

BOARD OF SUPERVISORS

SUPERVISORS

Phillip Peters District 1
Chris Parlier District 2
Jeff Flores District 3
David Couch District 4
Leticia Perez District 5



KATHLEEN KRAUSE
Clerk of the Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue, 5th Floor
Bakersfield, California 93301
Telephone (661) 868-3585
TTY Relay 800-735-2929

March 12, 2025

The Honorable Tina McKinnor
Chair, Assembly Public Employment and Retirement Committee
1021 O Street, Suite 5520
Sacramento, CA 95814

Re: AB 339 (Ortega), Revisions to contracting standards for local governments – OPPOSE

Dear Assembly Member McKinnor,

I am writing on behalf of the Kern County Board of Supervisors to express our strong opposition to AB 339 (Ortega), which would place costly, impractical, and burdensome requirements on local government contracting processes. The proposed changes jeopardize agreements with vital service providers such as non-profits, community-based organizations, and other private entities, threatening the delivery of essential services to everyone, but especially services for California's most vulnerable.

AB 339 imposes new bureaucratic mandates for local government agencies when they want to hire outside contractors for jobs normally done by their employees. The law requires agencies to give at least 120 days' written notice to employee unions before:

- Requesting bids or quotes for a contract
- Renewing or extending an existing contract

The notice must include:

- How long the contract will last
- What work will be done
- How much it will cost
- A draft of the contract request (or similar details if not yet drafted)
- The reason why the agency thinks outsourcing is necessary

If the employee union demands to meet and confer within 30 days of receiving notice, the government agency must meet with them in good faith to talk about the decision and any effects on workers. The union can also request to reopen negotiations on parts of their labor agreement. This bill gives unions unchecked authority to impact outsourcing decisions and adds extra steps that

could slow down the procurement process for local government.

There are more than 4,800 local agencies in the state, most of which rely – at least in part – on contractors to provide a variety of local programs and services that, given our current public sector workforce shortages, would be difficult to provide without their capable assistance. Make no mistake: the provisions of AB 339 will be costly to implement. At a time when the state and local agencies are facing significant fiscal uncertainty, it is difficult to fathom that the extensive noticing and additional meet and confer obligations are worth the investment of scarce public resources. With the proposed requirements of AB 339 we anticipate (1) fewer non-profit providers, community-based organizations, and other private service providers willing to engage with local agencies, (2) exacerbated caseloads and workloads for our existing staff, and (3) increased costs for local agencies.

The noticing requirements contained in AB 339 will be time-consuming, especially for large contracts with multiple contractors and subcontractors, since the law applies to any job covered by a recognized employee organization. For local agencies with represented workforces, this means nearly every contract would be subject to noticing and possible meet and confer obligations. The parameters of this bill are so broad, in fact, they would apply to virtually every local service, including (but not limited to): jail health care, forest management and wildfire prevention, public works surveying, family reunification services, 9-1-1 dispatching, permitting, engineering, outside counsel, accounting, payroll, IT/Cybersecurity, RFP consulting services, real estate consulting, scientific monitoring and research, special education assistance, school nursing, and data collection, among others.

These changes are concerning because they have the potential to create a chilling effect on community-based organizations, who possess unique capabilities to reach and build trust with individuals and can often connect with people more effectively than government agencies. Restricting these partnerships could lead to higher expenses, fewer services, and even the loss of essential programs, leaving many without the help they need. Instead of limiting these partnerships, the focus should be on strengthening them to ensure communities, and your constituents, continue receiving vital support.

Local agencies are also the first to respond to full-scale emergencies such as natural disasters and pandemics and routinely respond to road hazards, infrastructure failures, and other urgent issues. To keep communities safe, they need flexible and straightforward contracting options, with clear expectations for everyone involved.

AB 339 represents a sweeping change to the fundamental work of local governments, but we remain 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 339 will not improve services, reduce costs, or protect employees and the added burdens brought on by the bill will likely undermine a collaborative and productive working relationship with private sector and non-profit partners, who local agencies regard as essential to meeting our statutory obligations and effectively serving our respective communities. As local communities grapple with pressing issues such as homelessness, crime, mental health and substance abuse needs, along with budget uncertainty at the federal, state, and local level, now is not the time to impose restrictions that will hinder our ability to address these ongoing challenges.

For these reasons, the Kern County Board of Supervisors strongly opposes this legislation and respectfully requests that you vote **NO on AB 339**.

Sincerely,

A handwritten signature in black ink, appearing to be 'LP' with a stylized flourish extending to the right.

Leticia Perez, Chair
Kern County Board of Supervisors

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