

ORDINANCE OF THE COUNCIL OF THE City OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY _____ SECONDED BY _____

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
ADDING SECTION 3-109.2 TO THE FRESNO MUNICIPAL
CODE, RELATING TO PROHIBITION OF ANY
REQUIREMENT FOR PROJECT LABOR AGREEMENTS
AND OTHER TYPES OF PREHIRE AGREEMENTS ON
PUBLIC WORKS CONTRACTS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3-109.2 is added to the Fresno Municipal Code to read:

SECTION 3-109.2 PROHIBITION OF PROJECT LABOR
AGREEMENTS.

(a) The City shall not, in any contract for the construction, maintenance, repair, or improvement of public works, require that a contractor, subcontractor, or material supplier, or carrier engaged in the construction, maintenance, repair, or improvement of public works, execute or otherwise become party to any project labor agreement, collective bargaining agreement, prehire agreement, or other agreement with employees, their representatives, or any labor organization as a condition of bidding, negotiating, being awarded, or performing work on a public works contract.

(b) For purposes of this section, the term "public works" means:

(1) a building, road, street, sewer, storm drain, water system, irrigation system, reclamation project, redevelopment project, or other facility owned or to be owned or to be contracted for by the City of Fresno or the Redevelopment Agency of the City of Fresno, that is paid for in whole or in part with tax revenue paid by residents of the City of Fresno; or

(2) Any other construction service or nonconstruction service.

SECTION 2. SEVERABILITY. If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance. The Council declares that it would have passed each section, subsection, paragraph, subparagraph, sentence, clause or phrase of this ordinance irrespective of the fact that any portion of this ordinance could be declared unconstitutional, invalid or ineffective by a court of competent jurisdiction..

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the ___ day of _____, 2000.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2000.

Mayor Approval/No Return: _____, 2000.

Mayor Veto: _____, 2000.

Council Override Vote: _____, 2000.

REBECCA E. KLISCH
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: *Hilda Bunker Monty*
-Deputy