

**Sound Transit
Executive Committee Summary Minutes**

June 18, 1999

Call to Order

The meeting was called to order at 1:35 p.m. by Acting Chair Dave Earling.

Attendance

(A) Paul Miller, Chair	(P) Greg Nickels
(A) Bob Drewel, Vice Chair	(P) Paul Schell
(P) Dave Earling	(P) Ron Sims
(P) Mary Gates	(P) Cynthia Sullivan
(A) Jane Hague	(P) Doug Sutherland
(P) Richard McIver	

Board members Dave Enslow and Rob McKenna were also in attendance.

Report of the Chair

Mr. Earling indicated that he would be chairing the meeting in Mr. Miller's absence.

Executive Director Report

None.

Public Comment

Mr. Michael Woo, representing the FAST Jobs Coalition, offered an amendment for the Committee to consider when it takes action to recommend a policy on the use of PLAs (copy on file). The amendment summarizes the Coalition's previous concerns into three areas. The first is that community participation and cooperation shall be recognized as an essential element of this project. The second calls for community participation in planning the terms of monitoring and oversight. The last asks for a commitment to specific terms to increase participation of low income people of color and women, and these areas include training and hiring goals, reduction of barriers to access, and direct access to training.

Tuan Tran spoke on behalf of the Vietnamese-American community and in support Fast Jobs Coalition. He urged the Board to adopt the Fast Jobs Coalition amendment for the Fast Jobs Coalition.

Gai Keisling distributed a prepared a statement with several attachments on behalf of the staff and board of the Apprenticeship and Non-traditional Employment for Women and Men. She spoke in support of a PLA and the implementation of an apprenticeship utilization goal of 20%.

Dan Apture, President of Apture Construction Company, spoke against the use of a PLA. Although Apture is a union contractor, he indicated that he was opposed to PLAs because they do not promote fair and open competition.

Frank Fermani, President of Charter Construction in Seattle, testified against the use of PLAs, stating that

his company would not bid on Sound Transit projects if a PLA was used. He offered the following reasons for his opposition to the use of a PLA: 1) Charter Construction prefers to administer its own pension and benefit package; 2) work under a PLA denies equality of opportunity to open shops like Charter Construction; and 3) there is no evidence that proves a project labor agreement will deliver the project more cheaply.

Eric Thompson, a non-union carpenter, indicated that his tax dollars are helping to pay for the Sound Transit project and stated that he would like the opportunity to work on the project. He stated that his wages and benefits were competitive and that he did not want to join the union.

Curt Smelser, Executive Vice President of the Association of General Contractors of Washington, spoke in opposition to the use of a PLA. He stated that the AGC does support Sound Transit's economic objectives, but believes that they can be met without the use of a PLA. He urged the Committee to consider alternative methods and not to adopt a PLA.

Jennifer Richards, Safety Director for WG Clark Construction, testified against the use of a PLA on Sound Transit projects. She stated that WG Clark Construction has a great apprenticeship program, pays fair wages, and would like to bid on this project, but would not bid if a PLA was used.

(Mr. McKenna arrived.)

Lolitha Williams spoke in support of the Fast Jobs Coalition. She urged the Committee to incorporate the amendment offered by the Coalition. As a welfare mother with four children, she indicated that the amendment language would enable her to improve the quality of life for her and her children.

John Littel, a pre-apprenticeship instructor and carpenter, testified in support of a PLA. He stated that PLAs are not exclusive agreements; they're the most inclusive agreements. He indicated that a PLA provides the best opportunities to get communities involved and opportunities for training and access to apprenticeships. Community members are angry that they've been left out of a lot of the big public works projects, most recently the I-90 expansion. He stated that without a PLA there's no guarantee that open shop non-union contractors are going to employ within the communities.

Madeline Lynch, an apprentice carpenter, stated that her main concern regarding PLAs is that they limit competitive bidding and drive up costs without input from the taxpayers. She indicated that the lack of competitive bidding excludes certain firms from participation, which excludes a percentage of the available local workforce.

Sandra Olsen, Executive Director of the Construction Industry Training Council (CITC), distributed a handout about CITC's training program (copy on file). She indicated that the high employment market, combined with a state forecast of an 8% increase in construction employment projects by the year 2000, there are no guarantees of an adequate pool. She stated that all construction workers would need to be utilized in order to start the project.

Deanna Lee, a Vice President of ABC, spoke about Minority and Women Business Enterprise (M/WBE) requirements. A PLA, she indicated, would restrict the ability to compete by 80%. If a PLA is used, contractors will be asked to sign an agreement they do not believe in and which is undemocratic. She stated that the ABC promotes quality, training, and freedom in bidding.

Randy Bosley of Sovereign Enterprises Inc., a non-union contractor, spoke against the use of a PLA. He

stated that local business people understand the construction trade, and know how to put teams together and meet schedules. He stated that a PLA would cut off skilled business people like himself.

Jack Gilchrist, Executive Secretary of Seattle-King County Building and Construction Trades Council, refuted some claims made during public comment. Regarding the claim that 75% of workers are non-union, he pointed to a Port of Seattle study of the contractors who performed work at the airport over the last 10 years which found that 70% of them were union. He indicated that a PLA is not discriminatory.

Allan Darr, representing the Washington State Building and Construction Trades, stated that his agency has provided Board members with a considerable amount of information. He asked that Exhibits A through O be provided as part of the record of this meeting (copies on file).

Bob Markholt, an instructor with the pre-apprenticeship program at Seattle Vocational Institute (SVI) and Rainier Valley resident, spoke in favor of a PLA. He stated that the question for him is how his neighbors are going to have the opportunity to build this transit system. He indicated that the best and majority of training is through the union apprenticeship programs.

Patty Van Seventh indicated that she works in an open shop and is a single mother. At A-1 Safety First, she stated that she made prevailing wage from the very beginning and is now a traffic control supervisor. Her experience has been that the union sends people with no flagging skills, which, she indicated, jeopardizes everyone's safety.

Brenda Potter, President of A-1 Safety First, spoke against a PLA. She related an experience that she had that morning when she requested two people to be dispatched with at least a minimum of 1,000 hours of experience from the union hall. She stated that the job requires multiple lane closures and requires knowledge of how to run the arrow board, know which direction they're going, and how to set the site up and take it down. She indicated that when she requested 1,000 hours of experience, she was told that was discrimination. She stated that she was concerned about safety issues if a PLA is used on Sound Transit projects.

Action Items

Mr. Earling indicated that the Project Labor Agreement item would be taken first on the agenda, as Board member Schell was ill but wanted to participate in the discussion.

Develop Project Labor Agreement Recommendations

Mr. Alec Stephens, Diversity Program Manager, stated that the question before the committee is whether or not Sound Transit should use project labor agreements for all or a portion of its contracts. ST has engaged Tucker Alan, a national consulting firm with expertise on a variety of construction-related issues, to study the use of project labor agreements in the region and in other states. Mr. Stephens introduced Mr. Steve Ross, Ms. Christi Korata and Mr. Todd Menenberg to present their findings. (A copy of the report and an executive summary is on file.)

(Mr. Schell arrived.)

Mr. Stephens referred Committee members to the revised background and comments (on yellow paper - copy on file) which responds to questions by Board members, lays out the framework for staff to draft a resolution, and includes a sample policy for the use of project labor agreements that reflects the Committee's comments at a prior meeting. The policy statement includes a set of objectives and key

provisions that could be a part of the policy if a PLA is used.

Mr. Earling introduced a motion recommending a policy to utilize project labor agreements (PLAs) on certain Sound Move projects. The motion states that "it is hereby moved that the Executive Committee recommends to the Board the following:

1. All Link Light Rail construction contracts will be covered under a PLA.
2. All Sounder Commuter Rail Station construction contracts shall be covered under a PLA. This shall include the Seattle to Tacoma commuter rail stations, unless the application of the PLA to particular stations is not legally or operationally feasible due to such factors as the completion of a negotiated PLA in time to include such provisions in a bid document, or impact on the schedule that would delay the bidding or contract award process, and the on-time completion of the contract.
3. All other contracts, regardless of the awarding or contracting agency, which have Sound Transit funding and are in excess of \$1 million, shall have apprenticeship requirements.

It was moved by Mr. Nickels and seconded by Mr. Sims that the motion introduced by Mr. Earling be approved as presented.

Mr. Nickels indicated that he agreed with the issues raised by the FAST JOBS Coalition, and that he'd like to see those principles included in Sound Transit policy.

It was moved by Mr. McIver, seconded by Mr. Nickels and carried by the unanimous vote of all members present that the motion be amended to include the "3 points" of the FAST JOBS Coalition as follows:

4. **Community Participation and cooperation shall be recognized as an essential element of this project. Community representatives will participate in the negotiation process to establish the terms by which the FAST JOBS Coalition concerns will be addressed.**
5. **Monitoring and oversight: While it is essential that communities have a voice in the planning of these terms, past practices have shown that successful projects have always included active community involvement in the monitoring and oversight.**
6. **Commitment to specific terms to increase participation of low-income people of color and women. These include training and hiring goals, reducing barriers to access, and training issues including commitment to direct access.**

Mr. Sims stated his hope that community participation does not become limited to employment issues. Additionally, he indicated his hope that the "3 points" of the FAST Jobs Coalition would reflect operational principles for Sound Transit as a whole, rather than just applying them to the issue of project labor agreements.

Ms. Gates indicated her support for the key provisions in the sample policy.

Mr. Earling agreed, stating that his agreement with the key provisions and objectives were part of what convinced him to support the use of a PLA.

It was carried unanimously by all members present that the motion, as amended, be adopted.

Mr. Earling asked that staff provide more information on the other alternatives as part of the package of materials to the Board.

In the interest of time, Mr. Earling suggested that the Committee forward the three remaining action items - Resolution No. R99-18 and Motions M99-44 and M99-41 - on to the Board for approval.

It was moved by Mr. Sims, seconded by Mr. Sutherland and carried by the unanimous vote of all members present that Resolution No. R99-18 and Motions M99-44 and M99-41 be forwarded to the Board for approval.

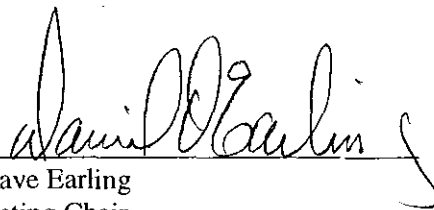
Next Meeting

Friday, July 2, 1999 from 1:30 - 3:00 p.m., at the Sound Transit 4th Floor Conference Room.

Adjourn

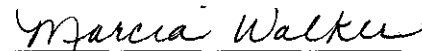
As there was no other business, the meeting was adjourned at 3:05 p.m.

Recorded by Amy Ebersole
Board Coordinator



Dave Earling
Acting Chair

ATTEST:



Marcia Walker
Board Administrator