

# **BYLAWS - RULES AND REGULATIONS**

## ***RUSH COUNTY, KANSAS***

### ***JOINT PLANNING COMMISSION***

#### **ARTICLE I - AREAS OF RESPONSIBILITY**

1. It shall be the responsibility of the Joint Planning Commission to cause the preparation, development and adoption of a Comprehensive Plan in accordance with Kansas statutes upon the authorization of the Governing Body.
2. It shall be the responsibility of the Joint Planning Commission to formulate Subdivision Regulations in accordance with Kansas statutes upon the authorization of the Governing Body.
3. It shall be the responsibility of the Joint Planning Commission to formulate a Zoning Regulations in accordance with Kansas statutes upon the authorization of the Governing Body.
4. Following adoption of Zoning Regulations, it shall be the responsibility of the Joint Planning Commission to hold public hearings for proposed zoning changes and conditional uses and make a recommendation to the Governing Body.
5. It shall be the responsibility of the Joint Planning Commission to consider flood plain development controls upon authorization of the Governing Body.
6. Following adoption of a Comprehensive Plan in accordance with Kansas statutes, it shall be the responsibility of the Joint Planning Commission to perform an annual review of the Comprehensive Plan.
7. It shall be responsibility of the Joint Planning Commission to adopt bylaws.

#### **ARTICLE II - PART I - OFFICERS**

1. The Joint Planning Commission shall organize annually at the first regular meeting after the appointment of new members.
2. The Commission shall elect a Chair and a Vice-Chair from among the appointed members at the annual organization meeting. These officers shall serve for one year and until their successors have been elected.
3. A Secretary shall be selected for an indefinite term. It is not required that the Secretary be a member of the Commission.

#### **ARTICLE II - PART II - DUTIES OF OFFICERS**

1. Chair:

The Chair shall preside at all meetings and public hearings of the Joint Planning Commission and shall:

- (a) decide all points of order and procedure;
- (b) certify plans and subdivision plats;
- (c) transmit reports and recommendations of Joint Planning Commission to the Governing Body; and
- (d) inform petitioners of decisions.

2. Vice-Chair:

The Vice-Chairman shall assume the duties of the Chair in his or her absence.

3. Secretary:

The Secretary shall be responsible for:

- (a) keeping the minutes of the Joint Planning Commission meetings;
- (b) sending agendas to members of the Joint Planning Commission;
- (c) carrying out written correspondence;
- (d) maintaining the records of the Commission;
- (e) certifying, along with the Chair, all plans and subdivision plats;
- (f) performing other duties as the Joint Planning Commission may require; and,
- (g) causing all legal notice of hearings, as required by law, to be given.

### **ARTICLE III - MEETINGS**

1. The Joint Planning Commission shall hold regular monthly meetings at 7:30 p.m. on the 2<sup>nd</sup> Tuesday of every month at the Courthouse in LaCrosse, Kansas, unless the notice of meeting indicates a difference time and/or location; except that the Chair may cancel a regular meeting with at least three (3) days prior notice for the following reasons:
  - (a) it is determined that a quorum will not be present;
  - (b) no subjects are scheduled for the agenda; or,
  - (c) other reasonable circumstances.
2. Special meetings of the Joint Planning Commission, for obtaining public opinion on an issue or discussion of a particular problem with interested parties, may be called by the Chair, or in his or her absence by the Vice-Chair. Notice of special meetings shall be given by the Secretary to the members of the Commission at least three (3) days prior to such meeting and shall state the purpose and time of the meeting.
3. All regular and special meetings, hearings and records shall be open to the public.
4. A majority of the Joint Planning Commission membership shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting and the business items do not

include a scheduled public hearing, those members present may complete discussion on the items, but may not take any vote on any matter before the Commission. If a quorum is not present and the agenda contains any item(s) with scheduled public hearings, those members present shall continue the public hearing item(s) to another specific date, time and location; and an additional legal publication of notice of the public hearing shall not be required.

5. The order of business at all meetings shall be as follows:
  - (a) call to order.
  - (b) roll call (may be taken orally or by visual identification by the secretary);
  - (c) approval of minutes;
  - (d) public presentations (items not on the regular agenda)
  - (e) presentation of requests and/or petitions (hearings) on the agenda;
  - (f) old business;
  - (g) new business;
  - (h) adjournment.
6. Every motion shall be restated by the Chair before a vote is taken. The name of the maker and seconder of a motion shall be recorded.
7. An affirmative vote of a majority of a quorum is required to take action on a motion. However an affirmative vote of a majority of the full Joint Planning Commission is required to approve subdivision plats, to recommend adoption or amendments to the Comprehensive Plan, to recommend adoption of new or text amendments to existing Subdivision Regulations, and to recommend adoption of a new or text amendments to an existing Zoning Regulation. The Chair of the Joint Planning Commission shall vote on all matters.
8. All members shall vote when present. However, a member shall automatically disqualify himself or herself from voting on any matter in which there might be a conflict of interest. The member should indicate the conflict of interest and state the nature of the conflict for the minutes. Further, should any member abstain from voting, that members vote shall be considered cast with the majority.
9. When procedural and parliamentary rules adopted by the Joint Planning Commission conflict, parliamentary procedure shall be according to the "Roberts Rules of Order."

#### **ARTICLE IV - AGENDA SUBJECTS**

1. Any interested party may request a place upon the agenda of a Joint Planning Commission meeting.
2. A copy of the agenda shall ordinarily be mailed to the members of the Joint Planning Commission so that they may review it at least three (3) days prior to the meeting.
3. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chair may allow consideration of non-agenda items.

**ARTICLE V - HEARINGS**

1. Before recommending adoption or amendment of all or any part of the Comprehensive Plan, Zoning Regulations, Subdivision Regulations, or Major Street Plan, the Joint Planning Commission shall hold a public hearing on the matter as required by law.

The following procedure will normally be observed:

- (a) staff presents the agenda item;
  - (b) the Joint Planning Commission may ask questions regarding the staff presentation and report;
  - (c) the applicant of the agenda item makes a presentation;
  - (d) any members of the public wishing to speak make presentations;
  - (e) applicant makes rebuttal;
  - (f) staff presents staff findings;
  - (g) Joint Planning Commission asks any questions it may have of the applicant, other members of the public, or staff;
  - (h) Joint Planning Commission closes public hearing and begins deliberation; deliberations may be made in executive session;
  - (i) Joint Planning Commission takes action upon the request in open session;
  - (j) Joint Planning Commission action may be to approve, approve with modification, deny, make "no recommendation", or continue the request to the next meeting for additional information.
2. Action by the Joint Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

**ARTICLE VI - RECOMMENDATIONS**

1. The Joint Planning Commission shall authorize a member of the Joint Planning Commission or supporting staff to appear before the Governing Body for the purpose of reporting recommendations of the Joint Planning Commission.

**ARTICLE VII - COMMITTEES**

1. The Joint Planning Commission may establish such committees as deemed advisable and assign each committee specific duties or functions.
2. The Chairman shall designate the members of each committee and shall name the Chairman of each committee. The Joint Planning Commission shall fill vacancies on committees as they are created.

**ARTICLE VIII - EXPENSES**

1. The Joint Planning Commission may accept, receive, or expend funds and services only from budgeted funds authorized by the Governing Body.
2. The designated fiscal agent of the Joint Planning Commission shall be the County Clerk of Rush County.

**ARTICLE IX - RECORDS AND REPORTS**

1. The Joint Planning Commission shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
2. All records of the Joint Planning Commission shall be available for public review.
3. The Commission shall annually review the Comprehensive Plan after its adoption to determine if any portion has become obsolete and shall make a report to the Governing Body regarding same.

**ARTICLE X - AMENDMENTS**

1. These bylaws may be amended by an affirmative vote of a majority of a quorum of the Joint Planning Commission provided such amendments have been submitted in writing to each member of the Joint Planning Commission at least three (3) days prior to the meeting at which action is to be taken.

**ARTICLE XI - ETHICAL PRINCIPLES**

1. Members of the Joint Planning Commission who shall legally have a conflict of interest or believe that they may have a substantial interest, as defined in K.S.A. 75-4301, in any matter that is on the Commission's agenda shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Commission member. Conflict of interest includes ownership of property or business in which the Commission is considering action, receipt of fees, salaries or gratuity from such business or businesses, or a family relationship to an applicant seeking Commission action.

Approved \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Joint Planning Commission of Rush County, Kansas

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

## ETHICAL PRINCIPLES

### RUSH COUNTY JOINT PLANNING COMMISSION AND STAFF

The Rush County Joint Planning Commission has officially adopted the following principles to govern the conduct of its business. These principles should be considered as advisory rather than mandatory. Should any questions arise about the interpretation and application of any of these principles, the County legal counsel should be consulted.

1. Serve the Public Interest. The primary obligation of Joint Planning Commission members and planning staff is to serve the public interest.
2. Support Citizen Participation in Planning. Because the definition of the public interest is modified continuously, Joint Planning Commission members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well-being. Members should encourage a forum for meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.
3. Recognize the Comprehensive and Long Range Nature of Planning Decision. Joint Planning Commission members and planning staff should recognize and give special consideration to the comprehensive and long-range nature of planning decisions. Joint Planning Commission members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Joint Planning Commission members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Joint Planning Commission members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. Expand Choice and Opportunity for All Persons. Joint Planning Commission members and planning staff should strive to make decisions which increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions, and decisions which restrict choices and opportunities be changed.
5. Facilities Coordination through the Planning Process. Joint Planning Commission members and planning staff must encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests. Joint Planning Commission members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
6. Avoid Conflict of Interest. To avoid conflict of interest and even the appearance of impropriety, Joint Planning Commission members who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may directly

or indirectly create a material personal gain, or provide an advantage to an immediate relative. A member with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and step down from the Joint Planning Commission and not participate as a member of the public when such deliberations are to take place. The member must not discuss the matter privately with any other voting Commission member on the matter.

7. Render Thorough and Diligent Planning Service. Joint Planning Commission members and planning staff must render thorough and diligent planning service. Should a Joint Planning Commission member or member of staff believe he or she can no longer render such service in a thorough and diligent manner, he or she should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member should not participate in that decision.
8. Not Seek or Offer Favors. Joint Planning Commission members and members of staff must seek no favor. Joint Planning Commission members and planning staff must not directly or indirectly solicit any gift, or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties; or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part. Individuals must not offer any gifts or favors intended to influence the recommendation or decision of Joint Planning Commission members or planning staff.
9. Not Disclose or Improperly Use Confidential Information for Financial Gain. Joint Planning Commission members and planning staff must not disclose or use confidential information obtained in the course of their planning duties for financial or other gain. A Joint Planning Commission member or staff must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of nondisclosure may be made only when: (a) required by process of law, (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the Joint Planning Commission member or member of staff has made reasonable efforts to verify the facts and issues involved, obtain reconsideration of the matter, and obtain separate opinions on the issue from other officials or the County legal counsel.
10. Ensure Access to Public Planning Reports and Studies on an Equal Basis. Joint Planning Commission members and planning staff must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to a Joint Planning Commission member or planning staff must be made available in the same form to the public in a timely manner at reasonable or no cost.
11. Ensure Full Disclosure at Public Hearings. Joint Planning Commission members and staff members must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. All Joint Planning Commission members and staff must make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record.

12. Maintain Public Confidence. A Joint Planning Commission member or member of staff must conduct himself/herself publicly so as to maintain public confidence in the public planning body, Rush County and the official's performance of the public trust.