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April 26, 2024

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
1020 O Street, Suite 8220
Sacramento, CA 95814

RE: AB 2489 (Ward), Revisions to contracting standards for local governments – OPPOSE

Dear Assembly Member Wicks,

I am writing on behalf of the Kern County Board of Supervisors, in lockstep with the California State Association of Counties, to express our strong opposition to AB 2489 (Ward), which would create unnecessary and inflexible contracting standards for local governments and likely result in diminished local services for our residents.

Specifically, AB 2489 would require local agencies – at least 10 months prior to a procurement process to contract for special services that are currently or in the past 10 years provided by a member of an employee organization – to notify the employee organization affected by the contract of its determination to begin a procurement process by the governing body. The definitions of special services varies by agency type but covers a broad array of services provided by local agencies, from essential government administration services to medical and therapeutic services to legal and other technical services. This is an infeasible obligation, as local agencies often are unaware of the need for a procurement process 10 months prior. Such a situation could occur under any number of circumstances: from a labor dispute that results in a strike, a natural disaster, a global pandemic, emergency utility repairs, emergent and on-call situations, etc. Counties have proven their ability to be adaptable in times of need but the 10-month timeframe and extensive range of services included in AB 2489 are both arbitrary and unworkable, impeding counties' capacity to respond to local needs.

AB 2489 would also require a contractor to ensure that its employees meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or have performed the same job functions, including:

- Criminal history and background checks before beginning employment
- Academic attainment

- Licensure
- Years of experience
- Child and elder abuse reporting
- Physical requirements
- Assessment exams
- Performance standards

Further, contractors are required to provide information to ensure that their employees meet the minimum qualifications and standards and must retain this information for two years. These records would also be subject to the California Public Records Act.

We are concerned that these provisions would only serve to deter non-profit providers, community-based organizations, and other private service providers from engaging with counties, likely exacerbating existing demanding caseloads and workloads for our existing staff and driving up costs. This private employee data would be accessible to any member of the public via the California Public Records Act. Further, minimum qualifications and standards are not fixed indefinitely, making comparison of those qualifications required by this bill difficult to achieve.

It is important to note that counties are already subject to the statutory provisions of the Meyers Milius-Brown Act (MMBA), Ralph C. Dills Act, and related provisions of state law. These laws already establish that local agencies cannot contract out bargaining unit work simply to save money and most contracting-out decisions are subject to meet-and-confer requirements. There are exceptions to the meet-and-confer requirement in cases of compelling necessity (like an emergency) or when there is an established past practice of contracting out particular work. AB 2489 does not incorporate either of these limitations. Our position is that these issues are better addressed at the bargaining table where local conditions can be appropriately considered.

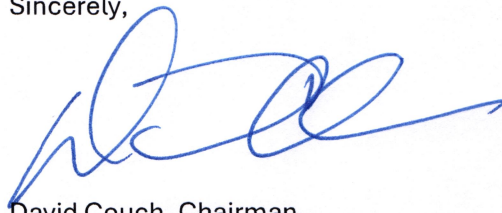
In recent years, the Newsom Administration and the Legislature have directed local agencies to engage more with community partners to more effectively connect with vulnerable communities. There are countless examples of programs and policies that have specified components that are directed to be delivered by entities that have direct, lived experience and/or cultural familiarity. One need only look to efforts over the last few years with the state's Homeless Housing and Prevention (HHAP) program or the significant reforms to the Medi-Cal program contained in CalAIM or various criminal justice reforms, to name a few. These efforts explicitly include a role for non-profit, community-based, and private sector providers, sometimes specifically with individuals with different lived experience and expertise than those in a similar government job. Without that partnership, counties will be less successful in meeting the expectations and outcomes the state has directed – a consequence of which could be penalties and fines – and, in doing so, will fail those we are jointly committed to serve and undermine general trust in government.

Counties are constantly challenged by the state to do more, to be more effective and efficient, to be accountable to the public for the resources that we are responsible for managing. Efforts like AB 2489 – along with a similar measure, AB 2557 by Assembly Member Ortega – tie the hands of local agencies in their most basic administrative function. In doing so, the proposal sets local

agencies up for failure – without reasonable tools to manage our constitutional and statutory obligations, there can be no expectation that local agencies make progress on the policy goals that the Legislature and Administration have set forth.

AB 2489 represents a sweeping change to the fundamental work of local governments, but we are unaware of a specific, current 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 2489 will not improve services, reduce costs, or protect employees. For these reasons, the Kern County Board of Supervisors strongly opposes to this legislation and respectfully requests that you vote **NO on AB 2489**.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Couch', with a stylized, flowing script.

David Couch, Chairman
Kern County Board of Supervisors

cc: Honorable Members, Assembly Appropriations Committee
Honorable Members, Kern Legislative Delegation
California State Association of Counties
Shaw Yoder Antwih Schmelzer & Lange