

**REGULAR MEETING OF THE HOME RULE CHARTER COMMISSION OF THE
CITY OF NIXA, MISSOURI**

NIXA CITY HALL

September 20th, 2022 6:00 P.M.

The Home Rule Charter Commission meeting was called to order by Chairman Mark Hartsock. Attending Commissioners were Kiri Horne, Ruth-Ann Maynard, David Larsen, Greg Anderson, Karen Keever, Charlotte Stapleton, Andrew Carl, and Kevin Auberry. Attending staff were Cindy Robbins, Nick Woodman, Drew Douglas, and Rebekka Coffey. Absent staff was Jimmy Liles.

Hartsock stated there would be an amendment to the minutes showing that Horne was absent. Hartsock asked for a motion to accept the minutes as amended. Carl made a motion to accept the minutes as amended with Auberry seconding and all commissioners voting aye.

Hartsock opened the public hearing on Article 10. Hartsock reminded the public that comments should be for Article 10 only and kept to five (5) minutes.

Ron Sanders, 976 Glen Oaks Dr., stated that Article 10 was one of the most important Articles in the Charter. Sanders discussed his attendance at Council and Charter meetings. Sanders spoke about corruption at a select few municipalities across the country. Sanders said if changes are made to 10.3(iii) then no one will be able to make changes to the government. Sanders read an email of a previous Council Member that was obtained through a sunshine law request. Sanders stated if Article 10 is changed there could be corruption within Council.

Keever discussed 10.3(iii). Keever said she thinks the percentage should be 10% of registered voters not just 10% of those who voted. Keever discussed earlier meetings, the number of registered voters in Christian County, and petition circulations. Hartsock stated the number of signatures needed for a petition is not person specific but number specific since voting is done anonymously. Keever said 10.3(iii) is a fail safe to get Council Members who aren't representing their citizens well removed; however, she doesn't think recalling should be easy. Discussion followed.

Hartsock discussed how public hearings are conducted at commission meetings. Hartsock stated he didn't want the public to be involved with commission debates. Hartsock asked if there were any specific comments to Sanders statements. Anderson asked if Sanders was asking the commission to not change the Charter at all, with Sanders responding the Charter worked well during recall of the Mayor. Keever asked how Sanders knew the people signing the petition were qualified to vote, with Sanders responding he had to trust they lived inside the city limits. Sanders discussed the most current recall attempt of a Council Member. Discussion followed regarding number of votes versus qualified voters and voter turnout. Sanders discussed reasons for recalls and asked the commission to keep the percentage for recalls attainable. Additional discussion about qualified voters versus votes casts. Hartsock stated that the public hearing was closed for Sanders but would remain open for any other member of the public that would like to speak.

Hartsock moved the meeting onto unfinished business discussion. Hartsock stated that Article 10 would be brought back at the next meeting as unfinished business a final time. Hartsock asked for each commissioner's opinions on 10.3(iii) or Article 10 as a whole.

Auberry stated 10.3(iii) should be a lower percentage of qualified voters. Hartsock gave a brief explanation of how ballot language would be made and how changes would be presented to Council.

Carl stated that recalls should only be used in extraordinary circumstances and the community should do a better job of vetting candidates. Carl said he would be in favor of a recall with a higher burden. Hartsock asked Carl if he would like the recall percentage to be qualified voters or a percentage of votes casts with Carl responding percentage of qualified voters. Carl asked about the reason behind the recall of the Mayor with staff responding. Discussion followed.

Stapleton said she thought the recall efforts worked the way they should have regarding the Mayor. Stapleton stated she thought 10.3(iii) should be a percentage of votes casts because qualified voters may be too difficult. Stapleton said the percentage should be raised to around 15%.

Keever provided information on previous election turnouts. Keever stated she would like more time to consider her choices but leaning towards a lower number of qualified voters. Hartsock discussed votes casts versus total qualified voters. Hartsock stated a fixed qualified voter percentage would fix low voter turnout.

Anderson stated that in his opinion the commission was here because of 10.3(iii) and the recall of the Mayor. Anderson said he thinks that this section should be changed. Anderson said if the section was changed to the total of registered voters that would make recall unattainable. Anderson stated he believes the 10% of votes casted is too low. Anderson said he thinks 10.3(iii) should not be changed to a percentage of registered voters, it should stay votes casts with a higher percentage.

Larsen stated 10.3(i) and 10.3(ii) are good and need no changes. Larsen said 10.3(iii) needs a higher percentage if it is kept with number of votes casts but would need a lower percentage if changed to qualified voters. Larsen stated he thinks the process should be more difficult but not impossible. Larsen discussed research he did on other municipalities and how they handle recalls. Hartsock asked if the municipalities he researched were following statutes or other Home Rule Charter cities, with Larsen responding Home Rule Charters. Hartsock asked Larsen what his final choice would be to change 10.3(iii), with Larsen saying votes casts with a higher percentage.

Maynard asked questions about the Mayor's recall and the number of signatures that were needed for the petition, with staff responding. Maynard stated she had initially leaned towards moving away from votes cast however liked Anderson's comments on 10.3(iii). Maynard stated she would like to see this section stay with percentage of votes cast with a higher percentage. Discussion followed regarding state statute for 25% need of registered voters needed to initiate a recall.

Horne stated she agreed with Anderson and Maynard. Horne said she would like the recall process to be more difficult but not get rid of it completely. Horne told the commission that a recall should be well thought out before a petition is circulated. Horne said she would like to see the section stay a percentage of votes cast with a higher percentage.

Hartsock thanked everyone for their polite comments. Hartsock said the current vote for how section 10.3(iii) should be changed is five (5) commissioners would like to keep votes cast with a higher percentage and three (3) commissioners would like to have a percentage of qualified voters.

Hartsock closed the public hearing at 7:08 p.m.

Hartsock discussed voter turnout at previous elections. Hartsock stated that there may need to be different qualifications for the Mayor and Council Members regarding recalls. Hartsock said his opinion is a percentage of qualified voters. Hartsock said a fixed percentage could give a more valid reason for recall. Hartsock stated his vote for changing this section would be a lower percentage of qualified voters. Hartsock said he thinks that 10.3(i) (ii) and (iii) should be more consistent. Hartsock told the commission that if the City didn't have a home rule charter, it would be guided by Missouri state statute which takes 25% to initiate a recall. A discussion followed regarding voting and elections.

Horne asked Hartsock what percentage he thought section 10.3 should be changed too, with Hartsock responding he wanted the legal reasoning behind the percentages in the Charter for initiatives and referendums. Hartsock said he thinks 10% of qualified voters for 10.3 is worth considering. A discussion followed regarding recalls with Carl discussing his views on recalls.

Hartsock stated the commissioners represent their districts and should try and consider the thoughts of who they represent. Hartsock said the percentage of votes cast option can cause issues if the office being considered for recall is uncontested. Hartsock stated a recall should exist but should not be as easy.

Robbins provided information on the April 2022 election and the potential changes to the percentages needed to initiate a recall.

Larsen discussed the research he did regarding recalls from other municipalities in the state. Larsen asked what would happen if the percentages needed for recall were different for the Mayor and Council Members. Hartsock stated that question could be researched and stated he liked that idea.

Anderson stated he would like to see how many elections in the past have been uncontested. A discussion followed on uncontested elections and Robbins provided information on the 2019 election.

Hartsock stated now that the group had provided their initial opinions and held a discussion on the section, he would like the group to go over their thoughts again.

Auberry stated he liked the percentage of qualified voters but is unsure on the percentage.

Carl said he thinks the percentage should be uniform for the Mayor and Council. He stated he liked a percentage of qualified voters with a high percent around 13-14%. Hartsock reminded the group that when the Charter was originally written there was no social media which can be used to contact a much bigger group of potential petition signers.

Larsen asked Douglas about how changes to the Charter would be presented to the public, with Douglas responding.

Stapleton stated the section should stay as votes casts with a higher percentage. Stapleton said she wants recalls to be attainable but not easy. Stapleton suggested the percentage should be 20-25%. Stapleton said it can be easy to register to vote but difficult to actually vote.

Keever said people shouldn't have representation they don't want because they didn't vote and discussed reasons for recalls. Keever stated she thinks section 10.3(iii) should be a percentage of qualified voters.

Hartsock said he thinks the section should be a lower percentage of qualified voters. Hartsock said all of the sections in 10.3 should be a consistent percentage like 10%, possibly lower.

Anderson asked questions of Keever based on her comments, with Keever responding. Anderson stated he believes the section should be changed to 25% of votes cast. Hartsock asked Anderson questions about he statements, with Anderson responding. Discussion followed regarding qualified voters versus votes cast percentages.

Larsen stated if there could be different percentages between the Mayor and Council Members, he would like 10% of registered voters for the Mayor and a lower percentage of votes cast for Council Members. Larsen said he changed he thoughts based on the discussion on uncontested elections.

Maynard stated if a percentage of qualified voters was selected the percentage should be lower and if a percentage of votes cast was selected the percentage should be higher.

Horne stated the commission should look at what the citizens will understand. Horne said it would be easier to understand if all three (3) sections of 10.3 were consistent. Horne stated she though the percentage should be seven percent (7%) and if not seven percent (7%) then a consistent number for all three (3).

Keever asked staff how many changes were made during the last Charter review, with staff responding four (4) in 2022. Hartsock agreed the changes should be easy and consistent. Douglas told the commission that if the changes were simple, it would give better talking points to educate the public. Robbins provided information on the 2020 election. A discussion followed regarding voting districts, qualified voters, and number of votes cast.

Coffey stated that she looked into Anderson's request into the previous Charter reviews discussions on Article 10, and there was not much discussion. Coffey said the minutes for the previous commissions say, "no discussion" or "no changes". A discussion followed and Hartsock closed unfinished business.

Hartsock provided an agenda overview for the October 4th, 2022 meeting. Hartsock stated he would like to move on the appointing of a new co-chair for the commission. Hartsock provided a description of what the co-chair would be responsible for in his absence. Hartsock asked for nominations. Anderson nominated Carl and Hartsock nominated Maynard. Hartsock called for a motion to accept the nominations. Horne made a motion to accept the nominations for co-chair with Auberry seconding and all commissioners voting aye. Hartsock asked for the vote for co-chair to be a closed ballot vote. Coffey collected the ballots and announced Maynard received three (3) votes and Carl received six (6) votes. Carl was elected to co-chair effective immediately.

Hartsock asked for a motion to adjourn the meeting. Keever made a motion to adjourn at 8:30 p.m. with Horne seconding and all commissioners voting aye.