

1
2 FROM THE OFFICE OF JOSPEH J. CZARNEZKI
3 MILWAUKEE COUNTY CLERK
4

5 County Ordinance No. 16-23
6

7 File No. 16-609
8

9 AN ORDINANCE
10

11 The County Board of Supervisors of the County of Milwaukee does ordain as follows:
12

13 **SECTION 1.** Chapter 111 of the Milwaukee County Code of General Ordinances is hereby
14 amended as follows:
15

16 **111.02. - Definitions.**

17 For all agreements covered under this chapter, the following definitions shall apply:
18

19 (a) *Service contract* means an agreement between the county or related entity and another
20 party that provides a set of services defined in MCGO [32.20](#)(17), as well as personal care,
21 or supportive home care provided to persons with disabilities or the frail elderly by preferred
22 provider.
23

24 (1) Service contracts do not include:

- 25 i. Purchase of goods or commodities or its delivery.
- 26 ii. Equipment lease and maintenance.
- 27 iii. Professional services contracts.
- 28 iv. Contracts with any school district, municipality, or any other governmental
29 unit.
- 30 v. Contracts in which state or federal funder has a prevailing wage requirement.
- 31 vi. Contracts for family care other than preferred provider agencies that
32 exclusively contract with Milwaukee County to provide personal care and
33 supportive home care.
- 34 vii. Contracts procured under Milwaukee County Ordinance [Chapter 46](#).
35

36 (b) *Concession agreement* means an agreement between the county or related entity and
37 another party to allow the organization exclusive or semi-exclusive right to operate a
38 particular enterprise usually making use of some resource of the county or related entity
39 requiring payment to the county or related entity fees, rent, or percentage of revenues
40 derived from the particular enterprise; airport concessions are included as defined by
41 Milwaukee County Ordinance [42.02](#)(1)(c). ~~Airport concessionaires are exempted from the~~
42 ~~provisions of this chapter for any contracts executed prior to January 1, 2017.~~
43

44 (c) *Lease* means an agreement between the county or related entity as lessor and another party
45 as lessee to provide exclusive use of real property, a particular asset or resource in
46 exchange for rental payments or a fee, and which involves financial assistance consistent
47 with s. 104.011(3), Wis. Stats. The following leases are exempted:
48

- 49 (1) *Cultural institutions*: Leases with institutions including the Fund for the Arts/CAMPAC,
50 Milwaukee County Historical Society, Milwaukee County Federated Library
51 System, Marcus Center, Milwaukee Public Museum, Charles Allis and Villa Terrace

52 Museums, War Memorial Center, Milwaukee Art Museum, and any other cultural
53 organization that receives contributions from Milwaukee County.

54 (2) *Nonprofit*: Leases with nonprofit corporations, unless the nonprofit corporation passes
55 through to a for-profit entity an amount greater than or equal to one million dollars
56 (\$1,000,000.00) in which case the for-profit entity shall be subject to this chapter as
57 a subcontractor as in [111.03\(1\)\(b\)](#).

58 (3) *Other local units of government*: Leases with any school district, municipality or any
59 other governmental or quasi-governmental unit.

60

61 (d) *Economic development financial assistance* means any form of assistance, consistent
62 with s. 104.001(3), Wis. Stats., of an amount greater than or equal to one million dollars
63 (\$1,000,000.00), provided to a recipient directly by the county in the form of loan rates
64 below those commercially available, loan forgiveness or guarantees, bond financing or
65 forgiveness, leases of land or real property or other assets for an amount below fair
66 market value, or grants of land or real property, or other valuable consideration, or any
67 other assets provided to develop real property, to foster economic development or to
68 create or retain jobs or for other similar purposes which inure to the benefit of the
69 recipient. The following are exempted:

70

71 (a) *Nonprofit corporations*: Economic development financial assistance
72 provided to nonprofit corporations, unless the nonprofit corporation passes
73 through to a for-profit entity an amount greater than or equal to one million
74 dollars (\$1,000,000.00) in which case the for-profit entity shall be subject to this
75 chapter as a subcontractor as in [111.03\(1\)\(b\)](#).

76 (b) *Cultural institutions*: Economic development financial assistance to the Fund for
77 the Arts/CAMPAC, Milwaukee County Historical Society, Milwaukee County
78 Federated Library System, Marcus Center, Milwaukee Public Museum, Charles
79 Allis and Villa Terrace Museums, War Memorial Center, Milwaukee Art Museum,
80 and any other cultural organization that receives contributions from Milwaukee
81 County.

82 (c) *Other units of government*: Economic development financial assistance provided
83 to any school district, municipality or any other governmental or quasi-
84 governmental unit.

85 (d) *Sale of land/assets*: Sales of land or real property assets.

86

87 (e) *Living wage* means a minimum hourly wage rate equal to one hundred percent
88 (100%) of the poverty income level set forth annually by the U.S. Department of
89 Health and Human Services for a family of four (4) divided by two thousand
90 eighty (2,080) hours, through December 31, 2016.; and *living wage* means:

91

92 (1) Effective January 1, 2017, \$12.35 per hour;

93

94 (2) Effective January 1, 2018, \$13.01 per hour;

95

96 (3) Effective January 1, 2019, \$13.67 per hour;

97

98 (4) Effective January 1, 2020, \$14.34 per hour;

99

100 (5) Effective January 1, 2021, \$15.00 per hour;

101

102 (6) Effective January 31, 2022, and every January 31 thereafter, an

103 amount determined by the Department of Administrative Services,
104 increased to reflect the rate of inflation for the previous calendar year,
105 as calculated to the nearest cent, provided that in no case shall the
106 wage be set at a level below the wage for the previous year.

107
108 (f) *Contractor* means a person or an entity that has a service contract, lease, or
109 concession agreement with Milwaukee County covered under this chapter.

110
111 (g) *Subcontractor* means a person or an entity:

- 112
113 1) Having an agreement or arrangement with a contractor to perform some
114 aspect of a service contract ~~furnish a service~~ for the benefit of Milwaukee
115 County that would be covered under this chapter; or,
116
117 2) Having an agreement or arrangement with a contractor to operate on a
118 property that is subject to a lease or concession agreement with
119 Milwaukee County that would be covered under this chapter; or,
120
121 3) Purchasing or leasing from a recipient of financial assistance; or,
122 managing or operating an enterprise employing people on the
123 premises of property developed or improved as a result of financial
124 assistance.

125
126 (h) *Recipient* means a person or entity receiving economic development financial
127 assistance as defined in [111.02\(d\)](#) but does not include a person or entity indirectly
128 benefiting from incidental effects of county policies, regulations or ordinances.

129
130 (i) *Rate of inflation* means the percentage change from one year to the next in the
131 average annual All Items Consumer Price Index for All Urban Consumers for the
132 Midwest census region ("the average annual Midwest CPI-U"), or a successor index, as
133 published by the U.S. Department of Labor, Bureau of Labor Statistics in January of
134 each year covering the previous calendar year.

135
136 **111.03(1). - Standards requirement.**

137
138 (1) All employees performing part or full time work for a contractor, subcontractor, lessee or
139 recipient of economic development financial assistance covered under this chapter and
140 all direct employees of the county, shall be paid the minimum wage rate defined in
141 [chapter 111.02\(e\)](#), except as provided in subsection (c) of this section.

142
143 (a) Tipped employees, employees paid on commission, or employees whose
144 compensation consists of more than hourly wages shall be paid an hourly wage,
145 when coupled with the other compensation, that will at least equal the minimum
146 wage rate. The value of meals or lodging shall be calculated pursuant to Chapter
147 DWD 272, Wisconsin Administrative Code.

148
149 (b) Contractors and subcontractors as defined in [chapter 111.02\(g\)\(1\)](#) and (2) shall
150 be subject to the requirements of this chapter for the duration of the agreement
151 with the county. Employees of contractors and subcontractors shall be covered
152 under the requirements of this chapter for the hours worked in performance of
153 covered agreements.

154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175

- (c) Recipients of economic development financial assistance and subcontractors as defined in chapter shall:
 - i. Be subject to the requirements of this chapter for a period equal to one (1) year for every one hundred thousand dollars (\$100,000.00) provided in economic development financial assistance, rounded to the nearest whole year; and employees of such recipients and subcontractors shall be covered under the requirements of this chapter for work performed on the premises of a project benefiting from financial assistance.
- (d) Minimum wage rate requirement will be updated annually on the last business day of February, effective through December 31, 2016; thereafter the minimum wage requirement will be updated annually according to the schedule in chapter 111.02(e).

SECTION 2. The provisions of this Ordinance shall become effective upon passage and publication.

**Adopted by the Milwaukee County Board of Supervisors
November 3, 2016**