

JUL 19 2021

Belinda Munson
MUNCIE CITY CLERKRESOLUTION 21-21

**A RESOLUTION OF THE CITY OF MUNCIE CONCERNING THE ESTABLISHMENT
OF UTILIZATION GOALS FOR WOMEN-OWNED BUSINESS ENTERPRISES,
MINORITY-OWNED BUSINESS ENTERPRISES, DISABILITY-OWNED BUSINESS
ENTERPRISES, AND VETERAN-OWNED BUSINESS ENTERPRISES IN PUBLIC
WORK PROJECTS**

WHEREAS, the City of Muncie administration has proposed that the Common Council adopt an ordinance establishing utilization goals with respect to Women-Owned Business Enterprises, Minority-Owned Business Enterprises, Disability-Owned Business Enterprises, and Veteran-Owned Business Enterprises (collectively referred to herein as DBEs) in Public Work; and

WHEREAS, the purpose of such utilization goals is to ensure nondiscrimination in the use of public funds, and promote the use of public work contractors in a manner that is consistent with the demographics of the community; and

WHEREAS, from a legal perspective such goals should be based upon statistical evidence comparing the availability of qualified DBEs to complete Public Work to the total number of entities qualified to complete Public Work in the community; and

WHEREAS, it is further important from a legal perspective that the utilization goals be established with the guidance of historical information related to the utilization of DBEs in Public Work in the City of Muncie; and

WHEREAS, certain members of the Common Council and the City of Muncie administration have sought the evidence necessary to support the proposed utilization goals, but it has been determined that insufficient evidence exists and further effort is required to establish DBE utilization goals; and

WHEREAS, the Common Council desires to continue compiling the information necessary to determine the necessity and nature of DBE utilization goals in Public Work;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE AS FOLLOWS:

Section 1: The following definitions shall apply for purposes of this Resolution:

- (1) "Disability-Owned Business Enterprise" shall mean any business enterprise that is at least fifty-one percent (51%) owned and controlled by an individual or individuals with a disability as defined by the Americans with Disabilities Act,
- (2) "Minority-Owned Business Enterprise" shall mean any minority-owned business which has been certified by the Indiana Department of Administration's Minority and Women's Business Enterprises Division under the requirements of I.C. 4-13-16.5 and 25 I.A.C. 5.
- (3) "Public Work" shall have the meaning set forth in Indiana Code § 36-1-12-2, as it may be amended from time to time.

- (4) "Woman-Owned Business Enterprise" shall mean any woman-owned business which has been certified by the Indiana Department of Administration's Minority and Women's Business Enterprises Division under the requirements of I.C. 4-13-16.5 and 25 I.A.C. 5.
- (5) "Veteran-Owned Business Enterprise" shall mean any veteran-owned business which has been registered with the U.S. Department of Veterans Affairs' Office of Small & Disadvantaged Business Utilization or certified by the Indiana Department of Administration under the requirements of I.C. 5-22-14.5-3.5 and 25 I.A.C.

Section 2: The City of Muncie shall continue to strongly encourage the utilization of Women-Owned Business Enterprises, Minority-Owned Business Enterprises, Disability-Owned Business Enterprises, and Veteran-Owned Business Enterprises in Public Work.

Section 3: The City of Muncie Department of Public Works shall use reasonable efforts to separately calculate the percentage of Public Work funds utilized with Women-Owned Business Enterprises, Minority-Owned Business Enterprises, Disability-Owned Business Enterprises, and Veteran-Owned Business Enterprises. The Department of Public Works shall report those percentages to the Common Council on or before July 1st of each year.

Section 4: The City of Muncie Human Rights Commission shall use reasonable efforts, including working with other organizations and utilizing Census data, to determine the identity and number of qualified Women-Owned Business Enterprises, Minority-Owned Business Enterprises, Disability-Owned Business Enterprises, and Veteran-Owned Business Enterprises to complete Public Work in the community as compared to the total number of entities qualified to complete Public Work. The City of Muncie Human Rights Commission shall, to the extent feasible, monitor its findings and report its findings to the Common Council on or before July 1st of each year.

Section 5: The Common Council shall reconsider the establishment of specific utilization goals for Women-Owned Business Enterprises, Minority-Owned Business Enterprises, Disability-Owned Business Enterprises, and Veteran-Owned Business Enterprises once sufficient information is obtained, and continually monitor and, if necessary, amend such utilization goals on an annual basis.

Section 6: This Resolution shall be in full force and effect from and after its passage by the Common Council and its approval by the Mayor of the City of Muncie, Indiana.


Passed by the Common Council of the City of Muncie, Indiana, this 2 day of August, 2021.

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	<u>✓</u>	_____	_____	_____
Brandon Garrett	<u>✓</u>	_____	_____	_____
Bradley Polk	<u>✓</u>	_____	_____	_____
Jerry D. Dishman	<u>✓</u>	_____	_____	_____
Anitra Davis	<u>✓</u>	_____	_____	_____
Aaron Clark	<u>✓</u>	_____	_____	_____
Troy A. Ingram	<u>✓</u>	_____	_____	_____
Roza Selvey	<u>✓</u>	_____	_____	_____




 President, Common Council

ATTEST:



 Belinda Munson, City Clerk

Presented by me to the Mayor for his approval this 2 day of August, 2021.



 Belinda Munson, City Clerk

The above Resolution is approved/vetoed by me this 2nd day of August, 2021.



 Dan Ridenour, Mayor

This Resolution is proposed by Council Member



This Resolution is approved in form by Legal Counsel