

California Uniform Construction
Cost Accounting Commission



DRAFT

**Minutes of
February 18, 2009 Meeting
300 Capitol Mall, Room 300
Sacramento, California**

Teleconference Phone Number: (877) 581-9247; Participant Pass Code: 221558

1. Call to Order

Chairman Cortright called the meeting to order at 10:05 a.m.

2. Roll Call

Present: Sacramento site: Gene Cortright, Jeff Armstrong, David McCosker, Eddie Bernacchi, Linda Clifford
Costa Mesa site, via telephone: Lisa Miller-Strunk, David Gomez, William Dildine
Ventura site, via telephone: Alec Pringle

Absent: Jay Hansen, Guiselle Carreon

Guests: Catherine Hilliard – Construction Industry Force Account Council
Sally Riley – Construction Industry Force Account Council
Michelle Tucker – Construction Industry Force Account Council
Jane Chambers (via telephone) – City Manager, City of Ukiah
Sage San Giacomo (via telephone) – Director of Parks and Recreation, City of Ukiah
Julia Lew (via telephone) – Attorney representing the City of Lindsay
Commissioner Robert Byrd did not call in from a disclosed site; therefore is present as a member of the public

State Controller's Staff:

Mike Adams – Manager
Anita Dagan – Fiscal Analyst
Jeanette Cosentino – Fiscal Analyst
Scott Taylor – Fiscal Analyst
Bob Stonehouse – Fiscal Analyst

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3. Public Comment

Chairman Cortright opened the floor to public comment. None was made.

10:08 Commissioner Clifford joined the meeting at the Sacramento site.

4. New Business

- a. *City of Ukiah Municipal Golf Course Seasonal Tributary Project* – The Commission heard an explanation of why the project exceeded the force account limit from Sage San Giacomo, City of Ukiah’s Director of Parks and Recreation. Mr. San Giacomo stated that delays in obtaining required permits and threatened rain necessitated the use of City staff, rather than the less expensive CDF staff, as was originally budgeted. Mr. San Giacomo assured the Commission that the original estimate for the project was below the force account limit and was made in good faith. Jane Chambers, City Manager of the City of Ukiah, assured the Commission that, as a result of the Alice Street Project violation, the City has implemented additional procedures and policies to ensure that force account limits are not exceeded in the future, but that this project was completed prior to the Commission’s Alice Street decision. Commissioner McCosker asked Mr. San Giacomo several questions regarding the City’s project estimation process and documentation. Commissioner Miller-Strunk suggested that the City should improve its project estimation process. Commissioner Clifford expressed concern about the fairness of assessing a second violation for a project completed before the City had received its first violation for the Alice Street Project. Commissioner Pringle noted that the Public Contract Code made no allowances for exceptions to the force account limits and also questioned the prudence of budgeting projects without adequate allowance for contingencies. **Commissioner McCosker motioned and Commissioner Bernacchi seconded that the City of Ukiah’s Municipal Golf Course Seasonal Tributary Project violated the Act’s \$30,000 force account limit. Motion passed 6-3 (Aye: Armstrong, Bernacchi, Cortright, Gomez, McCosker, Pringle; Nay: Clifford, Dildine, Miller-Strunk)**

- b. *City of Lindsay Library Project* – The Commission heard a statement from Julia Lew, an attorney representing the City of Lindsay. Ms. Lew stated that the City of Lindsay is a charter city and that its city charter permits it to exceed the permitted force account limit under the Act. The City of Lindsay opted into the Act in 1995 and became a charter city in 1996. Ms. Lew further stated that adoption of the City’s charter provisions means the City is no longer subject to the Act. Commissioner Clifford stated that she believes the City is subject to the Act until it formally opts out in accordance with the procedures documented in the CUCCAC manual. Ms. Lew stated that the city intends to opt out of the Act. **Commissioner McCosker motioned and Commissioner Bernacchi seconded that the City of Lindsay’s Library Project violated the Act’s \$30,000 force account limit. Motion passed 9-0.**

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5. Adjournment

Commissioner McCosker motioned and Commissioner Clifford seconded that the meeting be adjourned. Motion passed 9-0 at 11:35 a.m. meeting was adjourned by roll call.