

Home Rule Charter Minutes
April 21, 2009
7:00 P.M.

Members Present: Tom Maher, Robert Wilson, Sharon Whitehill Gray, Loren Winter, Jay Jones, Chris Russell, John Clarke, Andy Ellis, Chandler Johnston, Clayton Hines, Karen Keever. Members Absent: Steve Tallaksen, David Dupree.

Mayor Brian Hayes called the meeting to order. Mayor Hayes congratulated everyone on being elected. He wanted to let the Commission know that the Board of Aldermen is a completely separate entity than the Home Rule Commission, but if they had any questions to feel free to ask.

Judy Long, City Clerk, gave the oath of office to the members present.

Travis Cossey, City Planner, asked everyone to give a brief introduction of themselves. Mr. Cossey introduced the members of the Home Rule Commission from Republic, and stated that they had a presentation to give concerning their experience with implementing a Home Rule Charter.

Karen Keever was given the oath of office by Judy Long.

Mr. Cossey stated that City staff was available for support only. The Commission was ultimately responsible for setting up the Charter. After tonight we would be here as a support system for the Commission.

Jim Collins former Mayor for the City of Republic introduced himself. Mr. Collins stated that he, along with Karen Freeman, Wes Cafourek, and Ron Dirickson, were there to share their experiences with setting up and implementing a Home Rule Charter. He felt like the Board of Aldermen and the Home Rule Commission needs to be completely separate. There shouldn't be any members of the Board of Aldermen sitting on the Home Rule Commission as it would cause a conflict of interest. He stated that the Commission shouldn't change things for the sake of change. If it works now, then keep it the same. Communication is also very important. Send out news letters to the citizens to keep them informed of the progress the Commission is making. The Citizens of Nixa need to see the Charter as their charter. Use City staff for input because they are experts when it comes to the things the city needs.

Wes Cafourek is the Chairman for the Home Rule Charter in Republic, Missouri. Mr. Cafourek stated that they had formed sub-committees at first but found this to be extremely inefficient. It took longer to get things done than if they discussed things as a whole. He stated that debate is good, discuss the changes being proposed. He recommended that the Charter adopt Robert's Rules of Order. They also adopted a script and stuck to the script the entire year. This way when different members were asked the same question, they could give a unified answer. They also had a budget of \$20,000. Clayton Hines asked where the budgeted money came from. Mr. Cafourek stated that the city budgeted it when they passed their yearly budget. Andy Ellis asked if they had approached the Board of Aldermen for the budgeted amount. Jim Collins stated that yes they did. Jay Jones asked if this was an annual process. Mr. Collins stated that yes it took them a year to implement. Mr. Jones asked how the money was spread out over that time. Mr. Collins stated that the biggest expenditure was for legal fees. Karen Freeman has a print out on the expenditures that the Commission incurred over the year.

Sharon Whitehill Gray asked how often the commission met. Mr. Cafourek stated that they met twice a month. Tom Maher asked how they got the input they needed from the citizens. Mr. Cafourek stated that when they set up booths at local events there was a lot of interaction with the community. John Clarke asked when citizens were allowed to speak during meetings. Mr. Cafourek said that they allowed

time at the beginning and at the end of meetings for citizen participation. Andy Ellis asked if the citizens, who had negative things to say, ever showed up at the meetings. Mr. Cafourek stated that they didn't have anyone with negative comments show up.

Karen Freeman, Republic City Clerk said that the Commission needed to design their own letterhead for the Charter, along with putting fliers and brochures in the monthly utility bills. Make sure to set up a booth at every community event and to create a calendar. Chris Russell asked when they amped up the marketing. Ms. Freeman stated that about 2 months before the election was good time to do this. She also stated that it was good to use Charters from other cities to go by. Make them your own, but definitely use them as a basis. It will take less time to do this than to try and start from scratch.

Travis Cossey stated that the first order of business was to vote on the Bylaws. After some discussion it was decided to set the meeting dates to the 2nd and 4th Tuesdays of the month with a start time of 6:45p.m. Clayton Hines made a motion to approve the Bylaws with the above stated change with a second by John Clarke. All voted aye.

The next order of business was the election of officers. Sharon Whitehill Gray nominated Loren Winter for the Chairman position. Loren Winter accepted the nomination. Clayton Hines seconded the nomination with all voting aye. Loren Winter nominated Sharon Whitehill Gray as Vice-Chairman. Sharon Whitehill Gray accepted the nomination. With a second by Tom Maher all voted aye. Clayton Hines nominated Chandler Johnston as Secretary. Chandler Johnston accepted the nomination with a second by Tom Maher, all voted aye.

Loren Winter – Chairman
Sharon Whitehill Gray – Vice-Chairman
Chandler Johnston – Secretary

Loren Winter passed out the Charter and asked all members to read it before the next meeting. With no further business Clayton Hines made a motion to adjourn the meeting with a second by John Clarke. All voted aye. Meeting adjourned at 9:45 p.m.

Home Rule Charter Minutes
April 28, 2009
7:00 P.M.

Members Present: John Clarke, David Dupree, Andrew Ellis, Clayton Hines, Jay Jones, Chandler Johnston, Karen Kever, Tom Maher, Chris Russell, Steve Tallaksen, Sharon Whitehill-Gray, Robert Wilson, Loren Winter. Members Absent: None.

Loren Winter called the meeting to order at 6:40 p.m.

Judy Long, City Clerk, gave the oath of office to Steve Tallaksen and David Dupree.

Mr. Winter asked for a motion to approve the minutes. Clayton Hines made a motion to approve the minutes with a second by Tom Maher. All voted aye.

Mr. Winter asked for a motion to approve the agenda. Mr. Hines made a motion to approve the agenda with a second by John Clarke. All voted aye.

Visitors

Mr. Winter opened the floor for visitors who were present who would like to address the Committee. No one was present.

Discussion Items

Mr. Winter stated that the first of the discussion items was the adoption of *Robert's Rules of Order*. After reading over the information present, Robert Wilson made a motion to adopt *Robert's Rules of Order* with a second by Steve Tallaksen. All voted aye. Motion passed.

Mr. Winter stated that the next item of discussion was the Calendar of events, Home Rule participation. Jay Jones stated that he felt it was more important to promote 60 days prior to next years election. Mr. Winter stated that certainly that time frame was critical, but he felt it was also important to stay in the public eye so that they are aware of it throughout the year. Karen Kever asked if the Committee was going to get their own website as she had already purchased nixahomerule.com and nixahomerule.info. She stated that it was inexpensive and a good way to get the information out to the public. Mr. Winter stated that the Nixa City website already had a dedicated page to the Home Rule Charter. Travis Cossey stated that the IT department was working on it presently and there was an icon on the City Home Page that will direct you to it. Mr. Winter said that the calendar was a guideline only and that they could add dates to it if they needed too. Steve Tallaksen made a motion to adopt the Calendar of Events with a second by Andrew Ellis. All voted aye. Motion passed.

Mr. Winter said the next discussion item was the Schedule of Home Rule Topics for Discussion. He stated that there are 2 meetings a month and that each member should come prepared by reading over the items to be discussed before each meeting. Robert Wilson suggested a survey for the public. Mr. Winter stated that it was a good idea, but to also invite the public to the meetings. Karen Kever asked if we would have an email account for the Home Rule. Mr. Winter stated that they could ask the IT Department to set that up for them. David Dupree asked who would answer the emails. After much discussion it was decided that Chandler Johnston would have access to the emails and bring them to the meetings for discussion.

Steve Tallaksen excused himself from the meeting for a prior commitment.

Robert Wilson asked if they should set up a separate time to discuss the website. Mr. Winter suggested that each member take time to look at the website and bring any suggestion back to the next meeting.

Clayton Hines made a motion to approve the Calendar with a second by David Dupree. All voted aye. Motion passed.

Mr. Winter said the next item for discussion was the budget. Since 95% of the budget was already taken care of by the City, they needed to decide how much they needed for items such as, banners, advertising etc. He felt that the \$20,000 that Republic had was too much and suggested about \$1,500. Doug Colvin said that the Charter Members should come up with an amount and staff would take it to the Board of Aldermen for approval. David Dupree stated that \$1,500 may not be enough, with some items having to be bought in bulk. Travis Cossey stated that if they asked for \$1,500 now and needed more later they could always ask for it. Chandler Johnston suggested padding the \$1,500 to \$3,000 just in case they needed it. Andrew Ellis suggested that they wait to decide until they could come up with some numbers on items they wished to purchase. Loren Winter said they could table the matter until next meeting and delegate the task of research costs to a couple members. Mr. Ellis said that he could bring back a list of promotional items with the cost to the next meeting. John Clarke made a motion to table the Budget Discussion until May 26th with a second by Clayton Hines. All voted aye. Motion passed.

Mr. Winter said that the next discussion item was Article 1 of the Charter. He said that any changes suggested could be discussed now or if it was good they could make a motion to adopt. Sharon Whitehill Gray made a motion to adopt Article 1 with the exception of replacing the City of Republic with the City of Nixa with a second by Tom Maher. All voted aye. Motion passed.

Travis Cossey stated that if they wanted to start at the top, then they needed to adopt the Preamble. Mr. Winter stated that yes they needed to do this. Sharon Whitehill Gray made a motion to adopt the Preamble with the exception of replacing the City of Republic with the City of Nixa with a second by Chris Russell. All voted aye. Motion passed.

Mr. Winter presented the next discussion item, Article II of the Charter. Pat Sweeney stated that section 2.3 was a broad statement, Mr. Winter asked if there was a specific benefit to it. Mr. Sweeney stated that no, it was a redundant statement as it is addressed later in the Charter. Mr. Winter stated that in his opinion section 2.3 was not necessary. John Clarke suggested keeping it simple was best. Chris Russell made a motion to adopt Article II, Section 2.1 and Section 2.2 with a second by Karen Kever. All voted aye. Motion passed.

Mr. Winter said that the next meeting would cover Article III, Sections 3.1-3.3. He asked that everyone read over those sections and be prepared. He requested the side by side comparison that Republic had to help with the discussion at the next meeting. Mr. Cossey stated that he would get the information to them. Mr. Cossey asked who would be drafting the Charter as they adopted sections and as changes were made. Mr. Winter said he assumed City staff would do this. Mr. Cossey stated that would be fine.

Clayton Hines stated that it was important to show up knowing the material already for the next meeting. Mr. Winter asked if staff could provide a Ward map for the next meeting. Mr. Cossey stated that staff would do that.

With no further discussion Chandler Johnston made a motion to adjourn with a second by Robert Wilson. All voted aye. Meeting adjourned at 8:30 p.m.

Home Rule Charter Commission Meeting Minutes
May 12, 2009
6:45 p.m.

Members Present: Loren Winter, Sharon Whitehill-Gray, Chandler Johnston, Andrew Ellis, Chris Russell, Clayton Hines, David Dupree, Jay Jones, John Clarke, Karen Keever, Robert Wilson, Steve Tallaksen, & Tom Maher.

Loren Winter Called the meeting to order at 6:45 PM.

Mr. Winter asked for a motion to approve the minutes, John Clark made a motion to approve the minutes with a second by David Dupree. All voted yes.

Mr. Winter asked for a motion to approve the agenda. Tom Maher made a motion to approve the agenda with a second by Steve Tallaksen. All voted yes.

Visitors:

Mr. Winter opened the floor for visitors who were present who would like to address the committee. No one was present.

Discussion Items:

Mr. Winter stated that the first item of discussion would be the Home Rule Charter Website. Chris Russell presented sample Home Rule Charter logos for the Commission's review. These logos were sent to all Commission members for review prior to the meeting. It was discussed that two formats of the logo would be needed so that the logo can be used for both the website and on other misc marketing materials including banners. Discussion followed on a possible position statement to include with the logo or if it would be better to wait until we are further in the process.

Mr. Tallaksen made a motion to approve and adopt the logos presented by Mr. Russell, in both formats, as presented by Mr. Russell with no position statement at this time with a second from Andrew Ellis. All members with the exclusion of Robert Wilson voted yes. Robert did not vote no and requested a revote because he was not aware that we were voting. Mr. Winter asked for a second vote. All voted yes.

Mr. Winter asked Karen Keever if she had redirected the two domains she secured for Home Rule to go to the City's website. Ms. Keever indicated that this has been done.

Discussion followed regarding what information was being placed onto the cities website and which community websites would have links to the Home Rule Page. Mr. Winter asked that Sharon Whitehill -Gray be the contact for website development and ideas. Ms. Whitehill-Gray will then present the information to the entire commission at meetings as needed.

Mr. Tallaksen excused himself from the meeting at 7:15 for a prior commitment.

Mr. Winter stated the second discussion item would be Article III, Item 3.1

Commissioners were presented with a comparison document drafted by the city which provides information on the City's current codes in comparison with the Model Charter from MML.

John Clarke made a motion to accept Article III, Item 3.1 as written in the Model Charter from MML with a second from Robert Wilson. All voted yes.

Mr. Winter stated that the third discussion item would be Article III, Item 3.2

Discussion was made regarding the titling of those who will hold city office and the significance of deciding on these terms now so that the commission does not have to go back and update all information.

Ms. Whitehill-Gray made a motion that the elected city officials will be called Council Members and that they will serve on the City Council. A second was made by Chandler Johnston. All members voted yes.

Discussion was held regarding the composition of the City Council (Section 3.2 (a))

Discussion was made as to clarification of terms "qualified voter" and "registered voter". John Clarke stated that he believes the charter should be written so that the number of districts and council members can be increased without the need of an amendment to the original charter. Discussion also included the difficulty in getting candidates to run and what affects this might have if we choose to increase districts/ council members. It was also mentioned by Ms. Whitehill -Gray that the Council Member position is a paid position and adding more Council Members would increase the cost to the city, although not significantly.

Clayton Hines stated that the commission should consider adding possible at-large council members. Several variations of utilizing at-large council members were discussed including 3 at large and 3 district, 6 district and 2 at large. Comments were made both in favor and not in favor of the at-large council members. Some commissioners felt that this might allow certain districts to stack the votes in their favor while others felt that those at-large council members job would be to represent the city as a whole and give a better voice for issues that impact the whole city and not just a certain district. Discussion was also held regarding conveying the purpose/ number of at large council members to the voting public and what concerns they might have.

Ms. Whitehill-Gray made a motion to adopt the MML Model Charter Option B for Section 3.2 (a) to state, "There shall be a city council of two members per district elected by the voters of their respective districts, as provided in Article VII." Ms. Keever made a second. All voted yes. Discussion was held regarding the eligibility of candidates for City Council (Section 3.2 (b))

A motion was made by Mr. Clarke to have Section 3.2 (b) be written as the current ordinance is written with changes in terms from alderman to council member.

Discussion was held after the motion that further changes might be needed to this ordinance. Mr. Clarke rescinded his motion.

Jay Jones made a motion to make the Nixa Home Rule Charter Section 3.2 (b) read the same as Republic's Home Rule Charter and change the term "ward" to "district" with a second from Mr. Hines.

Discussion was made that some cities were including in this section that all city taxes or fees must be paid to be qualified for election.

Mr. Winter called for a vote. All members voted yes.

Discussion was held regarding the election and terms for City Council (Section 3.2 (c))

Ms. Whitehill-Gray stated that she has heard comments that two years may be too short of a term because the council members are running for office every two years causing a possible change in the board of $\frac{1}{2}$ of the members if no current council members are re-elected. She suggested the group considering a 3 year term and set up a schedule to determine which district/ council member and mayor would be up for election each year.

Several election schedules were discussed and a diagram drawn representing a possible rotation schedule.

Loren made a motion to accept the concept of council members serving 3 year staggered terms using language similar to the MML Model Charter Option D and have legal counsel re-write the official language and present at the next meeting for approval. A second was received by Tom Maher. All voted yes.

Mr. Winter asked for a motion to adjourn.

A motion was made by Robert Wilson with a second by David Dupree. All voted yes.

Home Rule Charter Commission Meeting Minutes
May 26, 2009
6:45 p.m.

Members Present: Loren Winter, Sharon Whitehill-Gray, Chandler Johnston, Andrew Ellis, Chris Russell, Clayton Hines, David Dupree, Jay Jones, John Clarke, Karen Keever, Steve Tallaksen, & Tom Maher. Members absent: Robert Wilson.

Loren Winter Called the meeting to order at 6:50 PM.

Mr. Winter asked for a motion to approve the minutes, Sharon Whitehill-Gray made a motion to approve the minutes with a second by Andrew Ellis. All voted yes.

Mr. Winter asked for a motion to approve the agenda with the amendment to add the discussion item about the budget. Chris Russell stated that he had a request by Alderwoman Barb Stillings to add titles to the agenda behind the Section numbers. Sharon Whitehill-Gray made a motion to approve the agenda with a second by Chris Russell. All voted yes.

Visitors:

Mr. Winter opened the floor for visitors who were present who would like to address the committee. No one was present.

Discussion Items:

Mr. Winter stated that the first item of discussion would be promotional items. Andrew Ellis put together a list along with prices of items that might be needed through the year. Mr. Ellis stated that he felt the main items needed were the banners. After some discussion Loren Winter stated that the budget wasn't really needed right now and that the Commission could ask for it at a later time.

A. Article III, Item 3.2 (C) Election and Terms

Mr. Winter stated that this item was held over from the last meeting to allow time for the City Attorney Pat Sweeney to write it. John Clark made a motion to approve Section 3.2 (c) with the addition of adding the wards as follows: 1 and 2, 2 and 3 & 3 and 1. With a second by Sharon Whitehill-Gray. All voted aye. Motion passed.

B. Article III, Section 3.3 Compensation; Expenses

Ms. Whitehill-Gray stated that she liked Option A in the MML. Karen Keever suggested Option C was better. Loren Winter stated that since Robert Wilson was absent his comments would be read as they pertained to each section.

After much discussion Sharon Whitehill-Gray made a motion to approve Option A as written with a second by John Clark. All voted aye. Motion passed.

C. Article III, Section 3.4; Mayor Pro Tempore.

Chandler Johnston read Robert Wilson's comment. He stated that he preferred Republic's version of this section. Andrew Ellis asked if 3.4 should be voted on along with Section 4 as they seem to pertain to each other. Loren Winter commented that the Commission can always come back and amend a section if they needed to. Sharon Whitehill-Gray made a motion to approve Section 3.4 as written by Republic's Home Rule Charter with the option to amend if necessary, with a second by David Dupree. All voted aye. Motion passed.

D. Article III, Section 3.5 (A) Prohibitions *Holding other Office*

Steve Tallaksen asked if there was a conflict of office if he is serving on the Home Rule Charter as well as the Board of Aldermen. After much discussion it was determined that it was ok to serve of both boards. Andrew Ellis made a motion to approve Section 3.5 (A) as written by Republic with a second by Karen Keever. All voted aye. Motion passed.

D. Article III, Section 3.5 (B) Prohibitions *Interference with Administration*

Andrew Ellis commented that Republic took this Section out. Chris Russell stated that he felt that the Council should have the right to question the Administrator on practices but should not have the power to fire employees. Chandler Johnston made a motion to approve Section 3.5 (B) as written by the MML with a second by Andrew Ellis. All voted aye. Motion passed.

D. Article III, Section 3.5 (C) Prohibitions *Taxes and Fees.*

John Clark made a motion to approve Section 3.5 (C) as written by the MML with a second by David Dupree. All voted aye. Motion passed.

Loren Winter called for a 5 minute break. Meeting resumed at 8:10 p.m.

E. Article III, Section 3.6 (A) Vacancies; *Vacancies*

Andrew Ellis made a motion to approve Section 3.6 (A) as written by the MML with a second by John Clark. Chandler Johnston mentioned that Republic's has the term "recall" in theirs and that it might be necessary to include it. Andrew Ellis restated his motion to approve Section 3.6 (A) as written in Republics Home Rule Charter with the exception of the last sentence to read "the" office: with John Clark restating his second. All voted aye. Motion passed.

E. Article III, Section 3.6 (B) Vacancies; *Forfeiture of Office*

Andrew Ellis stated that Republic's version seemed to be shortened. Karen Keever commented that the term "Moral Turpitude" should be explained. After much discussion John Clark made motion to approve Section 3.6 (B) as written by Republic with a second by Tom Maher. All voted aye. Motion passed.

E. Article III, Section 3.6 (C) Vacancies; *Filling of Vacancies*

John Clark stated that he liked option B from the MML as did Andrew Ellis. After much discussion Jay Jones made a motion to approve Section 3.6 (C) Option B from the MML with a second by David Dupree. All voted aye. Motion passed.

F. Article III, Section 3.7 Judge of Qualifications

David Dupree made a motion to approve Section 3.7 as written by the MML with a second by John Clark. All voted aye. Motion passed.

G. Article III, Section 3.8 City Clerk

John Clark asked who hired the City Clerk. Brian Bingle stated they were appointed by the Board of Aldermen. Andrew Ellis stated that the first and last sentences seemed redundant and maybe one of them taken out. Sharon Whitehill-Gray asked if everyone had read Lee's Summit version. Chris Russell stated that he felt it should be kept like it is. Sharon Whitehill-Gray made a motion to approve Section 3.8 as written by the MML with a second by Chandler Johnston. All voted aye. Motion passed.

Overview of Article III, Sections 3.9-3.12.

Loren Winter stated that everyone should be prepared for the next meeting by reading the sections to be discussed.

Tom Maher asked if staff could research how other City's dealt with internal audits. He feels that Nixa needs an Auditor that reports directly to the Board of Aldermen.

Mr. Winter asked for a motion to adjourn.

A motion was made by Chandler Johnston with a second by Andrew Ellis. All voted aye.

Home Rule Charter Commission Meeting Minutes
June 10, 2009
6:45 p.m.

Members Present: Loren Winter, Andrew Ellis, Clayton Hines, John Clarke, Steve Tallakson, Tom Maher, Robert Wilson, Karen Kever. Members absent: Sharon Whitehill-Gray, Chandler Johnston, David Dupree, Chris Russell.

Loren Winter Called the meeting to order at 6:45 PM.

Mr. Winter asked for a motion to approve the minutes, John Clarke made a motion to approve the minutes with a second by Robert Wilson. All voted aye.

Mr. Winter asked for a motion to approve the agenda with the amendment to table Article III, Item 3.10 Independent Audit until the next meeting. Tom Maher made a motion to approve the meeting with the exception with a second by Clayton Hines. All voted aye.

Visitors:

Mr. Winter opened the floor for visitors who were present who would like to address the committee. No one was present.

Discussion Items:

A. Article III, Item 3.9 Investigations

Andrew Ellis made a motion to approve Item 3.9 as written by Republic's Home Rule Charter with a second by Robert Wilson. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (A) Meetings

Andrew Ellis stated that Republic's version has added an additional line that basically says the same thing as the Sunshine Law. John Clarke stated that he like the MML version of this article, but also likes Republic's because of the additional line.

After some discussion John Clarke made a motion to approve Item 3.11 (A) as written by the MML with the addition of a line stating "An emergency meeting may be called without 24 hours notice subject to state law", with a second by Andrew Ellis. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (B) Rules and Journals

John Clarke likes how Lee Summit's version reads with the exception of "made available in electronic format". Andrew Ellis stated that in the MML version the last sentence that states that the executive session journal shall be closed to public inspection would not be good for public opinion. Because it is a state law we don't need to include it.

John Clarke made a motion to approve Lee Summit's version with the removal of the last sentence with a second by Clayton Hines. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (C) Voting

After much discussion Tom Maher made a motion to approve Republic's version of this article with C & D becoming C in Nixa's version with a second by Steve Tallakson. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (D) Form of Ordinances

Robert Wilson made a motion to approve the MML version with the addition of "Nixa" with a second by Andrew Ellis. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (E) Procedure

Andrew Ellis stated that he liked Lee Summit's version with the removal of "electronic format". John Clarke made a motion to approve Lee Summit's version with the removal of "made available by electronic format with a second by Robert Wilson. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (F) Emergency Ordinances

Andrew Ellis made a motion to approve the MML version with a second by John Clarke. All voted aye. Motion carried.

C. Article III, Section 3.11 Legislative Proceedings (G) Effective Date

After some discussion concerning the effective date now in place, John Clarke made a motion to approve the MML version with a second by Robert Wilson. Loren Winter, Andrew Ellis, Clayton Hines, John Clarke, Steve Tallakson, Tom Maher, Robert Wilson voted aye. Karen Keever voted Nay. 7 ayes, 1 nay motion carried

C. Article III, Section 3.11 Legislative Proceedings (H) Authentication and Recording.

Robert Wilson made a motion to approve the MML version. Karen Keever asked that a sentence stating "shall be open to public inspection" be added. Robert Wilson restated his motion to include the sentence with a second by John Clarke. All voted aye. Motion carried.

C. Article III, Section 3.12 Revision of Ordinances

After some discussion about the necessity of this Section, Robert Wilson made a motion to approve the MML version with a second by Karen Keever. All voted aye. Motion carried.

Loren Winter stated that before the meeting is adjourned he would like to take a minute to apologize to John Clarke as to the omission of his name in the email notifying everyone of the meeting change. Mr. Winter stated that with summer being here and people on vacations it was a little more difficult to get everyone here, but that every effort was being made to

accommodate everyone's schedule. He asked everyone to study the next sections as they will be very important and everyone needed to be prepared.

With no further business Tom Maher made a motion to adjourn with a second by Karen Keever. Meeting adjourned at 8:30 pm.

Home Rule Charter Commission Meeting Minutes
June 24, 2009
6:45 p.m.

Members Present: Sharon Whitehill-Gray, Andrew Ellis, Jay Jones, Tom Maher, Chris Russell, John Clarke, Karen Keever, Robert Wilson, Clayton Hines, Loren Winter, Steve Tallaksen.
Members Absent: Chandler Johnston, David Dupree.

Loren Winter Called the meeting to order at 6:55 PM.

Mr. Winter asked for a motion to approve the minutes with the addition of adding Jay Jones as a member absent, John Clarke made a motion to approve the minutes with a second by Andrew Ellis. All voted yes.

Mr. Winter asked for a motion to approve the agenda with the amendment to add a discussion item about the upcoming Christian County Fair. Sharon Whitehill-Gray made a motion to approve the agenda with the additional discussion item with a second by Tom Maher. All voted aye.

Visitors:

Mr. Winter opened the floor for visitors who were present who would like to address the committee. Ron Shawgo, 317 S. Market was present. He stated he was interested in the discussion items on the agenda. With no other visitors present Mr. Winter closed the floor to visitors

Discussion Items:

Mr. Winter stated that the first item of discussion would be the Christian County Fair. Mr. Winter stated that the City had donated money to the fair and in exchange there would be booth space available to share with other departments of the City if the Charter members were interested. After some discussion it was decided that it was not something the Charter members wanted to do at this time.

A. Article III, Item 3.10 Independent Audit

Mr. Winter stated that this item was postponed from a previous meeting to ensure enough Charter members were present to properly discuss the issue. John Clarke asked if our yearly audits were required. Travis Cossey stated that they were done on a yearly basis voluntarily. Tom Maher stated that the previous problems the City has had with theft was more of a procedural issue and that an audit would not have caught it. Jay Jones asked if City Employees went through fraud training. Mr. Cossey stated that management did.

John Clarke made a motion to approve Republic's version with the addition of "will have 90 days to present to the Board" with a second by Robert Wilson. All voted aye. Motion passed.

B. Article IV: 4.1 City Manager or Administrator (Mayor)

John Clarke stated that he like what Nixa currently has. Robert Wilson commented that he felt that a weak mayor is the way to go, because you don't know who will be voted in. Andrew Ellis stated that a Mayor is elected and a City Administrator is hired for their ability and qualifications.

Ron Shawgo of 317 S. Market wanted to know how much power the Mayor has. Sharon Whitehill-Gray stated that right now he has the power to veto and pardon. Clayton Hines stated that he can't tell the Administrator what to do. Jay Jones asked for a straw poll to see which way the Charter Members preferred. All voted for a strong City Administrator. John Clarke made a motion to approve Option C under the MML version with a second by Clayton Hines. All voted aye. Motion passed.

John Clarke motioned for a 5 minute recess with a second by Clayton Hines. All voted aye. Recess at 8:00 p.m.

Meeting resumed at 8:10 p.m.

B. Article IV: 4.2 Mayor

Clayton Hines stated that he would like for the Mayor to have been a resident for at least 2 years. Andrew Ellis stated that he felt that would cut down the qualified people. Jay Jones stated that he liked the 1 year resident requirement.

Robert Wilson made a motion to approve Lee Summits version. Andrew Ellis asked if they could have more discussion on the age requirement. Mr. Ellis stated that he felt if someone younger than 25 was motivated enough to organize a campaign and win then they would be more than qualified to hold the office of Mayor. Loren Winter stated that the MML cautions against an age limit because it could open potential for lawsuits on age discrimination.

John Clarke made a motion to approve Item 4.2 (A) as follows:

“(A) Qualifications. The Mayor shall have been a resident of the city for 1 (one) year at the time of filing and a registered voter and shall remain a resident and registered voter of the city.”

with a second by Chris Russell. All voted aye. Motion passed.

B. Article IV: 4.3 Compensation

Sharon Whitehill-Gray asked for clarification on the difference between “may” and “shall”. Pat Sweeney said that when “may” is stated then you it is a maybe, when “shall” is stated then you have to. Jay Jones made a motion to approve Republic's version with a second by Karen Keever. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (A) Council Meetings

John Clarke stated that he likes all of Republic's 4.4. Loren Winter stated that they needed to take it one at a time starting with (A). John Clarke made a motion to approve 4.4 (A) as written by Republic, with a second by Tom Maher. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (B) State of the City

Sharon Whitehill-Gray made a motion to approve Item 4.4(B) as written by Republic with a second by Andrew Ellis. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (C) Veto

After much discussion John Clarke made a motion to approve 4.4(C) as written by Republic with the addition of adding the term "business days" with a second by Karen Keever. All voted aye.

B. Article IV: 4.4 Powers & Duties – Mayor (D) Execution of Laws

Sharon Whitehill-Gray made a motion to approve 4.4(D) as written by Republic with a second by Robert Wilson. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (F) Appointments

Tom Maher made a motion to approve 4.4(F) as written by Republic with the exception of the last sentence with a second by Andrew Ellis. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (G) Appointive Officers

Loren Winter made a motion to approve 4.4(g) as written by Republic with the exception of striking out Municipal Judge and adding Police Chief. Andrew Ellis seconded. No vote. After much discussion Loren Winter restated his motion as written with "municipal judge" taken out and Chief of Police with a second by Clayton Hines. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (H) Removal of Appointive Officers

Sharon Whitehill-Gray made a motion to approve 4.4(H) as written by Republic with a second by Tom Maher. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (I) Administrative Policy Matters.

Andrew Ellis made a motion to approve 4.4 (I) as written by Republic with a second by Robert Wilson. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (J) Remit Fines and Forfeitures and Grant Reprieves and Pardons.

After some discussion Andrew Ellis stated that this should be taken out entirely.

B. Article IV: 4.4 Powers & Duties – Mayor (K) Review City Administrator

This item will now be (J). Robert Wilson made a motion to approve 4.4(K) as written by Republic with the new number being (J) with a second by Andrew Ellis. All voted aye. Motion passed.

B. Article IV: 4.4 Powers & Duties – Mayor (L) Other Duties.

John Clarke made a motion to approve 4.4 (L) as written by Republic with the new number being (K) with a second by Tom Maher. All voted aye. Motion passed.

B. Article IV: 4.5 Prohibition.

Karen Keever stated that she had to leave. Andrew Ellis made a motion to approve 4.5 as written by Republic with a second by Robert Wilson. All voted aye. Motion passed.

B. Article IV: 4.6 Vacancy ; Forfeiture of Office: Filling of Vacancy (A) Vacancy

Robert Wilson made a motion to approve 4.6 (A) as written by Republic with a second by Sharon Whitehill-Gray. All voted aye. Motion passed.

B. Article IV: 4.6 Vacancy ; Forfeiture of Office: Filling of Vacancy (B) Forfeiture of Office

Robert Wilson made a motion to approve 4.6 (B) 1-4 as written by Republic with a second by Andrew Ellis. All voted aye.

B. Article IV: 4.6 Vacancy ; Forfeiture of Office: Filling of Vacancy (C) Filling of Vacancy.

John Clarke stated that with it being so late that he felt it would be best to postpone this item until the next meeting.

With no further business Steve Tallaksen made a motion to adjourn with a second by Robert Wilson. All voted aye. Meeting adjourned at 10:00 p.m.