



4886 East Jensen Avenue
Fresno, California 93725

Tel: 559-237-5567
Fax: 559-237-5560

www.krcd.org

June 29, 2011

The Honorable Henry Perea
California State Assembly
P.O. Box 942849
Sacramento, CA 94249-0031

RE: Senate Bill 931 - OPPOSE

Dear Mr. Perea,

The Kings River Conservation District (KRC D) is in opposition of SB 931, an act to amend Sections 3506, 3519, 3543.5, and 3571 of the Government Code, relating to public employee organizations.

The Meyers-Milias Brown Act protects the rights of public employees to "form, join and participate in the activities of employee organizations of their own choosing" as well as the right to "refuse to join or participate in the activities of employee organizations." Given these existing protections, it is not clear what SB 931 is attempting to remedy.

Public agencies are entitled to seek counsel, and freely communicate with counsel in order to best determine the agencies rights and obligations. We believe the changes proposed in SB 931 threaten the attorney-client privilege and the agency's right to counsel. We are concerned that in order for a violation to be found, the discussion between the public agency and the attorney would have to be disclosed to the challenging party. Such a practice would have a chilling effect on any public agency business that requires legal confidentiality.

We would also like to point out that most public agency employers who consult for services from an employment attorney are not seeking to curtail employee rights or the right of its workers to unionize, but to ensure they are maximizing their rights and responsibilities within the boundaries of the law. There are public agency employers who act in good faith but do not have expertise on staff to negotiate on employment issues, which include unionization, and as such are required to seek outside counsel.

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In addition, many of the issues that a union is able to negotiate on behalf of their members are matters which may bind the public agency to a contract worth millions of the public's dollars. As such, employment negotiations are not small matters that should be negotiated without the expertise available to an agency through outside counsel, especially during such harsh economic times. We believe it is inappropriate to expect the ratepayers of a water agency to be held liable for contracts in which their best interest were not taken into account.

We would also like to express concern with the term "outside consultants or legal advisors" and the effect this could have on water agencies that rely on 'outside' legal assistance. A strict interpretation of the term would suggest that the activities SB 931 attempts to curtail could occur by those 'in-house.'" This bill would greatly impact the public agencies who cannot afford to directly employ legal counsel at all, let alone specialized legal counsel who have the expertise in employer-employee relations.

For these reasons, we urge a "NO" vote on SB 931 (Vargas) when it comes before you for consideration on the Assembly Floor.

Sincerely,


David Orth, General Manager

Cc: Senator Juan Vargas
Association of California Water Agencies
The Gualco Group, Inc.



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June 29, 2011

The Honorable Linda Halderman, M.D.
California State Assembly
Room 4009
Sacramento, CA 95814

RE: Senate Bill 931 - OPPOSE

Dear Dr. Halderman,

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The Honorable David Valadao
California State Assembly
Sacramento, CA 94249-0031

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