

**Committee Members:** (11 positions, 7 = Quorum)

|   |   |   |
|---|---|---|
| x | Keith Michel (General Contractors) – Co-Chair | Mark Nakagawara (Cities) – Co-Chair               |
|   | Liz Anderson (WA PUD Assoc)                   | x Diane Pottinger (Water District Representative) |
| x | Linda De Boldt (Cities)                       | Irene Reyes (Private Industry)                    |
|   | Bruce Hayashi (Architects)                    | x Mark Riker (Labor)                              |
| x | Sharon Harvey (OMWBE)                         | Michael Transue (MCA)                             |
| x | Roger Ferris, Fire District Representative    | Olivia Yang (Higher Education)                    |

**Guests & Stakeholders:**

|   |  |   |   |
|---|--|---|---|
|   | Eric Alozie                                      | x | Monique Martinez, DES/CPARB Staff                   |
|   | Logan Bahr, Tacoma Public Utilities              | x | Scott Middleton, MCAWW                              |
|   | Talia Baker, DES/CPARB Staff                     |   | Roe Paulalasi-Gonzalez                              |
|   | Randy Black, Lakewood Water District             |   | Paul Richart, Alderwood Water & Wastewater District |
|   | George Caan, WA PUD Association                  | x | Steve Russo   |
|   | Bill Clark, WA PUD Association                   | x | Josh Swanson  |
|   | Joren Clowers, Sno-King Water District Coalition | x | Abigail Vizcarra Perez, MetroParks Tacoma           |
| x | Nancy Deakins, DES/CPARB Staff                   | x | Rob Wettleson, Forma Construction                   |
|   | Brandy DeLange, Assoc. WA Cities                 |   | Maggie Yuse, Seattle Public Utilities               |
| x | Jack Donahue, MFA                                |   | Janice Zahn, Port of Seattle                        |
|   | Judi Gladstone, WASWD                            | x | Ryan Spiller  |

The meeting began at **1:32 p.m.**

**Welcome & introductions**

Co-Chair Keith Michel opened the meeting and welcomed everyone. Scott Middleton was filling in for Michael Transue on behalf of MCAWW. Abigail Vizcarra Perez from Metro Parks Tacoma joined the meeting, adding that she was there to listen in and provide insight as needed.

**Review/approve agenda – Action**

*Sharon Harvey moved to approve the agenda, seconded by Scott Middleton. The motion passed with a voice vote.*

**Approve May 21, 2024, meeting notes – Action**

Linda DeBoldt motioned to approve the meeting minutes, with the amendment that she be listed as a committee member instead of a stakeholder.

Diane Pottinger suggested postponing approval until the next meeting, since many attendees from the last meeting were not able to make it to this one. The minutes will be reviewed at the next meeting.

**Feedback Report on Action Items – Discussion**

Co-Chair Michel thanked Michael and Linda for providing some language for approval. Mark Riker said that he, Michael and Josh Swanson met last week and workshopped their language. He added that he was catching up on the text that Linda had prepared.

Mark then walked the committee through their edited language. He stated that his, Michael and Josh's goal was to back away from questions around "emergency use," and move toward the use of the term "exigency."

Steve Russo asked whether the prevailing wage requirement comes in with the \$300k limit, and Mark confirmed. Ryan Spiller said that he spoke to other fire districts on this, and that they would not be able to even hire people with those limits

*Minutes prepared by Jack Donahue, Maul Foster & Alongi, Inc.*

in place. Mark replied that there were a lot of conflicting hardships there – SHB 1621 took a lot of work out of his members' hands.

Co-Chair Michel identified some key issues: the prevailing wage issue and the definition of "exigency." He added that he hoped to see Linda's recommendations and how both groups were growing closer.

Steve stated that he saw the qualification of bodily harm or loss of life as outside of the bounds of exigency. Linda added that both situations outlined would fit into the grounds of being emergencies, instead of exigent circumstances. She said that using "and" qualifiers would be going too far and added that she tried to more clearly define exigency in her text, as well. Co-Chair Michel suggested that Mark and Linda compare notes on this.

Linda asked if there was a reason why "city" was replaced with "municipality" in the recommendations. Mark said it was to be more generic, so they wouldn't have to clarify first- and second-class cities.

Abigail said that the phrase "municipality" helps with determining awarding bodies, and that is the language MRSC uses. Linda stated that in the current RCWs, there are particular divisions for different cities. Lumping all cities together would get rid of distinctions that the committee wants to keep separate. She added that it was doable, but that the committee should just be mindful of those distinctions and think through remedying them. Mark then stated that their goal with the use of "municipality" was just simplicity, and wondered how they could separate the overlap.

Linda said the only place where it would overlap would be on the distinction between first- and second-class cities for the 10% budget limit. She has a recommendation around it in the materials she prepared.

Mark clarified that 150k and below can be done by internal forces, while 150k to 300k would have to be done at prevailing wage and only take up 10% of the current budget. Linda agreed.

Linda asked Mark to add clarity to his statements on benefits, and questioned whether adding in benefits to the basic wage rate could get it to prevailing wage.

Mark answered that "benefits" under prevailing wage were defined as healthcare, training, and other opportunities. When it comes to city employees, they do not get the same pay as private construction workers, but city employees do get paid leave, healthcare and holidays. He provided an example: a sheet metal worker in King County is due \$100 per hour privately, while a city-employed sheet metal worker is paid \$60 per hour but receives benefits.

Diane asked if the pay rate would change once they get above that certain threshold. Mark responded that there is the issue of timing and trying to ensure there isn't a financial incentive to use the cheaper labor force.

Linda asked if they were able to find agreement on other provisions, like limits on the number of projects using crew labor and defining exigency better, if he'd be able to drop this prevailing wage requirement. Mark said he'd have to go back and speak with Michael, Josh and other constituents before answering that.

Co-Chair Michel suggested that Mark consider that if a Collective Bargaining Agreement existed within that municipality, then work could be performed up to \$300k. Mark replied that he wouldn't be able to answer that at the moment without having done the research on it but was interested in that concept.

Ryan added that the majority of Washington's fire districts are volunteer run. Volunteers also sometimes perform construction projects. Mark said that he would have to look into that.

Keith clarified that, outside of the \$150k-300k territory, volunteer fire districts do have some leeway and reminded Ryan to be sensitive and aware of the dollar values when considering prevailing wage. Ryan said that his constituents saw the increase as a good thing, and that they are happy to work on finding an understanding there.

Abigail asked the group, Mark particularly, what the trends were regarding the number of \$300k contracts and how they have impacted businesses. Mark said that general labor opposes the increase in thresholds, that they don't track trends but diametrically must oppose those. Abigail suggested finding data on contracts to build a baseline for people to get closer to reaching an agreement.

Diane reiterated that point, saying it would be very challenging to get everyone educated but it was worth doing.

Ryan said the bill that went through the legislature passed the Senate almost unanimously. That bill did not have any language around prevailing wage or changes to "emergency." Co-Chair Michel clarified that it was only the items that had consensus, while the only major recommendation was to delay implementation. Now progress is being made on the language.

Linda shared the language she had prepared for the committee to review.

Mark thanked Linda for sharing and asked her to present the examples she had, clarifying that he will always have concerns and questions around the term "financial need."

Linda shared her examples: if the safety or security of the public was at risk, if expediency were needed to avoid financial impacts, if timing restrictions to perform the work, and if work needed to avoid adverse societal impacts. Mark said that those were all worth thinking over and providing feedback on and asked Linda to share it with the group. Linda indicated she would send it to Monique to share with the rest of the committee.

Co-Chair Michel said that many of those circumstances seemed like emergency circumstances, and that exigency ensured that losses would be smaller. Mark added that many of those situations seemed like scheduling challenges, and it would be worth thinking over that more.

Co-Chair Michel asked Linda if she meant labor or all project cost under \$300k and added that he hoped/assumed that the entire cost fell under that. He added that it was a super necessary amendment to clearly define what fit in there.

### **House Committee Update**

Co-Chair Michel provided an update on the House Committee meeting. The meeting was positive and they weren't asked very many questions. Janice, Keith and Mark Nakagawara gave an update and summary to the House.

Diane asked if they would meet with the Local Government Committee before the legislative session restarts. Co-chair Michel answered that nothing is currently scheduled, but they'd be happy to meet again if there was another opportunity to do so.

### **Establish next meeting agenda**

Welcome & Introductions  
Review/approve Agenda  
Review/approve minutes from 6/18 meeting

**The meeting ended at 3:02 pm.**

**Action items:**

- Mark, Josh, Scott and Michael will review changing "and" to "or" and compare with Linda's language to find common ground.
- Mark will look into dropping the prevailing wage requirement, or consider Keith's suggestion about CBAs.
- Public agencies should review Linda's suggestions and offer any input or feedback they may have.
- Liz will look into clarifying PUM/PUD differences.