

City of Houston

OFFICE OF THE MAYOR



**CITY OF HOUSTON
AFFIRMATIVE ACTION AND CONTRACT COMPLIANCE DIVISION
MINORITY/WOMEN BUSINESS ENTERPRISE (MWBE)
PROCEDURES**

June 1995*

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***Including Modifications of the Affirmative Action Procedures Manual Pursuant to Section 15-84 (8)(b) and 15-85 of the City's Minority/Women Business Enterprise (MWBE) Ordinance Approved by the City Attorney, September 10, 1997**

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1. AUTHORITY

The authority for the City of Houston's Minority and Women Business Enterprise (MWBE) Program is found in the City Code of Ordinances, Chapter 15, Article V, as amended.

2. PURPOSE

To establish additional policies and procedures governing the Minority, Women Business Enterprise Program, as required by Article V of Chapter 15 of the Code of Ordinances, including, without limitation, program compliance, reporting of MWBE participation, methods for determining participation by prime Contractors and others in the program, guidelines for imposition of sanctions, procedures for grievances, arbitrations and administrative appeals, geographic scope of certification, and common certification of MWBEs in cooperation with other entities.

3. OBJECTIVES

- A. To stimulate participation of local Minority and Women Business Enterprises (MWBEs) by affording them a full and fair opportunity to compete for all City Contracts, and
- B. To implement the additional goals, policies and procedures mandated by Article V of Chapter 15 of the Code of Ordinances.

4. SCOPE

These Procedures apply to all City departments, prime Contractors and Subcontractors involved in Goal Oriented and Regulated Contracts with MWBE goals, and MWBE firms. These Procedures do not apply to matters that are governed by Ordinance 89-226, which addresses certain United States Department of Transportation assisted Contracts.

5. DEFINITIONS

"Bidder" means any person or legal entity which submits a bid or proposal to provide labor, goods or services to the City by Contract for profit.

"Business" means an entity that under its current organization and ownership has evidence of the following:

- a. An office or an office-like space;
- b. A formal declaration of business in the name of the business such as:
 - 1. an assumed name certificate;
 - 2. a corporate charter;
 - 3. a partnership agreement;
 - 4. a joint venture agreement; or
 - 5. some comparable evidence of a business structure;

- c. A business bank account, or evidence of cash receipt, or evidence of payments of money by the business such as:
 - 1. cancelled checks relating to the business; or
 - 2. an invoice with paid receipt or related cancelled check relating to the business;
- d. One reference for whom work has been performed or to whom goods or materials have been sold;
- e. One reference from whom goods or materials have been purchased for the business or from whom major equipment has been purchased or leased; and
- f. Visible signs of a business operation including but not limited to one or more of the following:
 - 1. letterhead stationery,
 - 2. business cards,
 - 3. telephone directory or information listing,
 - 4. signage in the name of the business on buildings, doors, major equipment, or similarly-placed locations,
 - 5. imprinted receipt book, or
 - 6. flyers.

"Commercially Acceptable Function" means a discrete task or group of tasks, the responsibility for performance of which shall be discharged by the MWBE by using its own forces or by actively supervising on-site the execution of the tasks by another entity for whose work the MWBE is responsible. Without limiting the generality of the foregoing, an MWBE will not be considered to be performing a commercially acceptable function, if it subcontracts to non-MWBE firms or to other MWBE firms, more than fifty percent (50%) of a Contract being counted toward the applicable participation goal, unless such subcontracting in excess of fifty percent (50%) has been expressly permitted by the Director in a written waiver of this requirement. A waiver shall be granted upon demonstration that the industry standard for the type of work involved is to subcontract over 50% of the work.

"Contract" means a mutually-binding legal document under which an entity provides goods, labor or services to the City for profit.

"Contractor" means any person or legal entity providing goods, labor or services to the City by Contract for profit.

"Controlled" shall include the meanings set forth under the definition of "Owned, controlled and managed" in Section 15-82(6) of the Code of Ordinances, and in addition means that the one or more minority persons or women who own the requisite interests in or assets of a business applying for MWBE certification must have and exercise independently the authority to control the business decisions of the business. Characteristic of such control is the authority to (1) sign bids and Contracts, (2) make price negotiation decisions, (3) incur liabilities for the business, (4) make personnel decisions, (5) establish policy for the business,

(6) direct the management of the business, (7) make any financial decision on behalf of the business, and (8) sell or liquidate the business at will.

"Director" means the Director of the Affirmative Action and Contract Compliance Division of the Mayor's Office, City of Houston or his or her authorized representative.

"Functional Mission" means the type of goods or services a business provides, *i.e.*, what the business does.

"Goal Oriented Contract" means any Contract, agreement or other undertaking anticipated for construction work to be in excess of \$1,000,000 and for the supply of goods or non-personal or non-professional services to be in excess of \$100,000 for which (i) competitive bids are required by law to be taken; (ii) which is not within the scope of the MWBE program of the United States Environmental Protection Agency or the United States Department of Transportation and (iii) which the initiating City Department, in consultation with the Director determines has significant subcontracting potential in fields in which there are adequate numbers of known MWBEs to compete for and perform the subcontract service(s).

"Good Faith Efforts" means those efforts required to be made and demonstrated by:

(1) an apparently successful Bidder of proposer prior to award of a Contract (whether a Goal Oriented Contract), (2) a Contractor upon award of a Contract or receipt of Purchase Order, and (3) a Contractor during performance of the Contract, in attempting to meet the Contract's MWBE goal.

a. Good Faith Efforts for Bidders and Contractors in construction, procurement, and professional services shall mean at a minimum the following:

1. Delivery of written notice to the following:

- (a) All local certified MWBEs in the directory for the month prior to the month of the bid or proposal submission date and identified as performing work or services or providing commodities for all potential subcontracting or supply categories in the Contract; and
- (b) All minority and women focused associations identified in the directory for the month prior to the month of the bid or proposal submission date; and
- (c) All news media focused toward minority persons and women identified in the directory for the month prior to the month of the bid or proposal submission date; and
- (d) All MWBEs which requested information on the Contract.

2. The written notices will contain:

- (a) Adequate information about the plans, specifications, and relevant terms and conditions of the Contract and about the work to be subcontracted to or the goods to be obtained from Subcontractors and suppliers;

- (b) A contact person within the apparent low bidder's or proposer's office to answer questions;
 - (c) Information as to the apparent low bidder's or proposer's bonding requirements, the procedure for obtaining any needed bond, and the name and telephone number of one or more acceptable surety companies to contact;
 - (d) The last date for receipt by the bidder or proposer of MWBE bids or price quotations;
3. Attendance at any special pre-bid meeting called to inform MWBEs of subcontracting or supply opportunities, if set forth in the bidding or proposal documents.
 4. Division of the Contract, as recommended by the department head of the initiating City department and in accordance with normal industry practice, into small, economically feasible segments that could be performed by MWBE.
 5. Providing an explanation for rejection to any MWBE whose bid or price quotation is rejected, unless another MWBE is accepted for the same work, as follows:
 - (a) Where price competitiveness is not the reason for rejection, a written rejection notice including the reason for rejection will be sent to the rejected MWBE;
 - (b) Where price competitiveness is the reason for rejection, a meeting must be held, if requested, with the price-rejected MWBE to discuss the rejection; and
 6. Providing an explanation for rejection of any MWBE to the Affirmative Action and Contract Compliance Division, unless another MWBE is accepted for the same work, including the name of the non-MWBE firm proposed to be awarded the subcontract or supply agreement, and if price competitiveness is the reason for rejection, the MWBE's price quotation and the successful non-MWBE's price quotation.
 7. If awarded the prime contract, entering into subcontracts with MWBE's as provided and in accordance with the Plan, unless deviation therefrom is requested by Contractor and approved by the Director as provided in these procedures.
 8. Submitting a dispute with an MWBE participant, potential participant or subcontractor to arbitration/mediation when requested to do so by the Director.

- b. Good Faith Efforts for MWBEs in construction, procurement and professional services shall mean at a minimum the following:
1. Furnishing prompt written responses to any written inquiry from the Director or any employee of the Affirmative Action and Contract Compliance Division regarding the MWBE's performance or information germane to the MWBE's certification;
 2. Ensuring that at all times during the performance of any Contract or subcontract subject to the requirements of Chapter 15 of the Code of Ordinances the MWBE is engaging in a commercially acceptable function as that term is defined herein;
 3. Ensuring that no application, response to a request for information, or other factual material submitted to the Director or any employee of the Affirmative Action and Contract Compliance Division contains any material misrepresentation; and
 4. Furnishing prompt responses to requests from the department administering the Contract, the City Attorney and the City Controller for information, books and records needed to verify compliance.

"Independent" means that the business seeking certification is not dependent upon or connected with another business, as evidenced by such items as multiple shared resources, common employees, common directors, or the payment of the MWBE's payroll by a non-MWBE firm.

"Joint Venture" means an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills, and knowledge.

"MWBE" shall mean either a Minority Business Enterprise or a Women Business Enterprise.

"Managed" shall include the meanings set forth under the definition of "Owned, controlled and managed" in Section 15-82(6) of the Code of Ordinances and in addition means that the one or more minority persons or women who Own and Control the business independently from the control or influence of a non-MWBE business, shall operate the business by making the day-to-day decisions that affect the functional mission of the business. In those instances where a license or permit is required in order to perform the functional mission of the business, one or more of the minority persons or women who own the business (i) must be licensed or have a permit in his or her name to perform the functional mission of the business; and (ii) must have the background and experience in the specific product or service (the functional mission) for which he/she seeks certification.

"Minority Business Enterprise (MBE)" shall mean:

- a. A business that has been certified as an MBE by the City's Affirmative Action and Contract Compliance Division, and is
- b. A sole proprietorship, corporation, partnership, joint venture, or any other business or professional entity in which at least fifty-one percent (51%) of the assets of such business or entity is owned, managed, and controlled by one or more Minority persons.

"Minority Person" shall mean a citizen or legal resident alien of the United States who is:

- a. Black (a person having origins in any of the Black racial groups in Africa);
- b. Spanish/Hispanic (a person who is either Mexican, Puerto Rican, Cuban or "other Spanish/Hispanic" in origin or descent. "Other Spanish/Hispanic" are those whose origins are from Spain or the Spanish speaking countries of Central or South America. Persons of Spanish/Hispanic origin may be of any race);
- c. Asian-Pacific American (a person having origins in the Far East, Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan or the Indian Subcontinent);
- d. Native American (a person having origins in any of the original peoples of North America-American Indian, Eskimo, Aleut, Native Hawaiian).

"Owned" shall include the meanings set forth under the definition of "Owned, controlled and managed" in Section 15-82(6) of the Code of Ordinances and in addition means that the one or more minority persons or women who have ownership of the requisite interests in or assets of a business applying for MWBE certification shall possess equivalent incidents of such ownership, including an equivalent interest in the profit and loss of the business, a commensurate position and reasonable salary therefor, and an equivalent contribution of capital, equipment and/or expertise to the business. Such contributions shall be real and substantial. Securities must be held directly by the minority persons or women and not in trust on their behalf. A gift of stock from a non-MWBE is not to be considered as ownership. Ownership shall be measured as though not subject to the community property interest of a spouse if both spouses certify in writing that the non-participating spouse relinquishes control over his or her community property in the business (but by doing so is not required to transfer to his or her spouse his or her community property ownership interest or to characterize the property as the separate property of his or her spouse), and the relinquishing spouse does not exercise any ownership control over the business by virtue of his or her community property interest, including serving as a corporate director, being an employee involved in the functional mission of the business or acting as a paid consultant to the business.

"Regulated Contract" means any Contract, agreement or other undertaking for which (i) competitive bids are not required by law to be taken; (ii) which is not covered by the MWBE programs of the United States Environmental Protection Agency or the United States Department of Transportation; and (iii) which the recommending City department has determined, in consultation with the Affirmative Action and Contract Compliance Division, (a) either has significant subcontracting potential in fields in which there are sufficient known MWBEs to perform the particular subcontract services; or (b) is of a type for which there are sufficient known MWBEs that have represented their ability to perform the prime Contract service to afford effective competition for the prime Contract.

"Subcontractor" means any business providing goods, labor or services to a Contractor if such goods, labor or services are procured or used in fulfillment of the Contractor's obligations arising from a Contract with the City.

"Woman" means a person who is a citizen or legal resident alien of the United States and who is of the female gender.

"Women Business Enterprise (MBE)" shall mean:

- a. A business that has been certified as a WBE by the City's Affirmative Action and Contract Compliance Division under any program; and is
- b. A sole proprietorship, corporation, partnership, joint venture, or any other business or professional entity in which at least fifty-one percent (51%) of the stock or assets of such corporation is owned, controlled and managed by one or more Women.

6. SANCTIONS

A. General

Pursuant to Section 15-86 of the Code of Ordinances, the Director is authorized to suspend for a period of up to, but not to exceed, five years, any Contractor who has failed to make Good Faith Efforts. The Director is also authorized to suspend any MWBE who has failed to make Good Faith Efforts from engaging in any Contract affected by Article V of Chapter 15 of the Code of Ordinances for a period of up to, but not to exceed, five years.

B. Guidelines for imposition of sanctions.

1. General.

- a. No suspension shall be imposed by the Director except upon evidence of specific conduct on the part of an MWBE or a Contractor that is inconsistent with or in direct contravention of specific applicable requirements for Good Faith Efforts.
- b. Imposition and enforcement of suspensions shall be consistent with applicable state law.

2. Severity of sanctions.

- a. In determining the length of any suspension, the Director shall consider the following factors:
 - 1) whether the failure to comply with applicable requirements involved intentional conduct or, alternatively, may be reasonably concluded to have resulted from a misunderstanding on the part of the Contractor or MWBE of the duties imposed on them by Article V of Chapter 15 of the Code of Ordinances and these Procedures;
 - 2) the number of specific incidences of failure by the Contractor or MWBE to comply;
 - 3) whether the Contractor or MWBE has been previously suspended;
 - 4) whether the Contractor or MWBE has failed or refused to provide the Director with any information requested by the Director or required to be submitted to the Director pursuant to law or these Procedures;
 - 5) whether the Contractor or MWBE has materially misrepresented any applicable facts in any filing or communication to the Director; and
 - 6) whether any subsequent restructuring of the subject business or other action has been undertaken to cure the deficiencies in meeting applicable requirements.

- b. Suspensions may be for any length of time not to exceed five years. Suspensions in excess of one year shall be reserved for cases involving intentional or fraudulent misrepresentation or concealment of material facts, multiple acts in contravention of applicable requirements, cases where the Contractor or MWBE has been previously suspended, or other similarly egregious conduct.
- C. Delegation.

A decision to implement a suspension may be taken after notice and an opportunity for a hearing by the Director or by another impartial person designated by the Director for that purpose. The Director or other person conducting the hearing shall not have participated in the actions or investigations giving rise to the suspension hearing.
- D. Notice.
 - 1. Prior to the imposition of any suspension, the Director shall deliver written notice to the Contractor or MWBE setting forth the grounds for the proposed suspension and setting a date, time and place to appear before the Hearing Officer for a hearing on the matter.
 - 2. Any notice required or permitted to be given hereunder to any Contractor or MWBE may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to their most recent address as specified in the records of the Affirmative Action and Contract Compliance Division or in the Contract if no address is on file with the Affirmative Action and Contract Compliance Division.
- E. Hearing procedures.

Proceedings before the Director or other hearing officer shall be conducted informally, provided that each party may be represented by counsel and may present evidence and cross-examine witnesses. The burden shall be upon the City by a preponderance of evidence. The decision shall be reduced to writing and notice provided to the Contractor or MWBE.
- F. Appeals.

Appeals authorized pursuant to Section 15-86(b) of the Code of Ordinances shall be conducted by an arbitrator who shall act as the hearing officer. Alternatively, an appeal may be taken to City Council, subject to the appellant's compliance with Rule 12 of the City Council Rules of Procedure. Appeals shall be initiated by filing a written notice of appeal with the Director no later than fifteen days following the mailing of notice of the decision of the Director, and the appeal notice shall state whether the appeal is requested to City Council or to an arbitrator. If an arbitration appeal is requested, then the arbitrator shall be selected as provided in Section 9 of these Procedures. The arbitrator's or City Council's decision, as applicable, shall be final. The Director shall determine whether to suspend his or her order pending an

appeal, taking into account the criteria set forth in Section 6(B)(2) of these Procedures.

7. GRIEVANCE PROCEDURES FOR DECISIONS OF THE DIRECTOR

A. General.

Pursuant to Section 15-84(8)(a) of the Code of Ordinances, the following grievance process is established for any interested person aggrieved by a decision of the Director. Grievance hearings shall be held before an arbitrator-hearing officer designated under Section 9 of these Procedures. Grievance hearings shall be initiated by the aggrieved person filing a written notice of grievance with the Director. The grievance notice shall set forth clearly and concisely the matters complained of, and shall specify the name, mailing address, street address and telephone number of each person having a particular interest in the dispute.

B. Notice and Procedures for grievance hearing.

1. Notices.

Upon receipt of a grievance notice, the Director may, where appropriate, attempt to informally resolve the matter during a period not to exceed 30 days if the parties are not already at impasse on the issues presented. Failing informal resolution, the arbitrator shall be selected, who shall arrange for a date, time and place for a grievance hearing. Notice of the date, time and place of the hearing shall be delivered by the Director to the aggrieved person in the manner set forth under Section 6(D)(2) of these Procedures.

2. Hearings.

Grievance hearings shall be informal. Participants shall include the Director and the aggrieved person or a representative of the aggrieved person. The arbitrator may continue hearings or schedule additional hearings or informal conferences if the parties mutually agree to such additional meetings.

3. Resolution.

The arbitrator shall, following the conclusion of the proceedings, issue a report and recommendation to the Director, who shall cause a copy thereof to be transmitted to the aggrieved person, which shall include any suggestions for resolving the dispute between the parties. The report and recommendation are not binding upon any party and are not subject to appeal. Provided, however, that the Director shall carefully consider implementation of any suggested resolution presented by the hearing officer that does not conflict with the Director's duties or the provisions of the Code of Ordinances or these Procedures. In any instance in which the Director determines not to fully implement the hearing officer's suggested resolution, then the Director shall document the reasons for the declination in writing and promptly furnish a copy to the Mayor.

8. ARBITRATION OF CONTRACTOR, BIDDER AND MWBE DISPUTES

A. General.

Pursuant to Section 15-84(8)(b) of the Code of Ordinances, the Director shall establish arbitration procedures for the resolution of disputes between Contractors or bidders and MWBE participants or potential participants including without limitation any dispute involving an assertion that a Contractor, Subcontractor or MWBE has failed to make Good Faith Efforts. These arbitration procedures shall be incorporated by reference into Contracts and subcontracts issued hereunder. The commencement of an arbitration proceeding shall not prevent the Director from instituting other proceedings, including suspension proceedings, authorized by Chapter 15 of the Code of Ordinances or these Procedures, against or involving any party to the arbitration at any time.

9. ARBITRATORS

A. Selection.

Arbitrators shall be selected by the Director from a list of approved arbitrators designated by the City Attorney and approved by the Mayor. Arbitrators' names shall be selected in rotation from the list as cases arise, unless the arbitrator selected is stricken by one of the parties. Each party to the dispute may strike any two names of arbitrators from the list, in which event the arbitrator selected shall be the next arbitrator on the rotation list whose name has not been stricken by one of the parties.

B. Costs.

Costs of all proceedings conducted by an arbitrator under Sections 6, 7 and 8 shall be divided equally between the participating parties or otherwise as the arbitrator may equitably determine. The arbitrator or the Director shall require the parties other than the City to provide a bond or deposit as security for his or her services as a condition of proceeding with any arbitration or appeal.

10. SETTING GOALS

The responsible department shall review each Goal-Oriented and Regulated Contract to which this Procedure is applicable in the manner provided in Section 15-83(c) of the Code of Ordinances and shall establish goals for both Goal-Oriented and Regulated Contracts, as applicable. The Director shall be provided notice of all Contract MWBE participation goals and shall have the right to take exception thereto.

11. **METHODS OF CALCULATION OF PARTICIPATION BY CONTRACTORS IN THE SATISFACTION OF GOALS**

- A. A Contractor may meet the applicable goals through any of the following methods:
1. By Subcontractor participation--if the Contractor contracts with an MWBE to provide services related to the Contract, it may count the Subcontractor's participation toward its goal to the extent that the Subcontractor performs a Commercially Acceptable Function. If the Subcontractor provides a commissionable service such as acquiring plane tickets or hotel reservations from a provider, only 10% of the amount of the acquisition cost shall be counted toward the goal.
 2. By supplier participation--if the Contractor uses an MWBE to supply goods related to the Contract, it may count 100% of the supplier's participation toward its goal, provided that no more than 50% of the goal may be so satisfied for a construction Contract.
 3. By Joint Venture with an MWBE, as provided in B, below.
- B. Where a Contractor or Subcontractor engages in a Joint Venture with one or more MWBEs to satisfy its MWBE goal, the Director shall review all contractual agreements regarding:
1. The initial capital investment of each venture partner;
 2. The proportional allocation of profits and losses to each venture partner;
 3. The sharing of the right to control the ownership and management of the Joint Venture;
 4. The actual participation of the venture partners in the performance of the Contract;
 5. The method of and responsibility for accounting;
 6. The methods by which disputes are resolved; and
 7. Other pertinent factors of the Joint Venture.

On the basis of these factors, the Director shall determine the degree of MWBE participation resulting from the Joint Venture, if any, that may be credited towards the applicable goals of the project.

- C. Where an MWBE is a Contractor, the initiating City department shall count 100% of the amount of the Contract toward the applicable annual, City-wide goal, but the Contractor shall be required to meet any applicable Contract goal.

12. **COMMON CERTIFICATION**

To the extent possible, and without compromising specific mandates imposed on the program by ordinance or motion, the MWBE certification application filing and review procedures of other governmental and non-governmental entities shall be conducted in common with those of the City. These efforts may include, without limitation, the following:

1. exchange of general information and lists of certified MWBEs;
2. the development in cooperation with other agencies of uniform certification applications, forms and review procedures; and
3. central filing and processing of applications wherever practicable.

These efforts shall not include ultimate decisions to certify a particular MWBE under the City program, which shall remain the sole responsibility of the City.

13. GEOGRAPHIC SCOPE

The provisions of the City's MWBE program, including certification as an MWBE, shall apply only to MWBEs that maintain a significant business presence in the counties of Harris, Fort Bend, Montgomery, Liberty, Waller, Chambers, Galveston or Brazoria, Texas. This provision includes the requirement that an MWBE have an established place of business in one or more of the above-referenced counties at which one or more of its employees is regularly based and that such place of business have a substantial role in the MWBE's performance of a Commercially Acceptable Function. A location utilized solely as a post office box, mail drop or telephone message center or any combination thereof, with no other substantial work function, shall not be construed to constitute a significant business presence.

14. RECORDS: ESTABLISHMENT OF INFORMATION CLEARING HOUSE

The registers of certified MWBEs and MWBE applicants referenced in Section 15-84(2) as well as all records of compliance by City Contractors and MWBEs with the provisions of the MWBE program, not including information deemed confidential by law, shall be made available and easily accessible to the public in the offices of the Director. Copies of these Procedures and all required forms shall also be maintained and made available.

15. CONTRACTOR AND MWBE REPORTS

All Contractors and MWBEs subject to the provisions of Article V of Chapter 15 of the Code of Ordinances and these Procedures shall be required to submit to the Director reports of efforts by the Contractor or MWBE to achieve compliance. Such reports shall include documentation of the specific acts required under the definition of Good Faith Efforts set forth in Section 5 of these Procedures, and shall be presented in such form as the Director may promulgate from time to time. Such reports are due at the end of each fiscal quarter, or prior to completion of a Contract subject to the provisions of Chapter 15 of the Code of Ordinances and these Procedures, whichever occurs first.

16. INFORMATION OFFICER

The Director shall designate an employee of the Affirmative Action and Contract Compliance Division to act as a source of information and ombudsman to answer questions from Contractors and MWBE participants and to assist such persons in their dealings with other City departments or divisions.

17. PLAN DEVIATION APPROVALS

Requests for MWBE compliance plan deviation approvals under Section 15-85 of the City Code shall be submitted in writing to the Director. The Director shall approve the request upon demonstration that the designated MWBE has been found to be unable to timely provide the agreed goods or services, that the MWBE has refused to honor its price quotations or other Contract terms or that other similar grounds exist.

18. PROCEDURAL AMENDMENTS

The Director may amend these Procedures from time to time, provided that such amendments are consistent with Chapter 15 of the Code of Ordinances and state law and are approved by the City Attorney pursuant to Section 15-84 of the Code of Ordinances.