

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

**NIXA CITY HALL**

**October 18<sup>th</sup>, 2022 5:30 P.M.**

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

Carl called for a motion to approve the minutes from the October 4th meeting. Auberry made a motion to approve the minutes, with Horne seconding and all commissioners voting aye.

Carl asked for the commission to begin the review of Article 11. The commission read through sections 11.1, 11.2 a-h, 11.3, and 11.4.

Hartsock joined the meeting at 5:40 p.m.

Larsen asked about the recent franchise agreements that were approved by Council. Larsen asked specifically if there was a clause that only allowed for 20-year agreements, with staff answering yes.

Horne asked what constituted a franchise, with Woodman saying it allows a company or business to run utilities/fiber in City rights-of-way or easements.

Carl asked questions of Woodman about franchises, with Woodman responding. Woodman told the commission that the ability for the City to have franchises is in the Charter because of a state statute. Woodman said the provision in the Charter is needed to be able to regulate the franchises that are in the City. Robbins discussed the differences between contracts and franchises.

Maynard asked what happens after a franchise expires, with Woodman responding that is where 11.4 would become effective. Coffey discussed the franchise and contract management program the City uses.

Carl asked staff if they had problems with how Article 11 was written, and staff responded no. Woodman discussed the legal reasons behind Article 11. Carl asked if there was anything staff would like to add, and Woodman stated he had yet to research any additions.

Larsen stated that he felt Article 11 was self-explanatory.

Hartsock stated 11.2(d) was discussed during the last Charter review, with Liles stating it was briefly discussed, but there were no concerns.

Anderson asked what franchise ran the City's electric company, with staff responding the City owned its own electric utility.

Maynard asked about the solar farm. Staff responded that the City purchases 100% of the power the farm produces; however, the City doesn't own the farm itself. A discussion on the solar farm followed.

Auberry stated he didn't see any issues with Article 11.

Hartsock said it didn't appear there would be any changes to Article 11. Hartsock called for a vote to show there would be no changes to Article 11, with all commissioners voting aye.

The commission read through Article 12.1. Hartsock stated this article seemed straightforward but asked Woodman for his opinion. Woodman said this article is needed because of state statute and was recommended by the MML model charter. Hartsock said there appeared to be no changes made to Article 12. Hartsock called for a vote to show there would be no changes to Article 12, with all commissioners voting aye.

The commission read through 13.1 with no changes suggested.

The commission read through 13.2 a-b. Auberry asked questions about 13.2 a(i). Auberry stated that sexual orientation was missing from the list. A discussion followed. Carl asked Woodman's opinion over the addition, with Woodman responding the Supreme Court says sexual orientation is covered under sex. No further discussion.

The commission read through 13.3, 13.4, and 13.5 with no changes suggested. Auberry asked questions about 13.4, with staff responding.

The commission read through 13.6 a-c. Carl asked which current City position or office requires a bond. Woodman said it would be department heads; however, the City has insurance to cover the bonds. Staff provided a brief background on 13.6(b) and insurance. Maynard asked if 13.6(b) was still needed, with staff responding yes. Hartsock asked if any changes were needed to 13.6(b) to include insurance with staff responding no.

The commission read through 13.7. Hartsock stated this section is what allows the commission to exist. Hartsock said he thought this section was written well. Auberry questioned how voters could force a review of the Charter, with a discussion on charter reviews following. Woodman told the commission that most of 13.7 was mandated by state statute. No further discussion.

The commission read through 13.8, 13.9 a-b, 13.10, and 13.11 with no changes suggested.

Douglas asked Woodman if any other general provisions needed to be added to Article 13, with Woodman responding that he would have to research that question but probably not. Hartsock called for a vote to show there would be no changes to Article 13, with all commissioners voting aye.

The commission read through 14.1, 14.2, 14.3, 14.4, and 14.5 with no changes suggested. Hartsock called for a vote to show there would be no changes to Article 14, with all commissioners voting aye.

The commission read through 15.1 and 15.2 a-d. Hartsock stated that 15.2(d) would have to be modified and that changes can be included in the education of Article 6. Keever asked about the discussion and decisions made about Article 6. A discussion on Article 6 followed.

The commission read through 15.3, 15.4, and 15.5. Auberry asked about the difference between the current Charter and what was in the original Charter with Woodman responding. No further discussion. Hartsock called for a vote to show no additional changes to Article 15 except 15.2(d), with all commissioners voting aye.

Anderson asked if the Council was provided a copy of the Charter, with Coffey responding yes.

Hartsock asked Douglas questions about 15.2(d) education and ballot language. A discussion followed.

Hartsock said the commission would now move into an open discussion. Hartsock said there would be a public hearing on Articles 11-15 at the next meeting. Keever asked if Council terms would be changed to two (2) year terms, with Hartsock responding no, they would be staying with odd-year terms. Keever discussed the handout she provided to the commission.

Woodman told the commission that he had three (3) propositions or potential changes/ballot questions. Woodman said those changes included section 3.7, Article 6, and Article 15. Hartsock asked about changes to Article 10, with Woodman responding that once the commission had made a final decision, he would also prepare that draft.

A discussion was held on 3.7, the potential changes that could be made and how to educate the public about those changes. Woodman and Douglas answered questions from the commission.

Hartsock called for a roll call vote on all the suggested amendments, with Woodman responding that he would be presenting a draft copy of the ordinance and the commission could vote on the changes in that document.

A discussion was held on 3.11, with Hartsock stating all concerns with the section had been satisfied and no changes needed to be made.

A discussion was held on 4.1, 4.4 (a) & (d), and 4.6, with Hartsock stating all concerns, had been satisfied and no changes needed to be made.

A discussion was held on 6.1 and 6.2. Hartsock stated that the commission had discussed and approved Woodman's suggestions from the July 5th meeting. Hartsock asked the group to look over Woodman's suggestions again to ensure they were still wanted. No further discussion took place.

Auberry asked questions about Article 9, with Woodman responding.

A discussion was held on 10.3(iii). Hartsock stated that the commission agreed to change this section to qualified voters from number of votes cast, but the commission still needed to

determine the percentage of qualified voters. A discussion was held on percentages of qualified voters, recalls, and signatures needed for petitions. Carl said the recall percentage shouldn't be shorted and should be in line with the initiative and referendum percentages. Additional discussion followed. Robbins provided information on the petition procedure from section 10.4(a). Anderson asked questions about what 10% of qualified voters would look like in each of the districts, with a discussion following on recalls and voter turnout. The commission asked about the recent District 1 recall petition, with Coffey responding.

Hartsock restated that the commission had agreed to change 10.3(iii) to qualified voters. Additional discussion on recalls and the validity of petitions occurred. Hartsock asked if 10% was the agreed-upon percentage of qualified voters for 10.3(iii), with all commissioners saying yes.

Hartsock called for a vote to approve the change to 10.3(iii) to 10% qualified voters, with all commissioners voting yes. Hartsock stated he felt the change was easy to understand. Douglas said the change between the current wording and the proposed wording would be easy to educate the public about. Hartsock said the change falls in line with the initiative and referendum sections of the Charter.

Larsen asked about removing the last two (2) sentences in 10.3(c). Hartsock stated the commission had agreed to strike the last two (2) sentences from that section, with a discussion following. After the discussion, the commission decided to remove the last half of the second (2nd) to the last sentence and all of the last sentence of 10.3(c).

Hartsock stated he felt all the suggested amendments were reasonable. Hartsock discussed the next steps in the process. Hartsock said that the commission should be prepared to answer any questions the Council may have about the suggested changes. Douglas stated he would help prepare the commission's presentation to Council. Hartsock asked staff when the commission would be presenting to Council the amendments. Liles said the presentation and first (1st) reading of the ordinance would be at the November 14th meeting, and the second reading of the ordinance would be at the November 28th meeting if the commission wanted the amendments at the April election. Hartsock provided a timeline for the commission on the next few commission meetings.

Carl said he would like the commission to agree on the presentation before it was presented to Council. Douglas stated he would bring a draft of the presentation to the next commission meeting, and Woodman said he would bring a draft ballot to the next commission meeting. Hartsock told the committee the next meeting would be November 1st at 6:00 p.m. with a public hearing on articles 11-15 ending at 7:00 p.m. Hartsock gave an overview of the agenda.

Hartsock called for a motion to adjourn. Auberry made a motion to adjourn at 8:27 p.m. with Horne seconding and all commissioners voting aye.

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Chairman Hartsock

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City Clerk