

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

NIXA CITY HALL

June 21st, 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 Kendal Dingus. Attending staff were Cindy Robbins, Nick Woodman, Drew Douglas, and Rebekka Coffey. The absent staff was Jimmy Liles.

Hartsock called for a motion to approve the June 7th, 2022 commission minutes. Dingus made a motion to approve the minutes, with Larsen seconding and all Commissioners voting aye.

Hartsock opened the public hearing for comments.

Ron Sanders, 976 Glen Oaks Dr., asked questions about Article 5 and the newly created Assistant City Administrator (ACA) position. Sanders asked if the new ACA position would have to be added to the Charter.

Woodman stated that there is nothing in the Charter to prevent an ACA position, and the Charter allows for the current process.

Sanders continued with his discussion of the ACA position. Sanders next discussed Article 6 and the municipal court. Sanders stated that if the City was going to have a judge, laws, and fines, then the City should have a municipal court located in Nixa. Sanders stated he believed Article 6 should be written to allow the Council to move the municipal court back to Nixa. Sanders next discussed that the judge's forfeiture of office procedure should be the same as the Council/Mayor procedure. Sanders asked about a judge being removed from office and if section 3.7 would apply to the judge.

Hartsock asked Woodman for his legal opinion. Woodman stated that the current section 3.7 would not apply, but the proposed section 3.7 would apply because it states "all elected" officials. Hartsock responded to Sanders comments about Article 6.

Sanders asked if the ordinance allowing for the municipal court to be moved to the county conflicted with the Charter.

Woodman stated there are statutes in place that allow for the ordinance to happen.

Sanders asked what changes would be made to Article 6 and how that would be communicated to the public.

Hartsock stated the commission is working with staff to determine those changes and how best to present the information to the public. Hartsock discussed section 15.2 and the discussion that was had at the previous meeting. Hartsock asked if any of the commissioners had any further questions. Dingus asked questions regarding the judge and their salary. Hartsock stated the City

is bound by the Charter to pay the judge and would not be bound to have another election for a municipal judge. Carl said he was in favor of requiring Nixa to have a municipal court in Nixa. Carl discussed his opposition to moving ordinance violations to a different court. Keever stated she didn't believe it was an option to bring back the municipal court to Nixa. Woodman said the Charter was a power-limiting document and that language could be put into the Charter to prohibit the Council from consolidating court. Carl stated he believes the City should spend more money to make the court more viable. Keever asked clarifying questions about bringing the municipal court back to Nixa. Woodman stated a circuit court could force a consolidation; however that isn't what happened in Nixa's case. Woodman said Council used state statutes to consolidate. Woodman said the Charter could be drafted to restrict consolidation.

Sanders discussed issues with the Nixa municipal court, which included money, staffing, and oversight.

Woodman stated that the ticket volume Nixa see isn't enough for a full-time judge.

Sanders stated the Charter should be set up to be able to bring the municipal court back once the City is bigger and has the ticket volume.

Hartsock asked to see Article 6 displayed. Hartsock read the last sentence in section 6.1 and stated this was the most important part of this section. Hartsock stated the City has to follow State rules. Hartsock said the commission needed to remember/ask what the City Council will approve and what the citizens will approve on the ballot.

Carl stated he didn't want just to make an easy decision. Carl stated that the Charter is a durable document to protect the citizens of Nixa. Carl discussed options for the municipal court and investing in the municipal court to allow a local judge to hear Nixa cases.

Hartsock stated the main issue that brought about the court consolidation wasn't money, and it was the changes that were proposed by the State that initiated the consolidation.

Robbins stated that the financial aspect of the municipal court was the last reason for Council to consider court consolidation. The main areas of concern were breaking internal control policies and supervision of full-time staff with a part-time judge. Robbins stated that Christian County residents elect the Christian County judges; therefore Nixa residents have a say in which judges will be elected. Robbins stated the Missouri Supreme Court rules could change again in the future, and there is a need for Nixa to be able to bring the municipal court back if needed.

Dingus stated he had no issue with Christian County hearing Nixa municipal cases. Keever agreed she had no issues with Christian County hearing Nixa municipal cases.

Stapleton asked what other issues, besides financial, could trigger the municipal court to be brought back to Nixa. Hartsock stated the commission should look at the suggestions for Article 6 that Woodman had provided. Hartsock read the proposed section 6.1. Stapleton asked clarifying questions on what would trigger the municipal court to be brought back to Nixa. Woodman stated the volume of tickets/cases could trigger the court being brought back if there

was enough to warrant a full-time judge. Charlotte asked further questions about what could trigger the court to be brought back to Nixa, with Woodman responding. Hartsock discussed potential triggers that Council would use to bring the municipal court back to Nixa. Woodman stated a Council in the future could agree that the municipal court should be back in Nixa, and as long as there were enough votes for an ordinance, the court could be brought back.

Horne asked if the State wanted to could it remove the court from Nixa and if their rules would supersede City ordinances. Woodman stated yes, state rules would supersede, and the City would have to comply with state rules.

Sanders asked if the court clerk or supervisor could be part-time. Robbins stated the City is required to provide a court clerk "nearly" full-time. Woodman stated that the court has to be open via the State Constitution.

Hartsock asked if all the concerns with Article 6 had been addressed. Carl provided his thoughts on Article 6 and the requirements that he thought were needed to have the municipal court in Nixa.

Keever asked about the language in the current Article 6, with Woodman responding. Woodman said the language in the proposed Article 6 came from state statutes. Keever asked how the changes would be presented during the election. Woodman stated a summary would be provided on the ballot with the full set of changes being available at the City Clerk's office. Douglas asked clarifying questions on how the changes would be presented on the ballot, with Woodman responding. Keever asked questions about section 6.2(k), with Woodman responding.

Hartsock asked if there were any other questions on Article 6 or for Woodman. Woodman told the commission that the proposed changes he provided for Article 6 were not set in stone and could be modified. Woodman stated that section 6.2 was still in the proposed Article 6 due to the commission wanting the judge to be elected. Woodman said that all of section 6.3 was struck due to the issues with OSCA and how they thought the court was run. Woodman told the commission that the proposed Article 6 allows for flexibility to comply with the Missouri Supreme Court.

Larsen asked for clarification on how to bring the proposed changes to the ballot. Hartsock responded, and Woodman stated only the underlined sentences would be added to Article 6 while the struck-through sentences would be removed. Woodman suggested that all recommended changes be placed on the ballot as one (1) ballot issue instead of individual issues.

Keever asked questions regarding municipal court tickets being transferred to Christian County court, with Woodman responding.

Sanders discussed Woodman's proposed changes to Article 6.

Anderson asked about section 6.2(h) and what is a timely notice. Woodman stated that the state election calendar is mandated by state law and how those mandates apply to the City. Anderson asked questions regarding Council appointing substitutes judges, with Woodman responding that

a substitute judge would fill the judge position until a new one could be elected. Discussion on the municipal judge followed.

Keever asked if the municipal court be brought back via an ordinance along with the judges. Woodman stated that the direction from the commission was that the judge should be elected. Woodman said if the judge is elected, section 6.2 would need to be in the Charter. Woodman said an ordinance could be used to bring back the municipal court and provide a guideline for how it should be run. Woodman stated he would follow the commission's lead in drafting Article 6. Discussion followed.

Hartsock stated he was going to close the public hearing. Sanders asked to make one more comment. Sanders stated that the Charter was for the citizens' freedom. Sanders stated limits on the Council would be needed on how they could create the municipal court. Sanders said he thinks the framework for the judge should be in the Charter. Hartsock closed the public hearing.

Hartsock stated there would be no formal vote on Articles 5 and 6 on changes that should be made. Hartsock proposed a requirement to review the need for a court to be in Nixa every two (2) years.

Keever asked to see the ballot language that would be provided to the public. Woodman asked clarifying questions about what specifically she wanted. Hartsock stated all the changes should be made to the Charter before ballot language was drawn up. Keever asked who would determine the ballot language, the commission or Woodman. Woodman stated the commission would agree upon changes to the Charter and he would draft ballot language. Discussion followed regarding ballot language, charter language, and court reviews.

Hartsock called for a 5-minute break at 7:22 p.m. The meeting was called back to order at 7:29 p.m.

Hartsock stated the legal update was presented during the public hearing. Woodman said he would answer any further questions on the proposed Article 6 or take any direction from the commission on what they would like to see added or removed. The commission thanked Woodman for his hard work.

Carl stated he had comments on section 6.2(j). Carl asked about an elected judge being unable to serve and an appointed judge having to serve in their place. Woodman stated 6.2(j) was added to Article 6 due to the contract judges that were used when the municipal court was in Nixa. Woodman stated that 6.2(j) would allow for Council to appoint a judge to fill in when the elected judge is absent or disabled. Woodman said that when the absence or disability is gone, the elected judge will step back into their role. Woodman stated there is language in 6.2(a) that would allow for associate judges. Woodman stated that 6.2(j) was added so the court could continue if the elected judge had a conflict of interest. Discussion followed regarding election requirements, judge term limits, elected judges, and appointed judges. Carl asked if the phrase "incapacitation" to section 6.2(e). Woodman stated that "incapacitation" would be added to section 6.2(e). Woodman said he would bring updates back to the commission.

Carl asked if section 3.6 could be restructured to fit the judge, with Woodman responding.

No further discussion was held on Article 6.

Hartsock asked if the Articles 7-9 discussion should be postponed until the next meeting. After a brief discussion, Hartsock called for a voice vote to postpone Article 7-9 discussion until the next meeting, and all Commissioners voted aye.

Hartsock discussed the next commission meeting dates during the summer months. Hartsock suggested the commission meet once a month during July, August, and September. Hartsock suggested the first (1st) Tuesday of each month. The scheduled meetings will be on July 5th, August 2nd, and September 6th. Hartsock called for a voice vote to switch to the once-a-month meetings for July, August, and September, and all Commissioners voted aye. Hartsock provided an update for the agenda for the July 5th meeting. Hartsock called for a motion to adjourn at 7:51 p.m. Carl made a motion to adjourn with Larsen seconding and all Commissioners voting aye.

Chairman Hartsock

City Clerk