

Committee Members: (11 positions, 6 = Quorum)

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

Guests & Stakeholders:

	Eric Alozie, NWE Construction Co.	x	Monique Martinez, DES/CPARB Staff
	Logan Bahr, Tacoma Public Utilities		Scott Middleton, MCAWW
x	Talia Baker, DES/CPARB Staff		Roe Pulalasi-Gonzalez
x	Randy Black, Lakewood Water District		Paul Richart, Alderwood Water & Wastewater District
	George Caan, WA PUD Association		Janice Zahn, CPARB
	Bill Clark, WA PUD Association	x	Josh Swanson, Construction Trades & Labor
x	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	x	Ryan Spiller, Fire Districts
x	Jack Donahue, MFA	x	Travis Nelson
x	Erin Frasier		
	Judi Gladstone, WASWD		

The meeting began at **11:31 a.m.**

Welcome & Introductions

Co-Chair Keith Michel welcomed everyone to the meeting.

Maggie Yuse with Seattle Public Utilities introduced herself and said that she'd be filling in for Co-Chair Mark Nakagawara while he was out of town.

Erin Frasier said that she would be filling in for Mark Riker for the day's meeting. Josh Swanson would fill in as an official proxy, voting in Mark's place.

Review/Approve Agenda – Action

Michael Transue motioned to approve the agenda, seconded by Linda De Boldt. The motion passed through a voice vote.

Approve Meeting Notes from 9/17 – Action

Liz Anderson motioned to approve the meeting minutes, seconded by Michael Transue. The motion passed through a voice vote.

CPARB update – Discussion

Co-Chair Michel pointed out two new pre-reads sent over previously: the draft report, which is largely an updated version of the December 2023 draft report; and Michael Transue's edited version of the original SHB 1621 text, which he sent over prior to the meeting.

Liz Anderson spoke up and stated that based on last meeting's discussion on Prudent Utility Management, the current definition doesn't work for cities while still working for water, sewer and fire districts. She suggested exploring potential changes to the voting method, rather than a simple majority vote.

Co-Chair Michel acknowledged that the committee likely would not reach consensus, but that he hoped the lack of consensus could be informative to CPARB. Liz suggested presenting options in order to inform the committee of where they were at.

Proposed final amended 1621 Review

Michael walked through his amendments to the language of SHB 1621. It was included as a pre-read.

Liz and Ryan Spiller questioned the language around the lowest responsible bidder statute, and Co-Chair Michel concluded that the goal was to promote consistency across the board. Nancy Deakins confirmed that and provided some additional guidelines.

Linda pointed out Page 5, subsection 2, where she reminded Michael to delete the language on administrative costs.

Maggie thanked the committee for coming together on a new definition and asked if subsections G and H could be condensed. Linda agreed. Michael said that combining the two subsections would be easy to do outside of the meeting, and asked if they could move forward with the promise that the section would be cleaned up before it went to CPARB.

Roger Ferris said that fire districts could not support that section, and would be voting no. Randy Black also said that sewer and water districts would be voting no.

Co-Chair Michel pulled up a voting matrix, which includes two options for each issue: 1) bidder responsibility, 2) exceptions, 3) prudent utility managements, and 4) the 10% threshold.

Sharon Harvey was not in attendance but sent her votes over prior to the meeting. She chose Option 2 for each issue.

Joren Clowers chimed in and thanked the committee for putting things together and added that water and sewer districts would work with the legislature to ensure the language not change for them.

Nancy noted that the voting as it was laid out could be different from the version that Michael sent out.

Maggie voted on behalf of first-class cities: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Linda voted on behalf of second-class cities: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Diane Pottinger voted on behalf of water & sewer districts: 1) Option 2; 2) Option 1; 3) Option 1; 4) Option 1.

Roger voted on behalf of fire districts: 1) Option 1; 2) Option 2; 3) Option 1; 4) Option 1. He said that he would have to run the second vote by his committee and would follow up with the result of that.

Co-Chair Michel voted on behalf of general contractors: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Bruce Hayashi voted on behalf of architects: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Josh Swanson voted on behalf of labor: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Michael voted on behalf of MCA: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Liz voted on behalf of PUDs: 1) Option 2; 2) Option 1; 3) Option 1; 4) Option 1.

Steve Russo voted on behalf of subcontractors: 1) Option 2; 2) Option 2; 3) Option 2; 4) Option 2.

Michael reminded the committee that the definition of “equipment” and “material” on the exceptions piece were not typical definitions. He then asked if Co-Chair Michel needed a motion to accept the matrix.

Liz said that she wasn't opposed to the cities changing the language that applied to them, but with the way the matrix was set up she had to vote against them. She said that she feared it would be misleading to CPARB to see votes against that. Diane thanked Liz for sharing, and said she agreed. Liz said that she thought clarifying that could make some meaningful progress for cities.

Linda asked if an item could be added to the matrix asking for votes on the cities section of the language. Diane said that there were only a couple of pieces that generated “no's” from the utilities. Co-Chair Michel said he was wrestling with how to include that there were conditional bases for the votes from utility districts.

Michael asked Co-Chair Michel to consider the inclusion of a minority report, where the utility votes could explain their support for cities. Ryan said that many other committees made use of the minority report and said that it could add clarity.

Joren said that adjusting the language to fit the categories – cities, utility districts and otherwise, could make it easier for CPARB and the legislature as they could vote on those items individually.

Nancy commented on the minority report, saying that CPARB has historically only put forward items that had consensus. She said she was in support of conditional votes, like Joren had suggested.

Co-Chair Michel said that the non-public owners do have consensus. Everyone with a stake doing work has a consensus. He added that he was confused given the goal of the committee was to find consistency and was surprised that public owners wanted to break from guidelines set for others.

Ryan said that there were so many stakeholders, and though consistency was a noble goal there were too many balls in the air to make these guidelines universal. He added that they could put this language forward to CPARB, and that public owners could put together their own bill for that.

Liz countered Co-Chair Michel's statement, saying that the PUD statute had been in place for a long time and that they had come to the committee to engage with other stakeholders in good faith. She said that characterizing PUDs as looking out for themselves exclusively was incorrect.

Nancy pointed out that they had not spent much time on bidder responsibility determination, and said the language was originally proposed by second class cities in 2019. It was a floor amendment that did not receive much stakeholder

engagement. She said she hoped the outliers could take another look at that, since it had not even been used. She asked why Roger and Liz were intent on keeping it.

Liz said that she voted that way because they could open up RCW 54.04.

Co-Chair Michel said that the charge wasn't to provide commentary on RCW elsewhere, rather just on 1621. Nancy said that it was not in the PUD statute until the passage of 1621, Liz confirmed that. Nancy said that she didn't understand why she wanted to keep it. Liz said they didn't ask for the language, and that she would be willing to change her vote.

Linda asked if Liz were ok with eliminating the reference from 1621, there would be many positives for the recommendations. Liz said she was ok with changing her vote, she just wanted to make sure there weren't opportunities to make changes to the PUD statute somewhere in the process. Michael added that this condition reiterates the usefulness of putting together a minority report. Liz said that ensuring that the PUD statute not be changed was a majority report, not a minority report. Michael agreed, and gave his word that he would ensure the PUD statute would not be touched during the legislative session.

Diane said that water and sewer districts would prepare a statement to be included in the report. Liz added that she would send text over as well, to be included in the majority report.

Michael Transue motioned to accept the voting matrix, with the changes, minority and majority reports, and matrix included. They decided that the committee was not fully there yet and would meet again on October 8 to go over the included changes.

Establish Next Meeting Agenda

Welcome & Introductions

Review/Approve Agenda

Review/Approve 10/1/2024 Meeting Notes

Next Meeting Agenda

The meeting ended at 1:02 p.m.

Action items:

1. Diane Pottinger will prepare a statement to be included in the report.
2. Liz Anderson will prepare a statement to be included in the report.