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(ITEM) A substitute resolution by Supervisors Weishan, Jr., Johnson, Jr., Rainey, Weddle, and Moore Omokunde creating Chapter 21 of the Milwaukee County Code of General Ordinances to require the inclusion of certain employment standards in development agreements, by recommending adoption of the following:

A SUBSTITUTE RESOLUTION

WHEREAS, the Milwaukee County Board of Supervisors adopted the Park East Redevelopment Compact (PERC), File No. 04-492 on December 16, 2004; and

WHEREAS, the PERC was established to ensure that the development of the Park East freeway corridor provided sustainable community benefits; and

WHEREAS, Milwaukee County will strive to ensure that all of its development agreements contain provisions that support long-term economic growth in the County; and

WHEREAS, the Committee on Economic and Community Development, at its meeting of September 14, 2015, recommended adoption of the substitute resolution (vote 5-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby creates Chapter 21 of the Milwaukee County Code of General Ordinances by adopting the following:

AN ORDINANCE

The Milwaukee County Board of Supervisors ordains the following:

Section 1. Chapter 21 of the Milwaukee County Code of General Ordinances is hereby created as follows:

21.01 Policy

Subject to Section 59.17(2)(b)3, Wisconsin Statutes, the Milwaukee County Board of Supervisors intends that it should be the policy of Milwaukee County to not just sell its assets for the highest price, but rather to seek development proposals which will provide the greatest future benefit in jobs, tax base, and image for the community, as well as a fair price, and further intends that it should be the policy of Milwaukee County that private developers, and their contractors and subcontractors, including both construction and end-use employers, benefiting from direct financial assistance on land being sold by the county for a project initiated after the effective date of this Chapter, should comport with the goals expressed in Sections 21.03 through 21.10 of this Chapter by incorporating appropriate terms in a development agreement.

47 **21.02 Definitions**

- 48 (1) Direct Financial Assistance, wherever used in Chapter 21, means any form of
49 assistance, consistent with Section 104.001(3), Wisconsin Statutes, of an
50 amount greater than or equal to one million dollars (\$1,000,000), provided to a
51 recipient directly by the
52 county in the form of loan rates below those commercially available, loan
53 forgiveness or guarantees, bond financing or forgiveness, leases of land or real
54 property, or other valuable consideration, or any other assets provided to develop
55 real property, to foster economic development, or to create or retain jobs or for
56 other similar purposes which inure to the benefit of the recipient.
57 (2) Division, wherever used in Chapter 21, means the Economic Development
58 Division of the Department of Administrative Services as defined in this
59 subsection. For the purposes of Chapter 21, any successor, assignee,
60 transferee, lessee, or any other contractor or sub-contractor of a Recipient
61 employing people on the premises of a project covered by Chapter 21 shall be
62 considered a Recipient.
63 (3) Recipient, wherever used in Chapter 21, means an individual or business that
64 receives Direct Financial Assistance as defined in this subsection. For the
65 purposes of Chapter 21, any successor, assignee, transferee, lessee, or any
66 other contractor or sub-contractor of a Recipient employing people on the
67 premises of a project covered by Chapter 21 shall be considered a Recipient.

68
69 **21.03 Disadvantaged Business Enterprise (DBE)**

70 Recipients should comply with the DBE requirements set forth in Chapter 42 of the
71 Milwaukee County Code of General Ordinances (MCCGO). The Office of Community
72 Business Development Partners should assist in administering this provision.

73
74 **21.04 Enhanced Apprenticeship and Training**

- 75 (1) When determined to be appropriate by the Division, Recipients should employ,
76 and should require their contractors and subcontractors to employ, apprentices
77 and on-the-job trainees in the performance of all construction contracts and
78 subcontracts for the project entered into by the Recipient, contractor, or
79 subcontractor in accordance with the maximum ration of apprentices to
80 journeyman established by the Wisconsin Department of Workforce
81 development. In determining whether this requirement is appropriate, the
82 division may consider the nature of the work, whether the construction contract
83 is of short duration and whether their work will involve trades which do not have
84 apprentices or on-the-job trainees from Milwaukee County.
85 (2) Recipients, contractors, and subcontractors subject to a requirement under sub
86 (1) should be required to submit contract time reports showing compliance with
87 any contract requirements imposed in accordance with this section at least every
88 three months during the course of their work and within ten days following
89 completion of their work.

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93 **21.05 Local Employment and Coordination**

94 The Division should determine the appropriate level of participation of county residents
95 for the project to reflect the job or trade categories required for the project and the pool
96 of available certified and qualified workers within each job or trade category. The total
97 appropriate level of participation should be at a minimum 40 percent of the project's
98 total worker hours, unless the Divisions' director determines there is sufficient reason to
99 impose a lesser requirement.

100

101 **21.06 Prevailing Wage**

102 Recipients and their contractors and subcontractors should be subject to prevailing
103 wage and minimum wage requirements comparable to those set forth in Chapters 30
104 and 111 of the Code for the duration of the development agreement.

105

106 **21.07 Green Design**

107 Recipients should be certified under the Leadership in Energy & Environmental Design
108 green building rating system or other national certification.

109

110 **21.08 Safety**

111 Development agreements should include a community safety plan that includes efforts
112 to improve the safety and security of the project area. The community safety plan may
113 include, but is not limited to, development of a comprehensive safety and security plan,
114 expansion and enhancement of existing secondary policing programs, installation of
115 security cameras, and enhanced lighting in project area.

116

117 **21.09 Annual Reports**

118 The Division shall compile data assembled by its own employees and provide an annual
119 report to the County Board on compliance with the provisions of this chapter on or
120 before October 1 of each year.

121

122 **21.10 Monitoring Compliance and Enforcement**

123 (1) The Division should include monitoring and enforcement requirements in
124 development agreements and require maintenance of appropriate records to
125 document compliance.

126 (2) Development agreements should include a provision giving the Milwaukee
127 County Office of the Comptroller – Audit Services Division or any other party
128 the Division designates the right to demand an audit and examination of records
129 to document compliance. Development agreements should provide sanctions
130 and penalties for misconduct or failure to meet standards.

131

132 **Section 2.**

133 This ordinance shall become effective upon passage and publication.

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