

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 248-13

AN ORDINANCE

amending Chapter 20 of the City Code as it relates to Planning and Zoning Commission member attendance requirements; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 20 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 20-38. Attendance; forfeiture of office.

The chair of the commission is authorized to excuse any member from attendance at a commission meeting; provided, that the member requested to be excused before the meeting. ~~Any member who is absent, without being excused, from twenty-five (25) percent of the regular commission meetings held in a calendar year shall automatically forfeit the office.~~ Any member who is absent, without being excused, from three (3) ~~consecutive~~ regular meetings in a calendar year shall automatically forfeit their office. Furthermore, a member shall not be absent from more than six (6) regular meetings in a calendar year. If a member has a combination of six (6) excused and unexcused absences within a calendar year, the chair, vice-chair and secretary shall confer to determine if such member shall forfeit their office. Such conference shall determine if extenuating circumstances existed to justify such absences. It shall be the duty of the chair to promptly notify the council of the vacancy.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

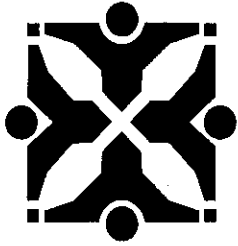
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning

Agenda Item No:

To: City Council

From: City Manager and Staff

Council Meeting Date: Sep 3, 2013

Re: Planning and Zoning Commission attendance requirements (Case 13-131)

EXECUTIVE SUMMARY:

A request by the City of Columbia to amend Section 20-38 of the City Code as it pertains to Planning and Zoning Commission member attendance requirements. (Case 13-131)

DISCUSSION:

Recent concerns relating to establishing a quorum at Planning and Zoning Commission meetings prompted the Commission to review its enabling legislation which is found in Chapter 20 of the City Code. Upon review of the section that addresses attendance and forfeiture standards (Section 38), the Commission believed a revision was necessary to add clarity to those requirements.

A draft of the attached ordinance was presented to the City Council on July 15. At that meeting, the Council directed Commission to prepare the formal amendment and hold a "public comment" session at a future Planning Commission meeting. This report and the attached formal amendment fulfill Council's directive.

The attached amendment will provide clarity regarding the total number of absences (excused or unexcused) that a commissioner may have within a given calendar year prior to either 1) forfeiting their office or 2) having their attendance reviewed by the Commission's Executive Committee (Chairman, Vice-Chairman, and Secretary) prior to determining if that member should be asked to forfeit their office.

The amendment specifically will eliminate the currently stated percentage of meetings a commissioner can miss and replace it with a specific maximum. The revision proposes six (6) total absences (excused or unexcused) within a calendar year. The existing provision stating a commissioner may have no more than three (3) unexcused absences prior to forfeiture of their position will remain; however, the condition that such absences must be consecutive is to be removed.

The proposed consultation provisions acknowledge the need to retain institutional knowledge on the Commission and that potentially excessive excused absences often occur for justifiable reasons. The Commission; however, was resolved that if a member had more than three (3) unexcused absences that they should automatically forfeit their office.

The Commission held the Council desired "public comment" session on the proposed amendment at its August 22, 2013, meeting. No one from the public spoke regarding the matter and the Commission voted unanimously (7-0) to recommend that Council adopt the amendments as proposed. There was Commission discussion regarding the period of time in which absences should be calculated. The discussion focused on either calculating based on a "calendar year" or "any 12 month period". Once discussion was complete, the Commission's vote was to leave the calculation based on a "calendar year".

A copy of the staff report which also includes discussion regarding a PZC Rules of Procedure revision not requiring Council action and the meeting excerpts are attached for your review.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the amendment to Section 20-38 of the City Code as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 22, 2013**

SUMMARY

A request by the City of Columbia to revise Section 20-38 of the City Code pertaining to Planning and Zoning Commission member attendance requirements and Section 6 of the Planning Commission Rules of Procedure pertaining to the "Duties of the Chairman". **(Case # 13-131)**

DISCUSSION

In response to recent issues relating to establishing a quorum of the Planning and Zoning Commission at regularly scheduled meetings, the attached text and rule of procedure changes have been prepared. The proposed revisions are aimed at emphasizing the importance of commissioner attendance, establishing clear limits and consequences for commissioners who miss meetings, and affording the Chairman the ability to maintain or cause to be maintained an attendance log.

The desired revisions will affect two different documents – Chapter 20 of the City Code and the Planning and Zoning Commission's (PZC) Rules of Procedure. Revisions to Chapter 20 must be made through an ordinance adopted by City Council. Revisions to the PZC Rules of Procedure can be effectuated by majority vote of the Commission – they do not require Council action.

The revisions to Section 20-38 propose to eliminate the currently stated percentage of meetings a commissioner can miss and replace it with a specific maximum. The revision proposes six (6) total absences (excused or unexcused) within a calendar year. The existing provision stating a commissioner may have no more than three (3) unexcused absences prior to forfeiture of their position will remain; however, the condition that such absences must be consecutive is to be removed.

Additionally, the proposed revision recommends adoption of a consultation process between the PZC Chairman, Vice-Chairman, and Secretary to evaluate the need to dismiss any commissioner who has any combination of six absences in a given year. The reason for such consultation is to avoid unnecessarily dismissing commissioners with justifiable circumstances relating to the absences and to avoid the loss of institutional knowledge. This would not apply to any commissioner who has 3 unexcused absences.

The revision to the PZC Rules of Procedure simply adds a provision at the end of Section 6 that allows the Chairman to maintain a log of commissioner absences or to have staff do so.

On July 15, 2013, the City Council reviewed a draft of the attached proposed changes. The Council indicated that the Commission should proceed with the preparation of the formal revisions and obtain any public comment on them. This report and the attached amendments fulfills Council's directive.

RECOMMENDATION

Approve the proposed ordinance and Rule of Procedure amendments.

Report prepared by Patrick Zenner

Approved by Patrick Zenner

An Amendment

to Section 6 of the Rules of Procedures of the City of Columbia Planning and Zoning Commission as it relates to the duties of the Chairman.

BE IT ORDAINED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Section 6 of the Rules of Procedure of the Planning and Zoning Commission, are hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added **bold & underlined**.

Section 6. Duties of the Chairperson

The Chairperson shall preside at all meetings in which he or she is in attendance, shall preserve order and decorum and decide all questions of order subject to an appeal to the Commission.

At the hour designated for Commission meetings, the Chairperson shall call the Commission to order, and after roll call, if a quorum be present, he or she shall present the minutes of the last meeting for correction and approval.

The agenda, which has been prepared by the Chairperson, or caused to have been prepared by him, shall then be followed as to the order of business unless changes in the order of business are made by a majority of the Commissioners present.

The Chairperson shall conduct all meetings expeditiously and may, if the situation warrants, set reasonable time limits at public hearings. The Chairperson may introduce motions on his or her own.

The Chairperson shall keep a record or cause a record to be kept of each Commissioners attendance and the record shall include a log of each excused/unexcused absence.

SECTION 2. This amendment shall be in full force and effect from and after its passage.

Passed this _____ day of _____, 2013.

Attest:

Secretary – Planning Commission

Planning Commission Chairman

REP108-13 Planning and Zoning Commission Member Attendance.

Mr. Teddy provided a staff report.

Mr. Skala made a motion authorizing the Planning and Zoning Commission to prepare an ordinance amending Section 20-38 of the Columbia Code of Ordinances. The motion was seconded by Ms. Nauser.

Mr. Skala stated he believed the provision regarding a conference was a good idea.

The motion made by Mr. Skala and seconded by Ms. Nauser authorizing the Planning and Zoning Commission to prepare an ordinance amending Section 20-38 of the Columbia Code of Ordinances was approved unanimously by voice vote.

REP109-13 Update on Building Codes.

Mr. Teddy provided a staff report.

Mayor McDavid asked how the points of contention would be addressed. Mr. Teddy replied it would be laid out in the memo to Council with the first read of the ordinance in September along with a summary of proposed changes. This draft ordinances provided tonight provided the entire Chapter 6 language and did not identify the changes.

Ms. Hoppe noted she planned to propose an amendment as she wanted to adopt the unamended 2012 International Residential Code including the full chapter on energy efficiency requirements, and asked if that could be prepared for September as well. Ms. Thompson replied yes. She understood Ms. Hoppe meant the text amendments that dealt with construction standards and not necessarily the administrative portions. Ms. Hoppe stated that was correct.

Mr. Skala understood there were three positions, and those included the Building Construction Codes Commission position, the Environment and Energy Commission position, and the option to adopt the codes as written. Ms. Thompson pointed out each code book contained some administrative provisions as it related to the structure of the appeals process and local amendments as well as performance standards. As a result, it would be unamended as it related to performance standards, but would be amended as it related to the administrative provisions.

Ms. Nauser stated she had been asked to address some innovative building methods and understood it would be better to bring that up in September. She noted she had also been contacted about hard cover waste trash bins and receptacles being outside of buildings, as some felt it was a precursor to the roll carts. Mr. Teddy understood that was in the Property Maintenance Code and it was a model provision that indicated one had to contain its trash.

REP110-13 City of Columbia Receives Silver Environmental Health Services Certification.

Mr. Matthes and Mr. Glascock provided a staff report.

Ms. Nauser commented that every time she came to City Hall, she saw these employees working very hard and diligently, and commended them as it was not an easy job.