

**INSTRUCTION SHEET
ADDITIONS TO
MILWAUKEE CODE OF ORDINANCES
VOLUME 3**

SUMMARY

This supplement incorporates changes to Volume 3 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

- 151055 A substitute ordinance relating to the use of a centralized labor compliance software monitoring system by city departments and private developers.
- 151206 A substitute ordinance relating to management of city records.

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
Remove <u>old</u> MEMO (Suppl. #273)				v-vi	v-vi
Ch. 305 Table				71-72	71-72
305-3	rp	151206	1/1/2016	“	“
Ch. 305 (hist.)				81-82	81-82
309-41-3-b-6	cr	151055	12/31/2015	141-144	141-144
Ch. 309 (hist.)				159-160	159-160
310-2-5	rp	151206	1/1/2016	161-162	161-162
310-2-6	rn to	151206	1/1/2016	“	“
	310-2-5				
310-2-7	rn to	151206	1/1/2016	“	“
	310-2-6				
310-2-8	rn to	151206	1/1/2016	“	“
	310-2-7				
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	310-2-8				
310-2-10	rn to	151206	1/1/2016	“	“
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Ch. 310 (hist.)				173-176	173-176
320-31-6	am	151206	1/1/2016	365-366	365-366
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Index				1535-1536 1553-1554	1535-1536 1553-1554

For subscription or distribution questions contact the Legislative Reference Bureau, Code Section, (414) 286-3905.

For questions concerning the content of the Milwaukee Code of Ordinances contact the Legislative Reference Bureau, Research Section, (414) 286-2297.



Abbreviations:

am=amended
cr=created

ra=renumbered and amended
rc=recreated

rn=renumbered
rp=repealed

Revised 12/15/2015
Suppl. #274

MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through December 15, 2015.

Revised 12/15/2015
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**CHAPTER 305
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SUBCHAPTER 1
GENERAL PROVISIONS

305-1. Notification of Tax Refund, etc. It shall be the duty of the city clerk forthwith to notify the commissioner of assessments in writing, of the cancellation, remission or annulling of any tax or assessment, or of the refunding of the amount thereof, which notice shall specify the amount and year of the tax or assessment, the reason why the same was cancelled, annulled, or remitted, or the amount thereon refunded, and all other material information relating thereto, and it shall be the duty of the commissioner to keep in the office a record of all material facts so communicated to him or her by the clerk.

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**LEGISLATIVE HISTORY
CHAPTER 305**

Abbreviations:

am = amended

cr = created

ra = renumbered and amended

rc = repealed and recreated

rn = renumbered

rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 305	cr	881930	3/7/89	3/25/89
305-1	am	921114	11/20/92	12/11/92
305-3	rp	151206	12/15/2015	1/1/2016
305-5	rp	071158	1/15/2008	2/2/2008
305-21	cr	921362	5/25/93	6/12/93
305-21	rp	040630	9/21/2004	10/8/2004
305-21-1	am	960238	6/4/96	6/21/96
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305-43-3	cr	050629	10/18/2005	11/4/2005
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305-43-12	rn to 305-43-14	050629	10/18/2005	11/4/2005
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305-47	cr	031604	12/21/2004	7/1/2005
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305-47-5	cr	041545	4/12/2005	7/1/2005
305-47-6	am	080486	9/12/2008	1/1/2009
305-49	cr	031604	12/21/2004	7/1/2005
305-51	cr	031604	12/21/2004	7/1/2005
305-51-1-i	cr	041545	4/12/2005	7/1/2005
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305-51-1-L	cr	050629	10/18/2005	11/4/2005
305-53	cr	031604	12/21/2004	7/1/2005
305-55	cr	031604	12/21/2004	7/1/2005
305-57	cr	031604	12/21/2004	7/1/2005
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**CHAPTER 309
PUBLIC WORKS**

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309-1. Department of Public Works.

1. DUTIES. a. The department of public works shall be responsible for all matters relating to the design, construction, maintenance and operation of the physical properties of the city of Milwaukee including the streets, street appurtenances, alleys, pedestrian ways, malls, bridges, public buildings, water works, and storm and sanitary collection facilities, parking, the landscaping of public space and the maintenance of vacant, city-owned lots. The department is also responsible for citation processing contract administration, parking checker, tow desk and night parking call-in desk functions, solid waste collection and disposal, street cleaning, snow and ice control and removal, and operation and maintenance of the city's centralized fleet of motor vehicles.

b. Pursuant to ch. 800, Wis. Stats., the commissioner of public works and the commissioner's designees may issue citations for nonmoving traffic violations pursuant to the citation procedure in s. 50-25. The commissioner of public works and the commissioner's designees are deemed traffic officers for the purpose of regulating and enforcing nonmoving traffic violations.

2. COMMISSIONER. The department shall be under the supervision of the commissioner of public works. The commissioner shall appoint the directors of the various divisions in the department, except the division of infrastructure services. The commissioner shall have supervision over the division directors and all department employes, except as otherwise provided by s.8-07 of the charter. The commissioner shall have charge and custody of all physical property of the city, other than records, not assigned to some other officer or employe.

3. ORGANIZATION. The department shall consist of the divisions of administrative services, infrastructure services, operations and water works.

309-10. Marking of City-owned Cars and Equipment.

All automotive and other equipment belonging to the city under the control of the department of public works operations division except those automobiles designated by the director of the division and used by the common council, the mayor's office, the city attorney's office, the office of the commissioner of public works, the department of city development, the health department, the department of neighborhood services (one car), the director of the operations division, the commissioner of health, the city engineer and the city treasurer (one car), shall be prominently marked on each side thereof, with the words "CITY OF MILWAUKEE", and an identifying number on the rear with the letters "DPW", and the same number on the front with the number only. In lieu thereof, similarly designated automobiles used by the harbor commission may bear its "PORT OF MILWAUKEE" insignia and the identifying number of the operations division.

309-20. Selling Compressed Natural Gas to the Public. The department of public works may sell compressed natural gas to the public. The price for compressed natural gas sold shall

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be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the compressed natural gas itself.
2. All applicable taxes.
3. All pro rata share of fueling station operating and maintenance costs.
4. A fleet overhead factor determined by the commissioner.
5. The cost of credit card processing or other direct sale costs.
6. Three cents per gasoline gallon equivalent unit.

309-22. Selling Electric Vehicle Recharging Services to the Public. The department of public works may sell electric vehicle charging services to the public. The price for recharging services shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the electricity itself.
2. All applicable taxes.
3. A pro rata share of the capital, operating and maintenance costs of the recharging station.
4. A recharging station site fee equal to the pro rata share to out-of-pocket site costs plus a reasonable estimate made by the commissioner of public works of revenues lost by the city, if any, had the site been used in a manner consistent with comparable property.
5. The cost of credit card processing or other direct sale costs.
6. A premium of 1.5% kilowatt hour of cost of the electricity itself.

309-30. Fees for Construction Plans and Specifications. The department may charge fees for the reproduction and distribution of plans and specifications for the construction of paving projects; water main work; sewer work; building, bridge and recreational facility work; and other public works projects.

309-38. Apprenticeship and On-The-Job Trainee Requirements for Construction Contracts. 1. DEFINITIONS. In this section:

- a. "Apprentice" means any person, 16 years of age or over, who shall enter into a written contract of service where he or she is to receive from or through his or her employer, in consideration for his or her services, in whole or in part, instruction in any trade, craft or business.

Apprenticeship agreements shall be governed by ch. 106, Wis. Stats.

b. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

c. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

d. "Contracting department" means any city department, agency, board or commission that has contracting responsibilities.

e. "Contractor" means a separate distinguishable business entity participating or seeking to participate in the performance of a contract.

2. REQUIREMENTS. a. The specifications for every construction contract in excess of \$100,000 entered into by the city of Milwaukee must contain, where appropriate, a requirement that the contractor shall employ apprentices in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development, and give fair consideration to all segments of the population including women and minorities. In determining whether this requirement is appropriate for insertion in specifications for a particular contract, the contracting department may consider the nature of the work, whether the contract is of short duration, and whether the work will involve trades which are not apprenticeable.

b. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports showing compliance with any contract requirements imposed in accordance with this section.

3. MONITORING AND ENFORCEMENT. The contracting department shall:

a. Determine whether the work involves trades that have apprentices or on-the-job trainees and the appropriate level of participation of apprentices and on-the-job trainees per trade for inclusion in the contract specifications.

b. Monitor the performance of each contract with respect to the ratio of apprentices to journeymen employed on the project during performance of the contract.

c. Require all contractors and subcontractors to maintain records concerning its apprenticeship program, which shall be retained for 3 years after the contractor has received final payment under the contract. These records shall be made available to the contracting department for inspection upon reasonable notice.

4. SANCTIONS. Every construction contract effected by this section shall contain language indicating that if any documents submitted to the contracting department by a contractor, subcontractor, bidder or individual contain any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with the provisions of this section, the contracting department may direct the imposition of any of the following sanctions:

- a. Withholding of payments.
- b. Termination, suspension or cancellation of the contract in whole or in part.
- c. After a due process hearing, denial of the right to participate in future contracts awarded by the city for 2 years.

309-39. Public Building Contracts.

1. ADVERTISING FOR BIDS. For those public contracts calling for the construction, repair, remodeling or improvement of public buildings, the commissioner of public works is authorized to call for bids for a single contract or up to 6 separate branches of work. Contracts shall be awarded based on the lowest responsible bidder for each contract to be let.

2. BRANCHES OF PUBLIC BUILDING WORK. For the purposes of this section, branches of public work consist of:

- a. General construction, including but not limited to: site work and landscaping; concrete work; masonry work; structural steel and miscellaneous metals; carpentry work; moisture control; windows, doors, glass and glazing; interior finishes; building equipment; and furnishings.
- b. Roofing.
- c. Heating, ventilating and air conditioning.
- d. Plumbing.
- e. Electrical, except as required for elevators.
- f. Elevators.

309-41. Participation of City Residents in Public Works Contracts. 1. DEFINITIONS. In this section:

- a. "Construction" means either new construction work or repair work on any roads,

bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

b. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

c. "Contractor" means a separate and distinguishable business entity participating or seeking to participate in the performance of a contract.

d. "Department" means the department of public works.

e. "Resident" means a person who maintains his or her place of permanent abode within the city. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the city. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

f. "Unemployed or underemployed" means that the resident has worked less than 1200 hours in the preceding 12 months or has not worked in the preceding 30 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin department of public instruction to define eligibility for reduced lunch in public schools. A resident shall continue to qualify as unemployed or underemployed for 5 years from the date he or she first participated in a construction contract. If a resident becomes an apprentice for a contractor or becomes a participant in an on-the-job training program as determined by the city immediately after or in the course of performing on a particular construction contract, he or she shall continue to qualify as unemployed or underemployed for a period not exceeding 5 years from the date the person became an apprentice or participant in such on-the-job training program.

g. "Worker hours" means the total hours worked on a construction contract by skilled and unskilled construction trade workers, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a construction site shall be included, whether or not such tasks are performed on the construction site. "Worker hours" includes work performed by persons filling apprenticeships and participating in on-the-job training programs and

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excludes the number of hours of work performed by all non-Wisconsin residents.

2. REQUIREMENTS. All construction contracts and other contracts as the commissioner of public works may determine, administered by the department which are funded in whole or in part by city, state or federal funds, where appropriate and consistent with law, shall contain:

a. A requirement that 40% of the worker hours, subject to the provisions of sub. 3-a-2, shall be performed by unemployed or underemployed residents, and that contractors and subcontractors shall give fair consideration to all segments of the population including women and minorities.

b. A provision in which the contractor certifies that it knows of the provisions of this section and intends to comply with them.

c. A requirement that contractors and subcontractors maintain personnel records listing the name, and address, race and gender of all employees utilized for each contract, and any records demonstrating that the employees utilized by the contractor in meeting the requirements of this section are residents. These records shall be maintained for 7 years after the contractor has received final payment under the contract, and shall be made available to the department for inspection upon reasonable notice.

3. ADMINISTRATION. The department shall be responsible for the planning, implementation and enforcement of this section.

a. Planning and Implementation. Prior to the commencement of any construction or other project covered by this section, the department shall:

a-1. Identify the approximate number of job positions involved in the project.

a-2. Determine the appropriate level of participation of unemployed or underemployed residents of the city for inclusion in the contract specifications. The appropriate level of participation shall be presumed to be 40%, unless the department determines there is sufficient reason to impose a lesser requirement. However, the commissioner of public works may require greater levels of participation if the commissioner finds that such levels may be warranted for certain contracts. Up to one-third of required worker hours may be achieved by documenting the use of unemployed or underemployed residents on projects undertaken by the contractor where such compliance is not required, or by hiring

unemployed or underemployed residents on a full-time permanent basis for non-construction job categories connected to the project. Such adjustments must be proposed in an affidavit on a form provided by the department setting forth the facts upon which the request for adjustment is based.

b. Monitoring and Enforcement. The department shall:

b-1. Monitor compliance with the provisions of this section.

b-2. Require all contractors and subcontractors, prior to commencement of the work, to submit affidavits on forms supplied by the department from employees utilized to meet the requirements of this section, stating that the employee is both unemployed or underemployed and is a resident.

b-3. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports listing workers by name, residential address, work classification and hours worked.

b-4. Arrange for an independent annual audit with respect to the residents preference program, to be performed every 3 years, by a certified accounting firm licensed to perform audits in the state of Wisconsin or by the city comptroller.

b-5. Maintain racial demographics and residency information regarding job positions in all construction contracts administered by the department.

b-6. Ensure that all data required for reporting under this section are maintained in a centralized labor compliance software system, as provided in s. 370-3-5.

4. ANNUAL REVIEW. The residents preference program established by this section shall be reviewed by the common council, in consultation with the mayor, on or before October 1 of each year, to review the necessity for the continuation of the program and, if necessary, adjust the requirements of the program in an attempt to reduce the disparity between the unemployment statistics among different census tracts in the city and between the city as a whole and the Milwaukee metropolitan area.

5. ANNUAL PROGRAM REPORT. The department shall prepare annually a residency preference program report on the city's success in achieving the goals of the

Public Works 309-(HISTORY)

309-41-1-b	rn to 309-41-1-c	922134	5/25/93	6/12/93
309-41-1-b	rn to 309-41-1-a	080218	3/25/2009	8/8/2009
309-41-1-c	rn to 309-41-1-d	922134	5/25/93	6/12/93
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309-41-1-d	rn to 309-41-1-c	080218	3/25/2009	8/8/2009
309-41-1-e	rn to 309-41-1-f	922134	5/25/93	6/12/93
309-41-1-e	rn to 309-41-d	080218	3/25/2009	8/8/2009
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309-41-1-f	rp	922134	5/25/93	6/12/93
309-41-1-f	ra to 309-41-1-e	080218	3/25/2009	8/8/2009
309-41-1-f	rc	080218	3/25/2009	8/8/2009
309-41-1-g	am	920660	1/15/93	2/4/93
309-41-1-g	am	941852	4/2/96	4/20/96
309-41-1-g	rn to 309-41-1-f	080218	3/25/2009	8/8/2009
309-41-1-g	cr	080218	3/25/2009	8/8/2009
309-41-2-0	am	931232	12/22/93	1/14/94
309-41-2-a	am	920660	1/15/93	2/4/93
309-41-2-a	am	922134	5/25/93	6/12/93
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309-41-2-a	am	970134	5/13/97	5/31/97
309-41-2-a	am	080218	3/25/2009	8/8/2009
309-41-2-c	am	920660	1/15/93	2/4/93
309-41-2-c	am	922134	5/25/93	6/12/93
309-41-2-c	am	080218	3/25/2009	8/8/2009
309-41-2-d	am	922134	5/25/93	6/12/93
309-41-2-d	rp	080218	3/25/2009	8/8/2009
309-41-3-a-0	am	931232	12/22/93	1/14/94
309-41-3-a-1	am	931232	12/22/93	1/14/94
309-41-3-a-2	am	920660	1/15/93	2/4/93
309-41-3-a-2	am	922134	5/25/93	6/12/93
309-41-3-a-2	am	941852	4/2/96	4/20/96
309-41-3-a-2	am	970134	5/13/97	5/31/97
309-41-3-a-2	am	080218	3/25/2009	8/8/2009
309-41-3-b	rc	920660	1/15/93	2/4/93
309-41-3-b-2	am	922134	5/25/93	6/12/93
309-41-3-b-2	am	080218	3/25/2009	8/8/2009
309-41-3-b-4	rc	941852	4/2/96	4/20/96
309-41-3-b-6	cr	151055	12/15/2015	12/31/2015
309-41-4	am	922134	5/25/93	6/12/93
309-41-4	am	990338	6/22/99	7/10/99
309-41-4	am	080218	3/25/2009	8/8/2009
309-41-5	rn to 309-41-7	941852	4/2/96	4/20/96
309-41-5	cr	941852	4/2/96	4/20/96
309-41-5-c	am	970623	7/25/97	8/13/97
309-41-5-c	am	080218	3/25/2009	8/8/2009
309-41-5-f	am	080218	3/25/2009	8/8/2009
309-41-5-g	am	080218	3/25/2009	8/8/2009
309-41-5-h	am	080218	3/25/2009	8/8/2009
309-41-6	rn to 309-41-8	941852	4/2/96	4/20/96
309-41-6	cr	941852	4/2/96	4/20/96
309-51-2-a-0	am	930451	7/27/93	8/13/93
309-51-2-a-2-d	rc	120555	9/25/2012	10/12/2012
309-51-2-a-3-a	am	001188	12/15/2000	1/9/2001
309-51-2-a-3-a	am	010869	4/23/2002	1/1/2003
309-51-2-a-3-a	am	020593	11/8/2002	1/1/2003

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309-51-2-a-3-d	rc	961884	4/22/97	5/9/97
309-51-2-c	am	001188	12/15/2000	1/9/2001
309-51-2-d-4	am	001188	12/15/2000	1/9/2001
309-51-2-d-5	am	921114	11/20/92	12/11/92
309-51-2-f	am	980963	12/18/98	1/1/99
309-53-6-a	am	001188	12/15/2000	1/9/2001
309-53-6-a	am	010869	4/23/2002	1/1/2003
309-53-6-a	am	020593	11/8/2002	1/1/2003
309-53-6-e	am	001458	2/27/2001	3/16/2001
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309-54	cr	970946	11/4/97	11/21/97
309-54	rc	050324	9/12/2005	1/1/2006
309-54	am	121803	7/23/2013	8/10/2013
309-54-1	am	001458	2/27/2001	3/16/2001
309-54-1-a	rc	060775	11/10/2006	1/1/2007
309-54-2-c	am	001458	2/27/2001	3/16/2001
309-54-3-d	am	001458	2/27/2001	3/16/2001
309-54-3-e	rc	001188	12/15/2000	1/9/2001
309-54-3-e	rc	010869	4/23/2002	1/1/2003
309-54-3-e	am	020593	11/8/2002	1/1/2003
309-54-6-c	am	001458	2/27/2001	3/16/2001
309-54-8-a	am	060775	11/10/2006	1/1/2007
309-54-9-d	am	050883	11/11/2005	1/1/2006
309-54-9-d	rc	120555	9/25/2012	10/12/2012
309-54-10-b	am	001458	2/27/2001	3/16/2001
309-61	cr	880716	9/24/91	10/11/91
309-61-2	rc	911308	11/5/91	11/22/91
309-61-2-a	am	050360	7/26/2005	8/12/2005
309-61-2-a-0	am	931067	11/9/93	11/30/93
309-61-2-a-1	am	000476	9/22/2000	10/11/2000
309-61-2-a-2	am	931067	11/9/93	11/30/93
309-61-2-a-2	am	960764	9/24/96	10/11/96
309-61-2-a-2	am	000476	9/22/2000	10/11/2000
309-61-2-a-3	am	931067	11/9/93	11/30/93
309-62-2-a-3	am	960764	9/24/96	10/11/96
309-61-2-a-3	am	000476	9/22/2000	10/11/2000
309-61-2-a-4	am	000476	9/22/2000	10/11/2000
309-61-2-b-1	am	000476	9/22/2000	10/11/2000
309-61-2-b-2	am	000476	9/22/2000	10/11/2000
309-61-2-b-3	am	000476	9/22/2000	10/11/2000
309-61-2-b-4	am	000476	9/22/2000	10/11/2000
309-61-2-b-5	am	000476	9/22/2000	10/11/2000
309-71	cr	931498	1/25/94	2/11/94
309-71	am	020472	7/16/2002	8/2/2002
309-71	am	121803	7/23/2013	8/10/2013
309-72	cr	020472	7/16/2002	8/2/2002
309-83	cr	010946	12/17/2001	1/1/2002
309-83	am	121803	7/23/2013	8/10/2013
309-83-2-a	am	021691	3/25/2003	4/11/2003
309-83-5-a	am	021691	3/25/2003	4/11/2003
309-83-5-b	rc	120555	9/25/2012	10/12/2012
309-83-7-a-1	rn to	150788	11/2/2015	11/19/2015
	309-83-7-a			
309-83-7-a-2	ra to	150788	11/2/2015	11/19/2015
	309-83-7-b			
309-83-7-b	rp	150788	11/2/2015	11/19/2015

**CHAPTER 310
DEPARTMENT OF ADMINISTRATION**

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1. Budget and management.
2. Capital improvements administration.
3. Community development block grant administration.
4. Information and technology management
5. Intergovernmental relations.
6. Purchasing.
7. Office of small business development.
8. Citywide emergency response coordination.
9. Environmental sustainability program management.

310-3. Environmental Sustainability Director.

There is created an office of environmental sustainability in the department of administration which shall be responsible for the administration, coordination and implementation of the city's environmental sustainability program. Under the direction of the department of administration, the office of environmental sustainability shall be administered by an environmental sustainability director. The director of environmental sustainability shall be appointed by the director of administration and confirmed by the common council.

310-4. Chief Information Officer.

1. AUTHORITY. The chief information officer shall be responsible for coordinating information and technology management for the city of Milwaukee and is subject to the direction and control of the director of administration.

2. FUNCTIONS. The chief information officer shall:

- a. Establish a city of Milwaukee information technology strategic plan in conjunction with the city information management committee.
- b. Establish standards and guidelines for information and technology management.
- c. Review and evaluate information technology projects
- d. Serve as a resource to departments in developing and managing information technology projects.
- e. Coordinate monitoring and reporting of information technology projects.

310-1. Definitions. In this chapter:

1. CONTRACTING AGENCY means any city department, agency, board, commission or officer that has contracting authority.

2. DEPARTMENT means the department of administration.

3. FORMAL COMPETITIVE BIDDING shall have the meaning given in s. 16-01-1 of the charter.

4. PURCHASING DIRECTOR means the city purchasing director granted the authority to purchase in s. 16-05-1-a of the charter.

310-2. Department Established. There is created a department of administration, under the supervision of a director of administration, with the following responsibilities:

310-5 Department of Administration

f. In partnership with departments, develop standards for e-government applications, systems and technology on a citywide basis, including transactions through the internet such as payments, service requests and applications.

g. Maintain and support the city website.

h. Work in collaboration with the department of employe relations to develop a citywide information technology training plan and programs.

i. Be responsible for municipal communications and coordinate with city departments and agencies on communications issues to promote interoperability and integration of city communication systems.

j. Coordinate with city departments and agencies in developing a draft telecommunications policy for the city, recommending this policy to the mayor and common council, and implementing this policy.

k. Inventory and review outsourcing and use of consultants by city departments and agencies for information technology functions.

L. Determine if additional boards, committees or task forces are needed to effectively manage information technology.

m. Coordinate city network services by developing a citywide plan for management, operations, and policies in conjunction with the department of public works.

3. COORDINATION AND COOPERATION WITH THE DEPARTMENT. All officials and employees of the city shall assist the department and the chief information officer in fulfilling their information and technology responsibilities and shall make available all records, documents and other materials necessary for the performance of the department's functions as provided herein. All city departments and agencies shall:

a. Comply with the information technology plans, standards, policies, guidelines and systems established by the department of administration. The department of administration may grant exceptions based on unique departmental business needs.

b. Cooperate with the department of administration in providing access to data, databases, information and systems as needed for enterprise purposes.

c. Participate in enterprise systems, applications or other technology established by the department of administration, including but not limited to e-government.

d. Involve and cooperate with the department of administration in their communications planning and implementation efforts.

4. INFORMATION TECHNOLOGY PROJECT MANAGEMENT. The department of administration shall implement an information technology project management process.

a. Departments shall submit budget requests for all information technology spending and projects from all funding sources on forms established by the department of administration as part of departmental estimates submitted pursuant to s. 18-03.

b. Departments shall ensure that information technology budget requests are consistent with the information technology strategic plan established by the department of administration.

c. The department of administration shall conduct a comprehensive analysis of information technology requests and recommend projects to the mayor for inclusion in the proposed budget pursuant to s. 18-04-2.

310-5. Records. The director of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of the director's office. Each division director in the department of administration shall be the authority, as defined in s. 19.32(1), Wis. Stats., for records of their respective division.

310-6. Intergovernmental Relations.

1. AUTHORITY. The division of intergovernmental relations shall have authority to make studies and investigation, to promote programs to attack the underlying problems which face the city and to provide information with respect to fiscal matters related to the securing of a greater share of state and federal funds and to do whatever may be required in promoting for the city a greater share of state and federal fund distributions.

2. FUNCTIONS. The division of intergovernmental relations shall be under the direction and supervision of a intergovernmental relations director. The intergovernmental relations director shall be authorized to represent the city before legislative bodies of both the federal government and the state of Wisconsin as well as other political subdivisions of this state, subject to provisions of s. 350-211. The intergovernmental relations director may confer with officials and representatives of municipalities and of other political subdivisions of this state for the purpose of securing

include supporting documentation and specify an alternative recommendation.

c. If a timely appeal is not filed, the purchasing director and the board shall proceed as if no appeal was filed.

d. Immediately upon receipt of the appeal, the purchasing director shall forward the appeal to the chair of the board, who shall schedule a hearing before the board. All bidders shall be notified of the appeal, and the date, time and place of the hearing.

e. All members of the board shall be sent materials sufficient for them to consider the appeal and make a prompt decision.

f. The board shall conduct the hearing and make a determination on the appeal prior to adjournment. The board shall keep a tape recorded record of its deliberations and decisions.

g. The board may award in accordance with the recommendation of the purchasing director, make an award to another bidder determined by the board, or reject all bids. The appellant and other bidders shall be notified in writing of the board's decision.

h. Within 10 days of its decision under par. g, the board shall file its written findings and conclusion in support of its decision.

i. Notwithstanding any time limitation specified in sub. 4, when considering an award, the board may, in its discretion, schedule a hearing for its next regular or special meeting, provided that all bidders are notified at least 5 days prior to such hearing.

310-21. Milwaukee Civic Partnership Initiative.

1. CREATION, PURPOSE. There is created a Milwaukee civic partnership initiative to market city assets for advertising, sponsorship and naming rights to private businesses and nonprofit organizations.

2. ADMINISTRATION. The Milwaukee civic partnership initiative shall be administered by the department of administration which shall:

a. Develop and implement policies, rules, procedures, guidelines and regulations for the operation of the initiative.

b. Make recommendations to the common council concerning the development of a marketing strategy for the city's assets.

c. Prepare and submit an annual report to the mayor and common council concerning the administration and activities of the initiative.

310--(HISTORY) Department of Administration

**LEGISLATIVE HISTORY
CHAPTER 310**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
ch. 310	cr	881143	10/11/88	12/25/88
310-1	rn to 310-2	130100	5/13/2014	5/31/2014
310-1	cr	130100	5/13/2014	5/31/2014
310-1-0	am	892173	3/20/90	4/7/90
310-1-4	am	991247	11/29/99	1/1/2000
310-1-7	am	900674	10/13/92	1/27/93
310-1-7	rc	920985	11/12/92	12/20/92
310-1-7	rc	971310	12/16/97	1/8/98
310-1-8	cr	901187	1/22/91	2/8/91
310-1-8	rp	931078	11/11/93	12/19/93
310-1-8	rn from 310-1-9	931078	11/11/93	12/19/93
310-1-8	rp	991247	11/29/99	1/1/2000
310-1-8	rp	030504	11/14/2003	1/1/2004
310-1-8	cr	030504	11/14/2003	1/1/2004
310-1-8	am	110086	10/11/2011	1/1/2012
310-1-9	cr	901187	1/22/91	2/8/91
310-1-9	rn from 310-1-10	931078	11/11/93	12/19/93
310-1-9	rn to 310-1-8	931078	11/11/93	12/19/93
310-1-9	am	940829	11/29/94	12/16/94
310-1-9	rn to 310-1-8	991247	11/29/99	1/1/2000
310-1-9	rp	030504	11/14/2003	1/1/2004
310-1-9	am	040491	11/12/2004	12/3/2004
310-1-10	cr	901187	1/22/91	2/8/91
310-1-10	rp	920988	11/12/92	12/20/92
310-1-10	rn from 310-1-11	931078	11/11/93	12/19/93
310-1-10	rn to 310-1-9	931078	11/11/93	12/19/93
310-1-10	rp	941048	11/29/94	1/1/95
310-1-10	cr	951010	12/19/95	1/13/96
310-1-10	rn to 310-1-9	991247	11/29/99	1/1/2000
310-1-10	cr	010854	12/17/2001	1/1/2002
310-1-10	rn to 310-1-9	030504	11/14/2003	1/1/2004
310-1-10	cr	090592	11/6/2009	1/1/2010
310-1-11	cr	901187	1/22/91	2/8/91
310-1-11	rn to 310-1-10	920988	11/12/92	12/20/92
310-1-11	rn to 310-1-10	931078	11/11/93	12/19/93
310-1-11	cr	971310	12/16/97	1/8/98
310-1-11	rp	991247	11/29/99	1/1/2000
310-1-12	cr	911321	12/20/91	1/14/92
310-1-12	rn to 310-1-11	920988	11/12/92	12/20/92
310-2-5	rp	151206	12/15/2015	1/1/2016
310-2-6	rn to 310-2-5	151206	12/15/2015	1/1/2016
310-2-7	rn to 310-2-6	151206	12/15/2015	1/1/2016
310-2-8	rn to 310-2-7	151206	12/15/2015	1/1/2016
310-2-9	rn to 310-2-8	151206	12/15/2015	1/1/2016
310-2-10	rn to 310-2-9	151206	12/15/2015	1/1/2016
310-3	rp	892173	3/20/90	4/7/90
310-4-3	am	130100	5/13/2014	5/31/2014
310-5	rp	892173	3/20/90	4/7/90

Department of Administration 310--(HISTORY)

310-5	cr	090592	11/6/2009	1/1/2010
310-5	rn to 310-3	130100	5/13/2014	5/31/2014
310-7	am	001458	2/27/2001	3/16/2001
310-7	am	021691	03/25/2003	4/11/2003
310-7	rc	041396	2/22/2005	3/11/2005
310-7	rn to 310-4	130100	5/13/2014	5/31/2014
310-7-2-i	am	120800	11/2/2012	1/1/2013
310-9	rn to 310-5	130100	5/13/2014	5/31/2014
310-11	rn from 2-29.5	881930	3/7/89	3/25/89
310-11	am	030504	11/14/2003	1/1/2004
310-11	am	040518	9/21/2004	1/1/2005
310-11	rn to 310-6	130100	5/13/2014	5/31/2014
310-11-2	am	960621	7/30/96	8/16/96
310-11-3	rp	960621	7/30/96	8/16/96
310-11-7	am	960621	7/30/96	8/16/96
310-12	cr	110998	11/30/2011	12/17/2011
310-12	am	130100	5/13/2014	5/31/2014
310-13	cr	950181	11/6/95	11/14/95
310-13	rc	130100	5/13/2014	5/31/2014
310-13-2-a	am	131627	7/22/2014	8/8/2014
310-13-2-b	am	991247	11/29/99	1/1/2000
310-13-3	am	990130	6/2/99	6/19/99
310-13-3	am	131627	7/22/2014	8/8/2014
310-13-4	am	990130	6/2/99	6/19/99
310-13-6	am	990130	6/2/99	6/19/99
310-13-7	am	951395	1/23/96	2/9/96
310-13-7	am	991247	11/29/99	1/1/2000
310-13-8	am	990130	6/2/99	6/19/99
310-13-9-a	am	991247	11/29/99	1/1/2000
310-13-9-b	am	991247	11/29/99	1/1/2000
310-13-9-c	am	991247	11/29/99	1/1/2000
310-13-9-d-0	am	991247	11/29/99	1/1/2000
310-14	cr	050284	12/13/2005	12/30/2005
310-14-2-b	am	130100	5/13/2014	5/31/2014
310-14-3-a	am	130100	5/13/2014	5/31/2014
310-15	cr	931895	4/26/94	1/1/95
310-15	rc	130100	5/13/2014	5/31/2014
310-16	cr	050515	10/18/2005	11/4/2005
310-16	am	130100	5/13/2014	5/31/2014
310-17	cr	021338	4/15/2003	4/25/2003
310-17	rc	061257	10/23/2007	1/8/2008
310-17-0	am	130100	5/13/2014	5/31/2014
310-17-0	am	141330	5/12/2015	5/30/2015
310-17-1-a	am	130100	5/13/2014	5/31/2014
310-17-1-a	am	141330	5/12/2015	5/30/2015
310-17-1-d	am	141330	5/12/2015	5/30/2015
310-17-2-b	am	130100	5/13/2014	5/31/2014
310-17-2-d-1	am	130100	5/13/2014	5/31/2014
310-17-2-e	rn to	141330	5/12/2015	5/30/2015
	310-17-2-f			
310-17-2-e	cr	141330	5/12/2015	5/30/2015
310-17-2-e-3	am	130100	5/13/2014	5/31/2014
310-17-2-g	cr	141330	5/12/2015	5/30/2015
310-17-2-h	cr	141330	5/12/2015	5/30/2015
310-17-3-a	am	130100	5/13/2014	5/31/2014
310-17-3-b-1-0	am	130100	5/13/2014	5/31/2014

310--(HISTORY) Department of Administration

310-17-3-c	am	130100	5/13/2014	5/31/2014
310-17-3-d	am	130100	5/13/2014	5/31/2014
310-17-3-e-1	am	130100	5/13/2014	5/31/2014
310-17-3-f	am	130100	5/13/2014	5/31/2014
310-17-4	am	130100	5/13/2014	5/31/2014
310-17-4-0	am	141330	5/12/2015	5/30/2015
310-17-4-a	am	141330	5/12/2015	5/30/2015
310-17-4-b	am	141330	5/12/2015	5/30/2015
310-17-4-c	rn to 310-17-4-d	141330	5/12/2015	5/30/2015
310-17-4-c	cr	141330	5/12/2015	5/30/2015
310-17-4-d	rn to 310-17-4-e	141330	5/12/2015	5/30/2015
310-17-4-d	rc	141330	5/12/2015	5/30/2015
310-17-4-e	am	141330	5/12/2015	5/30/2015
310-17-4-e	rn to 310-17-4-g	141330	5/12/2015	5/30/2015
310-17-4-f	cr	141330	5/12/2015	5/30/2015
310-17-4-g	am	141330	5/12/2015	5/30/2015
310-17-5	rc	130100	5/13/2014	5/31/2014
310-17-6	am	130100	5/13/2014	5/31/2014
310-18	cr	060095	6/20/2006	7/8/2006
310-18-2	am	130100	5/13/2014	5/31/2014
310-18.3	cr	090279	10/13/2009	12/29/2009
310-18.3-3	am	130100	5/13/2014	5/31/2014
310-18.3-4	am	130100	5/13/2014	5/31/2014
310-18.3-5	am	130100	5/13/2014	5/31/2014
310-18.3-6	am	130100	5/13/2014	5/31/2014
310-18.3-7	am	130100	5/13/2014	5/31/2014
310-18.5	cr	071342	2/5/2008	2/22/2008
310-18.5	am	130100	5/13/2014	5/31/2014
310-18.7	cr	080188	6/10/2008	6/27/2008
310-18.7-3	am	130100	5/13/2014	5/31/2014
310-18.9	cr	101572	11/27/2012	2/12/2013
310-18.9 (note)	rp	131807	6/3/2014	6/20/2014
310-18.9-2	am	130100	5/13/2014	5/31/2014
310-18.9-2	am	131807	6/3/2014	6/20/2014
310-18.9-3	am	130100	5/13/2014	5/31/2014
310-18.9-3	am	131807	6/3/2014	6/20/2014
310-18.9-4	am	131807	6/3/2014	6/20/2014
310-18.9-5	am	130100	5/13/2014	5/31/2014
310-18.9-6	am	130100	5/13/2014	5/31/2014
310-18.9-7	rc	130100	5/13/2014	5/31/2014
310-18.9-9	am	130100	5/13/2014	5/31/2014
310-18.9-10	am	130100	5/13/2014	5/31/2014
310-18.9-11	am	130100	5/13/2014	5/31/2014
310-19	cr	882560	4/25/89	5/13/89
310-19	rp	900674	10/13/92	1/27/93
310-19	cr	921235	12/18/92	1/27/93
310-19-1	rc	130100	5/13/2014	5/31/2014
310-19-1-a	am	020593	11/8/2002	1/1/2003
310-19-1-c	am	101429	4/12/2011	4/29/2011

**SUBCHAPTER 4
COMMITTEES**

320-31. City Information Management Committee.

1. COMPOSITION. There is created a city information management committee consisting of 10 members:

- a. One member of the common council, appointed by the common council president. This member shall be the chair of the committee.
- b. The mayor.
- c. The city comptroller
- d. The city treasurer.
- e. The city clerk.
- f. The director of administration.
- g. The city librarian.
- h. The chief municipal court administrator.
- i. The fire chief.
- j. The police chief.

1.3. DESIGNEES. Each official listed in sub. 1-b to j may appoint a designee to serve in place of the official on the committee. Designees for officials listed in sub. 1-c to h shall be in pay ranges 1G to 1P or 2KX to 2NX, unless this requirement is waived in writing by the chair of the committee. Designees for the fire chief or police chief shall be in pay ranges 1G to 1P, 2KX to 2NX or 4M to 4R.

1.5. ALTERNATIVES. Each member of the committee, except the common council member, may name an alternate. Alternates shall meet the same salary grade requirements as provided in sub. 1.3

2. DEFINITIONS. In this section:

- a. "Archives" means noncurrent records with permanent administrative or historical value.
- b. Committee means the city information management committee.
- c. "Records" means any material on which written, printed, drawn, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created by, kept in custody of, under control of, or filed with any department, agency, board, commission, officer or employe of the city except library materials kept for public use or examination. "Record" includes,

but is not limited to handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), computer printouts and any machine-readable record.

3. DUTIES. The committee shall:

a. Recommend policies to the mayor and the common council for the management of the city's information resources, including but not limited to access, distribution, documentation, security and appropriate use.

b. Assist the chief information officer in the implementation of the department of administration's information technology and management responsibilities.

b-1. Promote a citywide vision for information and technology management through the coordination and effective management of information technology resources.

b-2. Review and recommend approval of the citywide information technology strategic plan submitted by the chief information officer.

b-3. Review the chief information officer's reports on progress toward achieving the goals established in the strategic plan.

b-4. Assist the chief information officer in analysis of and recommendations on information technology issues.

c. Promote intergovernmental sharing of information resources.

d. Promote the use of the city's information resources to improve the policymaking process and administration of city government.

e. Promote public access to the city's information resources.

f. Provide guidelines for development and maintenance of a city records management program including standards for creation, distribution, organization, maintenance, use and disposition of all city records.

g. Promote implementation and maintenance of records management programs within city departments including development of safeguards against unauthorized use or removal of city records.

h. Analyze and survey records of city departments, agencies, boards and commissions and set up systems for the preservation, retention and disposition of such records.

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i. Disseminate records management information to city departments to facilitate training of department personnel in records management.

j. Review and approve, reject or modify departmental requests for retention, transfer to inactive storage and final disposition of city records, including retention of records in some form other than the original record and including the storage of vital city records at the alternate site of city government.

k. Provide guidelines for the operation of the city records center, which shall provide the following services for all city departments: storage, retrieval and disposition of city records; central imaging and microfilming services; and maintenance of secure and non-secure structure plans.

L. Transfer to the city archives at the city records center or the Milwaukee public library records of historical interest that are no longer needed for the proper administration of city business.

m. Promulgate rules and regulations for the effective administration of this section.

4. LENDING OF CITY RECORDS. Any city department or agency may lend any of the records over which it is the custodian to any entity it deems fit. All loans shall be governed by written agreements negotiated by the department or agency and the borrowing entity. All such agreements shall be approved by the committee and shall indemnify and hold the city harmless for any loss, damage or destruction of city property lent under the agreement.

5. RECORDS TO REMAIN CITY PROPERTY. All records shall remain the property of the city and shall be preserved, stored, transferred, destroyed, disposed of or otherwise managed in accordance with this section and the laws of the state of Wisconsin. No record shall be destroyed, transferred out of the control of the city or otherwise disposed of without the approval of the committee. The committee may approve the transfer of title, custody and control of noncurrent records that are no longer needed for administrative purposes by the city to the state historical society.

6. STAFFING. The city clerk's office shall provide staff support to the committee. The chief information officer shall serve as its executive secretary. The city attorney shall designate an assistant city attorney to be present at all meetings of the committee.

7. TASK FORCES. The committee may create task forces to recommend policy issues for committee action, review policies proposed by the committee, assist the chief information officer in the implementation of policies established by the common council, and coordinate the development and use of related information resources.

320-33. Skywalk Design Committee.

1. CREATION. There is created a skywalk design committee consisting of 9 members: the chair of the common council's zoning and development committee or alternate, who shall serve as chair of the committee; the chair of the historical preservation committee or a designee; the chair of the city plan commission or a designee; a member of the city plan commission appointed by the common council president; the planning manager in the department of city development; the superintendent of buildings and fleet services or a designee; the chair of the space, air and subterranean space structures lease committee or a designee; a representative of the downtown business improvement district (#21), appointed by the president of the common council; and the chair of the building owners management association or a designee. The city clerk's office shall staff the committee. The terms of the member of the city plan commission and the representative of the downtown business improvement district shall expire at the end of the common council term in which those members were appointed.

2. DUTIES. The committee shall evaluate each proposed skywalk design and make recommendations to the common council concerning the final development agreement for each proposed skywalk. The committee shall make its recommendations to the common council not more than 30 days after each proposed development agreement has been introduced to the common council.

Boards, Commissions and Committees 320-(HISTORY)

320-31-3-f	rn to 320-31-3-g	041396	2/22/2005	3/11/2005
320-31-3-g	rn to 320-31-3-h	041396	2/22/2005	3/11/2005
320-31-3-h	rn to 320-31-3-i	041396	2/22/2005	3/11/2005
320-31-3-i	rn to 320-31-3-j	041396	2/22/2005	3/11/2005
320-31-3-j	rn to 320-31-3-k	041396	2/22/2005	3/11/2005
320-31-3-k	rn to 320-31-3-L	041396	2/22/2005	3/11/2005
320-31-3-L	rn to 320-31-3-m	041396	2/22/2005	3/11/2005
320-31-6	am	140780	10/14/2014	10/31/2014
320-31-6	am	151206	12/15/2015	1/1/2016
320-33	am	971310	12/16/97	1/8/98
320-33	rp	040630	9/21/2004	10/8/2004
320-33	cr	051501	3/23/2006	4/11/2006
320-33-1	am	960235	6/4/96	6/21/96
320-33-1	am	971310	12/16/97	1/8/983
20-33-1	am	991247	11/29/99	1/1/2000
320-33-1	am	091312	2/9/2010	2/26/2010
320-33-2	am	901245	11/27/90	12/15/90
320-33-3.1	cr	991067	11/9/99	11/24/99
320-33-4-g	am	901245	11/27/90	12/15/90
320-33-5	cr	901245	11/27/90	12/15/90
320-33-5	rp	961316	12/17/96	1/9/97
320-35	rp	141324	12/16/2014	1/10/2015
320-37	cr	960233	6/4/96	6/8/96
320-37-1-0	am	051188	1/18/2006	2/4/2006
320-37-1-a	rc	040630	9/21/2004	10/8/2004
320-37-1-c	am	040630	9/21/2004	10/8/2004
320-37-2	am	051188	1/18/2006	2/4/2006
320-37-3	am	971310	12/16/97	1/8/98
320-39	cr	961805	4/22/97	5/9/97
320-39	rp	000024	6/1/2000	6/8/2000
320-41	rp	911075	9/24/91	10/11/91
320-41	cr	971759	5/5/98	5/14/98
320-41-4-a	am	051188	1/18/2006	2/4/2006
320-41-4-c	rp	051188	1/18/2006	2/4/2006
320-41-7	am	150290	6/23/2015	7/11/2015
320-43	rp	951007	12/19/95	1/13/96
320-43	cr	060541	9/26/2006	10/13/2006
320-43	am	071252	2/5/2008	2/22/2008
320-43-1-a-3	am	131135	1/22/2014	2/8/2014
320-43-1-a-4	am	131135	1/22/2014	2/8/2014
320-43-2-a	am	090469	9/22/2009	10/9/2009
320-43-2-c-1	am	891611	12/19/89	1/13/90
320-45	cr	040220	7/7/2004	7/24/2004
320-45	rc	070141	5/20/2008	6/7/2008
320-45-2-0	am	091288	6/15/2010	7/1/2010
320-45-3	rc	091288	6/15/2010	7/1/2010
320-45-4-b	rc	091288	6/15/2010	7/1/2010
320-45-4-d	am	091288	6/15/2010	7/1/2010
320-47	cr	050290	9/27/2005	10/14/2005
320-47-2-c	am	060228	6/20/2006	7/8/2006
320-49	cr	081215	3/3/2009	3/20/2009
320-49-2-b	rc	090090	5/27/2009	6/13/2009
320-49-5	am	090090	5/27/2009	6/13/2009
320-49-5	rc	090592	11/6/2009	1/1/2010

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[Pages 378-500 are blank]

c-3. Arrange for an independent audit with respect to the residents preference program, to be performed every 3 years, by a certified accounting firm licensed to perform audits in the state of Wisconsin, or by the city comptroller.

2.5. RECORDKEEPING. The department of city development and office of small business development shall ensure that all data required for reporting under this section are maintained in a centralized labor compliance software system, as provided in s. 370-3-5.

3. REPORTING. The office of small business development shall prepare annually a residents preference program report on the efforts of recipients of direct financial assistance in achieving the goals of the program for development agreements. The performance report shall include the following:

a. The number and dollar amount of all construction contracts let.

b. The number and dollar amount of construction contracts which incorporated a residency requirement and the percentage of unemployed or underemployed resident worker hours required as well as the number of worker hours worked or performed.

c. If not all construction contracts included a residency requirement or if some contracts contained a requirement of less than 40% of worker hours, the office of small business development shall state the reason for this difference.

d. The number and dollar amount of non-construction contracts relative to projects which incorporated a residency requirement.

e. Full disclosure of the office of small business development's reasons for adjusting the participation percentage goal for individual contracts or groups of construction contracts.

f. The percentage of total hours worked by city, non-city and non-state residents for contracts which included the residency requirement.

g. Information to assist the common council in its annual reappraisal of the residents preference program pursuant to s. 309-41-4, including the number of individual participants by job type, the number of new city residents hired during the year under the program and the number of program participants who advanced to apprenticeships or on-the-job training programs.

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 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.

b. All recipients, contractors and subcontractors shall submit contract time reports showing compliance with any contract requirements imposed in accordance with this section at least once every 3 months during the course of their work and within 10 days following completion of their work.

2. MONITORING AND ENFORCEMENT. The department of administration shall:

a. Monitor the performance of each contractor or subcontractor with respect to the ratio of apprentices to journeymen and on-the-job trainees to non-trainees employed on the construction contract during performance of the construction contract.

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 for inspection upon reasonable notice.

355-11 Community Participation In Development Agreements

355-11. First-Source Employment Utilization.

1. **DEFINITIONS.** In this section "first-source employment program" means an employment program operated by the city or its designee which is to be utilized as contractors' first source for recruiting applicants for both new and replacement employment.

2. **RECIPIENT OF DIRECT FINANCIAL ASSISTANCE.** Recipients of direct financial assistance shall require all of their contractors and subcontractors on the project to utilize the first-source employment program, subject to the following:

a. Prior to announcing or advertising a position for work which shall be performed as a result of a construction contract, construction subcontract or of a new employment position, a contractor or subcontractor shall notify the office of small business development, or its designee, about the position, including a general description and the minimum requirements for qualified applicants.

b. The contractor or subcontractor shall not make any public announcement or advertisement for a period of 10 business days after notification to the office of small business development or its designee, of the availability of the position.

c. The office of small business development or its designee shall maintain a database of job opportunities subject to this section and shall provide information on these job opportunities to all city residents.

d. The advance notice period required by par. b shall be waived if there are no qualified candidates to refer to the contractor or subcontractor. The office of small business development or its designee, shall notify the contractor of this waiver within 5 business days of being informed of the job availability.

e. The office of small business development or its designee shall institute a tracking system and record which applicants were interviewed, which applicants were not interviewed and which applicants were hired for positions subject to this subsection.

3. The office of small business development shall confirm that each construction contract for a project entered into by a recipient of direct financial assistance

requires contractors and subcontractors to enter into a first-source agreement with the city or its designee which shall apply for the duration of the contract. A first-source recruitment agreement shall require:

a. Utilization of the city's first-source employment program as the first source for recruitment and referral of applicants for new and replacement employment.

b. Allowing the city's first-source employment program a minimum of 10 business days to refer applicants to contractors. Contractors may apply for a waiver of the 10-day requirement in emergency situations. Waivers may only be granted by the office of small business development or its designee.

c. The contractor or subcontractor to interview and consider qualified applicants referred by the office of small business development or its designee before interviewing others.

4. **HIRING DECISIONS.** Contractors and subcontractors shall retain the right to make all final hiring decisions.

5. **AGREEMENTS.** First-source recruitment agreements shall not require contractors or subcontractors to comply with this section if job vacancies or newly-created positions are filled by transfer or promotion from existing staff or from a file of qualified applicants previously referred by the office of small business development or its designee.

6. **DISTRIBUTION OF INFORMATION.** The department and the office of small business development shall distribute information about the first-source employment program to all developers of commercial, industrial and mixed-use projects in the city, including all developers not receiving direct financial assistance.

7. **ENFORCEMENT.** The office of small business development shall monitor compliance with this section.

355-13. Other Requirements.

1. **CASH FLOW AND COST-SAVINGS PARTICIPATION.** When determined feasible by the commissioner,

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development agreements shall include provisions under which the city benefits financially from either lower-than-expected project costs or higher-than-expected project cash flow.

2. PAYMENTS IN LIEU OF TAXES.

When direct financial assistance is provided to a project in the form of tax incremental financing, the development agreement shall require a payment in lieu of taxes with respect to any parcel or building within the project that is or becomes exempt from real property taxes. This provision shall be incorporated into a covenant running with the land.

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 shall monitor compliance with this subsection.

4. SMALL BUSINESS ENTERPRISES.

a. The developer of any project receiving direct financial assistance from the city shall use a small business enterprises as defined in s. 370-1-23 for project expenditures in a total aggregate dollar amount equal to the following.

a-1. Construction: 25%.

a-2. The purchase of goods and services: 25%.

a-3. The purchase of professional services: 18%.

b. The requirement to use small business enterprises shall be included in a written agreement between the city and the entity receiving the direct financial assistance.

c. A business that is certified with Milwaukee County, the state of Wisconsin or the U.S. federal government as a disadvantaged, emerging or small business enterprise, or some other program that in the discretion of the manager of the office of small business development is comparable to the city's small business enterprise program, shall qualify as a small business enterprise for the purposes of this chapter, and shall be included when determining compliance with the subsection.

355-15. Annual Reports. The department shall compile data assembled by its own employees and the department of administration 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.

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 may seek prosecution under s. 355-19 or the imposition of any of the following sanctions:

1. Imposition of a requirement that remedial efforts be undertaken by developers for the remaining portion of a project where initial reports demonstrate non-compliance with the resident preference hours required for the project.

2. Specific performance or specified remedies under any written agreement pertaining to small business enterprise participation or first-source recruitment agreement.

3. Remedies available to the city under a development agreement for such non-compliance.

355-19. Penalty. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 nor more than \$5,000 together with the costs of prosecution.

**355--(HISTORY) Community Participation In Development
Agreements**

**LEGISLATIVE HISTORY
CHAPTER 355**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 355	cr	080218	3/25/2009	8/8/2009
355-7-1-c	am	110086	10/11/2011	1/1/2012
355-7-2-0	am	110086	10/11/2011	1/1/2012
355-7-2-a	am	110086	10/11/2011	1/1/2012
355-7-2-c	am	110086	10/11/2011	1/1/2012
355-7-2.5	cr	151055	12/15/2015	12/31/2015
355-7-3-0	am	110086	10/11/2011	1/1/2012
355-7-3-c	am	110086	10/11/2011	1/1/2012
355-7-3-e	am	110086	10/11/2011	1/1/2012
355-11-2-a	am	110086	10/11/2011	1/1/2012
355-11-2-b	am	110086	10/11/2011	1/1/2012
355-11-2-c	am	110086	10/11/2011	1/1/2012
355-11-2-d	am	110086	10/11/2011	1/1/2012
355-11-2-e	am	110086	10/11/2011	1/1/2012
355-11-3-0	am	110086	10/11/2011	1/1/2012
355-11-3-b	am	110086	10/11/2011	1/1/2012
355-11-3-c	am	110086	10/11/2011	1/1/2012
355-11-5	am	110086	10/11/2011	1/1/2012
355-11-6	am	110086	10/11/2011	1/1/2012
355-11-7	am	110086	10/11/2011	1/1/2012
355-13-3	rc	091048	12/22/2009	1/9/2010
355-13-3	rp	110735	12/20/2011	1/12/2012
355-13-3	cr	131627	7/22/2014	8/8/2014
355-13-4	rc	111326	5/22/2012	6/12/2012
355-13-4-d	rp	141261	12/16/2014	1/10/2014
355-15-1	rn to	110735	12/20/2011	1/12/2012
	355-15-0			
355-15-2	rp	110735	12/20/2011	1/12/2012
355-17-2	am	111326	5/22/2012	6/12/2012
355-17-a	rp	110735	12/20/2011	1/12/2012
355-17-b	rn to	110735	12/20/2011	1/12/2012
	355-17-1 (corr.)			
355-17-c	rn to	110735	12/20/2011	1/12/2012
	355-17-2 (corr.)			
355-17-d	rn to	110735	12/20/2011	1/12/2012
	355-17-3 (corr)			

[Pages 1097-1180 are blank]

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a. Providing assistance and information in connection with the establishment, expansion and overall development of small business enterprises.

b. Assisting in the introduction of business associations between individuals of small business enterprises and others or between 2 or more small business enterprises.

c. Planning and participating in training seminars for informing potential bidders of the small business enterprise program and of business opportunities available.

d. Serving as a clearinghouse for information about training and educational programs.

e. Developing various types of financial assistance for consideration by the common council to assist small business enterprises to obtain working capital to begin, continue and maintain a satisfactory level of business. These include a revolving loan program, guaranteed loan program, gap lending program and bond reduction and waivers when feasible.

5. Use a centralized labor compliance software reporting and evaluation system for uniform data collection, maintenance, monitoring and reporting by all city departments and contractors with responsibilities under the city's small business enterprise, residents preference and local business enterprise programs.

6. Review and monitor all city contracts with small business enterprises for compliance and notify in written form the contractor on the findings of the review and decisions concerning satisfaction of contractual deficiencies.

7. Serve as liaison with economic development organizations and agencies working in support of economic development in the community.

8. Coordinate any city-sponsored economic development programs for small business enterprises.

9. Review small business enterprise participation progress in the city's contract and procurement activities and submit a written report to the mayor and common council.

10. Establish reporting requirements for all contracting departments to document the percentage of contracts which have been awarded to small business enterprises.

11. Devise rules, regulations and procedures governing requests for waivers from the requirements of the small business enterprise program, subject to approval by the common council.

12. Conduct hearings on requests by contracting agencies for waivers from the requirements of the program. Upon a denial of a request for a waiver, the affected agency may apply for a waiver to the appropriate standing committee of the common council. The committee shall have the authority to waive any requirements of this chapter upon showing of good cause.

13. Develop and monitor affirmative action criteria for employment of minorities and women by contractors, subcontractors and suppliers consistent with law.

370-5. Goals of Contracting Departments.

1. GOALS. The following requirements are adopted by the city for increasing the level of small business enterprise participation in city contracts. It shall be the responsibility of each contracting agency to attain such goals in accordance with the criteria specified in this section. Each contracting agency shall, unless contrary to federal, state or local law, utilize small business enterprises for the following percentage of the total dollars, through prime contracts or subcontracts, annually expended on:

a. Construction: 25%.

b. The purchase of goods and services: 25%.

c. The purchase of professional services: 18%.

2. REVIEW OF GOALS. To assure the appropriate percentage goals for small business enterprise participation, the manager shall annually review and adjust the percentage goal, with the approval of the common council.

3. JOINT VENTURES. Participation of small business enterprises in joint ventures with other such businesses and mainstream business entities is encouraged. In the case of a certified joint venture, only that portion of the total dollar value of the contract equal to the percentage of participation of the small business enterprise partner venture in the joint venture shall be counted toward the applicable requirement.

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4. DUTIES OF CONTRACTING AGENCIES. Each contracting agency is directed to:

a. Cooperate with the office of small business development in the implementation of the small business enterprise program.

b. Develop lists of small business enterprises experienced in the various types of services, products or property typically contracted for.

c. Provide quarterly reports to the manager not later than 30 calendar days after the end of the previous quarterly period specifying with respect to contracts and subcontracts for the following:

c-1. For the forthcoming quarterly period, the means by which it intends to meet the requirements established by this section and the projected opportunities for small business enterprises.

c-2. The total dollar percentage and dollar amount expended on all city contracts, including with and without small business enterprises.

c-3. The degree to which the goals set forth in this section have been met, any past and current activities undertaken and being undertaken in trying to meet the goals and, if necessary, a detailed explanation of why the goals have not been met.

c-4. Any other information requested by the manager.

d. Appoint a member of the contracting agency or division to serve as a liaison between the contracting agency and the office of small business development.

e. Identify appropriate categories of contracts, on an annual basis, for the inclusion of requirements specifying designated levels of participation of small business enterprises, and, where appropriate, include in each contract a requirement that the contractor achieve the stated percentages.

f. Comply with the monitoring requirement that all prime contractors pay subcontractors within 7 business days of receipt of payment from the city.

5. PERFORMANCE ASSURANCE PROCEDURE. Each contracting agency shall develop and implement procedures, unless inappropriate, to assure that suppliers, employees, agents or other persons providing goods or services to small business enterprises participating in city contracts shall be paid in full in a timely manner. The procedures shall include joint check payments, bonding requirements and other financial safeguards. Nothing contained in this subsection shall require the city to make payments in excess of the contract price.

370-9. Sanctions. Every contract awarded under this chapter shall contain language indicating that if any document submitted to the office of small business development by a contractor, subcontractor, bidder or individual to be certified as a small business enterprise for participating in any city contract contains false, misleading or fraudulent information, the office of small business development may direct the imposition of any of the following sanctions on the offending contractor, subcontractor, bidder or individual:

1. Withholding of payment.

2. Termination, suspension or cancellation of the contract in whole or in part.

3. Denial to participate in any further contracts awarded by the city for a period of one year after the first violation is found and for a period of 3 years after any subsequent violations are found.

370-11. Penalties. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 nor more than \$5,000 together with the costs of prosecution, or upon default of payment, shall be imprisoned in the house of correction or county jail not to exceed 90 days.

Small Business Enterprise Program 370 - (HISTORY)

**LEGISLATIVE HISTORY
CHAPTER 370**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
Ch. 370	cr	110086	10/11/2011	1/1/2012
370 (title)	am	130303	11/5/2013	11/22/2013
370-1	rc	111226	2/7/2012	2/24/2012
370-1-1	rp	130303	11/5/2013	11/22/2013
370-1-2	rp	130303	11/5/2013	11/22/2013
370-1-3	ra	130303	11/5/2013	11/22/2013
	To 370-1-1			
370-1-4	rn to 370-1-2	130303	11/5/2013	11/22/2013
370-1-5	rn to 370-1-3	130303	11/5/2013	11/22/2013
370-1-6	rn to 370-1-4	130303	11/5/2013	11/22/2013
370-1-7	rn to 370-1-5	130303	11/5/2013	11/22/2013
370-1-8	rn to 370-1-6	130303	11/5/2013	11/22/2013
370-1-8	am	130100	5/13/2014	5/31/2014
370-1-9	rn to 370-1-7	130303	11/5/2013	11/22/2013
370-1-10	rn to 370-1-8	130303	11/5/2013	11/22/2013
370-1-10	am	141261	12/16/2014	1/10/2015
370-1-11	rn to 370-1-9	130303	11/5/2013	11/22/2013
370-1-11	am	141261	12/16/2014	1/10/2015
370-1-12	rn to 370-1-10	130303	11/5/2013	11/22/2013
370-1-13	rp	130303	11/5/2013	11/22/2013
370-1-14	rn to 370-1-11	130303	11/5/2013	11/22/2013
370-1-14	rp	141261	12/16/2014	1/10/2015
370-1-15	rn to 370-1-12	130303	11/5/2013	11/22/2013
370-1-16	rn to 370-1-13	130303	11/5/2013	11/22/2013
370-1-16	rp	141261	12/16/2014	1/10/2015
370-1-17	rn to 370-1-14	130303	11/5/2013	11/22/2013
370-1-18	rp	130303	11/5/2013	11/22/2013
370-1-19	rp	130303	11/5/2013	11/22/2013
370-1-20	rp	130303	11/5/2013	11/22/2013
370-1-21	ra to 370-1-15	130303	11/5/2013	11/22/2013
370-1-22	rn to 370-1-16	130303	11/5/2013	11/22/2013

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370-1-23	rn to 370-1-17	130303	11/5/2013	11/22/2013
370-1-24	rp	130303	11/5/2013	11/22/2013
370-3-0	am	130303	11/5/2013	11/22/2013
370-3-0	am	130100	5/13/2014	5/31/2014
370-3-1	am	130303	11/5/2013	11/22/2013
370-3-2	am	130303	11/5/2013	11/22/2013
370-3-3	am	130303	11/5/2013	11/22/2013
370-3-4-0	am	130303	11/5/2013	11/22/2013
370-3-4-a	am	130303	11/5/2013	11/22/2013
370-3-4-b	am	130303	11/5/2013	11/22/2013
370-3-4-c	am	130303	11/5/2013	11/22/2013
370-3-4-e	am	130303	11/5/2013	11/22/2013
370-3-5	am	130303	11/5/2013	11/22/2013
370-3-5	rc	151055	12/15/2015	12/31/2015
370-3-6	am	130303	11/5/2013	11/22/2013
370-3-8	am	130303	11/5/2013	11/22/2013
370-3-9	am	130303	11/5/2013	11/22/2013
370-3-10	am	130303	11/5/2013	11/22/2013
370-3-10	am	130100	5/13/2014	5/31/2014
370-3-11	am	130303	11/5/2013	11/22/2013
370-3-12	am	130303	11/5/2013	11/22/2013
370-3-12	am	130100	5/13/2014	5/31/2014
370-5-1-0	am	130303	11/5/2013	11/22/2013
370-5-1-0	am	130100	5/13/2014	5/31/2014
370-5-2	am	130303	11/5/2013	11/22/2013
370-5-3	am	130303	11/5/2013	11/22/2013
370-5-4-0	am	130100	5/13/2014	5/31/2014
370-5-4-a	am	130303	11/5/2013	11/22/2013
370-5-4-b	am	130303	11/5/2013	11/22/2013
370-5-4-c-1	am	130303	11/5/2013	11/22/2013
370-5-4-c-2	am	130303	11/5/2013	11/22/2013
370-5-4-d	am	130100	5/13/2014	5/31/2014
370-5-4-e	am	130303	11/5/2013	11/22/2013
370-5-5	am	130303	11/5/2013	11/22/2013
370-5-5	am	130100	5/13/2014	5/31/2014
370-7	am	130303	11/5/2013	11/22/2013
370-7	rp	141574	3/3/2015	3/19/2015
370-9	am	130303	11/5/2013	11/22/2013
370-9	am	130100	5/13/2014	5/31/2014
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Subch. 3, ch. 370	rp	130303	11/5/2013	11/22/2013
370-23	am	111226	2/7/2012	2/24/2012
370-25-6	rp	130303	11/5/2013	11/22/2013
370-25-7	rn to 370-25-6	130303	11/5/2013	11/22/2013
370-25-8	rn to 370-25-7	130303	11/5/2013	11/22/2013
370-25-9	cr	111226	2/7/2012	2/24/2012
370-25-9	rn to 370-25-8	130303	11/5/2013	11/22/2013
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