

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2018-191

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MSK	6/8/18	RECEIVED JUN 12 2018 WHATCOM COUNTY COUNCIL	6/19/18	Finance/Council – Consent Agenda
Division Head:					
Dept. Head:	VEB	6/8/18			
Prosecutor:	Lqj	6/11/18			
Purchasing/Budget:	BB	6/8/18			
Executive:	TKS FOR J	6/11/18			

TITLE OF DOCUMENT:

Amendment to Contract for Services #201611012 between Whatcom County and Kimberly Geariety, Attorney, for professional labor negotiator services

ATTACHMENTS:

1. Memorandum to Jack Louws, County Executive
2. Amendment 3 to Contract for Services #201611012

SEPA review required? () Yes (X) NO
 SEPA review completed? () Yes (X) NO

Should Clerk schedule a hearing? () Yes (X) NO
 Requested Date:

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

The County engaged Kimberly Geariety as professional labor negotiator pursuant to County Code 2.08 in November 2016. Ms. Geariety and the County bargaining team settled all six collective bargaining agreements by the end of 2017.

Four of these agreements expire December 31, 2018 and two agreements expire December 31, 2019. This amendment extends Ms. Geariety’s services as negotiator through June 30, 2020 to complete a bargaining cycle for five agreements. Summit Law would represent the County for bargaining the Deputy Sheriff’s Guild agreement.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #:
201611012

Related File Numbers:

Ordinance or Resolution Number:

Please Note: *Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.*



MEMORANDUM

TO: Jack Louws, County Executive
FROM: Nan Kallunki, HR Associate Manager
RE: Amendment to Contract for Professional Labor Negotiator
DATE: June 8, 2018

Enclosed for your review and signature is an amendment to the Contract for Professional Labor Negotiator services between Whatcom County and Kimberly Geariety, Attorney.

Background and Purpose

Whatcom County Code 2.08 authorizes and directs us to retain a professional labor negotiator for the purpose of negotiating collective bargaining agreements. The County initially engaged Kimberly Geariety in November of 2016 on a one-year agreement. Contract negotiations were still underway and Amendment No. 1 extended the agreement one year and Amendment No. 2 extended the agreement another 18 months. The current agreement expires June 30, 2018.

Four collective bargaining agreements expire December 31, 2018 and two will expire on December 31, 2019. We anticipate the bargaining cycle to begin this fall for four agreements, and next fall for the fifth agreement. Summit Law will represent the County for the sixth agreement representing the Deputy Sheriff's Guild.

This amendment extends the duration of the agreement for two years, ending June 30, 2020 when collective bargaining is expected to be completed.

Funding Amount and Source

Employee and Labor Relations is a key service within Human Resources (HR) funded in Cost Center 507140 within Administrative Services.

Differences from Previous Contract

This agreement extends the previous 18-month agreement at an hourly rate of \$200 per hour with charges for one-way travel to a two-year agreement at an hourly rate of \$225 per hour with no charges for travel to a maximum consideration of \$96,114.

Thank you for considering this recommendation. Please call me on 5306 with any questions or concerns regarding the terms of this agreement.

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

201611012-3

Originating Department:	Administrative Services
Division/Program: (i.e. Dept. Division and Program)	Human Resources (HR)
Contract or Grant Administrator:	Nan Kallunki, HR Associate Manager
Contractor's / Agency Name:	Kimberly K. Gearity, Attorney

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes No
 Yes No If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201611012

Does contract require Council Approval? Yes No If No, include WCC: 3.08.100
 (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement? Yes No If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded? Yes No If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process? Contract _____
 Yes No If yes, RFP and Bid number(s): RFQ #16-54 Cost Center: 507140

Is this agreement excluded from E-Verify? No Yes If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

- Professional services agreement for certified/licensed professional.
- Contract work is for less than \$100,000. Contract for Commercial off the shelf items (COTS).
- Contract work is for less than 120 days. Work related subcontract less than \$25,000.
- Interlocal Agreement (between Governments). Public Works - Local Agency/Federally Funded FHWA.

Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 86,376 (20 months)
 This Amendment Amount:
 \$ \$128,152 (24 months)
 Total Amended Amount:
 \$ \$214,528

Council approval required for; all property leases, contracts or bid awards **exceeding \$40,000**, and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, **except when:**

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope:
 Professional labor negotiator services pursuant to County Code 2.08 for collective bargaining under RCW 41.56

Term of Contract: Extends agreement from 6/30/18 Expiration Date: 6/30/20

Contract Routing:	1. Prepared by: <u>Nan Kallunki</u> <i>MSK</i>	Date: <u>6/8/18</u>
	2. Attorney signoff: _____ <i>Log</i>	Date: <u>6/11/18</u>
	3. AS Finance reviewed: <u>Blund</u>	Date: <u>6/11/18</u>
	4. IT reviewed (if IT related): <u>N/A</u>	Date: _____
	5. Contractor signed: _____ <input checked="" type="checkbox"/>	Date: <u>6-11-18</u>
	6. Submitted to Exec.: _____ <input checked="" type="checkbox"/>	Date: <u>6-11-18</u>
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

Whatcom County Contract No.
201611012-3

Amendment No. 3

CONTRACT BETWEEN WHATCOM COUNTY AND KIMBERLY K. GEARIETY

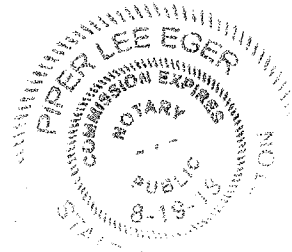
THIS AMENDMENT to Whatcom County Contract #201611012 is made this 11th day of June, 2018, between Whatcom County and Kimberly K. Gearity, Attorney, for the purpose of providing professional labor negotiator services.

1. TERM. This amendment extends the duration of Amendment No. 2, ending June 30, 2018, for 24 months (July 1, 2018 – June 30, 2020).
2. COMPENSATION. This amendment increases the hourly rate from \$200 to \$225; however travel time will no longer be charged. The maximum consideration will not exceed the currently budgeted amount for professional labor negotiator services, \$64,076, each calendar year.
3. OTHER. Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

IN WITNESS WHEREOF, Whatcom County and Kimberly K. Gearity have executed this Amendment on the date and year written above.

CONTRACTOR:

BY: Kimberly K. Gearity
Kimberly K. Gearity, Attorney



STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 11th day of June, 2018, before me personally appeared Kimberly K. Gearity, known to be the sole proprietor of Gearity Law Office and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Piper Lee Eger
NOTARY PUBLIC in and for the State of Washington, residing at Mountain View. My commission expires 8/19/18.

WHATCOM COUNTY:

BY: _____
Jack Louws, County Executive

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this _____ day of _____, 2018 before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

APPROVED AS TO FORM:

L. J. [Signature] 6/11/18
Chief Civil Deputy Prosecutor

NOTARY PUBLIC in and for the State of Washington, residing at _____
My commission expires _____