

Ordinance and Resolution Drafting	City Attorney			800
	807	1-2	1/1/82	4/2/02

1.0 PURPOSE:

To describe the role of the City Attorney's Office in drafting ordinances and resolutions.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all agencies, individuals and elected officials involved in the drafting of resolutions or ordinances for consideration by the City Council.

3.0 POLICY:

It is the policy of the City to have the City Attorney's Office review certain draft resolutions and ordinances for legal form, consistency with local, state and federal laws, and general construction before submission to the City Council for consideration. The intent of this policy is to avoid adopting policies and laws which are not clear, concise and consistent with existing laws without overburdening the City Attorney's Office with routine matters.

4.0 REFERENCES:

Section 62.09(12), Wisconsin Statutes.  
Section 2.15, City of West Allis Revised Municipal Code.

5.0 PROCEDURES:

5.1 RESPONSIBILITY:

5.1.1 It is the responsibility of the City Attorney's Office to promptly review, comment upon and revise, as appropriate, with the concurrence of the requesting authority, certain draft resolutions and ordinances submitted to the office by any appointed and elected officials.

5.2 GENERAL POLICIES:

5.2.1 Draft resolutions and ordinances that are routine, simple in nature and/or scope, or that otherwise do not require the assistance of the City Attorney's Office may be submitted to the City Clerk/Treasurer for the Common Council agenda without referral to the City Attorney's Office.

Complex resolutions and ordinances or those ordinances creating new sections of the Revised Municipal Code or that, in the opinion of the appointed or elected official submitting the draft, require review by the City Attorney's Office, may be submitted to the City Attorney's Office for review prior to submission to the City Clerk/Treasurer for the Common Council agenda

- 5.2.2 All draft resolutions and ordinances submitted to the City Attorney's Office by elected officials or Department Heads for review shall be returned to the drafter or placed on the agenda of the Common Council with appropriate modifications and changes concurred in by the requesting party. The City Attorney's Office shall complete its review in a timely manner after submission.
- 5.2.3 At the request of Department Heads or elected officials, the City Attorney's Office will draft complex resolutions and ordinances for consideration by the City Council.
- 5.2.4 The City Clerk/Treasurer's Office will be provided with a copy of all draft ordinances and resolutions.

## 6.0 DEFINITIONS.

### 6.1 ORDINANCE.

An ordinance is the law of the City, a statement of policy and/or procedure approved by the governing body. The ordinance can be enforced consistent with a regular legal process in a Court of Law. An ordinance is generally intended to be permanent until repealed or amended.

### 6.2 RESOLUTION.

A resolution is simply a statement of policy, will or intent of the Council. A resolution is considered to be the method by which the Common Council disposes of a particular item of the administrative business of the City. A resolution is ordinarily of a temporary character and is intended to be self-resolving.