

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

NIXA CITY HALL **September 6th, 2022 6:00 P.M.**

Chairman Hartsock stated that before the meeting was called to order newly appointed Commissioner Kevin Auberry would be sworn in by City Clerk, Rebekka Coffey. Coffey swore in Auberry and the commission congratulated him on his appointment.

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 August 6th, 2022 commission minutes. Carl made a motion to approve the minutes with Anderson seconding and all commissioners voting aye.

Hartsock discussed the previous meeting and the discussions that were had concerning Articles 7-9. Hartsock said topics of the discussion for those articles included at-large Council members and rank choice voting. Carl provided his thoughts on the discussions of the previous meeting.

Hartsock provided an overview of the Charter review process for Auberry.

Hartsock discussed rank choice voting and provided an example of how this voting process would work for the City. Carl provided his view on rank choice voting. Hartsock asked the commission their views on rank choice voting. Auberry and Keever provided their views on rank choice voting. Discussion was held on rank choice voting.

Hartsock asked if there were any changes needed to Article 9. Hartsock provided information to the commission on what a nay and aye vote would mean. Hartsock called for a vote for changes to Article 9. Carl, Stapleton, Keever, Anderson, Larsen, and Maynard all voted nay. Auberry voted aye. No changes were presented or made.

Hartsock discussed at-large Council members. Hartsock stated he didn't believe this was a topic or change for Article 9 but was better suited for Article 3. Hartsock told the commission that this topic could be discussed during the overview of Article 3 at the final review of the Charter. Auberry asked how many people each Council district has, with staff responding roughly 7,000-8,000 per district. Discussion was held on Council districts.

Carl asked about elections and ballot counting, with staff responding that the County Clerk is the voting authority and provided information on how the County Clerk counts votes.

Hartsock stated that at-large Council members would be tabled until the final Charter review and at this time no changes regarding voting would be made.

Keever asked what Council did with election results, with Woodman responding.

Hartsock closed discussion on unfinished business items. Anderson requested to see minutes from the previous Home Rule Charter Review Commissions regarding Article 10. Hartsock provided background information on the previous commissions review of Article 10. Hartsock stated that the discussion on Article 10 at this meeting would have no public hearing. Hartsock said the public hearing for Article 10 would be at the September 20th meeting.

The commission read through sections 10.1 (a-c), 10.2, 10.3 (a-d), 10.4 (a-b), 10.5 (a-d), 10.6 (a-d), and 10.7 (a-c). Hartsock asked if any commissioners had thoughts on any section specifically.

Keever asked questions about section 10.5 (d) and what sustaining the ordinance meant. Hartsock stated this section dealt with referendums specifically. Woodman stated this section is meant for referendums and sustaining the ordinance would mean it would stay in effect. Carl asked if a petition is submitted if that would suspend the ordinance in question, with Woodman responding yes. Carl provided his views on section 10.5 (d). Woodman provided information on referendums and initiatives. Discussion followed on referendums and initiatives.

Carl discussed section 10.1 (b). Auberry suggested moving parts of the section around for clarity. Discussion was held on Article 10. Hartsock reminded the public in attendance to keep discussions at a minimum during the meeting.

Keever asked questions on the 10% signature requirement in section 10.3. Hartsock discussed section 10.3 (a) and why the signature requirements are different between 10.3 (i), (ii), and (iii). Hartsock mentioned the correspondence sections 10.3 and 10.4(b) have to one another. Woodman stated that there is a path for litigation in the mentioned sections if an issue would go that far.

Hartsock asked if there should be another determination for sufficiency for a petition. Carl discussed petition circulating and ballot language. Carl stated the reason for removal or recall should be placed in the ballot language. Hartsock discussed the reasons behind recalls of elected officials and campaigns during a recall. Discussion was held on recalls. Hartsock stated the previous recall within the City followed the Charter. A discussion was held on if recalls should be removed from the Charter, with the majority of the commission agreeing recalls should be left in the Charter.

Section 10.3(a) was brought up for discussion. Hartsock provided his concerns with this section, which included low turn outs for elections and the pros and cons of the current language. Keever stated the language should be changed to say 10% of the votes cast in the election, no just for the seat being recalled. A discussion regarding the difference between 10% of votes cast by qualified voters versus 10% of votes by qualified voters of the votes casts. A discussion was held on voting. Liles stated that recalls can be disruptive to City business but understands the process is needed. Robbins reminded the commission not every person in the City is a registered voter. A discussion was held on qualified voters. Robbins provided information on the potential reasons for low voter turnout during the 2020 election. Hartsock discussed social media during elections, voting, and campaigning. Hartsock discussed his views on what changes should be made to section 10.3(a). Woodman discussed what a valid reason for recalls could be, who would

determine that and the possible litigation surround those decisions. Keever provided her views on the changes that should be made to section 10.3 (a). A discussion followed regarding recall votes, voter turn out and how election turn out effects the numbers need for recall of an elected official. Further discussion was had regarding reasons for initiating a recall, and social media during elections.

Carl provided his views on Article 10 and discussion followed. Auberry stated he agreed with Carl's statements about ballot language should include the reasons for recall that were listed on the petition. Carl asked Woodman questions about ballot language, with Woodman responding. A discussion followed regarding ballot language. Carl stated he was in favor of a higher number of signatures needed for all items in section 10.3. Hartsock provided his views on what should be changed in section 10.3. Anderson stated he didn't agree with changing the numbers of votes needed in section 10.3 because the community isn't very interested or involved in voting. Anderson stated he doesn't have a specific suggestion for change but does think the current number is too low. A discussion followed.

Hartsock stated the commission needed to decide on if they wanted the language in section 10.3 to be the total votes cast in an election or total qualified voters and then decide on the percentage for that selection. Larsen asked for the total votes casts in the April 2019 election. Robbins provided information from the Christian County Clerk's office on the votes cast in the April 2019 and April 2022 elections. A discussion followed.

Hartsock encouraged everyone to research section 10.3 (a) (iii) and how it could be potentially changed. Hartsock stated a public hearing would be at the September 20th meeting on Article 10. Hartsock said there would be additional discussion on Article 10 at the first meeting in October. Hartsock closed the new business discussion. Hartsock provided an agenda overview for the September 20th meeting.

Hartsock called for a motion to adjourn. Larsen made a motion to adjourn at 8:15 p.m. with Carl seconding and all commissioners voting aye.

Chairman Hartsock

City Clerk