

**BYLAWS
OF
THE CITY OF WESTWOOD PLANNING COMMISSION**

Amended June 6, 2022

**ARTICLE ONE
Creation**

SECTION ONE: Name. There is hereby established by the City Code of Westwood, a City Planning Commission to be named WESTWOOD PLANNING COMMISSION (hereinafter sometimes referred to as "Planning Commission" or "Commission").

SECTION TWO: Membership. The Planning Commission shall consist of nine (9) members. The members shall be appointed by the Mayor with the consent of the Governing Body to serve on the Planning Commission without compensation for their services. Members of the Planning Commission shall serve for a three (3)-year term which shall begin on March 1 of the year of the appointment and expire on the final day of February three (3) years later. The appointment of the members shall be staggered so that not more than four (4) Commissioners' membership terms expire at the same time. Vacancies on the Commission shall be filled by appointment for the unexpired term.

**ARTICLE TWO
Purpose**

SECTION ONE: Bylaws. The purpose of these Bylaws is to establish rules for the internal organization and procedures of operation of the Planning Commission.

SECTION TWO: Commission. The function, powers, and duties of the Planning Commission are as authorized by State Law, and by the existing joint Ordinance/Resolutions establishing the Planning Commission. The Planning Commission adopts its own rules and policies for procedure, consistent with its powers.

**ARTICLE THREE
Organization**

SECTION ONE: Officers. The officers of the Commission shall be a Chair, Vice-Chair, and Secretary. The Chair, Vice-Chair, and Secretary shall be elected by the Planning Commission at its regular meeting in May of each year. The term of office shall be one (1) year. The officers may be reelected by a majority vote of the membership of the Planning Commission.

SECTION TWO: Chair. The Chair shall preside at all meetings of the Planning Commission. At their discretion, a Chair may call special meetings and they may also relinquish the Chair to the Vice-Chair or other specific member. The Chair may not make or second motions, but they may vote on any and all motions to come before the Commission. The Chair shall appoint all committees. The Chair shall perform all of the duties assigned to their office by law and by the City Governing Body, and shall have such usual powers of supervision and management as pertain to the office of Chair. If the Chairmanship becomes vacant for any reason, the Vice-Chair shall succeed to the Chairmanship for the remainder of the term.

SECTION THREE: Vice Chair. The Vice-Chair shall act as Chair in the absence of the Chair or disability of the Chair and while so serving shall have all the authority held by the Chair. In the event the office of Chair becomes vacant, the Vice-Chair shall succeed to that office for the unexpired term and the Planning Commission shall elect a new Vice-Chair for the unexpired term.

SECTION FOUR: Secretary. The Commission shall elect a recording secretary, who shall be provided by the City of Westwood and who need not be an appointed member of the Planning Commission.

A. The Secretary shall attend all meetings of the Planning Commission, shall send notices of all regular and special meetings to all members of the Commission. In addition, the Secretary shall have, under the Chair, responsibility for books, papers, and records of the Planning Commission, and attend to all correspondence of the Planning Commission.

B. The Secretary is responsible for keeping an accurate record of all regular and special meetings and transcribing them for Planning Commission approval. The Secretary is responsible for placement of all meeting minutes in the Minute Book of the Planning Commission. All motions shall be recorded and an accurate record made of all reasons for motions or votes by members of the Commission shall be made. The Minute Book shall become a permanent record and part of the official records of the City of Westwood.

SECTION FIVE: Attendance. In the event that the Chair, Vice-Chair, or Secretary of the Commission shall be absent or unable for any reason to attend to the duties of their offices, the members of the Commission may, at any regular meeting or any special meeting called for that purpose, appoint a Chair pro tem or a Secretary pro tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to their duties. A Commission member may be removed by the Mayor without Council consent as provided by law. Failure to attend three (3) or more consecutive meetings, or five (5) meetings within a calendar year, are grounds for removal from office.

ARTICLE FOUR

Meetings

SECTION ONE: Regular Meetings. Regular meetings of the Planning Commission, unless otherwise provided, shall be at Westwood Municipal Building at 7:00 p.m. on the first Monday of every month. All meetings shall be open to the public. Meetings shall adjourn no later than 11:00 p.m., unless extended upon motion of a majority of the Planning Commission members present. Items remaining on the agenda at the end of a meeting may be continued by the Planning Commission until the next regular meeting unless otherwise provided by law.

The Chair or Vice-Chair may authorize the Secretary or designee to poll the members of the Commission for the purpose of canceling a meeting.

SECTION TWO: Special Meetings. Special meetings of the Planning Commission shall be called by the Chair, or in their absence, by the Vice-Chair, and held at any time or place fixed in the notice. Only items specified in the notice may be acted upon at the special meeting. Notice may be made by telephone or mail. The Chair, or, in their absence, the Vice-Chair shall call a special meeting of the Commission at the request, in writing, of a majority of the appointed members of the Commission; and if the Chair or, in their absence, the Vice-Chair shall fail to comply with such a request, said member so requesting may call such meeting provided they all sign the notice. The Planning Commission shall provide at least three (3) days' notice to each member prior to any special meeting unless the notice requirement is waived by all members.

SECTION THREE: Quorum. Five (5) members of the Planning Commission, including the Chair, shall be necessary to constitute a quorum for the transaction of business and the taking of official action.

SECTION FOUR: Agenda. Agendas for all regular meetings shall be available at the Westwood Municipal Building on the Friday prior to the meetings. The order of items on the agenda shall be at the discretion of the Chair or their designee, due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chair may, for reasons stated to all in attendance, vary from the order of the agenda.

An item may be added to the agenda only by affirmative vote of a majority of the members present. An agenda item consisting of a proposed amendment to the zoning ordinance may be removed from the agenda only by a motion to recommend approval or denial of the proposed zoning ordinance amendment. Other items not pertaining to ordinance approval may be removed by a majority of the members present and reasons therefore stated in the record.

ARTICLE FIVE

Conduct of Meetings

SECTION ONE: Parliamentary Procedure. Except as otherwise provided meetings of the Planning Commission shall be conducted in accordance with the procedures proclaimed by Robert's Rules of Order.

SECTION TWO: Order of Business.

A. Order; i.e., Roll Call, Approval of Minutes, Agenda Items, Old Business, New Business, Reports, and Adjournment.

B. The Commission may consider items not on the Agenda if a majority of the Commission members vote approval to do so.

C. The Chair shall call each agenda item and briefly describe, or ask a member of the staff to briefly describe the application before the Commission.

SECTION THREE: Staff Reports. Staff reports on all agenda items shall be prepared and provided to the Commission members at least three (3) days prior to the scheduled meeting. Staff shall present their report prior to an applicant's report to the Commission.

SECTION FOUR: Continuances by Staff, Commission Member, or Applicant. Any item may be continued upon request or recommendation by staff or a Commission member, except as provided by

law. The Commission may continue items requiring a public hearing to a date certain. Other items allowed by law may be tabled and recalled at the request of the staff or Commission. A tabled item which fails to be recalled after six (6) months shall be considered withdrawn.

An applicant may continue their own proposal to a date certain by notifying the Secretary not less than two (2) business days prior to the date of the hearing. Where notification by mail of adjacent property owners has taken place, as required by law, the applicant shall further notify the same property owners, by registered mail, return receipt requested, of the continuance and the new date of the hearing. Their notification of continuance shall be mailed not less than ten (10) days prior to the date of the originally scheduled hearing and at least twenty (20) days prior to the next hearing date.

Any proposal not withdrawn prior to preparation of the agenda may be continued at the applicant's request only by affirmative vote of a majority of the Commission members. In consideration of such a motion to allow continuance, the Commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard and the Commission may refuse to continue the proposal, and may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, such notification to be mailed not less than twenty (20) days prior to the date of the new hearing. In addition, the Commission may direct the applicant to change the posting on the property and direct the staff to publish the new date in the appropriate newspaper at applicant's expense.

SECTION FIVE: Appearance Before the Commission. Applicants or their representatives may appear before the Commission to present their view on an agenda item. If required by law, the Commission will hold a public hearing.

The name and address of the applicant and their agent shall be entered in the record, as well as a summary of their presentation. At the conclusion of the applicant's presentation, members of the Commission and staff shall have the opportunity to question the applicant. Any other supporting testimony will then be called for. Public input may then be heard with the members of the Commission and staff having an opportunity to question any speaker. The applicant will then be given opportunity to present a short summary. All statements shall be directed to the Commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chair, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Chair feels testimony has been sufficiently heard, the Chair shall declare the public hearing closed after which the public in attendance may address the Commission only with the permission of the Chair, and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record. The Chair may establish limits on time used by all parties making presentations or comments to the Planning Commission; however, the decisions made by the Chair may be overridden by a majority vote of Commission members.

SECTION SIX: Incomplete Submittals. The Commission will not hear items that fail to meet submission requirements.

SECTION SEVEN: Commission Action. the Commission shall, at the conclusion of discussion on the item, take action on each item presented. Voting shall be by individual voice ballot on each item and shall be tallied by the Secretary. All members, including the Chair, shall have a vote and shall vote when

present except that any member shall automatically disqualify himself from voting on any decision in which they may have a conflict of interest. If the item upon which the Planning Commission action is taken is remanded for reconsideration to the Commission by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notice of the remand is received. If no action is taken on the remanded item at their meeting, the same recommendation will be deemed made and will be sent back to the Governing Body.

SECTION EIGHT: Motions. Following the closing of the public hearings on testimony, a motion may be made to recommend approval or denial of the application, to continue the application to a later date certain if a public hearing has occurred, or to table the item. A brief statement of reason or reasons for the motion will precede the making of all the motions. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving a second, the motion may be discussed and, upon the call for a question or at the discretion of the Chair, brought to a vote. A motion to amend, if necessary, must be voted on first. Then the main motion would be voted on in its amended state. Motions shall require an affirmative vote of a majority of the members of the Planning Commission for passage, except as otherwise provided by law.

Vote 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 keeping with Roberts Rules. 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 unless otherwise provided by law. Such a motion for continuance shall include a reason for the action, and shall require a majority vote of the Planning Commission.

SECTION NINE: Abstentions. If, after considering an item, a Commissioner wishes to abstain from voting, their abstention shall be treated as a vote against the majority. If there is a tie vote, an abstention shall be considered a denial.

SECTION TEN: Failure to Recommend. If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body it will be considered a recommendation of denial of the item, except as may otherwise provided by law. If the tie vote occurs on action on which the Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.

SECTION ELEVEN: Applicant Not in Attendance. In case an applicant or their agent is not in attendance when their item is called, the item shall be set over to the end of the agenda. If at the time the item is called again the applicant is still not present, the Commission may continue the case, or may approve or deny the application as it sees fit.

ARTICLE SIX **Miscellaneous**

SECTION ONE: Conflict of Interest. When a member of the Commission feels they may be in conflict of interest on a particular case before the Commission, they may so state for the record and vacate their chair. A member so vacating their chair shall leave the room and should not participate in the hearing or discussion, and shall not vote on the issue. If the vacation of a member due to conflict of interest will

eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting.

SECTION TWO: Suspension of Rules. Any of these Bylaws may be suspended for stated reasons by affirmative vote of three-fourths (3/4) of the members of the Commission.

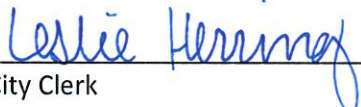
SECTION THREE: Amendment of Rules. These Bylaws may be amended or repealed for stated reasons by affirmative vote of three-fourths (3/4) of the voting members of the Commission.

SECTION FOUR: Bylaw Review. The Westwood Planning Commission shall review, amend and approve these Bylaws in June of every year.

CITY OF WESTWOOD, KANSAS

By: 
Chair, Planning Commission

ATTEST:


City Clerk