



April 12, 2024

The Honorable Chris Ward
California State Assembly
1021 O Street, Suite 6350
Sacramento, CA 95814

Re: **AB 2489 (Ward): contracts for special services and temporary help
As amended 3/21/24 – OPPOSE
Set for hearing 4/17/24 – Assembly Public Employment and Retirement Committee**

Dear Assembly Member Ward,

On behalf of the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the League of California Cities (CalCities), the California Special Districts Association (CSDA), the Association of California Healthcare Districts (ACHD), the California Association of Recreation and Park Districts (CARPD), the California Association of Sanitation Agencies (CASA), the County Health Executives of California (CHEAC), the County Welfare Directors Association (CWDA), and the County Behavioral Health Directors Association (CBHDA), we write to inform you of our opposition to your Assembly Bill 2489, a measure relating to contracting by local agencies. Like previous legislative efforts that attempted to curb local agency authority for contracting, our organizations believe the proposal contained in AB 2489 is unnecessary and inflexible, likely resulting in worse outcomes for vulnerable communities and 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 definition 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 a 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, an unanticipated need to care for those crossing our southern border seeking asylum, and the list goes on. Local agencies 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 local agencies' 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 local agencies, 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 local agencies are already subject to the statutory provisions of the Meyers-Milias-Brown Act (MMBA) 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 2557 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, local agencies 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 have failed those that we are jointly committed to serve and undermined general trust in government.

Counties, cities, and special districts 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 Liz 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. As a result, we are opposed to AB 2489. Should you have any questions about our position, please reach out directly.

Sincerely,



Jean Kinney Hurst
Legislative Advocate
Urban Counties of California



Aaron Avery
Director of State Legislative Affairs
California Special Districts Association



Alyssa Silhi
Legislative Advocate
California Association of Park and Recreation Districts



Johnnie Pina
Legislative Affairs, Lobbyist
League of California Cities



Kalyn Dean
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



Jessica Gauger
Director of Legislative Advocacy & Public Affairs
California Association of Sanitation Agencies



Joseph Saenz
Deputy Director of Policy
County Health Executives Association of California



Lisa Gardiner
Director of Government Affairs
County Behavioral Health Directors Association



Eileen Cubanski
Executive Director
California Welfare Directors Association

cc: The Honorable Tina McKinnor, Chair, Assembly Public Employment and Retirement Committee
Members and Consultants, Assembly Public Employment and Retirement Committee
The Honorable Robert Rivas, Speaker, California State Assembly
The Honorable Juan Carrillo, Chair, Assembly Local Government Committee
The Honorable Liz Ortega, California State Assembly
Mary Hernandez, Deputy Legislative Secretary, Office of Governor Gavin Newsom
Katie Kolitsos, Consultant, Office of Assembly Speaker Robert Rivas