

# California Uniform Cost Accounting Commission Minutes of Friday, November 6, 2020

These minutes were officially approved by the Commission at the subsequent public meeting on March 12, 2021.

## 1. Call to order

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

Video Conference: Jeff Armstrong, Eddie Bernacchi, Will Clemens, Leeann Errotabere, Rosemarie R. Gaglione, Steven L. Hartwig, Michael Hester, Nathaniel Holt, John Nunan, Chad D. Rinde, Jeremy Smith, Mary Teichert, and Peter Worhunsky

Absent: Brad Farmer

Unexcused Absences: N/A

State Controller's Office: Dave Brownfield, Sandeep Singh, Jia (Jenny) Liu, Daniel Basso, and Debbie Torres

## 2. Introductions

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

## 3. Approval of the Minutes

### A. Meeting held on July 17, 2020

Chair Clemens motioned to approve July 17, 2020, meeting minutes without changes. Commissioner Errotabere seconded the motion. The motion passed on a roll call vote with ten yays, 0 nays, and three abstentions. Commissioners Gaglione and Rinde abstained from voting because they were not members of the Commission on July 17, 2020. Commissioner Hartwig was not in attendance at the July 17 meeting.

## 4. Commission Updates

### A. Oath of Office

Chair Clemens administered the Oaths of Office to Rosemarie R. Gaglione and Chad D. Rinde. Rosemarie R. Gaglione was appointed on August 17, 2020, through August 16, 2023, to represent cities. Chad D. Rinde was appointed on September 17, 2020, through September 16, 2023, to represent counties.

Chair Clemens asked Commissioners Gaglione and Rinde to give a brief history of their background.

**B. Departing Commissioner**

- I. Robert R. Campbell – Mr. Campbell thanked the commission and enjoyed his nine years serving and wished the Commission well.
- II. Jeff Armstrong – Commissioner Armstrong mentioned after 15 years it was time to leave and appreciated the opportunity which was a great experience.
- III. Michael Hester – Commissioner Hester would not be renewing his term that will end on December 17, 2020. He mentioned he had various committees he was involved with and wanted to spend more time with family. He thanks the Commission for the friendships and conversations during his six years and wished the Commission well.

Chair Clemens thanked the departing Commissioners all for their service with the Commission.

**C. Participating Agencies**

Debbie Torres, SCO staff, presented an update on participating agencies, noting that the SCO had received 55 resolutions from agencies that opted into the California Uniform Public Construction Cost Accounting Act (Act). The total agencies participating in the Act, including newly opted-in agencies, currently total 1,390.

**D. Funding Update**

Debbie Torres reported that the SCO received a grant from the California Construction Advancement Program for \$625.00. A total of \$13,363.89 is available for unrestricted funds and travel reimbursement for the Commission to use.

**E. Inquiry Update**

SCO staff presented a report on inquiries received since the last meeting. Chair Clemens explained to the new Commissioners how the inquiries are answered. He mentioned Ms. Torres will answer the inquiries if she has the information that was similar to a previously answered inquiry or she will forward the inquiry to the Chair and he will answer the inquiry. Before the meeting, Ms. Torres will summarize the inquiries and present them to the Commission. If there are any questions or concerns the Commission may have about the answers that were provided to the agency they could ask during the meeting. If needed, the answer could be amended and re-sent to the agency.

**5. Public Comment**

Chair Clemens asked the public if they had any comments.

There were no public comments.

## 6. Staff Comments/Requests

### A. Americans with Disability Act (ADA) compliant – CUCCAC webpage

Ms. Torres mentioned that all CUCCAC documents that are on the Commission's website are now in compliance with ADA.

### B. Form 700

Ms. Torres reminded the Commission that April 2, 2021, is the last day to file the forms electronically without a late penalty. She mentioned the Fair Political Practices Commission will be sending an automated email reminder in January to file their forms.

### C. Bylaws for 2021

Ms. Torres informed there was a meeting in September 2019 related to the CUCCAC bylaws about updating the bylaws at a later time. Ms. Torres mentioned since there are several new Commissioners, she asked Chair Clemens if he would like to have a subcommittee to revise the bylaws for 2021. Chair Clemens mentioned the changes will have to be noticed on the agenda for the next meeting.

### D. Reappointment for 2021

SCO staff will reach out to the Commissioner 90 days before their term will expire to ask if they would like to be reappointed on the Commission.

## 7. Report of the Officers

### A. Chair

Chair Clemens mentioned that he will be presenting information about the Act in a webinar which is scheduled for next week with the California Association of Public Procurement Officials (CAPPO). He mentioned that Commissioner Errotabere has presented in the past with CAPPO related to the Act. They reached out to him this year and he mentioned CAPPO represents most public agencies in California, they are public procurement officers.

### B. Vice-Chair

Nothing to report.

### C. Secretary

Nothing to report.

## 8. Committee Reports

### A. CUCCAC Manual

#### i. Proposed Changes-Legislative Update

No Changes.

Proposed Changes – Non-Legislative Update

No Changes.

**9. Commissioner Comments/Requests**

Commissioner Bernacchi wanted to thank the departing Commissioners for their time served on the Commission. He mentioned they all did a wonderful job representing their industry and enjoyed working with them.

Commissioner Errotabere also mentioned she would like to thank Ms. Torres who assisted Los Angeles County Sanitation District while offices were working remotely. Ms. Torres ensured their opt-in letters were received for all 28 sanitation districts in Los Angeles County.

**10. Old Business**

Nothing to report.

**11. New Business**

A. The Construction Industry Force Account Council-Inquiry

Chair Clemens opened this discussion to the Commission and answered the following questions:

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.

Chair Clemens mentioned there are no actions that were going to be taken at this meeting about these questions and the Commission is just discussing the answers. These responses will be brought back at the next meeting for formal action.

**B. Election of new officers – Vice-Chairperson**

Commissioner Hester will be ending his term on December 17, 2020, and a new Vice-Chair will need to take his seat.

Vice-Chair Hester nominated Commissioner Nunan; seconded by Commissioner Bernacchi. The nomination passed on a roll call vote with 13 in favor 0 opposing and 0 abstaining.

**12. Next Meeting**

The Commission agreed to schedule the next meeting for:

Friday, March 12, 2021  
10:00 AM – 2:00 PM  
Virtual teleconference

**13. Adjournment**

Chair Clemens moved to adjourn the meeting at 11:34 AM; all in favor with 0 opposing to adjourn.

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](mailto:LocalGovPolicy@sco.ca.gov)