

MEMORANDUM

TO: Executive Committee – Construction Law Section (the “Section”)

FROM: Stacey Martinson and Jacob Zahniser, Co-Secretaries

DATE: October 10, 2022

RE: Executive Committee Meeting Minutes

Executive Meeting:

Commenced at 12:00 p.m.

Attendance:

Name	Position	In Attendance
Lutkavage-Dvorscak, Jakob	Chairperson	Y
Monahan, Justin	Chair-Elect	Y-virtual
White, Van M	Treasurer	Y-virtual
Martinson, Stacey A	Secretary	Y-virtual
Zahniser, Jacob A	Secretary	Y-virtual
Johnson, Katie Jo	Member	Y-virtual
Town, Alix K	Member	Y-virtual
Baldwin-Sayre, Nick	Member	N
O’Halloran, Bob L	Member	Y-virtual
Hunt, Ryan	BOG Contact	N
Bennett, Angela W	Bar Liaison	N
Miller, Emily Sarah	Member	Y-virtual
Chaney, James A	Member	Y-virtual
MacKendrick, Andrew	Member	Y-virtual
Nicholas, Mario R	Member	Y-virtual
Hager, Laurie R	Member	Y-virtual
Naito, Alexander	Member	N
Holmberg, Stephanie Corey	Member	N
Fig, William G	Advisory Member	N
Welch, Curtis A	Advisory Member	Y-virtual
Kuchulis, Vanessa Triplett	Advisory Member	Y-virtual
Karpinski, Seth Throop	Advisory Member	N
Loiselle, Darien	Emeritus	N
Norman, Steve	Exec. Member	Y
Johnson, Tara	Emeritus	Y-virtual
Gallagher, Doug	Emeritus	Y-virtual
Jeremy Vermilyea	Emeritus	N
Dan Duyck		Y

Location: Engrave Law / Duyck Office building and via Zoom:

Join Zoom Meeting

<https://us02web.zoom.us/j/89643297404?pwd=OXItK1VyMEJmNTBhV1RFem9rTHYyZz09>

Meeting ID: 896 4329 7404

Passcode: 188269

1. Introductions. None
2. Secretary (Stacey Martinson or Jacob Zahniser) - Approval of May 9, 2022, Meeting Minutes.

Curt Welch asked to include Van White's name as a nominating member. Stacey Martinson moved to approve meeting of July 11 with the addition of adding Mr. White to nominating committee in Section 6. Seconded. Passed.

Jacob Zahniser, Mario Nicholas, and Justin Monahan abstained for being absent from the meeting.

3. Financial Report from Treasurer.

As of Aug. 31, \$11,979 with 338 total members. Anticipating being under 2 year budget threshold. Informal discussion of increasing member dues and deciding against it, keeping dues at \$20/member.

Year-end balance should be below \$14,000 to maintain compliance with Bar's rules on how much money committees can carry forward. Primarily expense is the annual CLE and charitable contributions. Current expectation is \$3,000 but depends on lunch orders from participants. Charitable contributions are budgeted at \$7,500, which is the same as last year's charitable giving:

- \$1,000 to Campaign for Equal Justice
- \$1,000 to Classroom Law Project
- \$1,500 to Oregon Minority Assoc.
- \$1,500 to Smart Reading
- \$1,000 to St. Andrews Clinic
- \$1,500 to Commons Law Center

There is also the potential expense for Chair Award.

Discussion on ideal balance to carry over. Anticipating approximately \$4,000 in carry forward amount if we make no changes. Only real loss/risk is a failed CLE. Perhaps increasing programming and bringing back the *Sticks-n-Bricks* program. Consider reducing charitable contributions in order to maintain reserves for next year.

Discussion on charitable giving focus. Chair proposed having special meeting to approve 2023 budget and charitable giving. Chair to send out agenda for special budget meeting. Targeting November 17th at noon for special budget meeting.

4. Chair Awards Update.

Chair reports no update.

5. Newsletter and Website Update (Justin Monahan, Alex Naito).

Spring/Summer edition is published. Website functionality issue has been corrected and now website is fully functional.

Justin followed up with e-mails on gathering authors for Fall publication. Many responded. Strong slate of topics. Targeting submissions by Nov. 4th. Proof turned around by Nov. 11. Publish week of Nov. 11th.

6. Nominating Committee (Curtis Welch).

Curtis Welch reported on process and slate of nominees. Members of committee were Curtis Welch, Stephanie Holmberg, Van White, and Vanessa Triplett Kuchulis.

Met throughout year to discuss membership. Reached out to current members re: intent to continue in 2023 to find out how many slots to fill. Sent out invitation in August to members re interest to serve and send letter of intent.

Slate is as follows:

Officers:

Terms ending December 31, 2023

Chair: Justin Monahan

Chairs-Elect: Stacey Martinson & Jacob Zahniser

Secretary: Van White

Treasurer: Stephanie Holmberg

Members-At-Large

Terms ending December 31, 2024

Alix Town

Laurie Hager

Alexander Naito

Vanessa Kuchulis

Seth Karpinski

Matthew Juhren (new member)

Elizabeth Graves (new member)

Members-At-Large previously elected to the executive committee and continuing through December 31, 2023:

Katie Jo Johnson

Nick Baldwin-Sayre

Andrew MacKendrick

Mario Nicholas

Bob O'Halloran

Advisory Members

Terms ending December 31, 2023

Jakob Lutkavage-Dvorscak
Curtis Welch
Emily Miller
Jim Chaney

Floor open for discussion. No discussion. Chair will forward proposed slate to OSB for uploading for member voting on Dec. 15, 2022.

7. 2022 CLE Report (Justin Monahan, Katie Jo Johnson, Stacey Martinson, Laurie Hager).

Nothing new to report. CLE is Friday Oct. 21st at the OSB Center. First speaker at 8:45 a.m. OSB sent out notices. Attendees are 24 in person and 16 remote to date. OSB still requiring vaccinations and masking.

Since Section is co-sponsoring, there is question whether there are comps for EC members. Stacey Martinson and Justin Monahan to check with bar and report back.

8. Legislative Update (if any) (Bob O'Halloran).

Concepts currently with legislative counsel for drafting, comment and report. Bob reported on the following:

Retainage Bill to fix HB 2415 (2019): Identified fix borrowed from Wash. model to use retainage bond so subcontractors can get paid while also allowing for recourse to retention. Doug Gallagher, on drafting committee, reported on legislative fix.

Buy America: To correspond with federal counterpart. Nothing formally proposed to date. Wait and see.

Community Workforce Agreement: For public works, workers and developer contract for impacts to community. Currently pilot program with ODOT. Deemed successful. Union and labor support. Will likely be supported. Currently in concept phase.

Off-road Diesel regulations: Model off California

Cannabis Accommodation in Workplace: Would prohibit policies allowing for firing due to off-the-job cannabis use. Current testing is inaccurate to determine on-job use versus off-job use.

Independent Contractor Test Change: Proposed in past. Coming up again.

Private AG Act: Similar to CA bill. Allows private suits to enforce labor regulations.

9. Summer Social Event – (Jeremy Vermilyea).

At Porter Hotel. 30-40 attendees. New attendees and long-timers. Chair thanked Jeremy Vermilyea for organizing.

10. Next Meeting Dates and Locations.

Jan. 9th is next meeting.

March 13

May 8

July 10th

Oct.: left TBD.

11. New Business:

None.

12. Adjourned: Meeting adjourned at 1:03 p.m.