

Committee Members: (14 members, 8 = Quorum)

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| x Dave Johnson Co-Chair, General Contractors | x Art McCluskey, Owner General Public |
| Jeff Gonzalez, Co-Chair, Owners State | x Traci (Rogstad) Brewer-Rogstad, proxy for Karen Mooseker, School Districts |
| x Kurt Boyd, Specialty Subcontractors | x Mike Pellitteri, Specialty Subcontractors |
| Marvin Doster, General Contractors | Irene Reyes, Private Industry |
| x Lekha Fernandes, OMWBE | Linneth Riley Hall, General Owner |
| Bobby Forch, Jr., Disadvantaged Businesses | x Robynne Thaxton, Private Industry |
| x Thomas Golden, Design Industry-Architects | x Olivia Yang, Higher Ed |

Guests & Stakeholders:

Monique Martinez, DES Staff
Ananda Gordon-Peabody, MFA

Co-Chair Dave Johnson called the meeting to order at 11:02 a.m. A quorum was established.

Review and approve agenda - Action

Co-Chair Dave Johnson reviewed the agenda and asked the group for any edits before proceeding.

Tom Golden moved, seconded by Mike Pellitteri, to approve the agenda. The motion was approved by a voice vote.

Approve minutes from 4/18/2024 – Action

Co-Chair Johnson asked the group for any edits to the meeting minutes from April 18, 2024.

Kurt Boyd moved, seconded by Mike Pellitteri, to approve the meeting minutes. The motion was approved by a voice vote.

Refine Post Incident Process – Discussion>Action

Co-Chair Johnson reviewed the notes that had been updated since the 4/18/2024 meeting and opened it up for discussion with the group.

Robynne Thaxton clarified that this process was not an alternative to a lawsuit. Mike Pellitteri said he felt that the courts did not understand the process or the RCW and that there should be a mechanism outside of the courts. Robynne pointed out that this would require the creation of a quasi-judicial body and legislation. People cannot simply go to the PRC, they must go to the courts. Mike expressed frustration about the court system, recommending that they bring a recommendation to CPARB and try to create something new. Robynne explained that they would need to go to the AAG's office to do anything because this committee does not have the power.

Olivia Yang agreed that both Robynne and Mike made good points and it speaks to an issue that started this whole committee to begin with. It is something that needs to be discussed but should be put in the parking lot for right now. Co-Chair Johnson agreed with this point, noting that there are other extraneous complaints that are still in the parking lot. Irene Reyes also agreed with Olivia.

Co-Chair Johnson moved the group's discussion to the responsibilities of the PRC Chair. Robynne made the point that it may be better to have the AAG involved rather than giving certain responsibilities to the PRC Chair. She noted that there is the potential for an angry owner to come with a defamation claim and having the AAG involved would protect the PRC Chair. Mike asked if it was possible for an AAG to sit in on CPARB, and Robynne noted that there is an AAG assigned to them.

Lekha Fernandes flagged that there could be a cost associated with this much consultation with an AAG. If there is an additional cost, it's possible that DES could absorb it, and so considering a fiscal note could be beneficial in the next legislation session. Robynne said she thinks there is a budget for the AAG consultation. They should also look into the other issues that Mike had raised earlier. There should be a note to talk to the AAG's office about what advice is available for addressing potential issues.

Olivia noted that they should make sure to check that there is a process for the “before,” not just the after. If the “before” is done well enough, then an after process isn’t as needed. Co-Chair Johnson concurred and added they would be reviewing changes and additions at the next PRC meeting. At the next committee meeting, they can review those changes.

Robynne added that this committee should take the next step of bringing this process to CPARB. They should go through Nancy Deakins and Linneth Riley Hall to make sure their buy-in is included in the process.

Robynne also suggested that when people submit an application, the PRC should automatically send out best practices for education. This would address Olivia’s point and help to build and improve the “before” process. Mike added that the GC/CM best practices are not completed yet, however they are close. Olivia suggested that they make reading the best practices a part of turning in the application.

Co-Chair Johnson put forth a motion to approve the post-incident process and move it forward. Olivia suggested that they add a note to the process that says there are some fundamental issues that this committee has not and cannot resolve.

Irene Reyes moved, seconded by Lekha Fernandes, to approve the post-incident process. The motion was approved by a voice vote.

Discuss Forum for Issues Other than Violations of RCW 39.10 – Discussion

Co-Chair Johnson opened the floor to discuss other issues that had been in the parking lot. Mike suggested that they create some time during the PRC business meeting to discuss these items. This would be a good opportunity to discuss these issues because the entire board is present. Kurt Boyd agreed, and he also suggested that the lessons learned from dealing with these situations be communicated more widely. Robynne cautioned that it shouldn’t turn into a gripe session and to make sure that adequate time is added to the session. She also asked if everything would be documented, i.e. from both sides of the issue. She expressed a concern about there being an adequate amount of time to discuss issues thoroughly during this meeting. Co-Chair Johnson agreed, noting that general issues are likely fine to discuss, but bringing up specific issues or owners could cause additional problems.

Kurt suggested that every concern should be written up and sent to the PRC Chair so that it’s part of the agenda and there’s a set amount of time to discuss things. He also mentioned that issues could be “sanitized,” meaning that specific project names or owner names would be omitted. Mike and Co-Chair Johnson agreed with this suggestion. Mike specifically added that he thought it was important to have general discussion about issues rather than specific projects.

Mike and Co-Chair Johnson suggested creating a process to address these issues. The process for addressing these larger issues could be centered in education and peer review. For example, when somebody comes to the board indicating that they have a problem with a subcontractor, then the board could address the subcontractor’s representative.

Mike also discussed the gray area that could exist and suggested that if a consensus couldn’t be found, it could be elevated to the AAG.

Olivia added that hearing the process and the issues is helpful for educating everyone. Co-Chair Johnson suggested discussing it further at the next meeting.

Next Meeting Agenda – Discussion

- Welcome & Introductions
- Approve Agenda
- Approve Minutes
- Refine Post-Incident Process
- Discuss Forum for Issues Other than Violations of RCW 39.10
- Next Meeting Agenda
- Adjournment

Meeting Adjourned at 12:11 p.m.