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April 26, 2023

The Honorable Blanca Rubio
California State Assembly
1021 O Street, Suite 5140
Sacramento, CA 95814

RE: Assembly Bill 334 – Orange County Sanitation District SUPPORT

Dear Assembly Member Rubio:

On behalf of Orange County Sanitation District (OC San) I write in support of your Assembly Bill 334, which seeks to clarify the State’s conflict of interest law, California Government Code 1090. OC San provides wastewater collection, treatment, and recycling for approximately 2.6 million people in central and northwest Orange County, CA. OC San’s primary mission is to protect public health and the environment through its services.

Public agencies are experiencing an alarming contracting issue when seeking to partner with independent contractors on their projects.

For example, when agencies seek to contract with engineers, land surveyors, architects, and geologists on public works infrastructure projects, these design professionals are increasingly – and inappropriately – being subjected to the terms of Government Code Section 1090 as a result of ambiguity in the law and case law. In consequence, well-qualified professionals are being precluded from participating in subsequent phases of work if they had any involvement in an earlier phase.

Engineers and architects conceive, design, and oversee much of the State’s infrastructure projects, including roads, buildings, airports, tunnels, dams, bridges, rail, and water systems. The public is at great risk if qualified consultants and contractors are prohibited from working on certain phases of public projects due to involvement in previous phases.

Public agencies should be free to choose the most qualified professional to partner with and deliver projects to their constituents through a competitive process. Thank you for your leadership in addressing this issue and working toward a solution. If you have any questions, please do not hesitate to contact Jennifer Cabral, Administration Manager at (714) 593-7581 or via mail at JCabral@ocsan.gov.

Sincerely,

Chad P. Wanke
Board Chairman

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