

BYLAWS OF

ARKANSAS CITY PLANNING COMMISSION/BOARD OF ZONING APPEALS

ARTICLE I PURPOSE AND ORGANIZATION

SECTION 1. The purpose of the Arkansas City Planning Commission, hereafter referred to as "Commission" shall be those set forth in Article 25 of the City of Arkansas City Zoning Regulations and those powers and duties delegated to the Planning Commission by K.S.A. 12-741 et seq.

ARTICLE II POWERS AND DUTIES OF THE COMMISSION

SECTION 1. Powers. That said Commission, as herein specified, shall be vested with the following powers and authority, to wit:

The Commission shall have such power and duties as may be prescribed by law from time to time, including but not limited to those responsibilities in K.S.A. 12-741 et seq., as amended, and any local ordinances and resolutions. As a primary function, the Commission shall have the responsibility for the preparation, adoption, recommendation and maintenance of a long-range comprehensive plan, pursuant to K.S.A. 12-747 et seq., as amended. Other duties are outlined in Section 25-102 of the Zoning Regulations.

The Commission is hereby designated also to serve as the Board of Zoning Appeals as provided for by K.S.A. 12-759, as amended and shall hereafter be referred to as the "Board"

SECTION 2. Actions. In all formal matters, said Commission shall act by motion, unless a resolution is required by law or governmental regulations. All notices required by law to be given by publication shall be published in the official City newspaper as designated by the City Commission of Arkansas City.

SECTION 3. Oath. Before entering upon the duties of the office, the members of said Commission shall subscribe to an oath of office, if required by the Governing Body appointing them.

ARTICLE III MEETINGS OF THE COMMISSION

SECTION 1. Regular Meetings. The Commission shall establish its own meeting schedule, and shall designate the time and place of its meetings by majority vote.

SECTION 2. The Secretary or other authorized officer or City staff member shall prepare an agenda of all matters to come before the Commission and timely furnish the same to the Commission members. A copy of the agenda shall be available to the public. Any member of the Commission may cause matters to be placed on the agenda by advising the Secretary no later than 12 o'clock noon on the Tuesday preceding the next regular meeting. The Commission may add agenda items after this deadline with the approval of a majority of the members present.

SECTION 3. Special Meetings. Special meetings may be called by the Chair (or in his or her absence by the Vice Chair) for whatever time and purpose determined. In the event a special meeting is called, notice as to time, date, place and reason for the meeting shall be given to all the members, and all others who have requested such notification, at least 24 hours before the meeting. Announcement of a special meeting at a regular meeting shall constitute notice to those members present. Members not present, and all others, shall be notified by the Secretary.

No matters other than those enumerated in the notice shall be considered at a special meeting.

SECTION 4. Open Meetings. All meetings of the Commission and its Committees shall be open to the public and to attendance by representatives of the news media.

SECTION 5. Recording of Minutes. The Secretary or his or her designee shall keep and maintain complete records of all matters coming before the Commission. The Secretary or his or her designee shall also prepare and maintain permanent minutes which shall be maintained pursuant to the City of Arkansas City document retention schedule.

Copies of the minutes shall be furnished to all persons or bodies making request for same under the Kansas Open Records Act.

SECTION 6. Quorum. A quorum of the Commission shall be required to conduct official business. A quorum shall be defined as the majority of the members of the Commission appointed and qualified at any given time. A quorum of the Board shall be defined in Section 25-201 of the Zoning Regulations. The affirmative vote of a majority of those members present and voting shall be sufficient for the passage of all motions, subject to the provisions of Arkansas City Municipal Code Article III, Boards, Commissions, Committees, Councils, Task Forces.

SECTION 7. Recessed Meetings. Should the business before the Commission not be completed, the Chair may recess the meeting to a specific time, date and place until the matters on the original agenda are resolved.

SECTION 8. Conduct of Meetings. The Chair shall preside at all meetings of the Commission, except in his/her absence, disability or vacancy, the Vice Chair shall preside. In the absence, disability or vacancies of the Chair and Vice Chair, the Secretary shall preside for the purpose of electing an Acting Chairman. The Board shall be governed by its separate officers as provided for in Section 25-201 of the Zoning Regulations.

SECTION 9. Meeting Procedure. All meetings of the Commission and of its committees shall be conducted in accordance with the rules of procedure adopted by the Governing Body of the City of Arkansas City .

- a. The Commission may suspend the rules, provided that the motion to suspend the rules take precedence over other prime motions; provided a motion to suspend the rules shall state the specific purpose and rule to be suspended: provided that no motion to suspend the rules shall be considered approved unless the length of time suspension will be in effect has been specified: provided that the motion to suspend the rules shall

be approved by a majority of the members present; and provided that no suspension of the rules shall be considered permanent.

- b. Presentations by the applicant and his/her representative(s) on zoning, subdivision, and vacation items shall be limited to ten minutes at the beginning of the hearing on that item, plus an additional two minutes for rebuttal at the end of the hearing. Presentations by other members of the audience shall be limited to three minutes. The time for presentations may be extended by up to two minutes by the Chair and may be further extended by the Commission by majority vote. Prerecorded audio-visual presentations shall be included in the time limit of each speaker. All written and visual materials (or copies) used as part of a presentation to the Commission at the hearing shall be retained by the Secretary as part of the official record for that item. Debate from the floor (audience) on any matter may be limited at the discretion of the presiding officer when in his/her opinion such debate is repetitious, contains statements impinging the character, integrity or actions of the Commission or any Commissioner without support of such allegations, or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not permit further debate. Each member of the Commission may speak to an issue as many times as may be desired.
- c. All votes on matters conducted as a public hearing shall be by roll call. The Chair shall grant permission upon request for any member to refrain from participating in the discussion and voting on an item when said member advises the Chairman of matters arising under the provisions of Section 10.b below pertaining to that item. Such member shall be recorded as abstaining on the vote but shall be counted for the purposes of determining a quorum.

SECTION 10. Conflict of Interest and Ethical Considerations.

- a. Members shall not assist or represent applicants on zoning, subdivision, or vacation applications in the presence of the Commission or Board. Members may appear and speak before the Commission or Board under the provisions of subsection b. where the member owns property or is a prospective purchaser of property included in an application or the member owns property in the statutory notification area of an application.
- b. A member shall not participate or vote on an issue before the Commission or Board if:
 - 1. the member has a substantial interest on a particular issue as defined by state law;
 - 2. the member has expressed an individual opinion on the determination of a quasi-judicial matter or otherwise expressed himself or herself in a way that infers an opinion has been formed prior to the Commission's hearing on the matter;
 - 3. the member owns property or is a prospective purchaser of property included in any application; or

4. the member owns property in the statutory notification area.
- c. Members shall not make presentations to the governing body on a quasi-judicial item prior to the resolution of that item by the governing body, unless the member has abstained from participation on that item or the member has been designated by the Commission to make a presentation.
- d. Prior to any motion on an application (or at the designated declaration time on the agenda), Commissioners shall disclose the nature of any ex parte contacts and of any information obtained through those contacts that may have a bearing on their decisions.

ARTICLE IV ORGANIZATION

SECTION 1. Officers.

Officers of the Commission and Board shall be the Chair, Vice Chair, and Secretary. The Chair and Vice Chair shall be elected at the first meeting of the year and shall serve for a term of one year. The Chair and Vice Chair shall be members of the Commission or Board. The Secretary shall be the Principal Planner or other person designated by the Commission.

The Chair shall conduct all meetings and business, sign resolutions, subdivision plats, and other official papers and documents.

The Vice Chair shall act in the manner and capacity as the Chair in the absence of the Chair.

The Secretary shall conduct all the business for the Commission as directed and set forth by these bylaws. The Secretary is hereby designated to act as the "responsible agent" for the Commission in handling all Federal, State and local contracts and agreements. The Secretary or a designated appointee shall present Commission actions and recommendations to the Governing Body of the City of Arkansas City. The Secretary of the Commission shall, when required by law, authenticate or attest to by the signature of the Secretary, the signature of the Chair.

SECTION 2. Committees.

The Chair, with the consent of the Commission, may appoint committees as may be needed to assist in the business of the Commission. The membership of such Committee(s) may consist of Commissioners or others that are not on the Commission. All such committees shall be provided a formal charge and shall report to the Commission its findings and recommendations, unless otherwise directed.

ARTICLE V AMENDMENTS TO BYLAWS

SECTION 1. The Commission may, by a two thirds majority vote thereof, amend these bylaws or any provisions or sections thereof at any time when the same is not in conflict or in contravention of any of the laws of the State of Kansas or ordinances applicable thereto. Provided, however, that notices of the proposed amendments be furnished by the Secretary to the Commission members not less than five (5) days prior to the meeting at which said

amendments are to be considered. A copy of the bylaws will be filed with the Office of the City Clerk of the City of Arkansas City.

The above and foregoing bylaws are hereby adopted as the bylaws of the Arkansas City Planning Commission and Board of Zoning Appeals.

Adopted this 29th day of October, 2019.

Dr. Scott Rogers

Planning Commission Chair

Mary Benton

Board of Zoning Appeals Chair

ATTEST:

Josh White
Planning Commission/Board of Zoning Appeals Secretary,