

**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 file:

252102      A substitute ordinance relating to the residential preference program requirements for construction contracts.

**Remove old MEMO (Suppl. #380)**

<b><u>Section Affected</u></b>	<b><u>Action</u></b>	<b><u>File Number</u></b>	<b><u>Effective Date</u></b>	<b><u>Remove Pages</u></b>	<b><u>Add Pages</u></b>
309-38-1-f	cr	252102	6/20/2026	v-vi 141-146	v-vi 141-146
309-38-1-g	cr	"	"	"	"
309-38-1-h	cr	"	"	"	"
309-38-2-b-2	am	"	"	"	"
309-41-2-d	am	"	"	"	"
309-41-3.5-b	am	"	"	"	"
355-7-2-a-1	am	"	"	1091-1094	1091-1094
355-9-1-a-2	am	"	"	"	"

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**Abbreviations:**

am=amended  
cr=created  
corr=correction

ra=renumbered and amended  
rc=recreated

rn=renumbered  
rp=repealed

Revised 6/2/2026  
Suppl. #381



## **MEMO**

If all supplements have been properly inserted, this book contains all actions of the Common Council through June 2, 2026.

Revised 6/2/2026  
Suppl. #381



**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 divisions of infrastructure services and water works. The commissioner shall have supervision over the division directors and all department employees, except as otherwise provided by s. 8-07 and s. 14-12.5 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 employee.

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 Public Works

**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 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, W is. 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.
  - f. "Extreme poverty" means a poverty rate of 40% or greater.
  - g. "High poverty" means a poverty rate between 20% or greater and 40%.
  - h. "Poverty rate" means the percentage of individuals who are below the poverty threshold as determined by the U.S. census bureau.
2. REQUIREMENTS. The specifications for every construction contract in excess of \$100,000 entered into by the city shall contain, where appropriate:
  - a. A requirement that the contractor employ apprentices and on-the-job trainees 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,
  - b. In the case of contracts greater than \$500,000, where appropriate, all of the following requirements:

b-1. One-quarter of the apprentices and on-the-job trainees required under par. a, as measured in worker hours, shall be unemployed or underemployed residents of the city, as defined in s. 309-41. For every worker hour exceeding the requirements of this paragraph, one-and-a-half hours shall be credited toward the requirements of s. 309-41-2-a.

b-2. Of the apprentice and on-the-job trainee worker hours required under par. b-1, at least 40 percent shall be attributable to unemployed or underemployed residents residing in high or extreme poverty ZIP Codes. The poverty rate for each ZIP Code shall be calculated by the city clerk within 90 days of the effective date of this ordinance, and by January 1 every 5 years thereafter.

b-3. Apprentice and on-the-job trainee worker hours of a resident who meets the definition of unemployed or underemployed solely under the 15-day provision of s. 309-41 shall not be credited toward meeting the contract participation requirements of sub. 2-b unless the resident had not worked on the same project for the same contractor prior to the 15-day period.

c. In determining whether the requirements of par. a and b are appropriate for insertion in specification 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 do not have apprentices or on-the-job trainees.

**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.

d. 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.

**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 Public Works

### 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 or other city department administering a city construction contract.

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 15 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.

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 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, 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 employee 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.

d. A requirement that at least one quarter of the worker hours required in par. a be performed by unemployed or underemployed residents who maintain their permanent residence in high or extreme poverty ZIP Codes. The poverty rate for each ZIP Code shall be calculated by the city clerk within 90 days of the effective date of this ordinance, and by January 1 every 5 years thereafter.

e. A requirement that all contractors and subcontractors utilize a local workforce development agency as a first-source option for recruiting applicants for both new and replacement employment, as provided in s. 355-11.

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 and worker hours 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, race, gender, residential address, work classification and hours worked.

b-4. 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.

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 or contract compliance software system, as provided in s. 370-3-5.

b-7. Maintain, and verify every 3 years in coordination with the workforce development coordinator, a list of residents qualified under this section, including information relating to skills and sector-specific work experience.

**3.5. EXCEPTIONS.** a. If a contractor cannot meet the participation requirements of sub. 2-a, the appropriate level of participation may, at the discretion of the department, be met by utilizing unemployed or underemployed residents to work on concurrent projects in any Wisconsin county, provided those residents began their employment on projects in the city.

b. For every worker hour exceeding the requirements of sub. 2-d, one-and-a-half hours shall be credited toward meeting the requirements of sub. 2-a. For every worker hour exceeding the requirements of sub. 2-d performed by a worker hired from an extreme poverty ZIP Code, 2 hours shall be credited toward the requirements of s. 309-41-2-a.

c. The hours worked by a resident who meets the definition of unemployed or underemployed solely under the 15-day provision of sub. 1-f shall not be credited toward meeting the contract participation requirements of sub. 2-a unless the resident had not worked on the same project for the same contractor prior to the 15-day period.

**4. ANNUAL REVIEW.** The residents preference program established by this section shall be reviewed by the common council, in consultation with the mayor, and the residents preference program review commission 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 zip codes in the city and between the city as a whole and the Milwaukee metropolitan area.

## 309-51 Public Works

### 5. ANNUAL PROGRAM REPORT.

The department of public works, in coordination with the department of compliance and engagement, the department of city development and the residents preference program review commission, shall prepare, on or before October 1 of each year, a residents preference program report on the city's success in achieving the goals of the program. 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 resident worker hours required.

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 department shall state the reason for this difference.

d. The number and dollar amount of non-construction contracts which incorporated a residency requirement, along with a summary of the reasons for not incorporating a residency requirement in some or all of those contracts.

e. Full disclosure of the department's reasons for adjusting the participation percentage goal for individual contracts or groups of contracts.

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

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

h. Unemployment rates in the city and the Milwaukee metropolitan area and the sources of the statistics.

i. Recommendations regarding the necessity for continuation of the program and methods of making the program more successful.

j. Information relating to worker hours by zip code, race, gender, trade and hourly wage.

6. ADOPTION OF RESOLUTION. As soon as practicable after review of the residents preference program as provided in sub. 4, the common council shall adopt a resolution stating the results of its reappraisal of the necessity for continuance of the residents preference program and the required participation percentage goals. The department shall prepare said resolution for common council consideration each year.

7. SANCTIONS. Every city contract awarded under this section shall contain language indicating that if any document submitted to the department by a contractor, subcontractor, bidder or individual contains any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with this section, the 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 right to participate in future contracts awarded by the city for 2 years.

8. PENALTY. Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this section by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 or more than \$5,000 together with the costs of prosecution, and upon default of payment, shall be imprisoned in the county jail or house of correction not to exceed 90 days, or until the forfeiture costs are paid.

### 309-51. Rules for the Administration of the Metropolitan Sewerage District User Charges.

1. OVERALL RESPONSIBILITY FOR ADMINISTERING USER CHARGES. The commissioner of public works shall administer the sewer user charge. He shall apply the rules contained herein and make such amendments subject to approval by the utilities and licenses committee of the common council as may be required from time to time for proper application of the charge.

CHAPTER 355  
COMMUNITY PARTICIPATION IN DEVELOPMENT AGREEMENTS

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**355-1. Definitions.** In this chapter:

1. DEPARTMENT means department of city development or other city department partnering on a private construction project.

2. DIRECT FINANCIAL ASSISTANCE means the value of below-market land sales, any direct subsidies to developers and city expenditures for private improvements, with a combined value of \$1 million or more, as determined by the commissioner of the department, targeted specifically to a project. It includes the value of tax increment financing and below-market-rate loans provided by the city.

3. 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 15 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.

**355-3. Requirements for Projects Receiving Direct Financial Assistance.** All persons or entities receiving direct financial assistance for projects approved after August 8, 2009, shall comply with this chapter in the implementation of such projects.

**355-5. Application Process.** 1. All developers seeking direct financial assistance for a project shall complete an application in the form provided by the department.

2. Once the application has been completed, the department and the city comptroller shall provide to the common council an analysis of the project's financial feasibility, market assumptions, rate of return, and jobs impact, including wage and benefit information. The department shall further provide a separate report discussing the quality of proposed building and site design, the impact of the project on the city's historic building stock, and the project's sustainable features, including use of alternative energy sources and recycled and low-impact materials, creation of public open space, incorporation of transit- and pedestrian-oriented design features and amenities, and eligibility for certification under the Leadership in Energy and Environmental Design Green Building Rating System or other national certification.

3. Any resolution proposing direct financial assistance shall include a term sheet outlining the conditions under which such assistance is to be provided.

4. The department shall negotiate development agreements governing the implementation of projects for which direct financial assistance is approved. Such agreements shall incorporate the conditions contained in the term sheet approved by the common council. No city funds may be released for any project governed by this chapter without the approval of a term sheet and execution of a development agreement. Development agreements shall require compliance with all provisions of ss. 355 7 to 355 13, except that the common council may by resolution impose lesser or different requirements.

5. Any developer seeking direct financial assistance for a project shall prepare a report, to be attached to the application required by sub. 1, on the estimated cost of including solar power and other sustainable features as part of the project. This report shall also include an estimate of the amount of time that would be required to recover the cost of the solar-power features through energy-cost savings. The environmental collaboration office established under s. 310-3 shall develop and provide administrative procedures and technical assistance for this report, and shall provide information on financing options, including property assessed clean energy (PACE) financing, to the developer.

## 355-7 Community Participation In Development Agreements

### 355-7. Participation of City Residents.

1. REQUIREMENTS. Recipients of direct financial assistance shall:

a. Ensure compliance with aspects of the development agreement regarding the use of unemployed and underemployed residents for construction of the project. For the purpose of this section, "worker hours" includes work performed by persons filling apprenticeship and on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

b. Ensure that all of the recipients' contracts with contractors and sub-contractors for the project include a provision in which such contractor or subcontractor certifies that it knows of the provisions of this section, intends to comply with them and authorizes the city to enforce its terms.

c. Require that contractors and subcontractors maintain personnel records for each construction contract, and any records demonstrating that the employees utilized by the contractors and subcontractors in meeting the requirements of this section are residents of the city. These records shall be maintained for 7 years after the contractor or subcontractor has received final payment under its construction contract, and shall be made available to the department of compliance and engagement for inspection upon reasonable notice.

2. ADMINISTRATION. The department of city development and department of compliance and engagement shall be responsible for the planning, implementation and enforcement of this section.

a. Prior to submitting a proposed term sheet for a project, the commissioner of city development, in consultation with the department of compliance and engagement or such other entity as may be designated by the city from time to time, shall determine the appropriate level of participation of unemployed and underemployed residents of the city for the project to reflect the job or trade categories required for the project and the pool of available certified and qualified workers within each job or trade category. The total appropriate level of participation shall be presumed to be 40%, unless the commissioner determines there is sufficient reason to impose a lesser requirement. The recipient of direct financial assistance shall submit a city resident utilization plan and gap analysis detailing how the level of

required participation will be achieved. 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 developer 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 of city development setting forth the facts upon which the request for adjustment is based.

a-1. At least one quarter of the appropriate level of participation required in par. a shall be performed by unemployed or underemployed residents who maintain their permanent residence in high or extreme poverty ZIP Codes. The poverty rate for each ZIP Code shall be calculated by the city clerk within 90 days of the effective date of this ordinance, and by January 1 every 5 years thereafter. Every worker hour performed by a worker from a high poverty ZIP Code exceeding this requirement shall count for one-and-a-half hours toward the requirement of par. a. For every worker hour exceeding this requirement performed by a worker hired from an extreme poverty ZIP Code, 2 hours shall be credited toward the requirements of par. a.

a-2. If a developer cannot meet the participation requirements of par. a, the appropriate level of participation may, at the discretion of the department of compliance and engagement, be met by utilizing unemployed or underemployed residents to work on concurrent projects in any Wisconsin county, provided those residents began their employment on projects in the city.

a-3. The hours worked by a resident who meets the definition of unemployed or underemployed solely under the 15-day provision of s. 355-1-3 shall not be credited toward meeting the appropriate level of participation required in par. a unless the resident had not worked on the same project for the same contractor or subcontractor prior to the 15-day period.

b. Prior to the release of funds, the department of compliance and engagement shall confirm that all contractors and subcontractors, prior to commencement of their work, have submitted an affidavit in the form supplied by the department of compliance and engagement from employees utilized to meet the requirements of this section, stating that the employee is unemployed or underemployed and is a resident of the city.

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c. During the construction of any project covered by this section, the department of compliance and engagement shall:

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

c-2. Confirm that all developers, contractors and subcontractors have submitted construction contract time reports listing workers by name, race, gender, residential address, work classification and hours worked at least once every 3 months during the course of their work and within 10 days following completion of their work.

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.

c-4. Confirm that developers, contractors and subcontractors are utilizing the first-source employment program, as provided in s. 355-11.

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

**3. REPORTING.** The department of compliance and engagement, in coordination with the department of city development, the department of public works and the residents preference program review commission, shall prepare, on or before October 1 of each year, 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 development agreements executed.

b. The number and dollar amount of development agreements 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 development agreements included a residency requirement or if some agreements contained a requirement of less than 40% of worker hours, the reason for this difference.

d. Information relating to worker hours by zip code, race, gender, trade and hourly wage.

e. Full disclosure of the department of compliance and engagement's reasons for

adjusting the participation percentage goal for individual categories of work.

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, and in accordance with the following requirements:

a-1. One-quarter of the apprentices and on-the-job trainees required under par. a, as measured in worker hours, shall be unemployed or underemployed residents of the city, as defined in s. 355-1-3. For every worker hour exceeding the requirements of this paragraph, one-and-a-half hours shall be credited toward the requirements of s. 355-7-2-a.

a-2. Of the apprentice and on-the-job trainee worker hours required under par. a-1, at least 40 percent shall be attributable to unemployed or underemployed residents residing in high or extreme poverty ZIP Codes. The poverty rate for each ZIP Code shall be calculated by the city clerk within 90 days of the effective date of this ordinance, and by January 1 every 5 years thereafter.

a-3. Apprentice and on-the-job trainee worker hours of a resident who meets the definition of unemployed or underemployed solely under the 15-day provision of s. 355-1-3 shall not be credited toward meeting the contract participation requirements of par. a unless the resident had not worked on the same project for the same contractor or subcontractor prior to the 15-day period.

## **355-11 Community Participation In Development Agreements**

b. In determining whether the requirements of par. a are appropriate for insertion in specification for a particular project, the department of administration may consider the nature of the work, whether the project is of short duration and whether their work will involve trades which do not have apprentices or on the job trainees.

**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 developers have maintained records concerning their contractors' and subcontractors' apprenticeship and on-the-job training programs, which shall be retained for 7 years after the project has concluded. These records shall be made available to the department of administration for inspection upon reasonable notice.

c. Confirm that recipients, contractors and subcontractors 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.

### **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 department of compliance and engagement 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 department of compliance and engagement or its designee of the availability of the position.

c. The department of compliance and engagement 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 department of compliance and engagement or its designee shall notify the contractor of this waiver within 5 business days of being informed of the job availability.

e. The department of compliance and engagement 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. FIRST SOURCE RECRUITMENT AGREEMENT.** The department of compliance and engagement 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 recruitment 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 department of compliance and engagement or its designee.

c. The contractor or subcontractor to interview and consider qualified applicants referred by the department of compliance and engagement or its designee before interviewing others.

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