

CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1097

An ordinance to amend the Purchasing section of the City Code, increasing penalties and lowering the threshold to comply with the Living Wage.

1. THE CITY OF YPSILANTI ORDAINS That Sections of Article VI, Contract and Purchasing, of the Ypsilanti City Code be amended as follows:

The last sentence of Section 2-298(8) shall be amended to read as follows:

(8) . . . Any person found guilty of violating any provision of this subsection shall be punished by imprisonment for not more than 90 days or a fine of ~~\$100.00~~ **\$500.00** or both in the discretion of the court.

A new subsection (9) shall be added to Section 2-298, as follows:

(9) Any bid for new construction or renovation work for capital facilities or improvement projects shall contain a requirement that the winning bidder agree to sign a Construction Unity Board ("CUB") Memorandum of Understanding as a condition of receiving the contract. Accordingly, any RFP for this type of contract shall include the requirement that the winning bidder sign a CUB agreement

A new subsection shall be added to Section 2-303, and the current section be re-numbered as Subsection (1), to read as follows:

Sec. 2-303**(1)** Waiver of competitive bidding by city council. Contrary provisions of this division notwithstanding, when the city council shall determine that no advantage to the city would result from competitive bidding, the provisions of this division requiring such bidding need not be complied with; provided, that all purchases, in any event, shall be evidenced by a written purchase order or sales memorandum.

2-303 (2). Local Preference. In the purchase of supplies, materials, equipment, services or construction work the purchasing officer or city council shall give preference to a local bidder if the bids are substantially the same.

Section 2-346, Definitions, "*Financial benefit*" shall be revised to read as follows:

Financial benefit shall mean (1) any contract to primarily furnish services in the amount of ~~\$20,000.00~~ **\$10,000.00**, or more, in any 12-month period, or

(2) the receipt of grant money, financial assistance, or a tax abatement **including OPRA Abatement or Brownfield tax increment financing credits** in the amount of ~~\$20,000.00~~ **\$10,000**, or more, in any 12-month period. "Financial benefit" does not include maintenance services purchased at the time of the purchase of equipment. "Financial benefit" does not include mere location in a development district such as tax increment financing district, historic district, downtown development districts, Brownfield development district.

Section 2-348, Amount of Living Wage, Subsection (a), shall be revised to read as follows:

(a) ~~Living wage shall be \$10.00 per hour when health care is not provided, and \$8.50 per hour when health care is provided.~~ **Living wage shall be calculated using the Washtenaw County Living Wage Ordinance by the City Manager every two years to establish the hourly rates with and without healthcare for the next Fiscal Year**

Section 2-349, Exceptions and persons not required to pay living wage, Subsection (2), shall be revised to read as follows:

(2) Persons receiving a financial benefit of less than ~~\$20,000.00~~ **\$10,000.00** in any 12-month period.

Section 2-352, Other Provisions, Subsection (c), shall be revised to read as follows:

(c) Persons receiving financial benefit from the city, **as defined in Section 2-346**, ~~in the nature of a tax abatement~~ shall be required, as a condition of receiving the financial benefit, to file with the ~~director of community and economic development~~ **City** Clerk a plan to make a good faith effort to give employment preference to city residents when positions open after the aid is received.

Section 2.353, Review, Subsection (c), shall be revised to read as follows:

(c) In the event ~~city council makes~~ **there is an** adjustment to the living wage, the city manager shall notify all persons shown on the current living wage list of the change by first class mail not later than 30 days after the adjustment becomes effective.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then

and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

4. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

5. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ann Arbor News. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 16th DAY OF June, 2009.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1097 was published in the Ann Arbor News on the 28th day of June, 2009.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 16th day of June, 2009.

Frances McMullan, City Clerk

Notice Published: May 17, 2009

First Reading: June 2, 2009

Second Reading: June 16, 2009

Published: June 28, 2009

Effective Date: July 29, 2009



Resolution No. 2009-108
June 16, 2009

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "An amendment to the Purchasing Ordinance sections of the City Code " be approved on Second and Final Reading.

OFFERED BY: Council Member Murdock

SUPPORTED BY: Council Member Robb

YES: 7 NO: 0 ABSENT: 0 VOTE: Approved

I do hereby certify that the above resolution is a true and correct copy of Resolution 2009-108 as passed by the Ypsilanti City Council, at their Meeting held on June 16, 2009.

Frances McMullan, City Clerk