



**Issue:** **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2, ARTICLE II OF THE NIXA CITY CODE TO ESTABLISH NEW CITY COUNCIL DISTRICTS BASED ON THE 2020 DECENNIAL CENSUS**

**Date:** November 8, 2021

**Submitted By:** Garrett Tyson, Director of Planning and Development

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## **Background**

The Nixa Home Rule Charter provides for a City Council of two members per District (Section 3.2) and for three total Districts that shall be established by ordinance following each decennial census (Section 9.4). Nixa Home Rule Charter Section 9.4 also provides that the Districts shall comprise compact and contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

The requirement to contain, as nearly as possible, an equal number of inhabitants is further qualified by a variety of constitutional, statutory, and other legal provisions (i.e., Court decisions). These qualifiers can be summarized into a list of working priorities for conducting the redistricting process. This list of priorities includes the following:

1. Population Equivalence (<10% deviation from ideal district population)
2. Compact and Contiguous
3. Retention of Existing Neighborhoods
4. Retention of Precinct Boundaries
5. Cohesion of Other Existing Communities of Interest
6. Retention of Historic Boundaries
7. Consideration of Incumbency

In late August of 2021, the United State Census Bureau released an initial tranche of population data designed to aid governments in their redistricting processes. Nixa City staff was able to access this data and refine it to determine population counts at the Census Block level of analysis. This data was then used to develop alternative redistricting options while adhering to the priorities listed above. Two options were presented to the City Council in September of this year and a subcommittee of the City Council was subsequently formed to further study the options and make a recommendation to the full Council.

The subcommittee formed for this purpose met on September 20, 2021 where staff provided a description of how the options were formed and how they adhered to the priorities provided by law. The subcommittee voted unanimously to recommend Option A, a copy of which accompanies this exhibit and is also described in the associated bill.



## **Analysis**

The data provided by the U.S. Census Bureau indicates that Nixa's 2020 population is 23,278. The ideal district population then is 7,759. The redistricting proposal contained in this bill provides for compact and contiguous districts that appropriately satisfies the stated priorities and achieves a district population deviation from the ideal of less than 6 percent. This proposal was preferred to the alternative option considered by the subcommittee because it provides for more equivalent district populations.

As discussed by the subcommittee, future population growth is not considered in the redistricting process because it is speculative.

## **Recommendation**

City staff and the subcommittee formed to study this issue recommend the approval of this bill.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2, ARTICLE II, OF THE NIXA CITY CODE TO ESTABLISH NEW CITY COUNCIL DISTRICTS BASED ON THE 2020 DECENNIAL CENSUS.**

**WHEREAS** Section 9.4 of the Nixa City Charter requires that there be three City Council Districts and that the boundaries of these districts be established by ordinance following each decennial census; and

**WHEREAS** said Districts must comprise of compact and contiguous territory and shall contain, as near as possible, an equal number of inhabitants; and

**WHEREAS** the City Council, by passage of Resolution 2021-096, established a Special Committee to recommend to the Council an ordinance to establish new City Council District boundaries utilizing the 2020 decennial census; and

**WHEREAS** said Committee has met and has recommended the Council District boundaries contemplated by this Ordinance; and

**WHEREAS** notice of this Ordinance has been published in compliance with § 82.120 RSMo. at least three weeks prior to its adoption; and

**WHEREAS** City Council finds and declares that the boundaries established by the adoption of this Ordinance are compact and contiguous and that the Districts contain, as near as possible, an equal number of inhabitants as referenced in the 2020 decennial census.

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

**SECTION 1:** Chapter 2, Article II, of the Nixa City Code is hereby amended by repealing Article II of Chapter 2 in its entirety and adopting in lieu thereof a new Article II, which said Article shall read as follows:

(Note: Language to be added is indicated by being underlined. Language to be removed is indicated by being ~~stricken~~.)

Sec. 2-25. – City Council District Boundaries Established.

The area embraced within the corporate limits of the city, as now or hereafter established, is hereby divided into three districts, the boundaries of which, as set forth in sections 2-26 through 2-28 of this Code, are hereby established.

Sec. 2-26. – City Council District 1.

Nixa City Council District 1 contains all that land within the corporate limits of the City of Nixa on the date of this ordinance located north of Northview Road and north of North Street.

Sec. 2-27. – City Council District 2.

49  
50 Nixa City Council District 2 contains all that land within the corporate limits of the City of Nixa  
51 on the date of this ordinance located within the boundary described as follows:

52  
53 Beginning at a point located at the intersection of the centerlines of Northview Road and Main  
54 Street; thence west along the centerline of Northview Road to the end of the existing city  
55 limits; thence south to the centerline of Mount Vernon Street; thence east along said  
56 centerline to its intersection with the centerline of Main Street; thence south along said  
57 centerline to the end of the existing city limits; thence east along the existing city limits in a  
58 counter-clockwise direction to the centerline of North Street; thence east along said centerline  
59 to its intersection with the centerline of Main Street; thence north along said centerline to the  
60 point of beginning.

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62 Sec. 2-28. – City Council District 3.

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64 Nixa City Council District 3 contains all that land within the corporate limits of the City of Nixa  
65 on the date of this ordinance described as follows:

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67 Beginning at a point located at the intersection of the centerlines of Mount Vernon Street and  
68 Main Street; thence west along the centerline of Mount Vernon Street to its intersection with  
69 the centerline of Nicholas Road; thence west along the existing city limits in a counter-  
70 clockwise direction to the centerline of Main Street; thence north to the point of beginning.

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72 ~~Sec. 2-25. – City council districts.~~

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74 ~~(a) The city shall be and is hereby subdivided into districts for election purposes, and District~~  
75 ~~I shall be and contain all the territory within the corporate limits of the city lying north of a~~  
76 ~~line that begins at the centerline of Highway 14 at the west city limits and continues east~~  
77 ~~to the centerline of Highway 160, then goes north to the centerline of Lorene Street, then~~  
78 ~~east to the center of Main Street, then south to the centerline of North Street, then east to~~  
79 ~~the east city limit boundary.~~

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81 ~~(b) District II shall contain all of the territory within the corporate limits of the city lying south~~  
82 ~~and east of a line beginning at the centerline of North Street beginning at the east city~~  
83 ~~limits, then continuing to the centerline of Main Street, then north to the centerline of~~  
84 ~~Lorene Street, then west to the centerline of Highway 160, then south to the north~~  
85 ~~boundary line of Pine Hill Subdivision Phase I, then east to the centerline of Main Street,~~  
86 ~~then south to the south city limits.~~

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88 ~~(c) District III contains all of the territory within the corporate limits of the city lying south and~~  
89 ~~west of a line beginning at the centerline of Highway 14 at the west city limits, then going~~  
90 ~~east to the centerline of Highway 160, then south to the north boundary line of Pine Hill~~  
91 ~~Subdivision Phase I, then east to the centerline of Main Street, then south to the south~~  
92 ~~city limits.~~

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94 **SECTION 2:** The City Attorney, when codifying this Ordinance, is authorized to  
95 provide for different section numbers, subsection numbers, and different internal citation  
96 references than those provided herein when such section numbers, subsection numbers, or  
97 internal citation references are in error or are contrary to the intent of this Ordinance.

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

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

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

**ADOPTED BY THE CITY COUNCIL THIS 8<sup>TH</sup> DAY OF NOVEMBER 2021.**

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

**APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.**

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY