

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE TAKING A POSITION IN OPPOSITION FOR ASSEMBLY BILL 339, AND AUTHORIZING THE CITY MANAGER'S OFFICE TO ISSUE A LETTER OF OPPOSITION IN ACCORDANCE WITH COUNCIL DIRECTION

WHEREAS, on January 28, 2025, Assembly Bill 339 ("AB 339"), authored by Assemblymember Ortega, was introduced and is currently advancing through the State Legislature (sometimes referred herein to as "the bill"); and

WHEREAS, AB 339 was approved by the Assembly on June 2, 2025, and on July 9, 2025, was approved by the Senate Committee on Labor, Public Employment and Retirement; was subsequently referred to the Senate Committee on Appropriations for a hearing on August 18, 2025; and, if approved by the Senate Appropriations Committee, the bill would advance to the Senate Floor, where the State Legislature has until September 12, 2025, to send bills to the Governor, who then has until October 12, 2025, to sign; and

WHEREAS, if approved, AB 339 would: (1) require the governing body of a public agency regulated by the Meyers-Milias-Brown Act to give a recognized employee organization no less than 60 days' written notice 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;¹ (2) require the notice to include specified information, including

¹ The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees.

the anticipated duration of the contract; and (3) provide the recognized employee organization with the right to meet-and-confer on each notice; and

WHEREAS, the City Council adopted a 2025 Legislative Program that includes a policy position to oppose legislation that removes or limits local control and restricts decision making at the local level; and

WHEREAS, the City's Finance Department conducted an analysis that determined AB 339 could affect potentially all of the City's services procurements, causing extended procurement timelines and increased workloads due to additional noticing requirements; and

WHEREAS, the City Council adopts a position in opposition to AB 339 because, if signed into law, the bill would have significant impacts to the City of San José's contracting and procurement processes;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Council of the City of San José hereby takes a position in opposition on Assembly Bill (AB) 339 (Ortega) and authorizes the City Manager's Office to issue a letter of opposition in accordance with Council direction.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk