

TONGANOXIE PLANNING COMMISSION BYLAWS

June 2020

I. MEMBERSHIP, POWERS AND DUTIES OF THE COMMISSION

- A. **Membership.** The Commission shall consist of seven (7) members of which five (5) members shall be residents of the City and two (2) members shall reside outside the City limits, but within the designated planning area of the City which is within at least three (3) miles of the corporate limits of the City. Members of the Commission serve without compensation.
- B. **Appointments; Terms.** The members of the Commission shall be appointed by the Mayor with approval of the Governing Body in May of each year and take office at the next regular meeting of the Commission. All members shall be appointed for staggered terms of three (3) years each, with terms beginning in June and expiring in May. The appointments shall be made so that the terms of office of the members residing outside City limits do not expire within the same year.
- C. **Vacancies.** Vacant, unexpired terms shall be filled by appointment by the Mayor with the consent of the Governing Body and such appointment shall be for the remainder of the unexpired term. City staff will publicly post a request for applications for the vacancy, and the Commission shall review the applications in order to make a recommendation to the Governing Body.
- D. **Powers and Duties.** The powers and duties of the Commission shall be those authorized by the Tonganoxie City, Code, the Tonganoxie Zoning and Subdivision Regulations (the "Zoning Regulations"), and Article 7 of Chapter 12 of the Kansas Statutes Annotated, all as amended from time to time.
- E. **Actions.** In all formal matters, the Commission shall act by motion, unless a resolution is required by the Zoning Regulations or other law. All notices required by law to be given by publication shall be published in the official City newspaper.

II. OFFICERS

- A. **Officers.** The Commission shall elect from its membership a Chair, Vice-Chair and Secretary at the regular meeting in June. Each officer shall serve for one (1) year and until a successor is elected. Any vacancy may be filled at a regular or special meeting after such vacancy.
 - 1. **Chair:** The Chair shall preside at all meetings of the Commission and decide all points of order or procedure; sign all resolutions and other official papers and documents; appoint committees; and call special meetings and workshops; and perform such other duties specified in these bylaws.
 - 2. **Vice-Chair:** The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair. In the absence of both the Chair and the Vice-Chair, the members shall choose a Presiding Officer from among the

members present, who shall have for the duration of the meeting all the authority and restrictions held by the Chair.

3. Secretary: The Secretary shall sign approved plats and perform the duties of the Chair during the absence or disability of the Chair and Vice-Chair.

- B. **Recording Secretary.** The Chair shall recommend a recording secretary who is not a member of the Commission to the Mayor for appointment with the consent of the Governing Body. The recording secretary shall:

1. Notify members of all meetings;
2. Publish notices of all meetings and applications as required by the Zoning Regulations and Kansas statutes;
3. Propose meeting agendas;
4. Record the minutes of each meeting showing evidence presented, findings of fact, decisions, and the vote upon each question, and furnish copies of the minutes to the Commission and other appropriate persons as soon as practical for approval;
5. Coordinate committee meetings and when required, attend committee meetings, record the minutes thereof, and furnish copies of the minutes to the committee members and other appropriate persons as soon as practical; and
6. Keep a file of all official records, minutes and reports of the Commission; and
7. Attend to all correspondence of the Commission.

III. MEETINGS

- A. **Regular Meetings.** The Commission shall meet regularly on the first Thursday of each month at 7:00 p.m. in the City Council Chambers, unless that Thursday is a holiday in which event the monthly meeting shall be held on the first Wednesday of the month. The Commission may, by a vote at a preceding regular or special meeting, elect not to have a regular meeting on the first Wednesday preceding the holiday, or, for good cause, to cancel or change the date, time or place of a regular meeting.
- B. **Special Meetings.** Special meetings may be held at the call of the Chair (or Vice-Chair in the absence of the Chair) for whatever time or purpose determined. The Chair shall call a special meeting at the request of any three (3) or more Commission members submitted in writing. If the Chair fails to comply with such a request, the meeting shall be called by the requesting members, all of whom shall sign the notice. No matters other than those enumerated in the notice and call shall be considered at a special meeting.

- C. **Workshop Meetings.** The Commission will hold workshop meetings as necessary for discussion and training purposes or any other business deemed appropriate by the Chair.
- D. **Quorum.** At least the majority of the members of the Commission shall be necessary to constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present shall be required for the exercise of powers or functions conferred or imposed upon the Commission, but less than a majority of the members may meet and adjourn from time to time until a quorum is present.
- E. **Order of Business.** At the appointed hour, the Chair shall call to order each meeting and upon the appearance of a quorum, the Commission shall proceed to consider the items set in the agenda in the following order:
1. Roll Call;
 2. Approval of the minutes of the previous meeting;
 3. Open Agenda (no item shall be discussed at this time which should be legally published, or which necessitates notification of adjoining property owners);
 4. Old Business;
 5. New Business;
 6. Information & Communications (No Action Required);
 7. Adjourn.
- F. **Agenda.** Items to be heard by the Commission must be submitted in accordance with the annually updated Application and Review Schedule. The agenda shall be prepared one week prior to the date of the meeting and be available to the public by the Friday preceding the meeting. The order of items on the agenda shall be at the discretion of the recording secretary. The Chair may, for reasons stated to all in attendance, vary from the order of the agenda. An item may be added to the published agenda only by affirmative vote of majority of the members present.
- G. **Meetings Open to the Public.** All meetings of the Commission shall be open to the public in accordance with the requirements of K.S.A. 75-4317 *et seq.* (the Kansas Open Meetings Act). A meeting may be closed to the public and adjourned into an executive session until a specified time by a formal motion made and carried in accordance with applicable law. No binding action shall be taken by vote in an executive session.
- H. **Minutes.** The recording secretary shall record the proceedings of all Commission meetings. The recording secretary may use a recording device to assist with the preparation of minutes. Any recording will be retained for a minimum of sixty (60) days after approval of the minutes derived therefrom, unless a longer period is otherwise requested or required by law. The proposed minutes of each regular or

special meeting shall be distributed to the Commission and other appropriate persons as soon as practical for approval. The original of the approved minutes shall be placed in the Commission's permanent record and shall become official records of the City.

- I. **Robert's Rules of Order.** Unless otherwise specifically stated in these Bylaws, Robert's Rules of Order shall apply to all Commission procedures, motions and public hearings.

IV. MOTIONS AND VOTING

- A. **Motions.** Following closing of a public hearing or comment, a motion may be made to recommend approval or denial of the application to the Governing Body. A motion to continue the application to a date certain before the Commission may also be made. The maker of the motion should include a brief statement of the reason(s) for the motion, as well as any stipulations relative to the application, plans, development procedure, etc. Upon receiving the second, the motion may be discussed and, upon call for the question or at the discretion of the Chair, brought to a vote.
- B. **Voting.** Votes shall be by voice or by the raising of hands or by roll call, at the discretion of the Chair. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in accordance with Robert's Rules of Order. If the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain and the motion for continuance shall include the reason for the action. All motions require a majority vote of those present.

V. CONTINUANCES

Any applicant or authorized agent shall have the right to two (2) continuances of a public hearing before the Commission, provided that a written request outlining the need for the continuance is submitted to City staff prior to the scheduled hearing. The Commission may grant additional continuances for good cause shown. All motions to grant a continuance shall state the date on which the matter is to be heard.

VI. APPLICANT NOT IN ATTENDANCE

In case an applicant or the applicant's agent is not in attendance when an item is called, the Chair may, at the Chair's discretion, set the item over to the end of the agenda. At the time the item is again called, if the applicant is still not represented, the Commission may continue, approve or deny the application as it sees fit.

VII. CONFLICT OF INTEREST

- A. **Conflicts of Interest.** A member shall not participate or vote on an item before the Commission if:
 1. The member has a substantial interest in a particular item as defined by state law, including but not limited to K.S.A. 75-4301a *et seq.*;

2. The member has expressed an individual opinion on the determination of a quasi-judicial matter or otherwise expressed him/herself in a way that infers an opinion has been formed prior to the Commission's hearing on the item; and/or
 3. The member owns property or is a prospective purchaser of property included in an application or within the statutory notification area.
- B. **Procedure.** When a member of the Commission has a conflict of interest on a particular item before the Commission, the member shall so state for the record. In such event, the member shall leave the room, and shall not participate in the hearing or discussion or vote on the item. If the vacation of a chair due to a conflict of interest will eliminate a quorum, then the Commission shall continue the hearing to the next regular meeting.
- C. **Ex Parte Contacts.** Prior to any motion on an application, members of the Commission should disclose the nature of any ex parte contacts and of any information obtained through those contacts that may have a bearing on their decisions.

VIII. COMMITTEES

- A. **Appointment.** The Commission may appoint committees to advise or assist in its activities. The Chair shall appoint, with approval of the Commission, two (2) Commission members to a committee. Any interested persons are invited to provide input to the committee. The Chair shall appoint one member of the committee as the chairperson thereof, and the committee shall meet at such times and places as directed by the chairperson of the committee.
- B. **Committee Reports.** When a committee originates a report, it must be complete when presented. All committee reports should close with definite recommendation(s). Committee reports shall be presented to the Commission by the chairperson of the committee.

IX. MEMBERS' ABSENCE

- A. **Notice to Mayor.** If any member of the Commission fails to attend three (3) meetings in a rolling calendar year, the recording secretary shall notify the Mayor in writing, giving the name of the individual and the dates of the meetings missed.
- B. **Consideration by Governing Body.** The Mayor shall cause the matter to be placed on the agenda for consideration by the Governing Body at its next regular meeting or shortly thereafter. The Assistant City Manager or City Clerk shall notify the Commission member of the date and time of the meeting at which the Governing Body will consider the member's attendance record.
- C. **Action by Governing Body.** The Mayor, with the consent of the Governing Body, may declare a vacancy and proceed to appoint a successor for the remaining term of the vacant position. The Governing Body may continue the consideration of the vacancy or the appointment of a successor.

X. AMENDMENT OF BYLAWS

These Bylaws may be amended or repealed for stated reasons by affirmative vote of two-thirds (2/3) of the Commission members. These Bylaws, and any amendments thereto, are subject to approval of the Governing Body.