

RESOLUTION NO. 26061

A RESOLUTION REQUESTING AN OPINION FROM THE ATTORNEY GENERAL OF THE STATE OF TENNESSEE WITH REGARD TO THE AUTHORITY OF THE CHATTANOOGA CITY COUNCIL TO ENACT AN ORDINANCE THAT WOULD GIVE PREFERENCE TO CONTRACTORS THAT UTILIZE LOCAL LABOR.

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WHEREAS, Chattanooga Building and Construction Trades Council and the Chattanooga Area Labor Council have submitted for consideration by the Chattanooga City Council a proposed ordinance, a copy of which is attached and incorporated herein by reference, that provides for evaluating a bid in consideration of a five (5%) percent reduction in the amount of bid for those who employ a work force from individuals who reside within 75 mile radius of the City of Chattanooga; and to further provide a five percent reduction in bid consideration for those who participate in an apprenticeship program that is duly registered with the U.S. Department of Labor, Office of Apprenticeship; and

WHEREAS, the Chattanooga City Attorney has rendered an opinion that the ordinance attached violate the provisions of the Municipal Purchasing Act, T.C.A. § 54-101, *et seq.* and other applicable law; and

WHEREAS, representatives of the groups sponsoring this ordinance have suggested that the City Attorney may be biased in the matter; and

WHEREAS, the issue posed by the proposed ordinance involves issues of state-wide application and the opinion the Attorney General would be helpful not only to the City of Chattanooga but all municipalities within the State of Tennessee.

NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it requests an opinion from the Attorney General of the State of Tennessee with regard to the authority of the Chattanooga City Council to enact an ordinance in form similar to the proposed ordinance attached hereto by reference.

ADOPTED: September 8, 2009.

MAM/mms