

Committee Members: (11 positions, 6 = Quorum)

x	Janice Zahn (proxy for Keith Michel (General Contractors) – Co-Chair)	x	Mark Nakagawara (Cities) – Co-Chair
x	Liz Anderson (WA PUD Assoc)	x	Diane Pottinger (Water District Representative)
x	Linda De Boldt (Cities)	x	Steve Russo (UMC, Specialty Contractors)
	Bruce Hayashi (Architects)		Mark Riker (Labor)
x	Sharon Harvey (OMWBE)	x	Michael Transue (MCA)
	Roger Ferris, Fire District Representative		Vacant, Private Industry
			Vacant, Higher Education

Guests & Stakeholders:

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

The meeting began at **11:35 a.m.**

Welcome & introductions

Co-Chair Mark Nakagawara welcomed everyone to the meeting, noting that Janice Zahn would be filling in for Co-Chair Keith Michel.

Review/approve agenda – Action

Sharon Harvey motioned to approve the agenda, seconded by Steve Russo. The motion passed with a voice vote.

Approve July 2, 2024, meeting notes – Action

Monique Martinez hadn't yet had the chance to review the edits to the prior notes from June 4 and June 18, so those will be reviewed at the next meeting.

Linda De Boldt motioned to approve the minutes from July 2, 2024, seconded by Diane Pottinger. The motion passed with a voice vote.

Feedback Report on Action Items – Discussion

Linda De Bolt read through the document that the committee worked together to prepare. The document was sent over as a pre-read.

Michael Transue stated that in the document he would like to see "exigency" used, rather than "urgency." He brought up FEMA's definition of exigency and said that he thought it was a solid definition. He pointed out a couple of words that he felt were too broad, namely "societal" and "environmental" impacts. He also stated he wanted to be certain of approval for the phrase "beyond the control of the city or town."

Linda thanked Michael for his input and read through Section 3, which pertains to first-class cities. It was also included as a pre-read. She mentioned that there should be some difference between FEMA's definition and the definition used here, since there were differences of circumstance that would greatly impact the ability of cities to make use of in-house workers.

Michael said that the phrase "avoidance of financial loss" will likely jump out as a read flag for Mark Riker, and that he appreciates the removal of Prudent Utility Management from Section 3. He then asked about the phrase "beyond the control," and wondered if it should be included in a formalized definition of exigency.

Brandy DeLange asked Michael to explain his reasoning for not feeling comfortable with the term "urgency." He answered that it would be preferable to have one word be used for simplicity's sake. If "emergency" were used, he would approve it, and Linda explained that exigency is defined immediately afterward.

Linda answered that "urgent public works" described an emergency, but that exigency and emergency circumstances were certainly different. Michael agreed with that, and referred back to the definition of emergency that was pulled from a previous RCW and included in his prior draft.

Co-Chair Nakagawara contended that because it would be public owners adhering to these definitions, they would be the main focus of the language and would not find the definitions confusing since they deal with them on a regular basis already. Linda added some additional perspective, adding that emergency situations need to be declared "emergencies," though there were instances where the "safety and security of the public is at risk" without declaring it an outright emergency.

Diane Pottinger brought up the example of a landslide due to a burst water main in Bellevue. Before the landslide, it was an urgent matter that was upgraded to an emergency. She pointed out that noticing something and acting to prevent it from escalating to an emergency was justification enough for the use of multiple terms.

Co-Chair Nakagawara said that while businesses have timing decisions, public agencies are unable to ignore things in the infrastructure where they perform projects. Private contractors can choose whether or not to perform work through go/no-go decisions, while public entities have to get the work done.

Linda asked Michael to confirm that he was uncomfortable with the definitions of exigency, and expressed disappointment that it seemed as though they were getting farther apart on a definition. Michael agreed and said that for statutory construction the detail is necessary or left out in order to make the writing stronger and clearer to understand. He added that he thought they could still come together. While he still needs to meet with his cohort, he saw middle-ground areas where they could come together. He then asked the committee for a chance to review Linda's tracked changes document to find places to meet on these circumstances.

Brandy agreed with Michael's idea, and also asked the rest of the committee to provide edits as well. She suggested that the committee go through the edits they prepared at the next meeting.

Linda added that the 10% limit on second-class cities had not been fully vetted yet. Brandy chimed in and said that they have not shopped the language around yet. Once the committee reaches consensus on the language, they will shop it around and collect thoughts on it.

Diane stated that she was happy with the language of the bill as it was and added that water and sewer districts do not have the taxing authorities and therefore the 10% limits. Brandy responded that the guardrails were specifically for cities, and encouraged water, fire and sewer districts to put their own language together.

Janice Zahn spoke up and suggested adding a preamble to the recommendations that will establish what is staying the same and what is being proposed as improvements. Michael stated that he agreed with adding a preamble and reminded the committee that their original charge – addressing “prudent utility management” and changing the wording – would also be applied to utility districts, as well. Diane reiterated her suggestion that Michael speak with Rep. Ryu before continuing that conversation.

Brandy suggested that Monique send out a follow-up for people to review and comment before the next meeting.

Co-Chair Nakagawara suggested adjusting the meeting cadence to allow the committee time to produce and review comments. He suggested cancelling the July 30 meeting and delaying it until August 13.

Establish next meeting agenda

Welcome & Introductions

Review/approve Agenda

Review/approve minutes from 6/18 meeting

Review/approve minutes from 7/16 meeting

The meeting ended at 12:45 p.m.

Action items:

1. The July 30 meeting will be canceled and rescheduled for August 13.
2. The committee will review Michael Transue’s language and prepare comments for the August 13 meeting.