



## Legislation Text

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**File #:** 180402., **Version:** 3

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### **Construction Contracts of a Certain Size - Percentage of Apprenticeship Jobs if Awarded (B)**

On September 10, 2020, the General Policy Committee (GPC) discussed this referral which was erroneously placed under a new Legistar No. 200157. At that time the GPC requested the City Attorney's Office provide an update on the lawsuit filed against the City of St. Petersburg, Florida regarding its Apprenticeship Ordinance and Disadvantaged Workers Ordinance. The litigation was filed by the Florida Gulf Coast Chapter of Associated Builders & Contractors, Inc. (ABC Gulf), a trade association comprised of member businesses from Alachua County to Collier County. You can view the members of this organization at the following link: <https://abcflgulf.org/>.

ABC Gulf challenged both ordinances alleging that the ordinances are preempted by state statutes and are unconstitutional. ABC Gulf has asked the court to make a ruling (a motion for summary judgment) that the two ordinances are invalid. The parties have requested the judge hear oral argument, but at the drafting of this agenda item, that has not yet been scheduled. A copy of ABC Gulf's Motion for Summary Judgment and its Reply are included in the back-up.

The City of Gainesville could wait for the outcome of the St. Petersburg case to have more certainty in moving forward with the adoption of similar ordinance(s), or alternatively, if the City of Gainesville decides to move forward during the pendency of the St. Petersburg case, the City should consider the legal arguments made by ABC Gulf in attempting to craft legally defensible programs.

In addition to providing the litigation update, the City Attorney's Office requests that the development of apprenticeship and/or disadvantaged worker programs be assigned to the City Manager and the General Manager for Utilities for further policy work by their respective procurement staffs, and if needed, further guidance or decision making from the City Commission. That work is necessary before a draft ordinance can be finalized for Commission consideration.

None.

City Commission: 1) review the St. Petersburg litigation, and 2) consider whether to move forward with development of apprenticeship and/or disadvantaged worker programs at this time, and if so, assign this item to the City Manager and General Manager for Utilities for further policy work.