



## **EXHIBIT B**

**ISSUE STATEMENT:** PUBLIC HEARING AND POSSIBLE VOTE CONCERNING THE PROPOSED AMENDMENTS TO SECTION 101-72 OF THE NIXA CITY CODE RELATING TO THE SCHEDULING OF PLANNING & ZONING COMMISSION MEETINGS

**DATE:** SEPTEMBER 3, 2024

**SUBMITTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

**PRESENTED BY:** PLANNING AND DEVELOPMENT DEPARTMENT

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### **Background**

At the July 8, 2024, meeting of Nixa City Council, Council discussed allowing for flexibility of council meetings and an adjustment to the days and times of said meetings. This discussion led to planning staff inquiring about the possibility of amending city code to allow for flexibility for Planning & Zoning Commission meetings as well. A brief discussion at the August 5<sup>th</sup> Planning & Zoning meeting concerning the want to amend the code language of section 101-72.

### **Analysis**

The proposed code amendment would dispatch the language requiring a meeting on the 1<sup>st</sup> Monday of every month at 7pm. However, meetings will still be held on a regular schedule as consistently as possible. This amendment would also allow for the scheduling of Special Meetings without a majority vote from the commission. As the code is currently written the commission is required to meet and vote on scheduling a special meeting.

### **Recommendation**

Allowing for pliability when scheduling Planning & Zoning commission meetings will help to ensure a consistent quorum. Staff recommends approval of this code amendment.

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**Sec. 101-72. Meetings.**

- (a) The commission shall hold at least one regular meeting per month. The regularly scheduled meetings are for the purpose of convening public hearings, making recommendations to the city council, conducting business which requires vote of the commission, conducting long-range planning functions and other official business.
- (b) From time to time, special meetings may be called in order to process significant caseloads, to review works in progress such as comprehensive plan updates or Municipal Code revisions, or to undertake a retreat or strategic planning session, either amongst itself or in the company of the city council.

(Prior Code, § 23-32)

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**  
2 **101, ARTICLE II, DIVISION 2, SECTION 101-72 OF THE NIXA CITY CODE FOR THE**  
3 **PURPOSE OF ALLOWING THE PLANNING & ZONING COMMISSION FLEXIBILITY**  
4 **IN SCHEDULING REGULAR MEETINGS.**

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6 **WHEREAS** the current Code requires the Planning & Zoning Commission to meet  
7 monthly and mandates the day and time of the meetings; and

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9 **WHEREAS** the City Council recently discussed allowing for flexibility of scheduling  
10 Council meetings and changing the days and times of their meeting according to the  
11 Code; and

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13 **WHEREAS** the Planning & Zoning Commission has affirmed that they would like  
14 to have similar flexibility in scheduling the days and times of their meetings; and

15  
16 **WHEREAS** this Council Bill, if approved, would modify the City Code to allow the  
17 Planning & Zoning Commission flexibility in when they conduct their regular meetings.

18  
19 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

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21 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
22 **NIXA, AS FOLLOWS, THAT:**

23  
24 **SECTION 1:** Chapter 101, Article II, Division 2, Section 101-72 of the Nixa City  
25 Code is hereby amended by repealing said Section in its entirety and adopting in lieu  
26 thereof a new Section 101-72, which said Section shall read as follows (Explanation:  
27 Language in bold-face type (e.g., **thus**) is language to be to be added. Language in bold-  
28 faced brackets (e.g., **[thus]**) is not enacted and is intended to be omitted or deleted.):

29  
30 Sec. 101-72. Meetings.

31  
32 (a) The ~~[commission's]~~ **commission shall hold at least one regular meeting per**  
33 **month** ~~[regular meetings will occur on the first Monday of each month at 7:00 p.m.]~~.  
34 The regularly scheduled meetings are for the purpose of convening public hearings,  
35 making recommendations to the city council, conducting business which requires **the**  
36 vote of the commission, conducting long-range planning functions, and other official  
37 business.

38  
39 (b) From time to time, special meetings may be called in order to process significant  
40 caseloads, to review works in progress, such as comprehensive plan updates or  
41 Municipal Code revisions, or to undertake a retreat or strategic planning session,  
42 either amongst itself or in the company of the city council. ~~[Special meetings can be~~  
43 ~~proposed by any commission member or at the request of the development~~  
44 ~~department director, yet must be approved by a majority vote of the commission.]~~

47 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is  
48 authorized to provide for different section numbers, subsection numbers, and different  
49 internal citation references than those provided herein when such section numbers,  
50 subsection numbers, or internal citation references are in error or are contrary to the intent  
51 of this Ordinance.

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53 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to  
54 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
55 incurred nor any cause or causes of action occurred or existing, under any act or  
56 ordinance repealed hereby.

57  
58 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or  
59 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect  
60 the validity of the remaining portions of this Ordinance. The Council hereby declares that  
61 it would have adopted the Ordinance and each section, subsection, sentence, clause, or  
62 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
63 sentences, clauses, or phrases be declared invalid.

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65 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
66 passage by the City Council and its approval by the Mayor, subject to the provisions of  
67 section 3.11(g) of the City Charter.

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69  
70 **ADOPTED BY THE COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

71  
72 ATTEST:

73  
74 \_\_\_\_\_  
75 PRESIDING OFFICER

76 \_\_\_\_\_  
77 CITY CLERK

78 **APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024.**

79  
80 ATTEST:

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82 \_\_\_\_\_  
83 MAYOR

84 \_\_\_\_\_  
85 CITY CLERK

86 APPROVED AS TO FORM:

87  
88 \_\_\_\_\_  
89 CITY ATTORNEY