



CITY OF ANTIGO

COMMITTEE OF THE WHOLE MEETING

COUNCIL CHAMBERS

Wednesday, May 08, 2024

CITY HALL, 700 EDISON STREET

5:15 PM

Call to Order

Minutes Approval

1. Minutes from the April 30, 2024 Meeting (hold until next meeting as not yet complete)

Discussion and Action May Occur on Any of the Following Agenda Items:

1. Consideration of any Changes to Council Rules for 2024-2025 Term

Upon reasonable notice, efforts will be made to accommodate disabled individuals through appropriate aids and services. For additional information, contact clerk treasure's office, 700 Edison Street, Antigo, Wisconsin 54409. (715) 623-3633 extension 100. Members of and possibly a quorum of members of other governmental bodies may be in attendance to gather information. Any governmental body other than that specifically referred to above will take no action.

DATE MAILED: May 02,2024

TERENCE BRAND

Approved: 04-20-21
Updated: 04-19-22 (no change)
Updated: 05-10-23
Updated: 03-13-24

**COMMON COUNCIL, CITY OF ANTIGO
GOVERNING RULES OF PROCEDURE
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Attachment: RULES 2023-24 with change adopted March 13, 2024 (6876 : Council Rules)

COUNCIL MEETING - LOCATION

RULE 1. All meetings of the Antigo Common Council shall be held at City Hall, except when approved at the previous meeting.

COUNCIL MEETING - TIME

RULE 2. The regular meeting of the Common Council shall be held the 2nd Wednesday of each calendar month at 6:00 p.m. as specified in Antigo Municipal Code.

COUNCIL MEETINGS - OPEN TO THE PUBLIC

RULE 3. All meetings of the Common Council and committees shall be open to the public, except as provided for in Sec. 19.81 through 19.98 State Statutes for scheduled or unscheduled closed sessions.

ELECTION OF OFFICERS

RULE 4. Procedures for electing officers are as follows:

- (a) Annually, at the first meeting of the new Council, the members shall choose a Council President from among their number and authority shall be conferred by Statute 62.09(8)(e).
- (b) The above elections shall be by affirmative motion.

PRESIDING OFFICER

RULE 5. The Mayor shall preside at all meetings of the Council, Wis. Statutes 62.09(8)(b) and shall be considered the Chief Executive Officer, Wis. Statutes 62.09(8)(a). The Mayor has no regular administrative or executive duties except those provided by State Statute or customary as the Chief Executive Official. In case of the Mayor's absence or temporary disability, the Council President shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and the Council President, a Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences or disabilities. The Mayor, Council President, or Mayor Pro Tempore is referred to as "Presiding Officer" from time to time in these Rules of Procedure.

QUORUM

RULE 6. At all meetings of the Council, six Council members, who are present and eligible to vote, shall constitute a quorum for the transaction of business, Wis. Statutes 62.11(3)(b)

ATTENDANCE, EXCUSED ABSENCES

RULE 7.

- (a) A Council member may be subject to removal from his/her office by failing to attend regular meetings of the Council without being excused by the Council. (Sec.17.12)(Wis. Statutes). Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason

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for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the Chief Administrative Official or City Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and excuse the member's absence. The Clerk will make an appropriate notation in the minutes. If another Council member questions the member's absence, the Presiding Officer shall inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. All members of Council, including the Mayor, are expected to arrive at meetings prepared and must not be influenced by alcohol or illegal substances.

- (b) Per Resolution No. 132-00, Council members elected to office in 2001 or after shall receive \$75 per month compensation, plus \$30 per diem for committee meetings held on matters referred by Council vote or by the Mayor, or for a special meeting called by the Chairperson of the respective committee.

For each unexcused absence from regular Council meetings in excess of one in any one Mayoral term year, \$25 shall be deducted from an Alderperson's compensation.

All members of the Council, including the Mayor, serving on any department, board, commission, or committee (including Ad Hoc and special), excluding the Library Board and Housing Authority Board, as appointed by the Mayor/Council, shall be compensated per diem as identified above.

All Council members, including the Mayor, when attending all other meetings, as a representative of the City, either within or outside the City, shall be compensated per diem as identified above.

SPECIAL COUNCIL MEETINGS

RULE 8. Procedures for setting a special meeting are as follows:

- (a) A special meeting may be called by the Presiding Officer.
- (b) Notice of the special meeting shall be prepared in writing by the Clerk/Chief Administrative Official. The notice shall contain the following information about the meeting: date, time, place, and business to be transacted.
- (c) The notice shall be delivered by mail, fax, e-mail, or personally to each Council member, applicable department managers, and the business office of the local newspaper and radio station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.
- (d) The notices provided in this section may be dispensed with under the following circumstances: In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

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COUNCIL MEETING AGENDA

RULE 9. The Mayor/Chief Administrative Official shall arrange a list of such matters according to the order of business and prepare an agenda for the Council. The Presiding Officer or any Council member may have any item placed on the agenda. A copy of the agenda and supporting materials, "Council Packets," shall be prepared for Council members, applicable department managers, and the media on or before 4:30 p.m. two working days before a regular Council meeting. Council Packets shall generally be prepared and distributed the Friday preceding the regular Council meeting.

COUNCIL COMMITTEE OF THE WHOLE

RULE 10. Council as a Committee of the Whole meetings shall be held as needed, but shall *generally* be held on the 4th Wednesday of the month at 6:00 p.m.

Council as a Committee of the Whole meetings shall be conducted informally so long as such informality is not in conflict with the rules of procedure. The Mayor shall be presiding officer and the Mayor/Chief Administrative Official, shall prepare an agenda for the Council. A copy of the agenda along with any supporting materials shall be forwarded to Council members, applicable department managers, and the media on or before 4:30 p.m. two working days before the meeting.

CHIEF ADMINISTRATIVE OFFICIAL (CAO)

RULE 11. The Chief Administrative Official shall attend all meetings of the Common Council, unless excused by the Presiding Officer or Council.

SEATING ARRANGEMENT

RULE 12. Council members shall occupy their respective seats in the Council Chamber assigned to them by the Mayor.

DISSENTS AND PROTESTS

RULE 13. Any Council member shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

RULES OF ORDER

RULE 14. Rules of order shall be governed by Robert's Rules of Order. The City Attorney or his/her designee shall serve as parliamentarian and shall advise the Presiding Officer as to correct rules of procedure or questions of specific rule application.

MOTIONS

RULE 15. All ordinances, resolutions, contracts and items of business that require Council approval prior to the expenditure of funds shall be in the form of an affirmative motion.

All Resolutions considered by Council accepting/approving bids shall have attached to them a summary of all bids received.

A Motion should be used when: (1) modifying or rescinding another motion (2) the subject relates to the conduct of the Council meeting; or (3) when expressing an opinion.

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ORDER OF BUSINESS

RULE 16. The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, re-arrange items on the agenda to conduct the business before the Council more expeditiously.

- (a) Call to order by the Presiding Officer.
- (b) Roll Call.
- (c) Pledge of Allegiance and Moment of Silent Meditation.
- (d) Approval of Minutes of Previous Meeting.
- (e) Public Hearings as governed by applicable State Statues and City Ordinances.
- (f) Citizen Comments
 - (1) Subjects on the current agenda. Any member of the public who wishes to address the Council regarding an item on the current agenda shall sign in prior to the meeting. The Presiding Officer will call each speaker to the floor during this portion of the meeting. The Presiding Officer may determine the order of speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent owners, vested interests, etc.
 - (2) Subject not on the current agenda. Any member of the public who wishes to address the Council regarding an item that is not on the current agenda shall sign in prior to the meeting. The Presiding Officer shall rule on the appropriateness of public comments at this time, may place the matter on a future agenda, or could refer the matter to staff or committee for investigation and report.
 - (3) Any member of the public may request to be placed on the agenda by contacting the Mayor's or Clerk-Treasurer's Office with his/her name, address, and subject of comments prior to the agendas being distributed. The Presiding Officer shall rule on the appropriateness of public comments at this time, may place the matter on a future agenda, or could refer the matter to staff or committee for investigation and report.
 - (4) Speakers are subject to a time limitation of 5 minutes, unless otherwise extended by Council. The Presiding Officer may place the matter on a future agenda or refer the matter to staff or Council committee for investigation and report.
 - (5) Any ruling by the Presiding Officer relative to the preceding subsections may be overruled by a vote of a majority of members present.
- (g) Committee Reports
- (h) Consent Agenda.

- (1) The Presiding Officer, in consultation with the Chief Administrative Official, shall place matters on the Consent Agenda which have been: (a) previously discussed by the Council, or (b) based on the information delivered to members of the Council by administration that can be reviewed by a Council member without further explanation, or (c) are so routine or technical in nature that passage is likely, or (d) routine expenditure of funds by Resolution.
- (2) The Clerk of the Council shall, if requested, read the Consent Agenda. Council members may ask questions for clarification, but not debate, items listed on the consent agenda.
- (3) The proper Council motion on the Consent Agenda is as follows: "I move for adoption of the Consent Agenda". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Agenda. A roll call vote shall be used when expenditures or committee appointments exist on the Consent Agenda. Any member of the Council shall have the right to move for the removal of any item from the Consent Agenda.

Therefore, prior to the vote on the motion to adopt the Consent Agenda, the Presiding Officer shall inquire if any Council member wishes an item to be withdrawn from the Consent Agenda. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda.

- (i) New Business
 - (i) Licenses and Permits
 - (ii) Communications and Petitions
 - (iii) Resolutions
 - (iv) Ordinances
- (j) Miscellaneous Business
 - (i) Payment of bills
 - (ii) Committee Referrals
 - (iii) Closed Session (as required)
 - (iii) Adjournment

VOTING

RULE 17. The votes during all meetings of the Council shall be transacted as follows:

- (a) Any alderperson may demand an aye and no vote on any matter. However, the vote shall be by ayes and noes if the Council is: a) confirming appointments; b) adopting any measure that assesses or levies taxes; c) appropriating or disbursing money; or d) creating any liability or charge against the City or any fund of the City. All aye and no votes shall be recorded in the minutes by the Clerk. An electronic voting system will be utilized for roll call votes with all alderpersons voting at the same time. When all votes have been cast, the Clerk shall indicate this, display the votes, and announce the results. No member may explain his or her vote during the calling of the ayes and noes.
- (b) In case of a tie in votes on any proposal, the proposal shall be considered lost, except when the Mayor elects to break the tie. The Mayor cannot be compelled to break a tie vote.

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- (c) Every member who was in the Council Chambers when the question was put, shall give their vote unless the Council, for special reasons, shall excuse the member by motion or unless the Council member is excused in accordance with these rules. If any Council member declines to vote "aye" or "no", their vote shall be counted as an "aye" vote.
- (d) Except as otherwise provided by law, a majority of the votes cast shall be necessary for all Council action, provided a quorum has voted.

COMMITTEES

RULE 18. The Committee structure of the Council and the procedures governing all committees shall be as follows:

- (a) Finance, Personnel, and Legislative Committee. The Mayor shall chair and appoint five members of the Council. The Clerk/Chief Administrative Official shall be responsible for ensuring there is someone present at each meeting to serve as secretary and record the minutes. The secretary will be responsible for taking legible notes to be used during the preparation of minutes.

It shall be the duty of this committee to draft or have submitted to it, resolutions for expenditures of money and make recommendations thereon to the City Council any recommended transfer of funds within departments.

It shall assist in the determination of budget objectives and review of the annual budget prior to submission to the Common Council for consideration. All petitions for appropriations shall be filed with the City Clerk not later than the 15th day of October in any year.

It shall provide direction for the Mayor, Chief Administrative Official, and department managers in matters regarding union and non-union labor negotiations. No contract or labor agreement shall be considered adopted without City Council approval. It shall also provide consideration for matters related to Public Safety, Building, Licensing, Permits, and like events.

It shall generally supervise all financial matters of the City, including the periodic review of the budget and contracts.

All new positions must be approved by the Finance, Personnel, and Legislative Committee and approved by a two-thirds vote of the Council before hiring by the Chief Administrative Official. This includes employees funded by other governmental units.

The committee shall generally meet on the 3rd Wednesday of each month generally at 6:00 p.m., unless at committee discretion it is changed for a future meeting.

- (b) Public Works Committee. The Mayor shall appoint four members of Council and one additional member to serve as chairperson. The Clerk/Chief Administrative Official shall be responsible for ensuring there is someone present at each meeting to serve as secretary and record the minutes. The secretary will be responsible for taking legible notes to be used during the preparation of minutes.

It shall be the duty of this Committee to provide initial consideration for matters relating to Public Right of Ways, Public Lands, water and sewer operations, Utility expansion/replacement projects, and storm water management.

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It shall consider development projects, municipal or private, and provide a recommendation to the Plan Commission or Common Council, as applicable, for consideration.

It shall provide oversight in the development of the Capital Improvements and Capital Equipment Program, forwarding a recommendation to the Finance, Personnel & Legislative Committee.

The Committee shall generally meet on the fourth Wednesday of each month.

(c) Standing Committees.

The Economic Development Committee shall consist of three Council members and three citizen members in addition to the Mayor who shall act as chairperson of the committee.

The Parks, Cemetery, & Recreation Commission shall consist of three Council members appointed to a mayoral term and four citizen members appointed to five year terms. The Mayor shall appoint a Chairperson at the onset of his/her term.

The Insurance Review Committee shall consist of the Chief Administrative Official, the Deputy Clerk-Treasurer, and the City Attorney.

(d) Special Ad Hoc Citizen Advisory Committees. Special ad hoc citizen advisory committees may be created by the Mayor for a particular purpose. Committee members shall be appointed by the Mayor. The Mayor shall appoint the chair of the Committee. Citizen Advisory committees shall sunset at the end of their mission, but no later than the end of the mayoral term unless specifically continued by the Council thereafter for a specified time period. One Council member, and one alternate Council member, may be appointed as a member and liaison of a Citizen advisory committee.

(e) Committees may make recommendations on proposed programs, services, and ordinances, within their area of responsibility before action is taken by Council. The Committee Chair may present the recommendations of the committee during the discussion of the item of business. Committees may take action to purchase items previously approved within the annual budget.

(f) Minutes of action taken at committee meetings must be submitted to the City Clerk within 5 days of adjournment.

COUNCIL COMMUNICATIONS

RULE 19. All statutory boards, commissions, and Council citizen advisory bodies over which the Common Council has jurisdiction shall provide the Council with copies of minutes taken. Communications from such boards, commissions and bodies to the City Council shall include all action taken by that body and be recorded in their minutes.

ENACTED ORDINANCES, RESOLUTIONS, AND MOTIONS

RULE 20. An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.

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An enacted resolution is an internal legislative act, which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

Motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

ORDINANCES

RULE 21. The procedure for ordinances is as follows:

- (a) With the exception of Franchise Ordinances as provided below, an ordinance may be put to its final passage on the same day on which it was introduced. The title of each ordinance shall in all cases be read prior to its passage; provided, should a majority of the Council members present request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available for review upon request to any person attending a Council meeting.
- (b) Franchises. All resolutions and ordinances granting a franchise require two readings prior to adoption. The second reading must be at least five days after the first reading. All franchise ordinances and resolutions may be passed only at a regular meeting of the council; and at least a majority of the governing body must vote in favor of the franchise.
- (c) Emergency Ordinances. By vote of one more than the majority, the City Council may without notice or hearing adopt an emergency ordinance authorizing expenditures for a public emergency.
- (d) A Council member may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the Council may assign the proposed ordinance to a specific committee for study and consideration. The committee shall report its findings to the Council.
- (e) If a Motion to pass an ordinance fails, the ordinance shall be considered lost.
- (f) Any ordinance amending or repealing any portion of the Antigo Municipal Code shall also amend or repeal the respective portions of any underlying ordinance(s).

SUGGESTIONS TO COUNCIL

RULE 22. When citizen suggestions are brought before the City Council in writing, other than for items already on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- (a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration, or the Council as a Committee of the Whole for study and recommendation.
- (b) If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the

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Chief Administrative Official, the Presiding Officer should then refer the complaint directly to the CAO for his/her review if said complaint has not been so reviewed. The City Council may direct that the CAO brief or report to the Council when his/her response is made.

FILLING COUNCIL VACANCIES

RULE 23. If a vacancy occurs in the office of Council member, the Council will follow the procedures outlined in the State Statutes.

**PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE --
PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION**

RULE 24. No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Presiding Officer.

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CHECKLISTS FOR GOVERNING BODY ACTION

Appendix 1

There are a number of risk reduction checklists that governing body members should use when considering legislative actions. Legislators, administrators, and legal counsel who draft ordinances and other proposed legislative actions should review the proposed ordinance, etc. against the appropriate checklists.

Equal Protection Checklist:

1. Does the action treat different groups of people differently?
2. If so, what standard will the classification be judged?
3. Is the classification justifiable under the appropriate standard?
4. Will an ordinance or policy which is neutral on its face have a discriminatory impact when applied?
5. Does the local government have a sufficient basis in fact in support of the action and/or classification?

Substantive Due Process Checklist:

1. Does the City have a legitimate goal in pursuing its proposed course of action?
2. What is the nature of the "right" being affected by the agency's decision?
3. Is it a right which is deemed to be fundamental? If so, does the agency have a compelling interest for taking the action?
4. If a fundamental right is involved, is there another, less drastic way for the local government to achieve its goal which will create less interference with the constitutional right?
5. If it is an economic, social or business regulation, is there a rational relationship between the regulation and the governmental goal?

Procedural Due Process Checklist:

1. Will the proposed action or ordinance deprive a person of a "liberty" or "property" interest?
2. If so, has that person been afforded due process?
3. Has the person been given notice?
4. Has the person been given an opportunity to be heard?
5. Has the person been given a statement of reasons for the agency's decision?
6. Has the local government complied with applicable statutory, ordinance or contract provisions requiring due process?
7. Does an ordinance give sufficient notice to persons of its requirements?

8. Are the terms used in an ordinance defined?
9. Does the ordinance provide clear standards for the conduct of the officials who must enforce it?

Due Process Checklist: Licenses and Permits

1. Is there an ordinance dealing with the granting or revocation of the license or permit?
2. Is the ordinance clear and unambiguous?
3. Has the applicant for a license or permit been given reasonable information as to the items which (s)he must submit to the agency prior to issuance?
4. Does the local government have the authority to legislate in the area for which the license or permit is to be granted?
5. Are the requirements for issuance of a license or permit reasonable and have they been consistently applied?
6. Do the items required prior to the issuance of a license or permit bear some reasonable relationship to the activity to be allowed?
7. Has the local government sought to limit the number of persons who can receive the license or permit?
8. If there is a limitation in the number of persons who may receive the license or permit, is there statutory authority for such a limitation?
9. Has an applicant for a license or permit been given an opportunity to have a hearing if the granting of a license or permit has been denied?
10. Has a hearing been held prior to the suspension or revocation of an existing license or permit?
11. If in an area with a limited number of licenses or permits, can the agency present a reason for the reduction, and has the identity of the business which will lose its license or permit been determined in a non-discriminatory manner?
12. Is the refusal to issue, or revocation of, the license or permit justified, or solely in response to public pressure?
13. Has the inspection or regulatory system of the agency been enforced in a non-discriminatory manner, or is the person being singled out for enforcement?
14. Do the fees charged for licenses and permits bear a reasonable relation to the cost of enforcement?

General Ordinance Adoption Checklist:

1. Have the statutory or local procedural requirements been followed?
2. Is the ordinance a subject upon which the City has Federal or State constitutional or statutory authority to act?

3. As drafted, does the ordinance treat all similarly situated persons in the same way?
4. Are the terms of the ordinance clear enough so that people do not have to guess at its meaning?
5. Does the ordinance clearly state what a person must do in order to comply with it?
6. Does the ordinance define special or broad terms which it uses?
7. Does the ordinance set sufficient standards for the officials who must enforce it, or does it give the enforcing agent too much discretion in making a decision whether or not to do something?
8. Does the ordinance require that notice or hearing be given to a person whose rights are affected by it?
9. Does the ordinance require the official who is making a decision under it to give notice of that decision and the reasons for it within a reasonable time?
10. Can the local government achieve its goal by using a less restrictive or intrusive means?
11. Do the ordinance provisions constitute a "prior restraint" on a person's First Amendment rights?
12. Has the agency created an adequate record or compiled sufficient evidence in order to support its findings and conclusions for enacting the ordinance?
13. Is the ordinance too broad?
14. Does the ordinance so heavily burden a person's use of his property that it might be considered a taking?
15. If an ordinance is changing an existing local regulation, does it give persons a reasonable amount of time to comply with the changes?
16. Has the Attorney and Risk Manager been consulted before taking action which might result in claims against the agency or litigation?
17. Have similar ordinances been upheld elsewhere?
18. If an ordinance is challenged, would you consider suspending it pending a judicial determination?