

COUNTY OF NEVADA

STATE OF CALIFORNIA

BOARD OF SUPERVISORS



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May 9, 2023

Re: Letter of Opposition AB 338 (Aguiar-Curry)

[Insert as applicable]

RE: OPPOSE – AB 338 (Aguiar-Curry)

Honorable [insert],

On behalf of the Nevada County Board of Supervisors, I am writing to express our opposition to AB 338 (Aguiar-Curry) that will expand the definition of “public works” for the purpose of the payment of prevailing wages, to also include fuel reduction work done under contract and paid for or in part by public funds performed as part of a fire mitigation project, including, but not limited to, residential chipping, rural fuel breaks, fire breaks, and vegetation management.

Over the past several years, California’s wildfire seasons have grown both longer and more severe each year, as climate change has exacerbated the decades-overdue need for better vegetation management and fuels treatment strategies around communities in the wildland urban interface (WUI). Over 75% of Nevada County residents are in high or very high fire hazard severity zones and depend on public funding for hazardous vegetation management activities. CAL FIRE’s recently-updated, draft Fire Hazard Severity Zone maps indicate a 14.6 percent increase in Very High Fire Hazard Severity Zone (VHFHSZ) acreage in the state responsibility area (SRA) alone since 2007, most of which was shifted from land that was designated as Moderate Fire Hazard Severity fifteen years ago. The maps represent a sobering view of how dramatically the state’s wildfire patterns and potential impacts have been exacerbated by climate change and are becoming ever-worsening. There remains an urgent need to expedite wildfire risk mitigation at both the landscape scale and the community level. However, AB 338 would threaten to decrease local governments and our ability to further progress on this front.

While we whole heartily agree that increasing living wages in this sector is critical for long-term and sustainable success, shifting costs in a year when state revenues are projected to fall far below previous budget years, we are extremely concerned about any new policies that could threaten our ability to make progress on our fuels treatment work that could negatively impact the safety of rural residents. Additionally, we anticipate that AB 338 could have the unintended consequences of squeezing out small local service providers who may lack the resources to navigate the required bureaucracy of qualified providers by the Department of Industrial Relations. While AB 338 increases wages for workers, the cost of management can often be a barrier for providers to respond to RFPs and procurement contracts. The requirements to become a prevailing wage 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.

The ability for Nevada County to maximize its efforts in reducing the risks of wildfire has never been more critical as outlined as one of our 2023 Priority Objectives to “Lead the community in all hazards planning, preparedness, response, and recovery with a focus on wildfire. Do this by focusing on improving countywide evacuation routes and safety, continuing to strengthen early alert and critical communication systems, partnering closely with residents in emergency preparedness, defensible space, home hardening, green waste disposal, and fire-safe land stewardship.”

As a fire-prone county we seek ways to maximize their ability to safeguard residents from the devastation of wildfires. It seems ill-timed to introduce additional barriers to implementation of fire mitigation projects in communities that desperately need public funds to complete these projects – especially at a time when the State is reporting an unprecedented historical budget surplus. AB 338 would increase the cost of crucial fire mitigation projects around communities and critical infrastructure by including these projects in the definition of “public works,” thus subjecting them to prevailing wage.

Yet in recognition of the need to promote and support a sustainable forest management industry, we encourage the author and legislature to consider other opportunities that balance the future vitality of a new large scale emerging industry, including equitable pay across socio-economical and disadvantaged communities, with the need to maximize project efficiency and acres managed today. Simple solutions are not always the best way to solve complex programs, and AB 338, like its predecessor AB1717, will jeopardize our ability to mitigate the very real risks of public safety to our citizens.

Therefore, we oppose AB 338 but would love to work with the author and legislature on how rural counties, like Nevada County, can increase pay overtime while ensuring maximum project efficiency and progress for the public safety of our community.

Sincerely,

Ed Scofield
Chair, Board of Supervisors

CC: Honorable Senator Brian Dahle
California State Association of Counties
Shaw Yoder Antwih, Schmelzer & Lange

Honorable Assembly Member Megan Dahle
Rural County Representatives of California