



**Common Council**  
**CITY OF BUFFALO**  
**OFFICE OF THE COUNCIL PRESIDENT**

**RICHARD A. FONTANA**  
COUNCIL PRESIDENT  
LOVEJOY DISTRICT COUNCIL MEMBER  
65 NIAGARA SQUARE, 1315 City Hall  
BUFFALO, NY 14202-3318  
PHONE: (716) 851-5151 ♦ FAX: (716) 851-5141

**CHAIRMAN**  
RULES COMMITTEE  
**SENIOR LEGISLATIVE ASSISTANT**  
BRYAN J. BOLLMAN  
**LEGISLATIVE AIDE**  
THOMAS J. OLEJNICZAK

**To: All City of Buffalo Departments & Boards**

**Date: October 2, 2011**

**Subject: Ensuring Contract Compliance with the Buffalo Living Wage Ordinance**

It has recently been brought to my attention that certain City departments and other entities may not be fully complying with section 96-19 of the City Code, the "Buffalo Living Wage Ordinance."

**The Buffalo Living Wage Ordinance imposes certain duties upon City departments, boards and other entities.** These include a requirement under subsection E(1) of the ordinance that, "simultaneous with the submission of the bid for the proposed contract, the department authorized to enter into the contract shall obtain an application for contract from the prospective employer and shall forward a copy to the Commission on Living Wage." Another requirement can be found in subsection (F)(2), which requires that "each service contract to which these regulations apply shall provide that violation of this section shall enable any aggrieved employee to file an action against the contractor for damage. In addition, such service contract shall also indicate that the City has the discretion to terminate the service contract and pursue any other legal remedies available to the City if the contractor fails to comply with this section."

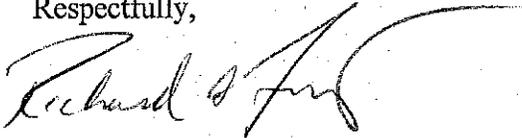
**Other than contracts for the purchase of materials, the Common Council will not approve any contract submitted to it unless it can first be verified that such contract fully complies with the City's Living Wage Ordinance requirements as evidenced by either:**

1. The contract including language consistent with that found in the enclosed "Living Wage Language for City Contracts," and the department or other City entity making the contract certifying in writing that the enclosed "Application for Contract with the City of Buffalo" has been obtained and forwarded to the Living Wage Commission, OR
2. The City Law Dept. certifying in writing that the Buffalo Living Wage Ordinance does not apply to the contract, along with a brief explanation of why it does not apply.

To assist you in complying with these requirements, please find enclosed a copy of the “**Buffalo Living Wage Ordinance**” (City Code § 96-19) and the Living Wage Commission’s “**Living Wage Language for City Contracts**” and “**Application for Contract with the City of Buffalo.**”

If you have any question regarding your duties under the Buffalo Living Wage Ordinance, please contact the City of Buffalo Living Wage Commission at 716-852-4191.

Respectfully,

A handwritten signature in cursive script, appearing to read "Richard A. Fontana". The signature is written in black ink and is positioned above the printed name and title.

**Richard A. Fontana**  
**Common Council President**  
**Lovejoy District Council Member**

CC: All Common Council Members  
Byron W. Brown, Mayor  
All City Boards