

**CITY OF WEST ALLIS
ORDINANCE O-2024-0039**

**ORDINANCE TO UPDATE MUNICIPAL CODE - UPDATING HEALTH
DEPARTMENT PROVISIONS, CODE OF ETHICS, AND SPECIAL EVENTS**

AMENDING VARIOUS SECTIONS.

WHEREAS, the City seeks to update the municipal code to reflect the multiple municipal health department it formed with Greenfield (the Southwest Suburban Health Department); and

WHEREAS, the code of ethics is directed at City officials and employees, so it should be found within the policies and procedures manual even though state law contemplates an ordinance to establish the code of ethics; and

WHEREAS, based upon the shortened timeline for applying for block party special event permits, the clerk must necessarily be authorized to issue such permits;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** “2.17 Sealer Of Weights And Measures” of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

2.17 Sealer Of Weights And Measures

1. Appointment. The mayor shall appoint the city sealer, subject to approval by the Common Council, as required by Wis. Stat. 98.04(1).
 2. Duties. The city sealer shall have all the duties and authorities granted to sealers of weights and measures by Wis. Stat. Ch. 98 and any other applicable state law. The city sealer may also enforce WAMC Ch. 8.
 3. Deputies. To the extent allowed by the common council, the city sealer may appoint deputy sealers who shall have power to perform the duties of the office.
- ~~Powers and Duties. The Sealer of Weights and Measures shall have the powers and duties as set forth in Chapter 8 of this Code and in Chapter 98 of the Wisconsin Statutes. [Ord. O-2018-0022, 5-15-2018]~~

SECTION 2: **AMENDMENT** “2.24 Health Commissioner” of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.24 Health Commissioner

1. ~~Appointment.~~ The City has established, jointly with the governing body of the City of Greenfield, a multiple municipal local health department that meets the requirements of Wis. Stat. Ch. 251. If that multiple municipal health department contracts with the City for public health services, ~~t~~The City Administrator shall recommend appointment of a full-time local health officer subject to approval by the Common Council in the unclassified service of the City to serve full time at the pleasure of the Common Council, in accordance with City of West Allis Policies and Procedures Manual Policy No. 404 (Recruitment and Hiring Process for Executive/Managerial/Deputy Assistant Service Positions), Policy No. 405 [Discipline for Non-Elective Officials (Executive Service/Department Heads)], and as provided by Section 17.12(1) of the Wisconsin Statutes, and for ease of reference, be known as the Health Commissioner.
2. ~~Duties and Powers. The Health Commissioner shall perform the duties and have the responsibilities, as are prescribed by Chapter 7 of this Code, the position job description, employment contract, and such other duties as the Common Council may prescribe from time to time.~~
~~Editor's Note: Former Subsection (3), Market Master, which immediately followed this subsection, was repealed 2-18-2019 by Ord. No. O-2019-0004. [Ord. 6075, 2/16/1994; Ord. 6504, amend, 3/7/2000; Ord. O-2018-0022, 5-15-2018]~~

SECTION 3: **AMENDMENT** "2.25 Board Of Health" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

2.25 Board Of Health

1. The City has established, jointly with the governing body of the City of Greenfield, a multiple municipal local health department that meets the requirements of Wis. Stat. Ch. 251
~~Composition. [Ord. O-2005-0036, 7/5/2005] Organization and Procedure. Functions and Duties. Membership/Appointment. The Board of Health shall consist of nine (9) voting members to be appointed by the Mayor and confirmed by a majority vote of the members of the Common Council. Two (2) members of the Board shall be Alderpersons; two (2) members shall be representatives of the medical community; two (2) members shall be other representatives of the general community; one (1) member shall be a representative of the general community of the Village of West Milwaukee; one (1) member shall be the Chief Executive Officer of West Allis Memorial Hospital, or his/her designee; and one (1) member shall be the Health Department Medical Advisor. All members shall be residents of the City except for the~~

~~West Allis Memorial Hospital, Village of West Milwaukee and Medical Advisor members and serve without compensation. The Mayor shall designate one member as Chair. Terms. The initial appointment to the Board shall be four (4) members for one (1) year and five (5) members for two (2) years. Thereafter, appointments shall be for terms of two (2) years. The Board of Health shall adopt regulations for its own governance. Reporting. The Board shall prepare and file a quarterly and an annual report with the Common Council on its objectives, activities, and accomplishments. Staffing. The Health Commissioner shall provide staff support to the Board. The Board of Health shall have the powers and duties set forth in sec. 251.04 of the Wisconsin Statutes.~~

~~Editor's Note: Former Subsection (3), which immediately followed this subsection and set forth the Board of Health's powers and duties relative to the operation of the Farmers Market, as amended, was repealed 2-18-2019 by Ord. No. O-2019-0004. The same subsection was subsequently repealed again 4-1-2019 by Ord. No. O-2019-0015. [Ord. 6073, 1/18/1994]~~

SECTION 4: AMENDMENT "6.032 Special Events" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

6.032 Special Events

(a) Definitions. In this section:

- (1) (Reserved).
- (2) "Block party" means a special event in which a street is closed, there is no sale of personal services or merchandise from a temporary location on the special event premises, and invitees are people who reside on or near the special event premises.
- (3) "Coordinator" means the sponsor or individual(s) identified by the sponsor that will be on-site at all times during a special event and are authorized to ensure compliance with this section.
- (4) "Direct costs" means the following costs normally incurred by a department to provide staffing and equipment for a special event, but does not include any extraordinary cost incurred due to the content of the sponsor's message:
 - (A) Wages and fringe benefits of city employees or contractors performing work for the special event
 - (B) A reasonable rental rate for any city equipment provided for the special event
 - (C) An administrative charge equal to 10% of staffing and equipment expenses
- (5) "Organize" means set up for, hold, arrange for, or maintain.
- (6) "Person" means any individual, firm, organization, association, or corporation.

- (7) “Public property” means any right-of-way or park.
- (8) “Special event” means any organized gathering on private or public property that:
 - (A) Impedes the normal use of public property by persons not attending the event, or
 - (B) Is a use of a parcel that does not comply with the zoning code.
- (9) “Sponsor” means the person who holds a permit to organize a special event.
- (b) Permit Required. No person may organize a special event without a valid special event permit, unless:
 - (1) The person is an entity that has taxing authority;
 - (2) The special event is a funeral or funeral procession;
 - (3) (Reserved);
 - (4) The event takes place within the limited premises identified within a park permit; or
 - (5) The special event is authorized by the West Allis Police Department Community Services Unit.

(c) Application

(1) Type and Fees

- (A) Special Event Fees. Any person seeking a special event permit that is not for a block party shall complete an official application, submit it to the city clerk, and pay the nonrefundable special event application processing fee listed on the Fee Schedule. If the person submits the application less than 30 days prior to the commencement of the special event, the person shall pay the expedited processing fee listed on the Fee Schedule in addition to the regular processing fee.
 - (B) Block Party Fees. Any person seeking a special event permit for a block party shall complete an official application, submit it to the city clerk, and pay the nonrefundable block party application processing fee listed in the Fee Schedule. If the person submits the application less than 7 days prior to the commencement of the block party, the person shall pay the expedited processing fee listed on the Fee Schedule at the time the application is submitted to the clerk in addition to the regular fee.
 - (C) Special Exception Fee. Any person seeking a special exception to zoning requirements as part of an application for a special event permit shall pay for the cost of publication and pay the nonrefundable special exception processing fee listed in the Fee Schedule.
- (2) Information Required. An application is not complete until all of the following is filed with the city clerk:
- (A) The name, mobile phone number, and email address of the sponsor or, if the sponsor is not an individual, the individual submitting the application on behalf of the sponsor.
 - (B) The name and mobile phone numbers of all coordinators.
 - (C) The location and description of the special event premises. The

application shall list an address or block number and include a map or diagram of the special event premises.

- (D) The dates and times during which the special event is scheduled to take place, and any alternative dates in case a special event is postponed.
- (E) A description of the characteristics of the special event, including:
 - (i) Maximum capacity of people on the premises and expected peak attendance.
 - (ii) Whether food or alcohol will be available for consumption and the type of alcohol license that will cover the premises.
 - (iii) Whether electronically amplified outdoor sound will be utilized.
 - (iv) Whether more than 400 square feet of ground will be covered by a tent or other temporary structure that provides shelter from the elements.
- (F) The names of all vendors who will offer for sale personal services or merchandise from a temporary location on the special event premises.
- (G) Whether the applicant is seeking a special exception from applicable zoning laws.
- (H) For a special event that closes a street:
 - (i) A street closure consent form signed by occupants of at least 50 percent of the residential and commercial units on the closed portion of the street, and
 - (ii) An indication that all occupants on the closed portion of the street will be notified of the special event at least 7 days prior to the special event through door hangers, mail, or any method that ensures all occupants receive notice of the special event's date and time .

(3) Indemnification. The sponsor shall indemnify and hold harmless the City against any and all liability and loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of rights-of-way by the sponsor or its employees, agents, or contractors arising out of the rights and privileges granted by a special event permit.

(4) Transferability. A sponsor may not transfer a special event permit to another person.

(d) Application Processing

- (1) Upon receiving a completed application, the clerk shall forward the application to the police department, fire department, department of public works, health department, and city engineer.
 - (A) Each department shall review the application received from the city clerk and may estimate the department's charges associated with the special event. A department may require payment for its direct costs by notifying the city clerk of the estimated amount if any of the following applies:
 - (i) The department's estimated direct costs to provide staffing

and equipment for a special event exceeds \$500

- (ii) Any vendors offer for sale personal services or merchandise from a temporary location on the special event premises

- (B) If the total estimated direct costs for all departments is less than \$1,000, the city clerk shall notify the sponsor, prior to issuing the special event permit, of the estimated direct costs and that the sponsor will be invoiced for the actual direct costs after the event. If the total estimated direct costs for all departments exceed \$1,000, the city clerk shall require prepayment of the total estimated direct costs at least 7 days prior to the commencement of the special event.
- (C) In determining staffing and equipment for a special event, the departments shall consider all the following:
 - (i) The anticipated peak attendance.
 - (ii) Whether food or alcohol is available for consumption.
 - (iii) Whether outdoor amplified sound is utilized.
 - (iv) Particular characteristics of the special event including layout, sight lines, nearby population density, parking availability, and other relevant factors.
- (D) In determining whether to collect direct costs of staffing and equipment, the departments may not consider the content of any message at the special event.

- (2) The city clerk shall determine if the applicant owes any delinquent fees, charges, or other debts to the City.
- (3) If the application requests a special exception from zoning laws for the duration of the special event, the clerk shall schedule a public hearing on the application and publish a class 2 notice of that hearing as required by Wis. Stat. 62.23(7)(de)3.

(e) Permit Issuance and Appeal

- (1) (Reserved).
- (2) Issuance.

- (A) Private Property. For any special event that does not take place on public property and complies with the zoning code, the city clerk shall issue a special event permit to the sponsor or its agent unless the applicant is disqualified.
- (B) Public Property. For any special event taking place on public property, the city clerk shall issue a special event permit to the sponsor or its agent only if the application is granted by the common council.
- (C) Zoning Exemption. If a zoning exemption is requested for a special event on private property, the city clerk shall issue a special event permit to the sponsor or its agent only after a public hearing is conducted on the application and the application is granted by the common council. The council may impose reasonable requirements or conditions upon the special exception prior to granting an application.

(D) Block Party. For any block party, the city clerk may issue a special event permit to the sponsor or its agent unless the applicant is disqualified. If the city clerk does not issue a permit under this paragraph, the city clerk shall issue a special event permit to the sponsor or its agent only if the application is granted by the common council.

(3) Disqualifiers. A person is not eligible for a special event permit if any of the following applies:

- (A) In the 3 years prior to the date of application, the sponsor or coordinator failed to comply with the requirements of this section.
- (B) The special event permit application contains materially false information.
- (C) Any estimated direct costs for which the city clerk has required prepayment remain unpaid.
- (D) Any delinquent fees, charges, or other debts to the City owed by the applicant remain unpaid.
- (E) The clerk has received a prior pending application or has issued a different special event permit for the same premises during overlapping times and dates.

(4) Due Process. If the clerk has not issued a special event permit 7 days prior to commencement of the special event, the person whose application was not approved may apply for a writ of mandamus.

(f) Conditions upon Permit. Upon issuance of a special event permit, each sponsor agrees to the following conditions:

- (1) The sponsor or at least one coordinator shall be on the special event premises at all times that the special event is open for attendees.
- (2) The police department, fire department, or department of public works may increase or decrease the staffing or equipment on the premises during the special event based on the actual number of attendees in order to protect the public health, safety, and welfare, and the City may charge the sponsor up to the direct costs of an increase in staffing or equipment under this paragraph, except as stated in subsection (d)(1)(D).
- (3) The coordinator shall keep a copy of the special event permit and any other applicable permit or license on the premises for the duration of the special event.
- (4) The coordinator shall answer at all times that the special event is open for attendees any calls to the mobile phone for the number listed on the application from a city official or employee.
- (5) The sponsor and coordinator shall comply with all local, state, and federal laws.
- (6) At least 7 days prior to the special event, the sponsor shall provide notice to all occupants of a closed street of the special event date and time through door hangers, mail, or another method that ensures all occupants are informed of the special event's date and time.
- (7) For any special event premises on public property other than the West Allis

Farmers Market, the sponsor and coordinator may not exclude any individual from the premises unless that individual engages in disorderly conduct, obstructs event attendees from taking part in the activities on the premises, or creates a safety hazard. For special events at the West Allis Farmers Market, the sponsor or coordinator may exclude any individual from the premises because it is not right-of-way and not a traditional public forum.

- (g) The sponsor shall be vicariously liable for any law violations committed by any vendors offering for sale personal services or merchandise from a temporary location on the special event premises.
- (h) Settlement of Direct Costs. Within 30 days after the final date indicated on the special event permit or the date on which a special event was closed under sub. (i), any department that provided an estimate of direct costs for staffing and equipment for the special event and is seeking reimbursement shall file with the city clerk an invoice showing the actual direct costs for staffing and equipment provided on premises during the special event.
 - (1) The city clerk shall apply any prepayment for that special event to the actual direct costs incurred by all departments seeking reimbursement, and then refund any excess prepayment to the sponsor or invoice the sponsor for any remaining balance.
 - (2) The sponsor shall pay the invoiced amount within 30 days after the invoice date and simple interest shall accrue at 1% per month on the balance due for each month the invoice is delinquent.
- (i) Penalty and Remedies
 - (1) Forfeiture. Any person convicted of violating any of the provisions of this section shall forfeit not less than \$50 nor more than \$500 for each violation, together with the costs of prosecution.
 - (2) Event Closure. A law enforcement officer may summarily close a special event:
 - (A) If the event causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed;
 - (B) If there is no sponsor or coordinator on the premises; or
 - (C) If the special event requires a permit and no permit has been issued for that special event;
 - (D) If the sponsor or coordinator fails to correct noncompliance with a condition of a special event permit after advanced warning to the sponsor or coordinator and reasonable opportunity to comply with that condition.
 - (3) Other Remedies. This section does not restrict the City from seeking any other remedies allowed by law.

Note: A special event permit is appropriate for any block party, church festival, concert, parade, carnival, or other large gathering.

SECTION 5: **REPEAL** “Subchapter III Code Of Ethics For Public Officials”
of the City Of West Allis Municipal Code is hereby *repealed* as follows:

R E P E A L

3.1 Declaration Of Policy

Moral and ethical standards among City public officials are essential to the conduct of representative government; and, the Common Council believes that a Code of Ethics, to establish standards of conduct for government officials by setting forth those acts or actions that are incompatible with the impartial and responsible exercise of the public trust and avoid conflicts between personal interests and public responsibilities, will improve the quality and integrity of public service and promote, strengthen and nurture the faith and confidence of the citizens of this community in their public officials.

[Ord. O-2003-0015, 1/21/2003]

3.2 Definitions

1. a. "Anything of value" means any money, property, favor, service, payment, advance, forbearance, loan, guarantee of loan or promise of future employment.
- b. "Anything of value" includes, without restriction by enumeration, tickets, passes, admission offered and provided by sponsors or organizations doing business with the City.
- c. "Anything of value" shall not preclude an official from attending programs or events sponsored by an agency of City government to which an official shall attend or participate in the course of official duty, and it shall not include political contributions which are reported under Chapter 11 of the Wisconsin Statutes, or hospitality extended for a purpose unrelated to City business by a person other than an organization.
- d. "Anything of value" shall not include fees, honorariums, compensation or reimbursement of expenses, provided reimbursement does not exceed one hundred dollars (\$100) for a published work, meeting, presentation of a paper, talk or demonstration. If the value of the above exceeds one hundred dollars (\$100), the official shall report such receipt to the Board, with a brief report of the event concerned. The report shall be made within sixty (60) days of its receipt.
2. "Associated," when used with reference to an organization, means any organization in which an individual or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, at least ten percent (10%) of the outstanding equity, voting rights or indebtedness, whether individually or in the aggregate.
3. "Board" means the Ethics Board.

4. "City" means the City of West Allis.
5. "Financial interest" means any interest, which yields a monetary or other material benefit to the official or to any person employing or retaining the services of the official.
6. "Gift" means the payment or receipt of anything of value without valuable consideration.
7. "Governmental entity" means any Department, Commission, Committee, Council, Board, Bureau, Division, service, office, officer, administration, legislative body or other establishment in the executive, legislative or judicial branch of the State or a political subdivision thereof, including any Wisconsin municipality.
8. "Immediate family" means:
 - a. An individual's spouse.
 - b. An individual's relative by marriage, lineal descent or adoption, who receives, directly or indirectly, more than fifty percent (50%) of his or her support from such individual or from whom such individual receives, directly or indirectly, more than fifty percent (50%) of his or her support.
9. "Income" has the meaning given under Section 61 of the Federal Internal Revenue Code.
10. "Internal Revenue Code" has the meaning given under secs. 71.02(1)(a) and (2)(b) of the Wisconsin Statutes.
11. "Ministerial action" means an action performed in a prescribed manner in obedience to the mandate of legal authority without regard to the exercise of judgment as to the propriety of the action being taken.
12. "Official" means any individual holding an elected City office, any candidate for elected City office, any member of the Ethics Commission, Community Development Authority, Plan Commission, or Board of Police and Fire Commissioners, and any Department Head, including individuals holding any such office or employment in an acting capacity.
13. "Organization" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, unincorporated association, receivership, trust or any legal entity organized for profit, other than an individual or governmental entity.
14. "Payor" any person providing anything of value to the official and his or her spouse.
15. "Person" means any individual, person or organization.
16.
 - a. "Security" means any stock, share, note, bond, debenture, evidence of indebtedness, share of beneficial interest in a business, investment contract, commodity futures contract, certificate of deposit for a security, limited partnership interest or, in general, any interest or instrument having the incidents of a security or offered in the manner in which securities are offered or any certificates of interest or participation in temporary or interim certificate for, receipt for guarantee of, or option, warrant or right to subscribe to or purchase or sell, any of the foregoing.
 - b. "Security" does not include a certificate of deposit in a mutual savings and loan association, mutual savings bank, credit union or similar association organized under the laws of this State.

3.3 Standards Of Conduct

1. This section does not prevent any official from accepting other employment or following any pursuit, which in no way interferes with the full and faithful discharge of his or her public duties. The Common Council recognizes that citizens who serve the City as public officials retain their rights as citizens to interest of a personal or economic nature; that standards of ethical conduct for public officials of the City need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society and those conflicts which are substantial and material; and, that City officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves and/or their families, to maintain a continuity of professional or business activity or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this section.
2. No official shall use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which the official is associated. **[Ord. O-2003-0046, 6/15/2004]**
3. No official shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the official's vote, official actions or judgments, or could reasonably be considered as a reward for any official action or inaction on the part of the official. This subsection does not prohibit an official from engaging in outside employment or his or her normal course of business.
4. No official shall intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person, if the information has not been communicated to the public or is not public information.
5. No official shall use, or attempt to use, his or her public position to influence or gain unlawful benefits, advantages or privileges for himself, herself or other person.
6. No official and no organization in which an official or a member of his or her immediate family is associated shall enter into a contract with the City for more than three thousand dollars (\$3,000) per year, without first disclosing it in writing to the Board and City Department involved. Any contract or lease entered into in violation of this subsection may be voided by the City in an action commenced within three (3) years of the date on which the Board or the Department or officer acting for the City, in regard to the allocation of City funds from which payment is derived, knew or should have known that a violation of this subsection occurred. This subsection does not affect the application of sec. 946.13 of the Wisconsin Statutes.
7. No official, other than in his or her official capacity, shall appear on behalf of any person, other than the official, his or her spouse or minor children, before any City employee, Department, Board, Commission or other agency.
8. No official shall engage in or accept private employment or act in regard to any financial interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties, if it could reasonably be expected to influence the official's

vote, official actions or judgment or could reasonably be considered as a reward for any official action or inaction on the part of the official, unless otherwise permitted by law and unless disclosure is made, as hereinafter provided.

9. No official shall, for compensation, act on behalf of any person other than the City, in connection with any judicial or quasi-judicial proceeding or matter which might give rise to a judicial or quasi-judicial proceeding in which the official has at any time participated personally in his official capacity.
10. No official shall vote on any matter when the official or the official's immediate family has a personal financial interest.
11. No official shall, in his or her official capacity, do an act which he or she knows is in excess of his or her lawful authority or which he or she knows he or she is forbidden by law to do in his or her official capacity.
12. No official, without Common Council authorization, shall use or permit the use of any City property for personal convenience, use or profit.
13. No former official shall, for compensation, for twelve (12) months following the date on which he or she ceases to be an official, act on behalf of any person other than the City in connection with any judicial or quasi-judicial proceeding or matter which might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a City official.
14. No official shall grant special consideration, treatment or advantage to any person, beyond that which is available to every other person.
15. No official of the Personnel Division shall participate, in any manner, in the hiring, promotion, discipline or other personnel activity of a close friend or relative, as defined in Rule VII, Section 7, of the City of West Allis Civil Service Commission Rules and Regulations. **[Ord. O-2003-0029, 5/6/2003]**
16. This section does not prohibit an elected official from making inquiries for information on behalf of a person or from representing a person before any City employee, Department, Board, Commission or other agency, if the official receives no compensation therefor beyond the salary and other compensation or reimbursement to which the official is entitled by law. **[Ord. O-2003-0029, 5/6/2003]**
17. This section does not prohibit an official of the City from taking any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or prohibit an official from taking official action with respect to any proposal to modify City ordinances or resolutions. **[Ord. O-2003-0029, 5/6/2003]**

[Ord. O-2003-0015, 1/21/2003]

3.4 Financial Disclosure

1. Officials. A statement of economic interest shall be filed with the Board by each official and individual who is a candidate for any elective City office, unless that person is required to file a statement of economic interests under Wis. Stat. 19.44(1).
2. Spouses. Any official or candidate required to file a statement of economic interest by subsection (a) shall also file a statement of economic interest on behalf of his or her spouse, to the best of the official's or candidate's knowledge, information and belief.

3. Filing requirements. Officials and candidates required to file under subsection (a) shall file statements of economic interest with the Board as follows:
 - a. Any candidate for elective City office shall file a statement of economic interest at the time of filing nomination papers. The information contained on the statement shall be current as of the date of filing nomination papers.
 - b. Any newly appointed or employed City official shall file a statement of economic interest within thirty (30) days after the commencement of appointment or employment. The information on the statement shall be current as of the date he or she assumes office or commences employment.
 - c. Each individual who, in January of any year, is an official required to file, shall file a statement of economic interest no later than April 30 of that year. The information contained on such statement shall be current as of the preceding December 31.
 - d. If an individual required to file has failed to file a statement of economic interest within the required time, no salary or compensation may be paid to such official until he or she files the required statement. The Board shall officially inform the Finance Director/Comptroller when it has determined that an official's salary or compensation should be withheld.
 - e. If a candidate for elective City office fails to file a statement of economic interest within the required time, the candidate's name shall be omitted from the election ballot.
 - f. The Board may, for good cause, grant to an official an extension of time to file a statement of economic interest not to exceed sixty (60) days from and after the filing date. An extension of time to file may only be considered upon application made to the Board prior to the filing date.
4. Disclosure. Whenever a dollar amount is required to be reported on a statement of economic interest, it shall be sufficient to report whether the amount is not more than fifty thousand dollars (\$50,000) or more than fifty thousand dollars (\$50,000).

3.5 Form Of Statement

The official or candidate filing a statement of economic interest shall file the statement on a form prescribed by the Board. Information which is required shall be provided on the basis of the best knowledge, information and belief of the individual required to file the statement. It shall contain:

1. The name and address of the individual required to file.
2. The identity of every organization doing business in or engaged in any transaction with or affecting the City with which the individual required to file or a member of his or her immediate family is associated and the nature of the association with the organization, except no identification need be made of:
 - a. Any organization which is described in Sec. 170(c) of the Internal Revenue Code.
 - b. Any organization which is organized and operated primarily to influence

- voting at elections, including support for or opposition to present or future candidacy or referendum.
- c. Any nonprofit organization which is formed exclusively for social or community service purposes.
 - d. A trust.
 - i. A person is the owner of a trust and the trust's assets and obligations, if the person is the creator of the trust and has the power to revoke the trust without obtaining the consent of all of the beneficiaries of the trust.
 - ii. A person who is eligible to receive income or other beneficial use of the principal of the trust is the owner of a proportional share of the principal in the proportion that such person's beneficial interest in the trust bears to the total beneficial interests vested in all beneficiaries of the trust. A vested beneficial interest in a trust includes a vested reverter trust.
3. The identity of every organization or body politic, doing business in or engaged in any transaction with or affecting the City, in which the individual, who is required to file, or that individual's immediate family, severally or in the aggregate, owns, directly or indirectly, securities having a value of five thousand dollars (\$5,000), or more, the identity of such securities, except that no identification need be made of a security or issuer of a security when it is issued by any government or instrumentality or agency thereof, or any authority or public corporation created and regulated by an act of the Wisconsin Legislature.
4. The name of any person doing business in or engaged in any transaction with or affecting the City to whom the individual, who is required to file, or such individual's immediate family, severally or in the aggregate, owes five thousand dollars (\$5,000), or more, excluding debts on personal residences.
5. The identity of each payor doing business in or engaged in any transaction with or affecting the City from which the individual, who is required to file, or a member of his or her immediate family, received one thousand dollars (\$1,000), or more, of his or her income for the preceding taxable year, except that if the individual, who is required to file, identifies the general nature of the business in which he or she or his or her immediate family is engaged, then no identification need be made of a decedent's estate or an individual payor, not acting as a representative of an organization. In addition, no identification need be made of a payor from which dividends or interest is received.
6. If the individual, who is required to file, or a member of his or her immediate family, received one thousand dollars (\$1,000), or more, of his or her income for the preceding taxable year from a partnership, corporation, electing to be taxed as a partnership under subchapter (s) of the Federal Internal Revenue Code, or service corporation under sec. 180.99 of the Wisconsin Statutes, in which, the individual or a member of his or her immediate family, severally or in the aggregate, has a ten percent (10%), or greater, interest, the identity of each payor from which the organization received one thousand dollars (\$1,000), or more, of its income for its preceding taxable year, except that if the individual, who is required to file, identifies the general nature

of the business in which he or she or his or her immediate family is engaged, then no identification need be made of a decedent's estate or an individual person, not acting as a representative of an organization. In addition, no identification need be made of persons not doing business in or engaged in any transaction with or affecting the City or from which dividends or interest are received.

7. A description of the real property in the City in which the official or a member of his or her immediate family holds an interest, other than his or her principal residence, and the nature of the interest held. An official's interest in real property does not include a proportional share of interest in real property, if the official's prorata share is less than ten percent (10%) of the outstanding shares or is less than an equity value of five thousand dollars (\$5,000).
8. The identity of each person from which the official received any gift or gifts having an aggregate value of more than one hundred dollars (\$100) within the taxable year preceding the time of filing; except, the source of a gift need not be identified if the donor is the donee's parent, grandparent, child, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, fiancée' or fiancée'.

[Ord. O-2003-0015, 1/21/2003]

3.6 Organization And Composition Of The Board

1. There is created a Board with seven (7) members appointed by the Mayor and subject to confirmation by the Common Council. In addition to citizen members appointed at large, organized labor and the business, religious and legal communities shall be represented. Each Board member shall be a resident of the City and shall serve without compensation. The term of office shall be three (3) years, except that for the initial appointees, three (3) persons shall be appointed for one (1) year, three (3) persons for two (2) years and one (1) person for three (3) years.
2. The members of the Board shall select their own Chairperson annually and shall adopt such rules as may be necessary to carry out the duties and responsibilities of the Board under this subchapter. Any rules adopted shall be subject to the approval of the Common Council.
3. The City Attorney shall furnish the Board whatever legal assistance is necessary and proper to carry out its functions. The Board or the City Attorney may request the Common Council to authorize special counsel for the Board. The City Clerk shall furnish whatever staff assistance it requires.
4. All members of the Board shall file statements of economic interest, as herein provided.

[Ord. O-2003-0015, 1/21/2003]

3.7 Duties Of The Board

1. Prescribe and make available forms for use under this subchapter.

2. Accept and file any information related to the purposes of or required by this subchapter.
3. Investigate any violation of this subchapter on its own motion or upon complaint properly filed with it.
4. Maintain a record of its investigations, inquiries and proceedings. The statement of economic interest and findings of the Board shall be public records. The City Clerk shall be the custodian of all records and tapes and responsible for their safekeeping. The City Clerk shall require an individual wishing to examine a statement of economic interest or the list of persons who inspect any statements which are in custody of the Board to provide his or her full name and address and, if the individual is representing another person, the full name and address of the person he or she represents. Such identification may be provided in writing or in person. The City Clerk shall record and retain for at least three (3) years information obtained pursuant to this subsection. No individual may use a fictitious name or address or fail to identify a principal in making any request for inspection. The City Clerk shall preserve the statements of economic interest for a period of six (6) years from the date of receipt of such form, including microfilming, as will facilitate document retention, except that:
 - a. Three (3) years after an individual ceases to be an official, the City Clerk shall, unless the former official otherwise requests, destroy any statement of economic interest filed by the individual and any copies thereof in its possession.
 - b. Three (3) years after any election at which a candidate for public office was not elected, the City Clerk shall destroy any statement of economic interest filed by the individual as a candidate for public office and any copies thereof, unless the individual continues to hold another position for which he or she is required to file a statement or unless the individual otherwise requests.
 - c. Three (3) years from the action of the Common Council upon nomination for public office at which the Common Council refused to consent to the appointment of the nominee, the City Clerk shall destroy any statements of economic interest filed by the nominee and any copies thereof, unless the individual continues to hold another position for which he or she is required to file a statement or unless the nominee otherwise requests.
5. Any person who is involved in any matter that could involve conduct prohibited by this subchapter, or could result in a material conflict of interest, as defined below, on his or her part, may apply to the Board or the City Attorney for an advisory opinion. The Board or the City Attorney shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. The person requesting an advisory opinion shall have an opportunity to present his or her interpretation of the facts at issue and of the applicability of provisions of this subchapter before the advisory opinion is rendered. Unless otherwise waived by the person requesting an advisory opinion, any deliberations and actions by the Board upon such requests shall be in meetings closed to the public. It is prima facie evidence of intent to comply with this subchapter and the Board is prohibited from issuing any complaint against a person who refers a matter to

the Board or City Attorney and abides by the advisory opinion, if the material facts are as stated in the opinion request. Except as specified in paragraphs (f) and (g) below, neither the City Attorney nor a member or agent of the Board may make public the identity of an individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion. **[Ord. O-2003-0046, 6/15/2004]**

A material conflict of interest on the part of any person is deemed to exist whenever the person's action or failure to act could reasonably be expected to produce or assist in producing a substantial benefit, directly or indirectly, for the person or his or her immediate family or an organization with which he or she is associated or the matter in question is one in which the official, in his or her private capacity, or a member of his or her immediate family or an organization with which he or she is associated, has a substantial interest. **[Ord. O-2003-0046, 6/15/2004]**

6. Records obtained in connection with a request for an advisory opinion, other than summaries of advisory opinions that do not disclose the identity of individuals requesting such opinions, or organizations on whose behalf they are requested, are not open for public inspection. The Board may, however, make the advisory opinion and such records public with the consent of the individual requesting the advisory opinion or the organization or governmental body on whose behalf it is requested. A person who makes or reports to make public the substance of or any portion of an advisory opinion requested by or on behalf of the person is deemed to have waived the confidentiality of the request for an advisory opinion and any of the records obtained or prepared by the Board, in connection with the request for an advisory opinion. **[Ord. O-2003-0046, 6/15/2004]**
7. Records obtained or prepared by the Board, in connection with an investigation, are not open for public inspection, except that the Board shall permit inspection of records that are made public in the course of hearing by the Board to determine if a violation of this subchapter has occurred. Whenever the Board refers such investigation and hearing records to the City Attorney or a District Attorney, they may be made public in the course of a prosecution.
8. Maintain a current list of persons doing business in or engaged in any transaction with or affecting the City for use by officials required to file a statement of economic interest with the Board. The list is an aid for officials required to file statements of economic interest that does not relieve any such official of his or her responsibility to provide such information on the basis of his or her best knowledge, information and belief.

[Ord. O-2003-0015, 1/21/2003]

3.8 Investigation Of Complaints

1. The Board shall accept from any individual, either personally or on behalf of an organization or governmental body, a verified complaint, in writing, signed and sworn to under oath, which states the name of any person alleged to have committed a violation of this subchapter and which sets forth the particulars thereof. The Board

- shall forward to the accused, within ten (10) days, a copy of the complaint and a general statement of the applicable ordinances with respect to such verified complaint. If the Board determines that the verified complaint does not allege facts sufficient to constitute a violation of this subchapter, it shall dismiss the complaint and notify the complainant and the accused. If the Board determines that the verified complaint alleges facts sufficient to constitute a violation of this subchapter, it may make an investigation with respect to any alleged violation. If the Board determines that the verified complaint was brought for harassment purposes, the Board shall so state.
2. The Board shall investigate any complaint properly filed with it. Pursuant to any investigation conducted under this section, the Board has the power:
 - a. To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this section, as the Board may prescribe, such submission to be made within such period and under oath, or otherwise, as the Board may determine.
 - b. To administer oaths and to require, by subpoena issued by it, the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted.
 - c. To order testimony to be taken by deposition before any person, who is designated by the Board, and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by subsection (2).
 - d. To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of Wisconsin.
 3. Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this subchapter has been committed, or that an investigation of a possible violation is warranted, the Board may investigate the circumstances concerning the possible violation. No investigation of any person may be commenced until it has been authorized by the Board, by a majority vote, and until the person, who is the subject of the investigation, has been notified of the investigation, pursuant to subsection (3). During the course of an investigation, if the Board finds probable cause to believe that a violation of this subchapter has occurred, it may:
 - a. If no verified complaint has been filed, upon its own motion, make a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this subchapter and shall set forth the particulars thereof. Within ten (10) days, the Board shall forward to the accused a copy of the complaint, a general statement of the applicable ordinance provisions with respect to such verified complaint and a specific statement enumerating the source or sources of information on which the complaint is based.
 - b. If a verified complaint has been filed and the Board finds probable cause to believe that a violation of this subchapter, other than one contained in the complaint, has occurred, it may amend the complaint upon its own motion, to include such violations. If the complaint is so amended by the Board, a copy of the amendment shall be sent to the person complained of within forty-eight

(48) hours.

- c. As soon as it becomes apparent to the Board that there exists probable cause for the belief that a particular person has committed a violation of this subchapter, the Board shall notify the alleged violator, by mailing a copy of a notice informing the alleged violator that such person is the subject of the investigation authorized by the Board, and a general statement of the applicable ordinances with respect to such investigation. Service of the notice is complete upon mailing.
- d. No action may be taken on any complaint, which is filed later than three (3) years after a violation of this subchapter is alleged to have occurred.

[Ord. O-2003-0015, 1/21/2003]

3.9 Probable Cause Of Violation

At the conclusion of its investigation, the Board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this subchapter has occurred. If the Board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the Board determines that there is probable cause for believing that a violation of this subchapter has been committed, the preliminary findings and fact and conclusions may contain:

1. A recommendation for prosecution, which shall be referred to the City Attorney or District Attorney, as appropriate.
2. An order setting a date for hearing before the Board to determine whether a violation of this subchapter has occurred. Such order shall be served upon the accused. A hearing ordered under this paragraph shall be commenced within thirty (30) days of the date it is ordered, unless the accused petitions for and the Board consents to a later date.

[Ord. O-2003-0015, 1/21/2003]

3.10 Hearing Procedure

During any investigation and during any hearing which is conducted to determine whether a violation of this subchapter has occurred, the person under investigation or the accused may be represented by counsel of his or her choosing and the accused or his or her representative, if any, shall have an opportunity to challenge the sufficiency of any complaint, which has been filed against him or her, to examine all documents and records obtained or prepared by the Board in connection with the matter heard, to bring witnesses, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross examine adverse witnesses. During any hearing conducted by the Board to determine whether a violation of this subchapter has occurred, all evidence, including certified copies of records, which the Board considers, shall be fully offered and made a part of the

record in the proceedings. Upon request of the accused, the Board shall issue subpoenas to compel the attendance of necessary witnesses. The standards of evidence and the burden of proof applicable to civil forfeiture actions shall apply to hearings under this section. The Board shall make a determination upon such evidence submitted by an affirmative vote of two-thirds (2/3) of all the members thereof.

[Ord. O-2003-0026, 3/4/2003]

3.11 Findings Of Fact And Conclusions; Orders And Recommendations

If the Board determines that no violation of this subchapter has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the Board determines that violation of this subchapter has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

1. In the case of any appointed officer or employee, a recommendation that he or she be censured, suspended or removed from office or employment. Such recommendation shall be made to the appropriate appointing authority which may censure, suspend or take action to remove the official from office or employment.
2. In the case of an elected City officer, a recommendation that the officer be censured, suspended or removed from office. Such recommendation shall be made to the Common Council.
3. An order requiring the official to conform his or her conduct to this subchapter.
4. An order requiring the official to forfeit not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000), for each violation of this subchapter. The City Attorney, when so requested by the Board, shall institute proceedings to recover any forfeiture incurred under this section, which is not paid by the person against whom it is assessed.
5. Such other recommendation or order as may be necessary and appropriate and as consistent with the intent and purposes of this subchapter.

3.12 Removal, Suspension And Censure

Upon receipt of a recommendation from the Board that an officer be censured, suspended or removed from office, the appropriate appointing authority or Common Council, as the case may be, may proceed in accordance with secs. 17.12 and 17.16 of the Wisconsin Statutes; but, no officer subject to civil service or to a Police and Fire Commission law, or whose removal is governed by such a law, shall be censured, suspended or removed otherwise than as therein provided.

3.13 Costs

1. If the Board finds that a complaint filed under this subchapter was willful and malicious and without probable cause, the expenses of investigation and hearing of any such complaint by the Board shall be paid by the person making the complaint. In all other cases, such expenses shall be paid by the City.

2. In any Board proceedings discontinued or dismissed or determined favorably to an official, the City shall pay all reasonable expenses which the official necessarily expended by reason of such proceedings.

3.14 Severability

If any provision of this subchapter is invalid or unconstitutional or if the application of this subchapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this subchapter, which can be given effect without the invalid or unconstitutional provision or application.

~~Subchapter III Code Of Ethics For Public Officials~~ *(Repealed)*

~~3.1 Declaration Of Policy~~ *(Repealed)*

~~3.2 Definitions~~ *(Repealed)*

~~3.3 Standards Of Conduct~~ *(Repealed)*

~~3.4 Financial Disclosure~~ *(Repealed)*

~~3.5 Form Of Statement~~ *(Repealed)*

~~3.6 Organization And Composition Of The Board~~ *(Repealed)*

~~3.7 Duties Of The Board~~ *(Repealed)*

~~3.8 Investigation Of Complaints~~ *(Repealed)*

~~3.9 Probable Cause Of Violation~~ *(Repealed)*

~~3.10 Hearing Procedure~~ *(Repealed)*

~~3.11 Findings Of Fact And Conclusions; Orders And Recommendations~~ *(Repealed)*

~~3.12 Removal, Suspension And Censure~~ *(Repealed)*

~~3.13 Costs~~ *(Repealed)*

~~3.14 Severability~~ *(Repealed)*

SECTION 6: ADOPTION “2.29 Ethics Board” of the City Of West Allis
Municipal Code is hereby *added* as follows:

ADOPTION

2.29 Ethics Board(*Added*)

1. Creation. The West Allis Ethics Board is hereby created.
2. Composition. The board shall consist of 7 members who shall be residents of the City.
3. Manner of Appointment. Subject to confirmation by the council, the mayor shall appoint the members. The mayor should attempt to appoint members so at least one member represents each of the following: business, religion, law, and organized labor.
4. Presiding Officer. The board shall elect a chair from its membership.
5. Term. The term of office is 3 years for members. Terms shall be staggered so that no more than 3 members' terms expires per year.
6. Compensation. Members shall serve without compensation.
7. Confidentiality of Records. Records of the board's opinions, opinion requests and investigations of violations of the ordinance shall be closed to public inspection under Wis. Stat. 19.35, except the board may publicly release an opinion with the subject's identification redacted or with the consent of the subject.
8. Authority. In addition to any authority under state law, the board shall have the power to:
 - a. Administer and enforce the local code of ethics (See WAMC 2.295 and Policy P403).
 - b. Maintain a statement of economic interests form.
 - c. Investigate any violation of local ethics laws on its own motion at any time or upon complaint by any person within the 3 years prior to the date the complaint was filed.
 - i. Before conducting an investigation, the board shall notify the subject of any ethics complaint that a complaint has been filed against that person and provide at least 30 days for the subject to respond to the complaint.
 - ii. After the due date for the subject's response has passed, the board shall gather all information received and determine whether there is probable cause to believe the subject committed a violation of the local code of ethics. If the board finds probable cause, the board may seek and receive any information relevant to the complaint. If the board does not find probable cause, the board shall render an opinion with that conclusion.
 - iii. After closing its investigation, the board shall issue an opinion determining whether the subject of the complaint violated the local ethics code. A copy of the opinion shall be delivered to the subject of the investigation and the complainant, if any. If the opinion finds that a violation of the local code of ethics occurred, the board shall provide a copy of the opinion to the district attorney.
 - d. Issue subpoenas, administer oaths, and investigate any violation of the local code of ethics on its own motion.
 - e. Issue opinions upon request from any person who is involved in any matter that may:
 - i. Involve conduct prohibited by the state or local ethics laws.

ii. Result in a material conflict of interest.

SECTION 7: **ADOPTION** “2.295 Code Of Ethics” of the City Of West Allis Municipal Code is hereby *added* as follows:

A D O P T I O N

2.295 Code Of Ethics(*Added*)

Pursuant to Wis. Stat. 19.59(1m), the City hereby establishes a code of ethics under Policy P403. The provisions within the code of ethics shall specify when it applies to public officials, employees of the City, candidates for City elective offices, and members of the immediate family of individuals who hold those positions or who are candidates for those positions.

SECTION 8: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis