

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

NIXA CITY HALL

October 4th, 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 Jimmy Liles, Cindy Robbins, Nick Woodman, Drew Douglas, and Rebekka Coffey.

Hartsock called for a motion to approve the minutes from the September 20th meeting. Horne made a motion to approve the minutes, with Maynard seconding and all commissioners voting aye.

Hartsock provided an overview of the September 20th meeting and section 10.3(iii). Hartsock said five (5) commissioners liked the idea of changing the section to votes cast with a higher percentage of votes, and four (4) commissioners liked the idea of changing the section to qualified voters with a lower percentage of votes. Hartsock asked each commissioner to give their opinion again.

Keever handed out a packet of information to the commission. Keever discussed recalls, non-partisan council positions, and recodification of the City code in 2012. Keever spoke about older sections of City code no longer in use due to recodification, and Hartsock asked Keever for clarification on her comments. Keever stated that the Charter worked the way it was supposed to, and the commission should be careful of changing the Charter. Hartsock discussed recall petitions and reasons for recalls. Hartsock said there is an option for forfeiture of office if something illegal or against the Charter happens by a Council member or Mayor. A discussion followed regarding recalls and voter turnout.

Hartsock asked Woodman to provide a background on the Mayor's emergency orders issued during the pandemic. A discussion followed regarding the pandemic and masking. Liles asked for clarification on how the current discussion related to Article 10. Keever stated that the City code and Charter are in conflict. Hartsock said the commission needed to put the individual recall examples aside and focus on the Article 10 discussion. Hartsock stated there should be uniformity within Article 10. Discussion followed on voter turnout. Keever said she was using the handout she provided to further her opinion that Article 10 should be changed to qualified voters with a lower percentage.

Hartsock asked if any commissioners had a chance to speak with any of the people in their districts. Horne said she talked to a few people; all said the process was confusing as it is written. Horne stated that all the people she spoke with said they wanted to see consistency because the votes cast option leaves too much up in the air. Stapleton said all the people she spoke with were suspicious of why the commission had reconvened. Stapleton stated she had tried to stop the suspicion by talking about the need to make the Charter more consistent. Stapleton said she wouldn't be opposed to changing section 10.3(iii) to qualified voters with a lower percentage.

Hartsock discussed the social media impact on the political environment, with Carl providing his views.

Hartsock asked for everyone's updated opinions on section 10.3(iii). Horne said she would like to see a change made to qualified voters, with a percentage of seven (7).

Larsen stated he would like to see a change made to qualified voters with a percentage of seven (7).

Keever said she would like to see a change made to qualified voters with a percentage of five (5). Anderson asked Keever to clarify her five percent (5%) statement. A discussion followed on a potential percentage for the Mayor or City wide elected office versus a Council Member regarding recalls.

Stapleton said she would like to see a change made to qualified voters with a percentage of seven (7) because it would be consistent with the other sections in 10.3. Carl asked Stapleton to clarify her seven percent (7%) statement, and Stapleton responded. A discussion followed regarding percentages.

Auberry stated he would like to see a change made to qualified voters with a percentage of seven (7). Auberry said he would like to see the referendum section changed to seven percent (7%).

Maynard stated she would like to see a change made to qualified voters with a percentage of seven (7).

Anderson discussed the recall attempts that have happened in the City. Anderson said he would like to see a change made to qualified voters with a percentage of seven (7). A discussion followed regarding voter turnout versus what seven percent (7%) of qualified voters would look like for recalls.

Carl said he would like a change made to qualified voters with a percentage of 10%. Carl also stated he would like the initiative to be changed to seven percent (7%) and the referendum to 10%. A discussion followed regarding what the model Charter says about recalls, initiatives, and referendums.

Hartsock stated he wanted to move forward with the agenda and proceed to the legal discussion. Woodman asked the commission to look at the circulator section of Article 10.3(c). Woodman said that the City couldn't require circulators to be registered voters and stated he would recommend removing the last two (2) sentences of 10.3(c) because of constitutional issues. Hartsock asked for clarification on the difference between petition circulators and the petitioner's committee, with Woodman responding. Hartsock said that removing the last two (2) sentences from 10.3(c) would show that the commission wants to make recalls attainable. Carl asked clarifying questions about who can circulate petitions, with Woodman responding. Hartsock asked Woodman's opinion on qualified voters versus votes cast, with Woodman responding that it is a policy question, not a legal one. Woodman discussed the model Charter. A discussion followed regarding qualified voters versus votes cast, the State's requirements for recalls, and the

percentages in 10.3 (i), (ii), and (iii). Hartsock said that during the first (1st) round of opinions, all but two (2) commissioners liked the idea of changing 10.3(iii) to qualified voters with seven percent (7%). Keever discussed the referendum restrictions.

Hartsock asked Woodman's opinion on a percentage for 10.3(i), (ii), and (iii). Woodman stated a change in percentages would be a policy change based on the commission's views, what the voters would approve, and the politics at the time.

Larsen stated he felt 10.3(i) and (ii) should be left alone because it would be easier for the public to understand. Auberry asked Larsen for clarification on his statements, with Larsen responding.

Woodman said that RSMo 77.65 says that 25% of registered voters applies to third (3rd) class cities, which is what the City was before it became a Charter City.

Hartsock stated he agrees with Larsen about education the public on changes to the Charter. Hartsock said he thinks some research should be done into the percentages needed for initiatives and referendums. Hartsock said the commissioners agreed that 10.3(iii) should be changed to qualified voters, but the commission should do more research into the percentage to go along with the change. Hartsock stated he thought the new business of reviewing Articles 11 & 12 should be postponed until the next meeting.

Larsen asked for clarification on Woodman's suggestion for 10.3 (c). Hartsock said that Woodman suggests the commission remove the last two (2) sentences of 10.3(c) because they are constitutionally invalid. Hartsock asked how Douglas would educate the public about removing the two (2) sentences, with Douglas responding.

Keever said she had changed her mind; she would like to see 10.3(iii) changed to qualified voters with a percentage of seven (7). Discussion followed regarding qualified voters versus votes cast, and Hartsock discussed what would be easier to do for the commission versus what the commission should do.

A discussion on percentages needed for recalls, referendums, and initiatives and how to explain the changes to the public took place. Hartsock said 10% gives validity to a recall petition and would support a change to 10.3(iii) to 10%. Hartsock stated he felt an initiative should be easier than a recall or referendum. Liles told the commission that staff did some quick research on percentages needed for recalls, initiatives, and referendums from surrounding communities within the stated and provided the information to the commission. Liles said all the percentages were for qualified voters. Hartsock said the commission is getting stuck on a percentage based on a specific example; a discussion followed.

Carl provided his views on initiatives, recalls, and referendums. Carl said recalls should be a last resort because there are other options within initiatives and referendums. A discussion followed.

Hartsock said the research staff did show that Nixa's process is still easier than surrounding cities for initiatives, referendums, and recalls. Hartsock discussed the need to keep all three (3) attainable but not make them too easy.

Douglas provided information on public perception of potential changes to section 10.3 (i), (ii), and (iii).

Auberry said he could be persuaded to change the percentage to 10% but would need to change to qualified voters for 10.3(iii). Hartsock said he would like to see a petition for recall that would show validity at an election. Horne stated she would support a change to 10% for section 10.3(iii). Anderson said 10% is too high and that changing 10.3(iii) to qualified voters would be enough.

Hartsock said if the commission changes too much, it could confuse citizens at the ballot box. Hartsock stated that the conversation on percentages pertains to petitions. Hartsock said the percentage for petitions gets the issue to an election but doesn't mean the issue will happen or pass at the election. A discussion followed. Hartsock said the commission needed further discussions before voting on a percentage change for 10.3(iii).

Hartsock asked for a roll call vote to change the wording in 10.3(iii) from votes cast to qualified voters. Horne, Keever, Auberry, Anderson, Larsen, Stapleton, Maynard, and Carl all voted, aye. Hartsock abstained from voting due to being Chairman. Hartsock tabled the new business discussion until the next meeting.

Liles reminded the commission that only three (3) meetings were left to get through the rest of the Charter. Liles said the commission would need to have a presentation ready for Council by the last Council meeting in November if the commission would like the Charter changes on the April ballot. A discussion followed.

Hartsock discussed the agenda for the October 18th meeting, the Council presentation, and the time needed for voter education. Hartsock said the meeting on October 18th would start at 5:30 p.m. and go until 8:30 p.m. Hartsock called for a motion to adjourn. Auberry made a motion to adjourn at 8:19 p.m., with Larsen seconding and all commissioners voting aye.

Chairman Hartsock

City Clerk