

RESOLUTION NO. 28153

A RESOLUTION TO CALL ON THE TENNESSEE GENERAL ASSEMBLY FOR THE DEFEAT OF LEGISLATION THAT WILL, IF PASSED, ALLOW STATE GOVERNMENT TO (1) INTERFERE WITH LOCAL GOVERNMENTS' MANAGEMENT OF THEIR OWN EMPLOYEES, (2) DICTATE HOW LOCAL GOVERNMENTS MUST INTERACT WITH EMPLOYEES FUNDED BY LOCAL TAXPAYERS, AND (3) MANDATE AN UNCONSTITUTIONAL CHANGE TO THE SEPARATION OF POWERS ADOPTED BY LOCAL CITIZENS ACCORDING TO THEIR OWN VALUES AND PREFERENCES.

WHEREAS, the citizens of the City of Chattanooga have the basic right to adopt a charter that establishes a local government to provide for their common good and for the efficient and effective use of tax dollars; and

WHEREAS, the citizens of the City of Chattanooga have adopted a charter establishing a government consistent with their values and preferences and hold dear their ability to govern themselves without needless intervention from the state and federal governments; and

WHEREAS, the City of Chattanooga employs approximately 3000 public servants who work every day to keep our citizens safe, to grow our economy, to strengthen our neighborhoods and families, and to improve the efficiency and effectiveness of government; and

WHEREAS, the City of Chattanooga has entrusted a Mayor elected citywide with the obligation and authority to administer and to manage municipal employees while electing City Council representatives to represent the interests of districts within the City in performing legislative functions; and

WHEREAS, many employees have decided to join together in their efforts to work with the administration to improve the operation of government and to improve working conditions and safety for public employees; and

WHEREAS, some of the recent accomplishments our public employees have helped our City to achieve include the improvement of law enforcement organization and training, reductions in waste, pension reform that will save taxpayers \$227 million, the creation of a modern employee handbook, sweeping reform to police and fire fighter pay to achieve fair compensation while avoiding expensive litigation, the establishment of the nation's most advanced smart-grid system and the Western Hemisphere's fastest and most pervasive Internet access, and many other items increasing the efficiency of our government; and

WHEREAS, many employees have chosen to come together for these laudable purposes by organizing themselves into groups such as the Fraternal Order of Police, the International Association of Fire Fighters, the International Brotherhood of Police Officers, the Service Employees International Union, the International Brotherhood of Electrical Workers, and the International Union of Operating Engineers; and

WHEREAS, it is widely accepted as a best management practice that setting clear expectations and procedures in writing helps both managers and employees to appreciate their responsibilities and expectations and to act fairly and efficiently; and

WHEREAS, regardless how local governments and public servants refer to such writings, they are not legally recognized or enforceable under state law; and

WHEREAS, duly elected officials of local governments are inherently more qualified to manage local public employees than representatives of state and federal governments who do not interact daily with local citizens, are not directly responsible to local citizens for the efficient use of local taxes, and are not familiar with the local-government employees; and

WHEREAS, the Tennessee General Assembly is considering a bill (SB 123) that would dictate to local governments how they must manage and interact with their employees by purporting to outlaw even memoranda of understanding that are not legally binding;

WHEREAS, the same legislation might allow one member of a local government's legislative body elected by only a portion of a municipality's citizens to sue the local government to effectively overrule the managerial and administrative practices of a mayor elected by the entire citizenry of the city; and

WHEREAS, the same legislation might allow one member of a local government's legislative body elected by only a portion of a municipality's citizens to sue the local government to effectively overrule the will of the remainder of that same legislative body; and

WHEREAS, the same legislation might allow county officials to sue city governments and city officials to sue county governments to effectively overrule the managerial and administrative practices of governments in which they have no authority; and

WHEREAS, the same legislation might allow state and even federal officials to bring lawsuits against duly elected local officials to mandate how they carry out their responsibility to manage employees for the benefit of local citizens; and

WHEREAS, the same legislation is illegal under the statutes and constitution of the State of Tennessee and the United States; and

WHEREAS, the management and administration of local governments' employees rightly belong to officeholders elected by local citizens, not to state or federal officeholders who do not have to answer solely to local voters;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that the Tennessee General Assembly be and is hereby

requested to demonstrate respect for local voters, for the integrity of our City government, and for our right to determine how we will operate the government funded by the taxpayers of the City of Chattanooga without unnecessary interference by state and federal governments in Nashville and Washington, D.C.

ADOPTED: February 17, 2015