



Legislation Details (With Text)

**File #:** 150904      **Version:** 1

**Type:** Ordinance      **Status:** In Committee

**File created:** 10/13/2015      **In control:** COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:**

**Effective date:**

**Title:** A substitute ordinance transferring the office of small business development from the department of administration to the common council-city clerk’s office.

**Sponsors:** ALD. BAUMAN, ALD. PEREZ

**Indexes:**

**Attachments:** 1. Public Works Residents Preference Program Participation, 2. Chapter 355

Date	Ver.	Action By	Action	Result	Tally
10/13/2015	0	COMMON COUNCIL	ASSIGNED TO		
10/26/2015	0	COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0

150904  
SUBSTITUTE 1

ALD. BAUMAN AND PÉREZ

A substitute ordinance transferring the office of small business development from the department of administration to the common council-city clerk’s office.

- 310-2-8                    rp
- 310-2-9                    rn
- 310-2-10                   rn
- 355-9-1-a                   am
- 355-9-2                    am
- 355-9-2-b                   am
- 355-13-3                   am
- 355-15                    am
- 355-17-0                   am
- 370-3-0                    am

Currently, the office of small business development is located in the department of administration. This ordinance transfers the office of small business development to the common council-city clerk’s office.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 310-2-8 of the code is repealed  
(Note: The provision being repealed reads as follows:

## **310-2. Department Established.**

8. Office of small business development.)

Part 2. Section 310-2-9 to 10 of the code is renumbered to 310-2-8 to 9.

Part 3. Section 355-9-1-a of the code is amended to read:

## **355-9. Apprenticeship and On-The-Job Trainee Requirements.**

### **1. REQUIREMENT.**

a. Recipients of direct financial assistance shall employ, and shall require their contractors and subcontractors to employ, apprentices and on-the-job trainees in the performance of all construction contracts and subcontracts for the project entered into by the recipient, contractor or subcontractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development. In determining whether this requirement is appropriate for insertion in specifications for a particular construction contract, the ~~[[department of administration]]~~ >>office of small business development<< may consider the nature of the work, whether the construction contract is of short duration and whether their work will involve trades which do not have apprentices or on-the-job trainees.

Part 4. Section 355-9-2 of the code is amended to read:

**2. MONITORING AND ENFORCEMENT.** The ~~[[department of administration]]~~ >>office of small business development<< shall:

Part 5. Section 355-9-2-b of the code is amended to read:

b. Confirm that all contractors and subcontractors have been required to maintain records concerning their apprenticeship and on-the-job training programs, which shall be retained for 7 years after the contractor or subcontractor has received final payment under its construction contract. These records shall be made available to the ~~[[department of administration]]~~ >>office of small business development<< for inspection upon reasonable notice.

Part 6. Section 355-13-3 of the code is amended to read:

## **355-13. Other Requirements.**

**3. WAGE REQUIREMENTS.** A development agreement shall include provisions requiring, unless precluded by s. 66.0903, Wis. Stats., that an employee who performs work that is funded by financial assistance from the city receive, at a minimum, a living wage as defined in s. 310-13-2-a. The ~~[[department of administration]]~~ >>office of small business development<< shall monitor compliance

with this subsection.

Part 7. Section 355-15 of the code is amended to read:

**355-15. Annual Reports.** The department shall compile data assembled by its own employees and the ~~[[department of administration]]~~ >>office of small business development<< and provide an annual report to the common council on compliance with the requirements of this chapter on or before October 1 of each year.

Part 8. Section 355-17-0 of the code is amended to read:

**355-17. Sanctions.** Every development agreement subject to the requirements of this chapter shall contain language indicating that if any document submitted to the city by a developer receiving financial assistance, a contractor or subcontractor under this chapter contains false, misleading, fraudulent information or demonstrates non-compliance with the requirements of this chapter, the ~~[[ department of administration]]~~ >>office of small business development<< may seek prosecution under s. 355-19 or the imposition of any of the following sanctions:

Part 9. Section 370-3-0 of the code is amended to read:

**370-3. Administration.** There is created an office of small business development in the ~~[[department of administration]]~~>>common council-city clerk's office<< which shall be responsible for the administration, coordination and implementation of the city's small business enterprise program. Under the direction of the ~~[[department of administration]]~~>>city clerk<<, the office of small business development shall be administered by the manager. ~~[[The manager shall be appointed by the mayor and confirmed by the common council and shall serve concurrently with the term of the mayor.]]~~ The manager shall:

Part 10. This ordinance takes effect January 1, 2016.

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

LRB 161193-2  
Andrew R. VanNatta  
10/21/2015