



COUNTY OF MENDOCINO

Board of Supervisors

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June 13, 2025

The Honorable Lola Smallwood-Cuevas
Chair, Labor, Public Employment and Retirement Committee
1021 O Street, Room 6740
Sacramento, CA 95814

RE: Assembly Bill 339 (Ortega) - Local public employee organizations: notice requirements
As amended May 23, 2025

Dear Chair Smallwood-Cuevas,

On behalf of Mendocino County, we write in respectful opposition to 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 before 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, unworkable for ensuring the provision of public services, and disincentivizes reaching a final agreement in local labor negotiations.

AB 339 applies to any contract within the scope of work of any job classification represented by a recognized employee organization. For local agencies with represented workforces, this means that 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 before 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. Furthermore, this provision only applies to the initial notice requirement, not the meet and confer provisions, making the provision nearly meaningless in emergency circumstances. 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.

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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 an agreement and, as a result, no labor peace.

AB 339 deters local agencies from working in partnership with local community organizations, which are at the front lines of providing critical local services and 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 Requests for Proposals (RFPs), Requests for Quotes (RFQs), 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. At the same time, 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. Still, 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 to this. Should you have any questions about our position, please reach out directly.

Sincerely,



John Haschak, Chair
Mendocino County Board of Supervisors

cc: The Honorable Liz Ortega, Member of the California State Assembly
Members and Staff, Senate Labor, Public Employment and Retirement Committee
Alma Perez, Chief Consultant, Senate Labor, Public Employment and Retirement Committee
Scott Seekatz, Policy Consultant, Senate Republican Caucus
Cory Botts, Policy Consultant, Senate Republican Caucus
The Honorable Mike McGuire, Member of the California State Senate
The Honorable Chris Rogers, Member of the California State Assembly