

# **Whatcom County Council Public Works & Health Committee**

**COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
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## **Committee Minutes - Final**

**Wednesday, November 9, 2022**

**1 PM**

**Hybrid Meeting**

**HYBRID MEETING - ADJOURNS BY 2 P.M. (PARTICIPATE IN-PERSON, SEE  
REMOTE JOIN INSTRUCTIONS AT [www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR  
CALL 360.778.5010)**

### **COUNCILMEMBERS**

Barry Buchanan  
Kaylee Galloway  
Kathy Kershner

### **CLERK OF THE COUNCIL**

Dana Brown-Davis, C.M.C.

## **Call To Order**

Committee Chair Kathy Kershner called the meeting to order at 1 p.m. in a hybrid meeting.

## **Roll Call**

**Present:** 3 - Barry Buchanan, Kaylee Galloway, and Kathy Kershner

**Absent:** None

Also Present: Tyler Byrd, Ben Elenbaas, and Carol Frazey

## **Announcements**

## **Committee Discussion**

1. [AB2022-621](#) Discussion regarding proposed ordinance amending Whatcom County Code Title 3, requiring that public funds used for construction projects also provide apprentices with job training hours to meet the requirements necessary to become the next generation of skilled trades persons

Kershner stated there is an original proposed Ordinance from Public Works and a version that has Councilmember Galloway's proposed amendments. They discussed the version with the combination of amendments and comments (titled "Ordinance Used as Starting Point for 11.9 Committee Discussion") on file.

Elizabeth Kosa, Public Works Department Interim Director, briefed the Councilmembers and answered whether this would just apply to Public Works projects or to any project in the County, whether Public Works would develop the process for implementing this which could be used by other departments, the change in dates in Exhibit A Section 3.72.020 for when the requirements for utilization of apprentices would be implemented depending on the cost of the contracts, whether there are any projects that are going to be delayed or put in trouble as a result of where we are now if they do not pass this Ordinance and how those would be handled, how much this would cost the County to administer or whether they would be passing that on to the contractors, and whether the person to administer the program is already in the budget or whether they will be adding them.

Galloway answered and Councilmembers discussed a question about whether exceptions and waivers (Section 3.72.050) would require Council approval, how many conditions should need to be met in order for the County to reduce or waive the apprentice labor hour goals, having a two-pronged approach to the conditions so that two need to be met under

normal circumstances or only one if it relates to emergency or urgency of a public work, and whether “other reasons deemed appropriate” (as a condition in Section 3.72.050 Subsection 2(C)) should solely live in the jurisdiction of the Executive or if they felt that having Council approval was an additional step of accountability and would be worthwhile, and whether they should move the ability for the Executive to unilaterally have the authority to grant an exception or waiver to be the last point in Section 3.72.050 Subsection 1 where it will also require a second condition.

**Galloway moved** to move Section 3.72.050 Subsection 2(C) (“For other reasons deemed appropriate by the County Executive and not inconsistent with the purpose and goals of this chapter”) to the new 1(F).

Kosa stated she did not think it would be an issue but would like to hear from the County Engineer.

Jim Karcher, Public Works Department, spoke about the letter of the subsection it would move to and whether he saw a problem with moving the statement to Subsection one. He stated he did not.

**Galloway clarified the motion** to state that they would be moving 2(C) to Subsection 1(G) (not F); it would be the last point in that subsection.

The motion carried by the following vote:

**Aye:** 3 - Buchanan, Galloway, and Kershner

**Nay:** 0

Kershner asked whether the extensive amount of reporting in Section 3.72.070 (Reporting) is what the Council wishes to require of the Administration, who is keeping those statistics, who is responsible for reporting them, and whether they have factored in the cost for how they are going to manage that piece of the program.

Satpal Sidhu, County Executive, stated the contractor would submit a report as part of the requirement in the Request for Proposal to the department that is managing the contract.

Kosa answered whether reporting is part of the process that has not been developed yet and part of the reason for the requested extension and stated our process will probably be similar to that of Snohomish County.

Karcher answered whether monitoring the contract by County staff will just

be one more piece of the monitoring process like we do for Federal and State work that we receive grant funding for.

Galloway spoke about why she added the last bullet point in the Reporting section.

Kershner asked about the word “multiple” in Section 3.73.050 Subsection C (“The contractor or agency has demonstrated that is has contacted **multiple** State or Federal-registered apprenticeship programs...”) and stated she thinks they need to be wary of using the word “multiple.” It might mean different things to different people.

The following people spoke:

- Trevor Smith, Political Director for Laborers Local #292
- Lance Calloway, Associated General Contractors of Washington
- Karl de Jong, President of the Northwest Washington Central Labor Council AFL-CIO

*Galloway moved* to recommend the revised combination version as amended for introduction on November 22nd.

The motion carried by the following vote:

**Aye:** 3 - Galloway, Buchanan, and Kershner

**Nay:** 0

Buchanan complemented the process for this item and stated it was very transparent.

Councilmembers thanked people involved in the Ordinance.

**This agenda item was DISCUSSED AND MOTION(S) APPROVED.**

### **Items Added by Revision**

There were no agenda items added by revision.

### **Other Business**

There was no other business.

### **Adjournment**

The meeting adjourned at 1:39 p.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

**Kathy Kershner-via email 11/28/2022**

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

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Kathy Kershner, Committee Chair

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Kristi Felbinger, Minutes Transcription

SIGNED COPY ON FILE