

## **Memorandum Regarding Council Bill No. 2024-02: An Ordinance establishing an appointments committee of the City Council.**

### **Background:**

At the December 11, 2023, regular meeting of the City Council, Mayor Giddens discussed with the Council the prospect of establishing a standing committee of the Council to consider mayoral appointments to the planning and zoning commission. At the conclusion of this discussion, city staff were directed by the Council to draft and present a Council Bill establishing such a committee.

### **Analysis:**

The provisions of Council Bill 2024-02 modify the City Code to establish an appointments committee.

The appointments committee will be charged with reviewing and making recommendations on the mayor's proposed appointments to the planning and zoning commission. This duty is triggered upon the mayor's written referral to the committee of proposed appointments. The committee will have 30 days from the date of the mayor's referral to provide recommendations on such appointments to the full city council.

Additionally, this Bill modifies Section 2-43 of the City Code. The amendments to this section include placing the mayor on each committee as an ex officio non-voting member, providing for how members of council committees are appointed, and providing that the mayor is authorized to appoint the chairs of committees with the advice and consent of the council. Further, language has been added to Section 2-43 to provide a mechanism in which the council may remove members of standing or special committees.

### **Recommendation:**

City staff believes that the proposed Bill accomplishes the policy objective sought by the Mayor and City Council and therefore recommends approval.

MEMO SUBMITTED BY:

**Nick Woodman** | City Attorney

### **Attachments:**

Council Bill No. 2024-02.

1 AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2,  
2 ARTICLE II, DIVISION 5, SECTIONS 2-40 AND 2-43 FOR THE PURPOSE OF  
3 ESTABLISHING AN APPOINTMENTS COMMITTEE OF THE COUNCIL AND  
4 ADOPTING PROCEDURES RELATED THERETO.

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7 **WHEREAS** Mayor Giddens, at the December 11, 2023, regular meeting of the City  
8 Council discussed the Planning and Zoning Commission appointment process with the  
9 City Council; and

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11 **WHEREAS** the Council discussed the possibility of establishing a Council  
12 committee to review mayoral appointments to the Planning and Zoning Commission prior  
13 to said appointments being heard by the full Council; and

14  
15 **WHEREAS** at Council’s direction, staff has prepared amendments to the City Code  
16 to establish a standing appointment committee to review the Mayor’s appointments to the  
17 Planning and Zoning Commission; and

18  
19 **WHEREAS** while drafting these amendments, staff determined that additional  
20 amendments were needed to Chapter 2, Article II, Division 5 of the City Code; and

21  
22 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

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

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27 **SECTION 1:** Chapter 2, Article II, Division 5, Section 2-40 of the Nixa City Code is  
28 hereby amended by repealing said section in its entirety and adopting in lieu thereof a  
29 new Section 2-40, said section shall read as follows:

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

33  
34 Sec. 2-40. – Standing committees.

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36 There is hereby established the following standing committees of the city council:

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38 (a) *Appointments Committee*. There is hereby established an appointments committee  
39 which shall be comprised of three members of the City Council and shall carry out the  
40 following duties:

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42 (1) Upon written referral by the mayor, the committee shall review and make  
43 recommendations on the mayor’s proposed appointments to the planning and  
44 zoning commission.

46 (2) The committee shall, within 30 days of a written referral from the mayor, provide  
47 recommendations on the mayor’s proposed appointments to the city council. If the  
48 committee shall fail to provide recommendations within 30 days, the mayor may  
49 submit their proposed appointments to the full city council.

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51 (3) The committee may hear public comments on the proposed appointments.

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53 (4) The committee may hear from the individuals proposed to be appointed by the  
54 mayor.

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56 **SECTION 2:** Chapter 2, Article II, Division 5, Section 2-43 of the Nixa City Code is  
57 hereby amended by repealing said section in its entirety and adopting in lieu thereof a  
58 new Section 2-43, said section shall read as follows:

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60 Sec. 2-43. - Committees generally.

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62 (a) Except for the committee of the whole, each committee shall meet at the call of the  
63 chair, or upon the call of at least half of the committee, with reasonable notice to the  
64 other members. Meetings of all committees may be held at such time and place as  
65 the committee shall determine for its convenience.

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67 (b) The chair shall prepare a tentative agenda for each meeting of the committee. Said  
68 agenda shall include the date, location, time, and whether the meeting, or any portion  
69 thereof, is to be closed to the public.

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71 (c) No committee shall take up any matter unless the city council or the mayor shall have  
72 first referred such matter to the committee.

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74 (d) The committee may allow for public comment.

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76 (e) The chair shall have the authority to preserve the strict order and decorum at all  
77 meetings of the committee.

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79 (f) All committees of the city council shall make their recommendations or reports to the  
80 entire council and such actions shall be included in the minutes of the committee.

81  
82 (g) The mayor shall be an ex officio non-voting member of every standing or special  
83 committee.

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85 (h) The mayor, with the advice and consent of a majority of the council, shall appoint all  
86 members of standing and special committees.

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88 (i) The chairs of standing and special committees shall be appointed by the mayor, with  
89 the advice and consent of the council. The chairs shall serve as the chair of their  
90 respective committees for one-year terms and shall continue to serve until a different  
91 appointment is made by the mayor and confirmed by the council.

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(j) The council, by majority vote, shall be authorized to remove any member of a standing or special committee.

**SECTION 3:** The City Attorney, when codifying the provisions of this Ordinance, is authorized to provide for different section numbers, subsection numbers, and different internal citation references than those provided herein when such section numbers, subsection numbers, or internal citation references are in error or are contrary to the intent of this Ordinance.

**SECTION 4:** 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 hereby.

**SECTION 5:** 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, clauses, or phrases be declared invalid.

**SECTION 6:** 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 COUNCIL THIS 22nd DAY OF January, 2024.**

ATTEST:

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

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

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

ATTEST:

\_\_\_\_\_  
MAYOR

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

APPROVED AS TO FORM:

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