



# City of West Allis

## Legislation Details (With Text)

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**File #:** O-2003-0046    **Version:** 1

**Type:** Ordinance                      **Status:** Passed

**File created:** 7/1/2003                      **In control:** Advisory Committee (INACTIVE)

**On agenda:**                                      **Final action:** 6/15/2004

**Title:** An Ordinance to Repeal and Recreate Sections 3.2(l), 3.3(b), and 3.7(e) and (f) of the Revised Municipal Code Relating to the Code of Ethics for Public Officials.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2003-0046

Date	Ver.	Action By	Action	Result
6/15/2004	1	Advisory Committee (INACTIVE)		
6/15/2004	1	Common Council	Passed	Pass
6/15/2004	1	Advisory Committee (INACTIVE)		Pass
2/18/2004	1	Advisory Committee (INACTIVE)		
2/18/2004	1	Advisory Committee (INACTIVE)	Held	
7/1/2003	1	Common Council		
7/1/2003	1	Common Council		
7/1/2003	1	Advisory Committee (INACTIVE)	Held	

An Ordinance to Repeal and Recreate Sections 3.2(l), 3.3(b), and 3.7(e) and (f) of the Revised Municipal Code Relating to the Code of Ethics for Public Officials.

The Common Council of the City of West Allis do ordain as follows:

PART I.            Section 3.2(l) of the Revised Municipal Code of the City of West Allis is hereby repealed and recreated to read:

### 3.2    DEFINITIONS.

\* \* \*

(l) "Official" means any individual holding an elected City office, any candidate for elected City office, any Board or Commission member, any Department Head and their Deputies, Assistants, Managers and Division Heads, including individuals holding any such office or employment in an acting capacity.

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PART II. Section 3.3(b) of the Revised Municipal Code of the City of West Allis is hereby repealed and recreated to read:

### 3.3 STANDARDS OF CONDUCT.

\* \* \*

(b) 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.

\* \* \*

PART III. Sections 3.7(e) and (f) of the Revised Municipal Code of the City of West Allis are hereby repealed and recreated to read:

### 3.7 DUTIES OF THE BOARD.

\* \* \*

(e) 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 therefore 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.

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.

(f) 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.

\* \* \*

PART IV. All ordinances or parts of ordinances contravening the provisions of this of this ordinance are hereby repealed.

PART V. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Repeal&Recreate 3.2-3.3-3.7