



*Public comments of*

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*Prepared concerning*

**Proposed Ordinance AB2020-409, “Increasing Community Oversight and Transparency to Establish Fair Contract Negotiations”**

*Before the*

**Whatcom County Council  
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Good evening, members of the Council. My name is Maxford Nelsen and I am the director of labor policy at the Freedom Foundation, a nearly 30-year old nonprofit legal and public policy organization based in Olympia which advocates for individual liberty, free enterprise, and limited, accountable government.

We strongly support proposed ordinance [AB 2020-409](#), “Increasing Community Oversight and Transparency to Establish Fair Contract Negotiations,” and commend the Council for considering this important, good-government policy.

Allowing for public oversight of collective bargaining negotiations involving government agencies and tax dollars is overwhelmingly popular. In 2014, [70 percent](#) of Colorado voters approved a ballot measure opening public school collective bargaining to the public. Last year, [77 percent](#) of voters in Spokane voted to open up the city’s negotiations with unions. And, in recent years, nearly every major newspaper editorial board in Washington has endorsed collective bargaining transparency at least once.

This is an idea whose time has come and, even better, it’s also good policy.

First, personnel costs generally constitute the largest portion of municipal government budgets, which are funded by mandatory taxes and fees paid by the public. Determining how to allocate these funds happens at the bargaining table.

Members of the public deserve to be able to witness, firsthand, the process which determines how their tax dollars will be spent.

Second, because collective bargaining in government involves elected officials, unions like the American Federation of State, County and Municipal Employees maintain robust political operations and routinely [boast](#) of their ability to “directly elect [their] bosses,” an option not generally available to their private-sector brothers and sisters.

Transparent bargaining helps prevent any compromising, whether actual or perceived, of government officials’ ability to fairly represent the public when bargaining with private special interests that may have played a role in their election.

Third, open negotiations also allows public employees to see and evaluate for themselves their union’s representation of their interests at the bargaining table. State law confers upon unions the extraordinary privilege of acting as exclusive, monopoly providers of workplace representation to public employees. If nothing else, represented employees deserve to see what kind of representation their dues money is buying.

Lastly, bringing the bargaining process out from behind closed doors encourages all parties to conduct themselves professionally and reasonably, to avoid extreme or unrealistic proposals, and to reach agreement efficiently.

Because of these benefits, [at least 13 states](#), including both Oregon and Idaho, have adopted laws providing for at least some level of public oversight of collective bargaining. Here in Washington, a [growing list](#) of counties, cities and school districts have adopted similar transparency requirements.

Contrary to the arguments of its few opponents, open bargaining is not illegal. While the Open Public Meetings Act exempts collective bargaining, that just means local governments are not required to bargain openly. There is no dispute that municipal governments have the authority to be more transparent than required by the state.

While there is a pending legal challenge to the transparency resolution adopted by Lincoln County in 2016, even a loss for the county would only mean that local governments must bargain transparency reforms with the union prior to implementation. And, in the meantime, other jurisdictions are successfully bargaining contracts to completion in public settings.

Finally, open bargaining is not anti-union. In fact, while some unions may object to particular proposals at particular times, unions historically advocate for open bargaining when they believe it suits their interests. For instance, in 2016, a teachers’ union president [explained](#) how, “...member participation is at its peak — thanks to our experience with Open Bargaining. It’s helping us bring our union back to life, change the balance of power, and build hope for our future.”

In sum, collective bargaining transparency is popular, effective and legal. The proposal before the Council this evening deserves to be adopted without amendment or delay.