



CITY OF MURRIETA

July 9, 2020

The Honorable Maria Elena Durazo
California State Senate
State Capitol, Room 5066
Sacramento, CA 95814

RE: SB 1173 (Durazo) – Public Employment: labor relations: employee information

Dear Senator Durazo,

On behalf of the City of Murrieta, we write to respectfully oppose your SB 1173, which would create new types of damages in litigation against public agencies at a time of extreme social and economic uncertainty.

We agree with the assertion that public agencies should make a good faith effort to comply with provisions of current law that require the production of information on new hires to labor union representatives. However, we are not aware of any information suggesting that there is a widespread record of public agency failure to comply. In instances where a problem exists, there are remedies that can be pursued with relative ease.

New Damages and More Litigation

Creating new financial damages to be paid to the Public Employment Relations Board (PERB) by public agencies that fail to comply with a mostly bureaucratic task will only increase compliance and litigation costs in public agency budgets and divert those funds away from public benefit. It simply does not make sense why one public agency should have to pay another public agency under these circumstances. We would oppose this type of re-direction of important public funds in good times, and we certainly object during the current pandemic, economic insecurity, and public agency budget instability. In addition, allowing unions to recover attorney's fees for bringing such claims will only encourage unions to threaten to bring lawsuits rather than encourage them to work cooperatively with public agencies. Unfortunately, in this scenario, attorneys make money to the detriment of the general public.

Unfair Rules for Public Agencies

SB 1173 contains a limited right to cure the violation that does not apply uniformly. Moreover, public employers would be limited in the number of times they could exercise their right to cure in a 12-month period. After correcting three data errors in a 12-month period a public employer would be subject to an unfair labor practice claim and subject to new civil penalties.



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Diverting Funds from Public Benefit

The California Department of Finance recently released new information indicating that statewide economic projections were bleak, with unemployment rate of 18% and a 9% overall drop in personal income. The State of California itself now projects a budget deficit of \$54 billion, and local revenue sources such as sales and property taxes are also expected to be down significantly. Press reports and government agencies project an unfortunate reality where the need for public services is increasing dramatically while the revenue to fund those services is plummeting. We can't possibly understand, especially in this context, why public funds should be re-directed from one public agency to another and why attorneys' fees should be awarded to labor unions over this issue rather than having such funds available the benefit of the public.

For these reasons, the City of Murrieta opposes SB 1173. If you have any questions, or need more information, about the City's position, please contact Louie Lacasella, City Manager's Office at (951) 461-6008 or llacasella@MurrietaCA.Gov.

Sincerely,

Gene Wunderlich
Mayor

Cc: Murrieta City Council
Senator Melissa Melendez
Erin Sasse, League of California Cities