



Legislation Text

File #: 190828, **Version:** 4

190828
SUBSTITUTE 4

ALD. RAINEY, STAMPER, LEWIS, DODD AND COGGS

A substitute ordinance relating to the preparation of equity impact statements.

50-6 cr

This ordinance requires an equity impact statement for every proposed common council resolution or ordinance involving:

1. A development agreement.
2. A grant.
3. A city contract a primary purpose of which is direct service delivery to residents.
4. Creation of, or change in, a penalty provision in the code.

In addition, this ordinance provides that the chair of any standing committee may request an equity impact statement for any resolution or ordinance assigned to the committee.

An equity impact statement is intended to assess the positive and negative impacts of the types of common council legislation specified herein on minority groups. Minority groups covered by this ordinance are:

1. African-Americans.
2. Hispanics.
3. Asians and Pacific Islanders.
4. Native Americans and Alaskan Natives.
5. Persons with disabilities.
6. Persons identifying or describing their sexual orientations or gender identities as lesbian, gay, bisexual, transgender, queer or questioning.

Equity impact statements shall not be required for the following:

1. An ordinance amending the salary or positions ordinance.
2. A resolution approving attendance at conventions, seminars and other meetings.
3. A resolution canceling property taxes.
4. A resolution granting, amending or repealing a special privilege.
5. A resolution relating to claims against the city.
6. A resolution appropriating funds from the common council contingent fund.
7. A resolution authorizing the return of real estate.
8. A resolution authorizing city sale of neighborhood property (one-4 unit residential) without city funding attached.
9. A resolution granting an easement.

10. A resolution allowing property acquisition and transfer under s. 75.106, Wis.Stats.
11. A resolution or ordinance related to changes to the zoning map or zoning text, and vacations or dedications of public right-of-way, unless an impact statement is requested by the council member representing the district in which the property impacted by the proposed action is located or the chair of the committee that file is assigned to at the time of introduction.
12. A resolution relating to certified survey maps and subdivision plats.
13. A resolution or ordinance approving action for which compliance with local, state or federal laws, including applicable purchasing or bidding requirements precludes consideration of impact on minority communities.

This ordinance takes effect September 30, 2020.

Whereas, Several states and municipalities have enacted legislation requiring equity impact statements; and

Whereas, Equity impact statements expressly assess the positive or negative impacts of legislation, contracts or grants on minorities; and

Whereas, The city of Milwaukee is the largest and most racially-diverse city in the state of Wisconsin, with 35% white residents, 39% African-American, 19% Hispanic or Latino, 4% Asian, and 4% of two or more races, according to the U.S. Census Bureau Quick Facts estimate as of July 1, 2019; and

Whereas, Thirty-six percent of African- Americans and 31% of Hispanics live in poverty in the city of Milwaukee, compared to 15% of whites, according to the 2017 American Community Survey (ACS); and

Whereas, Fourteen percent, or 80,843, of Milwaukee's population has some type of disability according to the 2017 ACS; and

Whereas, The 2010 U.S. Census found that 13% of African-American men and 8% of Native American men of working age are incarcerated in state prisons or local jails in Wisconsin, compared to national averages of 7% and 3%, respectively; and

Whereas, Forbes Magazine's March 2011 edition listed the Milwaukee Metropolitan Area as 52nd among 52 cities in the United States for minority entrepreneurship; and

Whereas, The development of an equity impact statement process ensures that at-risk minority populations are carefully considered when the City expends taxpayer

resources; now, therefore

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

Part 1. Section 50-6 of the code is created to read:

50-6. Equity Impact Statement. 1. DEFINITIONS. In this section:

- a. "City agency" means a department, division, bureau, office, board or commission, or other entity established by the city.
 - b. "Minority group" means any group comprised principally of:
 - b-1. African-Americans.
 - b-2. Hispanics.
 - b-3. Asians and Pacific Islanders.
 - b-4. Native Americans and Alaskan Natives.
 - b-5. Persons with disabilities.
 - b-6. Persons identifying or describing their sexual orientations or gender identities as lesbian, gay, bisexual, transgender, queer or questioning.
 - c. "Equity impact statement" means an evaluation and description of any impact that the types of common council legislation specified herein may have on a minority group.
2. REQUIREMENT. a. An equity impact statement shall be submitted by each city agency for every proposed common council resolution or ordinance involving:
- a-1. A development agreement.
 - a-2. A grant.
 - a-3. A city contract a primary purpose of which is direct service delivery to residents.
 - a-4. Creation of, or change in, a penalty provision in the code.
- b. The chair of any common council standing committee may also request that an equity impact statement be submitted for any other file assigned to the committee.
- c. Equity impact statements shall be submitted to the city clerk on a form prepared by the city clerk according to a schedule determined by the city clerk.
3. CONTENT. The equity impact statement submitted by each city agency shall include:
- a. A description of the proposed ordinance or resolution.
 - b. A description of any anticipated equity impacts of the resolution or ordinance.
 - c. An identification of any minority groups who may be negatively or positively impacted by the resolution or ordinance.
 - d. A description of any engagement efforts with minority communities potentially impacted by the resolution or ordinance.
 - e. A description of how any equity impacts will be documented or evaluated.
 - f. A description of strategies that will be used to mitigate any equity impacts.
4. EXCEPTIONS. No minority impact statement shall be required for the following:
- a. An ordinance amending the salary or positions ordinance.
 - b. A resolution approving attendance at conventions, seminars and other meetings.
 - c. A resolution canceling property taxes.
 - d. A resolution granting, amending or repealing a special privilege.
 - e. A resolution relating to claims against the city.
 - f. A resolution appropriating funds from the common council contingent fund.
 - g. A resolution authorizing the return of real estate.
 - h. A resolution authorizing city sale of neighborhood property (one-4 unit residential) without city funding attached.
 - i. A resolution granting an easement.
 - j. A resolution allowing property acquisition and transfer under s. 75.106, Wis. Stats.
 - k. A resolution or ordinance related to changes to the zoning map or zoning text, and vacations or dedications of public right of way, unless an impact statement is requested by the council member representing the district in which the property impacted by the proposed action is located or the chair of the committee that file is assigned to at the time of introduction.

L. A resolution relating to certified survey maps and subdivision plats.

m. A resolution or ordinance approving any action for which compliance with local, state or federal laws, including applicable purchasing or bidding requirements, precludes consideration of impact on minority communities.

Part 2. This ordinance takes effect on September 30, 2020.

LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB 174931-4

Aaron Cadle

July 20, 2020