



March 13, 2025

The Honorable Liz Ortega
California State Assembly
1021 O Street, Suite 5120
Sacramento, CA 95814

Re: **AB 339 (Ortega): Local public employee organizations: notice requirements
As introduced 1/28/25 – OPPOSE
Set for hearing 3/19/25 – Assembly Public Employment and Retirement Committee**

Dear Assembly Member Ortega:

On behalf of the Urban Counties of California (UCC), California State Association of Counties (CSAC), Rural County Representatives of California (RCRC), Association of California Healthcare Districts (ACHD), California Special Districts Association (CSDA), League of California Cities (CalCities), Public Risk Innovation, Solutions, and Management (PRISM), Association of California Water Agencies (ACWA), County Health Executives Association of California (CHEAC), California State Sheriffs' Association (CSSA), Contra Costa County, Lake County, Merced County, Placer County, Sacramento County, San Joaquin County, San Mateo County, Santa Clara County, South San Joaquin Irrigation District, American Council of Engineering Companies of California, California Geotechnical Engineering Association (CalGeo), the American Institute of Architects California, Transportation California, and California Building Officials (CALBO), we write in respectful opposition to your Assembly Bill 339. This measure would require the governing body of a local public agency (non-school) to provide written notice to the employee organization no less than 120 days prior to issuing a request for proposals, request for quotes, or renewing or extending an existing contract to perform services that are within the scope of work of the job classifications represented by the recognized employee organization. AB 339 would be impractical in its execution,

is unworkable for ensuring provision of public services, and disincentivizes reaching final agreement in local labor negotiations.

AB 339 applies to **any** contract that is within the scope of work of any job classification represented by a recognized employee organization; for local agencies with represented workforces, this essentially means nearly every contract would be subject to notice and possible meet and confer. This provision is considerably broader than the existing requirement for bargaining under the Meyers-Milias Brown Act (MMBA); under existing law, where contracting out is legally permissible, local agencies are still required to “meet and confer in good faith” with any affected bargaining unit prior to making any decision **that is within the scope of representation**. (Gov. Code, §§ 3505.) However, there are several common-sense exceptions to this requirement – including where there is a longstanding past practice of contracting for particular services, or where contracting out is contemplated in the applicable MOU. AB 339 subverts these well-settled principles to the detriment of local public services.

The lack of definition of emergency or exigent circumstances in AB 339 undermines existing emergency contracting authority; further, this provision only applies to the initial notice requirement – not the meet and confer provisions – making the provision nearly meaningless in an emergency circumstance. You are undoubtedly aware of the considerable responsibility assumed by local agencies in a natural disaster, public health emergency, or other local crisis. As first responders, local agencies rely on existing statutes that allow for considerable flexibility to ensure the safety and well-being of our communities.

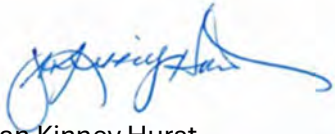
AB 339 also undermines the existing provisions of the MMBA that ensure that negotiating parties can reach a final agreement on an MOU. Under the section of the measure that authorizes reopening negotiations indefinitely, there is no benefit to employers to finalize negotiations and close on an agreement and, as a result, no labor peace.

AB 339 deters local agencies from working in partnership with local community organizations, who are at the front lines of providing critical local services, and who are already under attack by the federal government, adding considerable uncertainty to their ongoing financial viability.

Finally, sponsors continue to assert that documents associated with a Request for Proposals (RFP), Request for Quotes (RFQ), contract extensions, and contract renewals are not disclosed to the public. In truth, RFPs and RFQs are typically public by nature and subject to competitive bidding processes and regulations, while contracts are almost always disclosable public records under the Public Records Act. We dispute that local agencies are inappropriately withholding public records and further disagree that local agencies are failing to comply with existing notification requirements under the MMBA. If either were true, there are already existing remedies for sponsors to address these issues.

Like previous unsuccessful proposals that have sought to undermine local agencies’ ability to contract for public services, AB 339 represents a sweeping change to the fundamental work of local governments, but we remain unaware of a specific, current, and widespread problem that this measure would resolve or prevent. We are keenly aware, though, of the very real harm that could result from this measure. AB 339 will not improve services, reduce costs, or protect employees. As a result, we are opposed. Should you have any questions about our position, please reach out directly.

Sincerely,



Jean Kinney Hurst
Legislative Advocate
Urban Counties of California



Eric Lawyer
Legislative Advocate
California State Association of Counties



Sarah Dukett
Policy Advocate
Rural County Representatives of California



Sarah Bridge
Legislative Advocate
Association of California Healthcare Districts



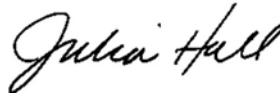
Aaron Avery
Director of State Legislative Affairs
California Special Districts Association




Johnnie Pina
Legislative Affairs, Lobbyist
League of California Cities



Jason Schmelzer
Legislative Advocate
Public Risk Innovation, Solutions, and
Management



Julia Bishop Hall
Director of State Legislative Relations
Association of California Water Agencies



Farrah McDaid Ting
Deputy Director of Policy
County Health Executives Association of
California



Cory M. Salzillo
Legislative Director
California State Sheriffs' Association



Candace Andersen
Chair, Contra Costa County Board of
Supervisors



Susan Parker
County Administrative Officer
County of Lake

Joshua Pedrozo
Chairman
Merced County Board of Supervisors

Bonnie Gore
Chair (District 1)
Placer County Board of Supervisors

Elisia De Bord
Governmental Relations and Legislative Officer
County of Sacramento

Paul Canepa
Chair
San Joaquin County Board of Supervisors

Connie Juárez-Diroll
Chief Legislative Officer
County of San Mateo

Erin Evans-Fudem
Legislative Deputy County Counsel
Office of the County Counsel
County of Santa Clara

Peter M. Rietkerk
General Manager
South San Joaquin Irrigation District

Tyler Munzing
Director of Government Affairs
American Council of Engineering Companies of
California

Noah Smith, PE, GE
President
California Geotechnical Engineering
Association

Scott Terrell
Director of Government Relations
The American Institute of Architects California

Mark Watts
Legislative Advocate
Transportation California

Matthew Wheeler, DPPD
Executive Director
California Building Officials (CALBO)

AB 339 (Ortega)- **Oppose**

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A handwritten signature in blue ink, appearing to read "Buddy Mendes".

Buddy Mendes, Chairman
Fresno County Board of Supervisors

cc: The Honorable Tina McKinnor, Chair, Assembly Public Employment and Retirement
Committee
Members and Consultants, Assembly Public Employment and Retirement Committee