting</td>
<td>$0</td>
</tr>
<tr>
<td>Total travel claims</td>
<td>$-</td>
</tr>
<tr>
<td>Total funds</td>
<td>$14,613.89</td>
</tr>
</tbody>
</table>

*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.
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.
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.
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
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.

State-mandated local program: no.

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

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

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

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

(c) (1) A notice provided pursuant to subdivision (a) shall
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.

(2) The writings or materials described in paragraph (1) shall
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.

(3) A state body may not distribute or discuss writings or
materials described in paragraph (1), or take 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 this subdivision.

(d) Notice of a meeting of a state body that complies with this
section shall also constitute notice of a meeting of an advisory
body of that state body, provided that the business to be discussed
by the advisory body is covered by the notice of the meeting of
the state body, provided that the specific time and place of the
advisory body’s meeting is announced during the open and public
state body’s meeting, and provided that the advisory body’s
meeting is conducted within a reasonable time of, and nearby, the
meeting of the state body.

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

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

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