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(ITEM ) From the Interim Director, Community Business Development Partners (CBDP), requesting adoption of the proposed amendment to section 42.02(1)(k) of the Milwaukee County Code of General Ordinances necessary to align the definition of small business enterprise (SBE) with the small business opportunity initiative approved in the 2013 Milwaukee County Adopted Operating Budget, by recommending adoption of the following:

**A RESOLUTION/ORDINANCE**

WHEREAS, on April 22, 1999, following the direction of the United States Department of Transportation (USDOT), the Milwaukee County Board of Supervisors adopted File No. 99-216(b), which adopted the definitions of 49 CFR Part 26 replacing those of the deleted 49 CFR Part 23; and

WHEREAS, on March 15, 2012, the Milwaukee County Board of Supervisors adopted File No. 12-210, which established a definition of a small business enterprise; and

WHEREAS, on November 14, 2012, the Milwaukee County Board of Supervisors adopted the 2013 Milwaukee County Operating Budget, which formalized a small business opportunity initiative within the Community Business Development Partners (CBDP) office; and

WHEREAS, the Milwaukee County Code of General Ordinances directs that CBDP “will be the enforcing office” of the DBE Program responsible for DBE Program updates; and

WHEREAS, CDBP has established a small business enterprise utilization element to the County’s DBE Program that will afford increased opportunities for, and participation of, small businesses seeking and conducting business with the County; and

WHEREAS, CDBP has included the recommendations of representatives of partner municipalities, various ethnic chambers, small business advocacy organizations, and numerous small businesses currently known to the County that resulted from extensive dialogue, exchange and feedback in this Milwaukee County Code of General Ordinances modification; now, therefore,

BE IT RESOLVED, that, as requested by CBDP, the Milwaukee County Code of General Ordinances, as it relates to the definition of a small business enterprise, be hereby amended to align itself to the small business opportunity initiative formalized by the 2013 Milwaukee County Adopted Operating Budget.

44 BE IT FURTHER RESOLVED, that to ensure the above-noted revision is properly  
45 codified, the County Board of Supervisors does hereby adopt the following:

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**An Ordinance**

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To amend Section 42.02(1)(k) of the General Ordinances of Milwaukee County as appropriate to align itself to the small business opportunity initiative formalized by the 2013 Milwaukee County Adopted Operating Budget.

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

**SECTION 1.** Section 42.02(1)(k) of the General Ordinances of Milwaukee County is hereby amended as follows:

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**42.02. - Definitions.**

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(1) For all projects subject to this chapter funded with federal and county money and those funded only by county money, the following definitions shall apply;

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(k) *Small business enterprise (SBE)* means an organized, for-profit business that is independently owned and operated and not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume average over a three-year period. In no case will a firm be an eligible SBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by United States Small Business Administration (SBA) regulations (see 13 CFR 121.402), over the firm's previous three fiscal years in excess of ~~\$22.41~~ \$4 million, or if the owner(s) of the firm exceed the personal net worth (PNW) described in 49 CFR Part 26.

**SECTION 2.** This ordinance shall become effective upon publication.