



COUNTY OF MENDOCINO

Board of Supervisors

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April 20, 2023

The Cecilia Aguiar-Curry
California State Assembly
1021 O Street, Suite 6350
Sacramento, CA 95814

RE: Assembly Bill 338 – Expanded definition of “public works” to include fuel reduction work - OPPOSE

Dear Assembly Member Aguiar-Curry:

On behalf of the County of Mendocino, we regretfully oppose Assembly Bill 338 (Aguiar-Curry), which expands the definition of “public works” to include fuel reduction work done as a part of a fire mitigation project done under contract and paid for in whole or in part out of public funds.

Mitigating wildfire risk is paramount to communities in the wildland-urban interface statewide, such as Mendocino County. Home to some of the largest wildfires in California history, the Mendocino Complex and August Complex, Mendocino is no stranger to the increasing fire risk faced in our state.

AB 338 runs contrary to the goals and objectives outlined in California's Wildfire and Forest Resilience Action Plan, which states, “bolder action is required to address the key drivers of catastrophic fires, significantly increase the pace and scale of forest management, and improve the resilience of increasingly threatened communities.”

The urgency of these needed threat mitigation projects comes with a dire need to develop a local workforce dedicated to removing hazardous fuels in the communities most impacted by wildfires and tree mortality. Most importantly, many rural, forested communities depend almost wholly on public funding such as state and federal grant dollars so that fire safe councils, community collaboratives, and other under-resourced local organizations can work with local governments to get work done on the ground using local contractors.

Experience has shown that, as written, AB 338 could have the unintended consequence of eliminating local jobs rather than creating them by placing small, local contractors at a competitive disadvantage for fuel reduction work in rural areas. The requirements to become a prevailing wage

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employer are both resource and labor-intensive, making it difficult for many small contractors to obtain and maintain prevailing wage status. By requiring prevailing wage for fuels reduction projects, we expect to see local contractors priced out of projects while large, out-of-area contractors dominate the bidding. This exact scenario has occurred in rural communities with other prevailing wage sectors, such as construction, and it has often served to restrict the affordability of projects while limiting the availability of contractors to a small pool from outside the community. AB 338, while well-intended, would likely eliminate local jobs rather than create them in communities like Mendocino County.

Mendocino County understands and agrees with the intent of this legislation. California's fuel reduction workforce should be paid well and guaranteed a safe workplace. However, as it is written, AB 338 is a vague broad stroke that would drastically limit the workforce, limit the size and impact of fuel reduction projects and slow down this much-needed work.

In a year when state revenues are projected to fall far below previous budget years, Mendocino County is concerned that any new policies impacting the ability of rural communities to continue to make progress on the pace and scale of fuels treatment will have disturbing impacts on the safety of our residents as well as the long-term health and resilience of forested ecosystems.

Currently, the Mendocino County Board of Supervisors must respectfully oppose AB 338 for the above reasons.

Respectfully,



Maureen Mulheren, Vice-Chair
Mendocino County Board of Supervisors

cc: The Honorable Cecilia Aguiar-Curry, Member of the California State Assembly
The Honorable Members, Assembly Appropriations Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Joe Shinstock, Consultant, Assembly Republican Caucus