

# COUNCIL OF CITIES



CITY OF DINUBA  
CITY OF EXETER  
CITY OF FARMERSVILLE  
CITY OF LINDSAY

CITY OF PORTERVILLE  
CITY OF TULARE  
CITY OF VISALIA  
CITY OF WOODLAKE

## AGENDA

**Wednesday, May 15, 2024– 4:00pm**

Hosted by City of Visalia

220 North Santa Fe Street - Administration Boardroom

1. **Call to Order.**
2. **Self-Introductions.**
3. **Public Comments.**
4. **Discussion of the Transit Representative & Alternate to the TCAG Board (July 1, 2024),**  
[Attachment: Process for Selecting a Transit Representative to the TCAG Board,  
(2 pages.)]
5. **Discussion of Opposition to AB 2489 (Ward) and AB 2557 (Ortega).**
6. [Attachment: Assembly Bill 2489 and Assembly Bill 2557]
7. **Items for future discussion.**
8. **Future Meeting Date(s):**  
**July 17, 2024**  
**September 18, 2024**
9. **Good of the Order.**
10. **Adjourn.**

*In Compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing Impaired – Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.*

*Any written materials relating to an item on this agenda submitted to the Council of Cities after distribution of the agenda packet are available for public inspection in the office located at 220 N. Santa Fe St., Visalia, CA 93292, during normal business hours.*

# **Tulare County Council of Cities**

## **Process for Selecting a Transit Representative to the TCAG Board**

There is a Transit position on Tulare County Association of Governments (TCAG) Board of Directors. This position was created by the TCAG Board in 2015 and carries a three year term. It is a full voting member of the Board that is appointed by the Council of Cities. In 2017, the Council of Cities determined a process for filling the position. Per the TCAG Director, the person holding this position should be an elected official from a City that directly provides fixed route service who is willing to fulfill the job which includes the following items:

### **Public Transit Representative Duties**

- \* Receive orientation and training on the roles and responsibility of TCAG as an agency, as well as the responsibilities of individual board members.
- \* Represent the interests of public transit in Tulare County. This includes the interest of residents and riders in the county, as well as all agencies that provide public transit in Tulare County.
- \* Serve as the TCAG representative on the CalVans board of governors.
- \* Attend various meetings, functions, conferences, etc. Examples include:
  - o CalVans board meetings
  - o Stakeholder and community meetings
  - o Unmet Needs Public Hearings
  - o Transit forum meetings
  - o Meetings of the Social Services Transportation Advisory Council (SSTAC)
  - o Events, functions, etc. with local, regional, state and federal partner agencies
  - o Advocacy trips to Sacramento and Washington D.C.
  - o Project groundbreaking
- \* Ensure that you are provided the necessary information for decision-making.
- \* Attend board member training.
- \* Attend TCAG board meetings and workshops.
- \* Promote and advocate for public transit that serves the residents of Tulare County.

### **Process:**

At the May, 2017 Council of Cities meeting, the City representatives discussed utilizing the following process be developed. It is proposed that this process be utilized to fill the position being vacated on June 30 of this year, and then the Council of Cities consider the policy at the July 19 meeting. The following process has been outlined

1. Notify all Tulare County cities that a position is available

*Council of Cities adopted this revised process on January 17, 2018, adding items 10 and 11.*

2. Each city will notify its Council Members that a position is available, and that they should notify their City Manager by a date specific if they are interested in serving as the Transit Representative.
3. The City Managers will notify the designated Council of Cities representative by a date specific if they have a Council Members who wishes to be considered for the position.
4. If only one Council person expresses interest by the date specified, that name will be forwarded to the Tulare County Association of Governments as the representative. A request will go out to the cities for an alternate, to be filled through the same process.
5. If more than one Council person expresses interest, a Council of Cities staff representative will assemble the names, and draft a sample report with the names listed in alphabetical order by last name, including timelines, that each City can work from in selecting a nominee.
6. Each City will put the item on a Council agenda, and each City Council will select a nominee. The candidate that garners the most votes will be forwarded to the TCAG Board as the representative. If the nomination process results in a tie, those names involved in the tie will be forwarded to the Council of Cities for a final decision.
7. If there is a tie that goes to the Council of Cities, and the vote at the Council of Cities also results in a tie, then the Council of Cities will hold a second ballot on the same day. If it remains a tie, the representative will be selected based on a random draw at the Council of Cities meeting between those names involved in the tie.
8. If a City Council is unable to complete the process within the timeframes indicated, their vote will be considered an abstention, and the process will continue along the timeframes outlined.
9. The person with the second largest number of votes from cities will be the alternate to the TCAG Board for the Transit Representative.
10. If candidate receiving the second largest number of votes declines to be alternate, the candidate with the next largest number of votes will have the opportunity to serve. If no candidate accepts the alternate position, the Chair will issue a call for nominations and at the next Council of Cities meeting, the voting members will elect the alternate from the nominations submitted.
11. Timeframes for vacancies will be set when the position becomes vacant, with the expectation an appointment at the end of the term should begin three months before the position becomes vacant.

*Council of Cities adopted this revised process on January 17, 2018, adding items 10 and 11.*



# Bill Text: CA AB2489 | 2023-2024 | Regular Session | Amended California Assembly Bill 2489

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**Bill Title:** Local agencies: contracts for special services and temporary help.

**Spectrum:** Partisan Bill (Democrat 1-0)

**Status:** (*Introduced*) 2024-04-17 - From committee: Do pass and re-refer to Com. on JUD. (Ayes 4. Noes 2.) (April 17). Re-referred to Com. on JUD. [AB2489 Detail]

**Download:** California-2023-AB2489-Amended.html

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AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 2489**

**Introduced by Assembly Member Ward**

February 13, 2024

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An act to amend ~~Section 31000~~ Sections 31000, 31000.4, 37103, and 53060 of the Government Code, relating to local government.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2489, as amended, Ward. ~~Special services contracts.~~ *Local agencies: contracts for special services and temporary help.*

*(1) Existing law relating to the government of counties authorizes a county board of supervisors to contract for certain types of special services on behalf of the county, any county officer or department, or any district or court in the county. Existing law requires those special services contracts to be with persons who are specially trained, experienced, expert, and competent to perform those services.*

*This bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the previous 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would require persons with whom the board of supervisors enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district or court in the county represented by an employee organization to use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, as specified. The bill would also require those persons to provide information to the county sufficient to show that their employees meet the minimum qualifications and standards. The bill would specify that these provisions do not apply to contracts between governmental entities.*

*(2) Existing law authorizes a county board of supervisors to contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, if the board determines that it is in the economic interest of the county to do so. Existing law limits the use of temporary help to no more than 90 days for any single peak load, temporary absence, or emergency situation.*

*This bill would impose requirements similar to those described in (1) for board contracts for temporary help, except that notice must be provided 90 days before beginning a procurement process to contract for temporary help.*

(3) Existing law relating to the government of cities authorizes the legislative body of a city to contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

This bill would impose requirements similar to those described in (1) for city council contracts for special services.

(4) Existing law authorizes the legislative body of a public or municipal corporation or district to contract with persons performing special services in regard to financial, economic, accounting, engineering, legal, and administrative matters if those persons are specially trained and experienced and competent to perform the special services required.

This bill would impose requirements similar to those described in (1) for legislative body contracts for special services. The bill would clarify that special services include those for transit operation.

(5) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all counties and cities, including charter counties and charter cities.

(6) By imposing new duties on local government agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law authorizes a county board of supervisors to contract for special services on behalf of the county, any county officer or department, or any district or court in the county.~~

~~This bill would make nonsubstantive changes to that provision.~~

## Digest Key

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

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## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.** Section 31000 of the Government Code is amended to read:

**31000.** (a) (1) The board of supervisors may contract for special services on behalf of the following public ~~entities: the county, any county officer or department, or any district or court in the county.~~ Such ~~entities:~~

(A) The county.

(B) Any county officer or department.

(C) Any district or court in the county.

(2) Such contracts shall be with persons specially trained, experienced, expert and competent to perform the special services. ~~The~~

(3) The special services shall consist of services, advice, ~~education~~ education, or training for such public entities or the employees thereof. ~~The~~

(4) The special services shall be in financial, economic, ~~accounting (including accounting, including~~ the preparation and issuance of payroll checks or ~~warrants); warrants,~~ engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry ~~services services,~~ or linen services. ~~They~~ The special services may include maintenance or custodial matters if the board finds that the site is remote from available county employee resources and that the county's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees. ~~The~~

(5) The board of supervisors may pay from any available funds such compensation as it deems proper for these special services. ~~The~~

(6) The board of supervisors may, by ordinance, direct the purchasing agent to enter into contracts authorized by this section within the monetary limit specified in Section 25502.5 of the Government Code.

(b) (1) At least 10 months before beginning a procurement process to contract for special services that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district or court in the county represented by an employee organization, the board of supervisors, or its representative, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(2) Persons with whom the board of supervisors enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district or court in the county represented by an employee organization shall use employees who meet or exceed the minimum qualifications and

standards required of bargaining unit civil service employees who perform or performed the same job functions, which may include, but are not limited to, the following qualifications and standards, as applicable:

(A) Criminal history and background checks before beginning employment.

(B) Academic attainment.

(C) Licensure.

(D) Years of experience.

(E) Child and elder abuse reporting.

(F) Physical requirements.

(G) Assessment exams.

(H) Performance standards.

(3) Persons with whom the board of supervisors enter into a contract for special services shall provide information to the county sufficient to show that their employees meet the minimum qualifications and standards described in paragraph (2), and shall retain this information for at least two years.

(4) A contract for special services subject to this subdivision shall require that all records provided to the county pursuant to paragraph (3) shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

(5) (A) This subdivision does not apply to contracts between governmental entities.

(B) This subdivision does not limit the applicability of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to contracts between governmental entities.

(6) This subdivision shall apply to contracts with persons for special services entered into on and after January 1, 2025. This subdivision shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before the effective date of the act adding this subdivision.

(7) For purposes of this subdivision:

(A) "Contract for special services" means a contract entered into by the board of supervisors pursuant to subdivision (a).

(B) "Employee organization" means the same as defined in subdivision (a) of Section 3501.

(8) The Legislature finds and declares that this subdivision addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 4 of Article XI of the California Constitution. Therefore, this subdivision applies to all counties, including charter counties and the provisions of this subdivision shall supersede any inconsistent provisions in the charter of any county.

(9) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 2.** Section 31000.4 of the Government Code is amended to read:

**31000.4.** (a) The board of supervisors may contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, provided the board determines that it is in the economic interest of the county to provide such temporary help by contract, rather than employing persons for such purpose. Use of temporary help under this section shall be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation.

(b) (1) At least 90 days before beginning a procurement process to contract for temporary help to perform functions that are currently, or were in the previous 10 years, performed by employees of the county agency, department, or office in the county represented by an employee organization, the board of supervisors, or its representative, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(2) Persons with whom the board of supervisors enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the county agency, department, or office represented by an employee organization shall use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, which may include, but are not limited to, the following qualifications and standards, as applicable:

(A) Criminal history and background checks before beginning employment.

(B) Academic attainment.

(C) Licensure.

(D) Years of experience.

(E) Child and elder abuse reporting.

(F) Physical requirements.

(G) Assessment exams.

(H) Performance standards.

(3) Persons with whom the board of supervisors enter into a contract for special services shall provide information to the county sufficient to show that their employees meet the minimum qualifications and standards described in paragraph (2), and shall retain this information for at least two years.

(4) A contract for special services subject to this subdivision shall require that all records provided to the county pursuant to paragraph (3) shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

(5) (A) This subdivision does not apply to contracts between governmental entities.

(B) This subdivision does not limit the applicability of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to contracts between governmental entities.

(6) This subdivision shall apply to contracts with persons for special services entered into on and after January 1, 2025. This subdivision shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before the effective date of the act adding this subdivision.

(7) For purposes of this subdivision:

(A) "Contract for temporary help" means a contract entered into by the board of supervisors pursuant to subdivision (a).

(B) "Employee organization" means the same as defined in subdivision (a) of Section 3501.

(8) The Legislature finds and declares that this subdivision addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 4 of Article XI of the California Constitution. Therefore, this subdivision applies to all counties, including charter counties and the provisions of this subdivision shall supersede any inconsistent provisions in the charter of any county.

(9) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 3.** Section 37103 of the Government Code is amended to read:

**37103.** (a) (1) The legislative body may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

††

(2) The legislative body may pay such compensation to these experts as it deems proper.

(b) (1) At least 10 months before beginning a procurement process to contract for special services that are currently, or were in the previous 10 years, performed by employees of the city represented by an employee organization, the legislative body, or its representative, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process

(2) Persons with whom the legislative body enters into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the city represented by an employee organization shall use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, which may include, but are not limited to, the following qualifications and standards, as applicable:

(A) Criminal history and background checks before beginning employment.

(B) Academic attainment.

(C) Licensure.

(D) Years of experience.

(E) Child and elder abuse reporting.

(F) Physical requirements.

(G) Assessment exams.

(H) Performance standards.

(3) Persons with whom the legislative body enter into a contract for special services shall provide information to the city sufficient to show that their employees meet the minimum qualifications and standards described in paragraph (2), and shall retain this

information for at least two years.

(4) A contract for special services subject to this subdivision shall require that all records provided to the city pursuant to paragraph (3) shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the city in performing the same functions.

(5) (A) This subdivision does not apply to contracts between governmental entities.

(B) This subdivision does not limit the applicability of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to contracts between governmental entities.

(6) This subdivision shall apply to contracts with persons for special services entered into on and after January 1, 2025. This subdivision shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before the effective date of the act adding this subdivision.

(7) For purposes of this subdivision:

(A) "Contract for special services" means a contract entered into by the legislative body pursuant to subdivision (a).

(B) "Employee organization" means the same as defined in subdivision (a) of Section 3501.

(8) The Legislature finds and declares that this subdivision addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this subdivision applies to all cities, including charter cities and the provisions of this subdivision shall supersede any inconsistent provisions in the charter of any city.

(9) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 4.** Section 53060 of the Government Code is amended to read:

**53060.** (a) (1) The legislative body of any public or municipal corporation or district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, *transit operation*, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

~~The~~

(2) ~~The~~ authority herein given to contract shall include the right of the legislative body of the corporation or district to contract for the issuance and preparation of payroll checks.

~~The~~

(3) ~~The~~ legislative body of the corporation or district may pay from any available funds such compensation to such persons as it deems proper for the services rendered.

(b) (1) At least 10 months before beginning a procurement process to contract for special services that are currently, or were in the previous 10 years, performed by employees of the corporation or district represented by an employee organization, the legislative body, or its representative, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(2) Persons with whom the legislative body enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the corporation or district represented by an employee organization shall use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, which may include, but are not limited to, the following qualifications and standards, as applicable:

(A) Criminal history and background checks before beginning employment.

(B) Academic attainment.

(C) Licensure.

(D) Years of experience.

(E) Child and elder abuse reporting.

(F) Physical requirements.

(G) Assessment exams.

(3) Persons with whom the legislative body enter into a contract for special services shall provide information to the corporation or district sufficient to show that their employees meet the minimum qualifications and standards described in paragraph (2), and shall retain this information for at least two years.



(4) A contract for special services subject to this subdivision shall require that all records provided to the corporation or district pursuant to paragraph (3) shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

(5) (A) This subdivision does not apply to contracts between governmental entities.

(B) This subdivision does not limit the applicability of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) to contracts between governmental entities.

(6) This subdivision shall apply to contracts with persons for special services entered into on and after January 1, 2025. This subdivision shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before the effective date of the act adding this subdivision.

(7) For purposes of this subdivision:

(A) "Contract for special services" means a contract entered into by the legislative body pursuant to subdivision (a).

(B) "Employee organization" means the same as defined in subdivision (a) of Section 3501.

(8) The Legislature finds and declares that this subdivision addresses a matter of statewide concern rather than a municipal affair as that term is used in Sections 4 and 5 of Article XI of the California Constitution. Therefore, this subdivision applies to all cities and counties, including charter cities and charter counties and the provisions of this subdivision shall supersede any inconsistent provisions in the charter of any city or county.

(9) The provisions of this subdivision are severable. If any provision of this subdivision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**SEC. 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. Section 31000 of the Government Code is amended to read:~~

~~31000. The board of supervisors may contract for special services on behalf of the county, any county officer or department, or any district or court in the county. These contracts shall be with persons specially trained, experienced, expert, and competent to perform the special services. The special services shall consist of services, advice, education, or training for these public entities or the employees thereof. The special services shall be in financial, economic, accounting, including the preparation and issuance of payroll checks or warrants, engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services, or linen services. The special services may include maintenance or custodial matters if the board finds that the site is remote from available county employee resources and that the county's economic interests are served by the contract rather than by paying additional travel and subsistence expenses to existing county employees. The board may pay from any available funds compensation as it deems proper for these special services. The board of supervisors may, by ordinance, direct the purchasing agent to enter into contracts authorized by this section within the monetary limit specified in Section 25502.5.~~



# Bill Text: CA AB2557 | 2023-2024 | Regular Session | Amended California Assembly Bill 2557

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**Bill Title:** Local agencies: contracts for special services and temporary help: performance reports.

**Spectrum:** Partisan Bill (Democrat 1-0)

**Status:** (*Introduced*) 2024-04-17 - From committee: Do pass and re-refer to Com. on JUD. (Ayes 4. Noes 2.) (April 17). Re-referred to Com. on JUD. [AB2557 Detail]

**Download:** California-2023-AB2557-Amended.html

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AMENDED IN ASSEMBLY APRIL 08, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 2557**

**Introduced by Assembly Member Ortega**

February 14, 2024

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An act to amend Sections 31000, 31000.4, 37103, and 53060 of the Government Code, relating to local agencies.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2557, as amended, Ortega. Local agencies: contracts for special services and temporary help: performance reports.

(1) Existing law relating to the government of counties authorizes a county board of supervisors to contract for certain types of special services on behalf of the county, any county officer or department, or any district or court in the county. Existing law requires those special services contracts to be with persons who are specially trained, experienced, expert, and competent to perform those services.

This bill would require each contract for special services to include specific performance standards and requirements. The bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the prior 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would require each person who enters into such a contract with the board of supervisors to submit quarterly performance reports, as prescribed, every 90 days, to the board of supervisors and the exclusive representative of the employee organization. The bill would require the board or its representative to monitor quarterly performance reports to evaluate the quality of services and withhold payments to the contractor under prescribed circumstances, which circumstances the bill would deem to be a breach of contract. The bill would require contract terms exceeding 2 years to undergo a performance audit, as prescribed, by an independent auditor approved by the board to determine whether the performance standards are being met.

(2) Existing law authorizes a county board of supervisors to contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, if the board determines that it is in the economic interest of the county to do so. Existing law limits the use of temporary help to no more than 90 days for any single peak load, temporary absence, or emergency situation.

This bill would impose requirements similar to those described in paragraph (1) for board contracts for temporary help, with reports and monitoring on a monthly basis.

(3) Existing law relating to the government of cities authorizes the legislative body of a city to contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

This bill would impose requirements similar to those described in paragraph (1) for city council contracts for special services.

(4) Existing law authorizes the legislative body of a public or municipal corporation or district to contract with persons performing special services in regard to financial, economic, accounting, engineering, legal, and administrative matters if those persons are specially trained and experienced and competent to perform the special services required.

This bill would impose requirements similar to those described in paragraph (1) for legislative body contracts for special services.

(5) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all counties and cities, including charter counties and charter cities.

(6) By imposing new duties on local government agencies, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 31000 of the Government Code is amended to read:

**31000.** (a) (1) The board of supervisors may contract for special services on behalf of the following public entities: the county, any county officer or department, or any district or court in the county. Such contracts shall be with persons specially trained, experienced, expert and competent to perform the special services.

(2) The special services shall consist of services, advice, education or training for such public entities or the employees thereof. The special services shall be in financial, economic, accounting, including the preparation and issuance of payroll checks or warrants, engineering, legal, medical, therapeutic, administrative, architectural, airport or building security matters, laundry services or linen services. They may include maintenance or custodial matters if the board finds that the site is remote from available county employee resources and that the county's economic interests are served by such a contract rather than by paying additional travel and subsistence expenses to existing county employees.

(3) The board may pay from any available funds compensation it deems proper for these special services. The board of supervisors may, by ordinance, direct the purchasing agent to enter into contracts authorized by this section within the monetary limit specified in Section 25502.5 of the Government Code.

(4) Each contract for special services shall include specific performance standards and requirements, including, but not limited to, objectives and deliverables.

(b) At least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the prior 10 years, performed by employees of the county represented by an employee organization, as defined in subdivision (a) of Section 3501, the board of supervisors, or a representative of the board, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(c) Each person who enters into a contract with the board of supervisors pursuant to subdivision (a) to perform functions that are currently, or were in the prior 10 years, performed by employees of the county represented by an employee organization, as defined in subdivision (a) of Section 3501, shall submit quarterly performance reports, every 90 days, to the board of supervisors and the exclusive representative of the employee organization.

(d) The quarterly performance reports shall include all of the following:

(1) A list of all contract objectives that describe the goals of the contract.

(2) A description of all deliverables the contractor has provided that include tangible and intangible services or goods that are measurable and produced as a result of the contract.

(3) A description of the contractor's progress towards contract objectives identified in paragraph (1).

(4) A list of all financial expenditures incurred for services provided, including, but not limited to, personnel costs, direct expenses, and indirect expenses, and their corresponding deliverables.

(5) The number of each contractor and subcontractor's employees, organized by job category, sex, race, and ethnicity, and the number of each contractor and subcontractor's independent contractors by job category, sex, race, and ethnicity.

(6) (A) The names of any subcontractors providing services under the contract and the names of the employees of the contractor and any subcontractors providing services pursuant to the contract.

(B) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(A), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement,~~ (A) organized by job classification.

(C) The names of any workers providing services pursuant to the contract as independent contractors.

(D) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(C), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement,~~ (C) organized by job classification.

(7) Performance standard metrics for individual contractor and subcontractor employees performing work pursuant to the contract.

(e) The board of supervisors or its representative shall monitor quarterly performance reports to evaluate the quality of services. The board shall withhold payment to the contractor under any of the following circumstances, which constitute a breach of contract:

(1) (A) Three or more consecutive quarterly performance reports are deemed as underperforming by a representative of the board of supervisors or a representative of the exclusive bargaining unit.

(B) If a contractor submits a plan to achieve substantial compliance with the contract and this section, the board of supervisors shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the board of supervisors, the employee organization, or assigned representatives reject the plan as insufficient and explain the reasons for the rejection.

(2) (A) The contractor fails to provide the quarterly reports required by this section or provides a report that is incomplete.

(B) The board of supervisors shall withhold further payments until all complete reports are provided. The board of supervisors shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the board of supervisors, the employee organization, or assigned representatives reject the reports as incomplete and explain the reasons for the rejection.

(f) The quarterly performance reports shall not be required for contracts between governmental entities.

(g) Contract terms exceeding two years shall undergo a performance audit by an independent auditor approved by the board of supervisors, to determine whether the performance standards are being met. Audits shall be conducted at least one year before the contract expires or qualifies for renewal or extension. The independent auditor shall present the findings of the audit report during a public session of the board of supervisors. The board shall not renew or extend a contract before receiving and evaluating the audit report in conference with a representative of the exclusive bargaining unit.

(h) The contractor shall reimburse the board of supervisors for the cost of the audit. A contractor shall not factor the costs of the audit into the contract costs with the board of supervisors.

(i) The contract shall provide that all records provided to the county by the contractor shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

*(j) For purposes of this section, the following definitions apply:*

*(1) "Deliverables" means the agreed upon services set forth in the contract, the expected rate of delivery, and the success of those services.*

*(2) A plan is "insufficient" if service falls below the average rate of completion by the workers of the affected bargaining unit.*

*(3) "Total compensation" means the complete payment provided to a contracted employee throughout the duration of the contract, including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement.*

*(4) A performance report is "underperforming" if the contractor fails to meet the expected delivery of services in a manner that would lead to an extension of the contract or at a rate below the agreed upon standards.*

~~(j)~~

*(k) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

~~(k)~~

*(l) The Legislature finds and declares that ~~this section addresses~~ ensuring that the replacement of bargaining unit work with contracted employees does not undermine public employee relations is a matter of statewide concern for purposes of Section 4 of Article XI of the California Constitution. Therefore, this section applies to all counties, including charter counties.*

~~(l)~~

(m) The amendments to this section adding this subdivision shall apply on and after January 1, 2025. These amendments shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before January 1, 2025.

**SEC. 2.** Section 31000.4 of the Government Code is amended to read:

**31000.4.** (a) (1) The board of supervisors may contract with temporary help firms for temporary help to assist county agencies, departments, or offices during any peak load, temporary absence, or emergency other than a labor dispute, provided the board determines that it is in the economic interest of the county to provide that temporary help by contract, rather than employing persons for that purpose. Use of temporary help under this section shall be limited to a period of not to exceed 90 days for any single peak load, temporary absence, or emergency situation.

(2) Each contract for temporary help shall include specific performance standards and requirements, including, but not limited to, objectives and deliverables.

(b) At least 90 days before beginning a procurement process to contract with persons for temporary help that are currently, or were in the prior 10 years, performed by employees represented by an employee organization, as defined in subdivision (a) of Section 3501, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(c) Each person who enters into a contract exceeding 60 days with the board of supervisors pursuant to subdivision (a) to perform functions that are currently, or were in the prior 10 years, performed by employees represented by an employee organization, as defined in subdivision (a) of Section 3501, shall submit monthly performance reports, every 30 days, to the funding agency and the exclusive representative of the employee organization.

(d) The monthly performance reports shall include all of the following:

(1) A list of all contract objectives that describe the goals of the contract.

(2) A description of all deliverables the contractor has provided that include tangible and intangible services or goods that are measurable and produced as a result of the contract.

(3) A description of the contractor's progress towards contract objectives identified in paragraph (1).

(4) A list of all financial expenditures incurred for services provided, including, but not limited to, personnel costs, direct expenses, and indirect expenses, and their corresponding deliverables.

(5) The number of each contractor and subcontractor's employees, organized by job category, sex, race, and ethnicity, and the number of each contractor and subcontractor's independent contractors by job category, sex, race, and ethnicity.

(6) (A) The names of any subcontractors providing services under the contract, and the names of the employees of the contractor and any subcontractors providing services pursuant to the contract.

(B) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(A), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement;~~ (A) organized by job classification.

(C) The names of any workers providing services pursuant to the contract as independent contractors.

(D) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(C), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement;~~ (C) organized by job classification.

(7) Performance standard metrics for individual contractor and subcontractor employees performing work pursuant to the contract.

(e) The board of supervisors or its representative shall monitor monthly performance reports to evaluate the quality of services. The board shall withhold payment to the contractor under any of the following circumstances, which constitute a breach of contract:

(1) (A) Three or more consecutive monthly performance reports are deemed as underperforming by a representative of the board of supervisors or a representative of the exclusive bargaining unit.

(B) If a contractor submits a plan to achieve substantial compliance with the contract and this section, the board of supervisors shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the board of supervisors, the employee organization, or assigned representatives reject the plan as insufficient and explain the reasons for the rejection.

(2) (A) The contractor fails to provide the monthly reports required by this section or provides a report that is incomplete.

(B) The board of supervisors shall withhold further payments until all complete reports are provided. The board of supervisors shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the board of supervisors, the employee organization, or assigned representatives reject the reports as incomplete and explain the reasons for the rejection.

(f) The monthly performance reports shall not be required for contracts between governmental entities.

(g) The contract shall provide that all records provided to the county by the contractor shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors

shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

*(h) For purposes of this section, the following definitions apply:*

*(1) "Deliverables" means the agreed upon services set forth in the contract, the expected rate of delivery, and the success of those services.*

*(2) A plan is "insufficient" if service falls below the average rate of completion by the workers of the affected bargaining unit.*

*(3) "Total compensation" means the complete payment provided to a contracted employee throughout the duration of the contract, including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement.*

*(4) A performance report is "underperforming" if the contractor fails to meet the expected delivery of services in a manner that would lead to an extension of the contract or at a rate below the agreed upon standards.*

~~(h)~~

*(i) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

~~(i)~~

*(j) The Legislature finds and declares that ~~this section addresses~~ *ensuring that the replacement of bargaining unit work with contracted employees does not undermine public employee relations* is a matter of statewide concern for purposes of Section 4 of Article XI of the California Constitution. Therefore, this section applies to all counties, including charter counties.*

~~(j)~~

*(k) The amendments to this section adding this subdivision shall apply on and after January 1, 2025. These amendments shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before January 1, 2025.*

**SEC. 3.** Section 37103 of the Government Code is amended to read:

**37103.** (a) (1) The legislative body may contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

(2) The legislative body may pay compensation to these experts as it deems proper.

(3) Each contract for special services shall include specific performance standards and requirements, including, but not limited to, objectives and deliverables.

(b) At least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the prior 10 years, performed by employees of the city represented by an employee organization, as defined in subdivision (a) of Section 3501, the legislative body, or its representative, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(c) Each person who enters into a contract with the legislative body pursuant to subdivision (a) to perform functions that are currently, or were in the prior 10 years, performed by employees of the city represented by an employee organization, as defined in subdivision (a) of Section 3501, shall submit quarterly performance reports, every 90 days, to the legislative body and the exclusive representative of the employee organization.

(d) The quarterly performance reports shall include all of the following:

(1) A list of all contract objectives that describe the goals of the contract.

(2) A description of all deliverables the contractor has provided that include tangible and intangible services or goods that are measurable and produced as a result of the contract.

(3) A description of the contractor's progress towards contract objectives identified in paragraph (1).

(4) A list of all financial expenditures incurred for services provided, including, but not limited to, personnel costs, direct expenses, and indirect expenses, and their corresponding deliverables.

(5) The number of each contractor and subcontractor's employees, organized by job category, sex, race, and ethnicity, and the number of each contractor and subcontractor's independent contractors by job category, sex, race, and ethnicity.

(6) (A) The names of any subcontractors providing services under the contract, and the names of the employees of the contractor and any subcontractors providing services pursuant to the contract.

(B) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(A), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement,~~ (A) organized by job classification.

(C) The names of any workers providing services pursuant to the contract as independent contractors.

(D) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(C), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement,~~ (C) organized by job classification.

(7) Performance standard metrics for individual contractor and subcontractor employees performing work pursuant to the contract.

(e) The legislative body or its representative shall monitor quarterly performance reports to evaluate the quality of services. The legislative body shall withhold payment to the contractor under any of the following circumstances, which constitute a breach of contract:

(1) (A) Three or more consecutive quarterly performance reports are deemed as underperforming by a representative of the legislative body or a representative of the exclusive bargaining unit.

(B) If a contractor submits a plan to achieve substantial compliance with the contract and this section, the legislative body shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the legislative body, the employee organization, or assigned representatives reject the plan as insufficient and explain the reasons for the rejection.

(2) (A) The contractor fails to provide the quarterly reports required by this section or provides a report that is incomplete.

(B) The legislative body shall withhold further payments until all complete reports are provided. The legislative body shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the legislative body, the employee organization, or assigned representatives reject the reports as incomplete and explain the reasons for the rejection.

(f) The quarterly performance reports shall not be required for contracts between governmental entities.

(g) Contract terms exceeding two years shall undergo a performance audit by an independent auditor approved by the legislative body, to determine whether the performance standards are being met. Audits shall be conducted at least one year before the contract expires or qualifies for renewal or extension. The independent auditor shall present the findings of the audit report during a public session of the legislative body. The legislative body shall not renew or extend a contract before receiving and evaluating the audit report in conference with a representative of the exclusive bargaining unit.

(h) The contractor shall reimburse the legislative body for the cost of the audit. A contractor shall not factor the costs of the audit into the contract costs with the legislative body.

(i) The contract shall provide that all records provided to the city by the contractor shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

*(j) For purposes of this section, the following definitions apply:*

*(1) "Deliverables" means the agreed upon services set forth in the contract, the expected rate of delivery, and the success of those services.*

*(2) A plan is "insufficient" if service falls below the average rate of completion by the workers of the affected bargaining unit.*

*(3) "Total compensation" means the complete payment provided to a contracted employee throughout the duration of the contract, including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement.*

*(4) A performance report is "underperforming" if the contractor fails to meet the expected delivery of services in a manner that would lead to an extension of the contract or at a rate below the agreed upon standards.*

~~(j)~~

*(k) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

~~(k)~~

*(l) The Legislature finds and declares that ~~this section addresses~~ ensuring that the replacement of bargaining unit work with contracted employees does not undermine public employee relations is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this section applies to all cities, including charter cities.*

~~(l)~~

*(m) The amendments to this section adding this subdivision shall apply on and after January 1, 2025. These amendments shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before January 1, 2025.*

**SEC. 4.** Section 53060 of the Government Code is amended to read:

**53060.** (a) (1) The legislative body of any public or municipal corporation or district may contract with and employ any persons for the furnishing to the corporation or district special services and advice in financial, economic, accounting, engineering, legal, or administrative matters if such persons are specially trained and experienced and competent to perform the special services required.

(2) The authority given to contract shall include the right of the legislative body of the corporation or district to contract for the issuance and preparation of payroll checks.

(3) The legislative body of the corporation or district may pay from any available funds compensation to persons as it deems proper for the services rendered.

(4) Each contract for special services shall include specific performance standards and requirements, including, but not limited to, objectives and deliverables.

(b) At least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the prior 10 years, performed by employees of corporation or district represented by an employee organization, as defined in subdivision (a) of Section 3501, the legislative body, or its representative, shall notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process.

(c) Each person who enters into a contract with a legislative body pursuant to subdivision (a) to perform functions that are currently, or were in the prior 10 years, performed by employees of the corporation or district represented by an employee organization, as defined in subdivision (a) of Section 3501, shall submit quarterly performance reports, every 90 days, to the legislative body and the exclusive representative of the employee organization.

(d) The quarterly performance reports shall include all of the following:

(1) A list of all contract objectives that describe the goals of the contract.

(2) A description of all deliverables the contractor has provided that include tangible and intangible services or goods that are measurable and produced as a result of the contract.

(3) A description of the contractor's progress towards contract objectives identified in paragraph (1).

(4) A list of all financial expenditures incurred for services provided, including, but not limited to, personnel costs, direct expenses, and indirect expenses, and their corresponding deliverables.

(5) The number of each contractor and subcontractor's employees, organized by job category, sex, race, and ethnicity, and the number of each contractor and subcontractor's independent contractors by job category, sex, race, and ethnicity.

(6) (A) The names of any subcontractors providing services under the contract, and the names of the employees of the contractor and any subcontractors providing services pursuant to the contract.

(B) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(A), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement,~~ (A) organized by job classification.

(C) The names of any workers providing services pursuant to the contract as independent contractors.

(D) The hourly rates, total compensation, and pay scales for the individuals identified in subparagraph ~~(C), including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement,~~ (C) organized by job classification.

(7) Performance standard metrics for individual contractor and subcontractor employees performing work pursuant to the contract.

(e) The legislative body or its representative shall monitor quarterly performance reports to evaluate the quality of services. The legislative body shall withhold payment to the contractor under any of the following circumstances, which constitute a breach of contract:

(1) (A) Three or more consecutive quarterly performance reports are deemed as underperforming by a representative of the legislative body or a representative of the exclusive bargaining unit.

(B) If a contractor submits a plan to achieve substantial compliance with the contract and this section, the legislative body shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the legislative body, the employee organization, or assigned representatives reject the plan as insufficient and explain the reasons for the rejection.

(2) (A) The contractor fails to provide the quarterly reports required by this section or provides a report that is incomplete.

(B) The legislative body shall withhold further payments until all complete reports are provided. The legislative body shall immediately resume making payments to the contractor, including all previously withheld payments unless, within a reasonable time, the legislative body, the employee organization, or assigned representatives reject the reports as incomplete and explain the reasons for the rejection.

(f) The quarterly performance reports shall not be required for contracts between governmental entities.

(g) Contract terms exceeding two years shall undergo a performance audit by an independent auditor approved by the legislative body, to determine whether the performance standards are being met. Audits shall be conducted at least one year before the contract expires or qualifies for renewal or extension. The independent auditor shall present the findings of the audit report during a public session of the legislative body. The legislative body shall not renew or extend a contract before receiving and evaluating the audit report in conference with a representative of the exclusive bargaining unit.



(h) The contractor shall reimburse the legislative body for the cost of the audit. A contractor shall not factor the costs of the audit into the contract costs with the legislative body.

(i) The contract shall provide that all records provided to the legislative body by the contractor shall be subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1). In furtherance of this subdivision, contractors and any subcontractors shall maintain records related to performance of the contract that ordinarily would be maintained by the county in performing the same functions.

(j) For purposes of this section, the following definitions apply:

(1) "Deliverables" means the agreed upon services set forth in the contract, the expected rate of delivery, and the success of those services.

(2) A plan is "insufficient" if service falls below the average rate of completion by the workers of the affected bargaining unit.

(3) "Total compensation" means the complete payment provided to a contracted employee throughout the duration of the contract, including, but not limited to, applicable hourly pay, overtime pay, benefits, and retirement.

(4) A performance report is "underperforming" if the contractor fails to meet the expected delivery of services in a manner that would lead to an extension of the contract or at a rate below the agreed upon standards.

(j)

(k) The provisions of this section are severable. If any provision of this section or its application is held invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(k)

(l) The Legislature finds and declares that ~~this section addresses~~ *ensuring that the replacement of bargaining unit work with contracted employees does not undermine public employee relations* is a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution and for purposes of Section 4 of Article XI of the California Constitution. Therefore, this section applies to all cities and all counties, including charter cities and charter counties.

(l)

(m) The amendments to this section adding this subdivision shall apply on and after January 1, 2025. These amendments shall apply prospectively only and shall not be construed, applied, or otherwise interpreted to have any effect on or application to any contract entered into before January 1, 2025.

**SEC. 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.