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

5 **County Ordinance No. 16-23**

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7 **File No. 16-609**

8  
9 **AN ORDINANCE**

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

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

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16 **111.02. - Definitions.**

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

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

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24 (1) Service contracts do not include:

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

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

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

- 48  
49 (1) *Cultural institutions*: Leases with institutions including the Fund for the Arts/CAMPAC,  
50 Milwaukee County Historical Society, Milwaukee County Federated Library  
51 System, Marcus Center, Milwaukee Public Museum, Charles Allis and Villa Terrace

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (f) *Contractor* means a person or an entity that has a service contract, lease, or concession agreement with Milwaukee County covered under this chapter.
- (g) *Subcontractor* means a person or an entity:
  - 1) Having an agreement or arrangement with a contractor to perform some aspect of a service contract ~~furnish a service~~ for the benefit of Milwaukee County that would be covered under this chapter; or,
  - 2) Having an agreement or arrangement with a contractor to operate on a property that is subject to a lease or concession agreement with Milwaukee County that would be covered under this chapter; or,
  - 3) Purchasing or leasing from a recipient of financial assistance; or, managing or operating an enterprise employing people on the premises of property developed or improved as a result of financial assistance.
- (h) *Recipient* means a person or entity receiving economic development financial assistance as defined in [111.02\(d\)](#) but does not include a person or entity indirectly benefiting from incidental effects of county policies, regulations or ordinances.

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

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

- (1) All employees performing part or full time work for a contractor, subcontractor, lessee or recipient of economic development financial assistance covered under this chapter and all direct employees of the county, shall be paid the minimum wage rate defined in [chapter 111.02\(e\)](#), except as provided in subsection (c) of this section.
  - (a) Tipped employees, employees paid on commission, or employees whose compensation consists of more than hourly wages shall be paid an hourly wage, when coupled with the other compensation, that will at least equal the minimum wage rate. The value of meals or lodging shall be calculated pursuant to Chapter DWD 272, Wisconsin Administrative Code.
  - (b) Contractors and subcontractors as defined in [chapter 111.02\(g\)\(1\)](#) and (2) shall be subject to the requirements of this chapter for the duration of the agreement with the county. Employees of contractors and subcontractors shall be covered under the requirements of this chapter for the hours worked in performance of covered agreements.

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

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

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