



RULES *of* ORDER  
BOARD *of* COUNTY COMMISSIONERS  
JOHNSON COUNTY, KANSAS

2009 EDITION

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Key to Citations/References:

KSA	=	Kansas Statutes Annotated
HRC	=	Home Rule Charter of Johnson County, Kansas
AGO	=	Kansas Attorney General's Opinions
KCCA	=	Kansas County Commissioners Handbook [Kansas Association of Counties]
RONR	=	Robert's Rules of Order, Newly Revised (10th Edition)
MASON	=	Mason's Manual of Legislative Procedure (2000 Edition)
STURGIS	=	Sturgis' Standard Code of Parliamentary Procedure (4th Edition)
DEMETER	=	Demeter's Manual of Parliamentary Law & Procedure

## I RULES

SECTION 1. Authority of Rules; Purpose; and Principles. Pursuant to state law, the Board of County Commissioners may enact rules and regulations to govern its own proceedings and the transaction of its business. These rules, therefore, having been adopted by the Board of County Commissioners, are intended to guide the efforts of its Members, acting collectively, in conducting the business of the Johnson County Government.

*See* KSA 19-218

*See* RONR §2 (Rules of Order, pg. 15)

*See* MASON Chapter 1, Sec. 2; also Chapter 3, Sec. 10

*See* STURGIS (Chapters 1 and 2); Chapter 24 (Charters, Bylaws, and Rules, pgs. 210-212)

*See* DEMETER (Introduction, pgs. 15-16); also Chapter I (Rules of Debate, pgs. 21-23)

Case Annotation: *Stephan v. Board of Sedgwick County Commissioners*, 244 Kan. 536 (1989).

Case Annotation: *Masters v. McHolland*, 12 K. 17, 24; *Higgins v. Curtis*, 39 K. 283, 18 P. 207.

A. These rules are intended to facilitate, and not obstruct, the conduct of business by providing an orderly and consistent framework for conducting such meetings.

B. All Members have and share equal rights, privileges, responsibilities, and obligations, which includes, but is not limited to, the following:

(1) All Members present and participating in meetings have the right to make, second, or amend motions.

(2) All Members present and participating in meetings have the right to participate in debate when discussion is permitted. Members shall speak for intervals not exceeding five minutes after being recognized by the Chairman, so all Members have an equal opportunity to speak to issues that are pending before the Board.

[NOTE: As a courtesy, the Chairman may signal Members when they have exceeded five minutes so that a Member may bring his or her comments to a conclusion.]

(3) All Members have the right to make inquiries and seek clarification or further information on pending matters.

(4) All Members present for meetings have the right to vote on matters, unless prevented by a conflict of interest, in which case a Member should abstain from participating in those proceedings.

*See* RULE II – MEMBERS, Section 3. Conflict of Interest

C. The Board of County Commissioners is a single, continuing governing body: the will of the majority shall be the decision of the body and shall be binding upon it.

SECTION 2. Compatibility. These rules shall not conflict with the Constitution or laws of the State of Kansas or Home Rule Charter, but shall supplement those higher authorities.

SECTION 3. Procedural Authority. In the absence of a rule or established practice, the Chairman shall declare the proper procedure. If a point of order is raised and sustained, then the applicable procedure set forth in *Robert's Rules of Order, Newly Revised* (10th edition) shall govern to the extent practicable and where not inconsistent with the laws and regulations of the State of Kansas.

*See* RONR §2 (Rules of Order, pg. 15-17)

*See* RONR §24 (Rulings of the Chair, pg. 254)

*See* MASON Chapter 5, Sec. 30, 31, and 32

*See* MASON Chapter 6, Sec. 39 (5)

*See* STURGIS (Chapter 1, pgs. 5-6); (Charters, Bylaws, and Rules, pgs. 210-212)  
*See* DEMETER (Introduction, pgs. 15-16)

[NOTE: Reference to *Robert's Rules of Order*, or to any parliamentary authority, shall not restrict the ability of the Board of County Commissioners to determine its procedure, subject to statutory or legal mandates.]

SECTION 4. Applicability. These rules shall apply to all official proceedings conducted by the Board of County Commissioners, in all its capacities, including when acting as the governing body of a separate agency or legal entity, except those proceedings which by law require a different procedure.

*See* RONR §2 (Rules of Order, pg. 15-17)  
*See* MASON Chapter 5, Sec. 30, 31, and 32  
*See* STURGIS (Chapter 1, page 4); (Charters, Bylaws, and Rules, pgs. 210-212)  
*See* DEMETER (Introduction, pgs. 15-16)

SECTION 5. Suspending the Rules. Any rule may be suspended by majority vote; but such suspension shall not extend past the matter acted upon, or the meeting, as appropriate. A motion to suspend the rules must state the purpose for the suspension.

*See* RONR §25.  
*See* MASON Chapter 3, Sec. 14  
*See* STURGIS Chapter 10 (Incidental Motions, pgs. 84-87)  
*See* DEMETER (Chapter VI - Incidental Motions (Suspend the Rules), pgs. 122-123)

SECTION 6. Amendment of the Rules. These rules may be amended at any time upon a prior notice to all Members and by a simple majority vote at a subsequent public meeting.

*See* RONR §34(7).  
*See* MASON Chapter 3, Sec. 13  
*See* STURGIS Chapter 8 (Subsidiary Motions—Motion to Amend, pgs. 47-55)

SECTION 7. Effect. These rules shall be and remain in effect upon adoption and until otherwise amended or repealed.

## II MEMBERS

SECTION 1. Conduct. Members shall conduct themselves in a proper, businesslike manner during all proceedings, and shall respect and follow these rules. Each Member shall demonstrate courtesy and respect for the Board, for the public, for staff and for other Members, and no Member shall impute to another, either directly or indirectly, by any form, conduct that is unbecoming of a Member of the Board of County Commissioners of Johnson County, Kansas.

SECTION 2. Code of Ethics. Members shall comply with the Johnson County Code of Ethics.

*See* Resolution No. 162-88 [Code of Ethics]

SECTION 3. Conflict of Interest. A real or potential conflict of interest shall be declared and the Member so declaring the conflict shall abstain from further participation in the matter.

*See* Rule VI, Section 3.F(3).

[NOTE: Members should remain mindful of the provisions of the Code of Ethics and state conflicts laws, but also be aware that many other situations can present the appearance of or actual conflict of interest. If

there are concerns, Members may inquire of the Chief Counsel to determine whether a conflict may exist and what, if any, action should be taken in such situation(s).]

SECTION 4. Attendance. Members shall attend all meetings, unless prevented while performing other business of the County or prevented due to absence from Johnson County, illness, emergency, or other conflict. Members expecting to be absent from a meeting should notify the Chairman prior to the meeting or, alternatively, the Clerk, who will be responsible for notifying the Chairman prior to the start of any meeting.

### III CHAIRMAN / PRESIDING OFFICER

SECTION 1. Presiding Officer. The Chairman is the presiding officer of the Board of County Commissioners, in all its capacities; shall have a voice and vote in all proceedings; may introduce or second motions and debate from the chair; and shall be fully vested with the authority necessary to discharge the duties of office.

*See* HRC Art. II, Sec. 2.06 [Duties of the Chair]  
*See* RONR §46 (Chairman or President, pg. 438-447)  
*See* MASON Chapter 52  
*See* STURGIS Chapter 19 (Officers – President, pgs. 162-165)  
*See* DEMETER (Chapter XV – The President, pgs. 190-191)

SECTION 2. Duties as Presiding Officer. Without limiting the generality of the foregoing, it shall be the duty of the Chairman (or presiding officer) to:

- A. Be considered a Member of the Board of County Commissioners, with all rights and privileges accorded to other Members, including the right to vote on all questions, as provided by law.
- B. Officiate and preside over all proceedings, ensuring order, decorum, and compliance with these rules and facilitating the will of the majority.
- C. Recognize those entitled to the floor and confine debate to matters under consideration.
- D. Decide all questions of order, subject to an appeal by any Member.

[NOTE: An appeal is a privileged motion raised under a *Point of Order*.]

- E. Put to vote all matters properly introduced and to declare the result thereof for the record.
- F. Authenticate by signature all acts, orders, and judgments made by authority of the Board of County Commissioners.

*See* HRC Art. II, Sec. 2.06 [Duties of the Chair]  
*See* Resolution No. 138-84

SECTION 3. Authority of Chairman. The Chairman shall have the authority necessary to enforce the rules and prevent the misuse of motions or established procedure, the abuse of privileges, or obstruction of business.

*See* RONR §46 (Chairman or President, pg. 438-447) for additional detail on proper functions of the office  
*See* STURGIS Chapter 19 (Officers – President, pgs. 162-165)  
*See* DEMETER (Chapter XV – The President, pgs. 190-191)

SECTION 4. Vice Chairman. The Chairman shall select a Member to serve as Vice Chairman, subject to the approval of the Board of County Commissioners, who shall serve as presiding officer in the absence or temporary

disability of the Chairman, and to perform such other duties as may be assigned from time to time by the Board of County Commissioners, or as delegated by the Chairman.

SECTION 5. Chairman Pro Tempore. In the absence of both the Chairman and Vice Chairman, then the Member with the most seniority shall be designated as chairman *pro tempore* and shall serve as presiding officer for that meeting, or until the appearance of the Chairman or Vice Chairman. Seniority shall be determined by the length of continuous service in office, with ties decided by lot amongst those with equal seniority.

SECTION 6. Succession in office. Vacancies in the office of the Chairman or of any Member shall be filled in accordance with the provisions of Resolution No. 037-04, which prescribes the processes applying to succession in the offices of Chairman and Commissioner.

For Sections 4, 5, and 6 above, refer to:  
*See* KSA 19-203 [Vacancy in office of County Commissioner]  
*See* Resolution No. 037-04 [Succession of Officers of the Board of County Commissioners]  
*See* Resolution No. 138-84 [Authority of the Vice Chairman to execute instruments and papers]  
*See* RONR §46 (Vice-President, pgs. 448-449); also (Temporary Occupants of Chair, pgs. 443-444)  
*See* STURGIS Chapter 19 (Officers – Vice President, pg. 166)  
*See* DEMETER (Chapter XV – The Vice President, pg. 191)

SECTION 7. Official Spokesperson and Representative.

A. Pursuant to the Home Rule Charter, the Chairman is the official spokesperson and representative of the Board of County Commissioners. In the Chairman's absence, the Vice Chairman shall assume those functions, including administrative duties assigned to the office. In the absence of the Chairman and the Vice Chairman, the Chairman shall designate a Member to perform those functions.

*See* HRC Art. II, Sec. 2.06 [Duties of the Chair]

B. Members shall not speak on behalf of the Board of County Commissioners or the organization of County Government unless formally designated to do so; if so designated, the Member(s) shall state only the official policy or position adopted by the Board of County Commissioners. When making personal remarks, Members shall clearly identify that their remarks are separate from that of the Board of County Commissioners and that they are speaking in an individual capacity.

#### IV MEETINGS OF THE BOARD

SECTION 1. Annual Session. Pursuant to the provisions of state law, the Board of County Commissioners meets on the second Monday in January, or within thirty (30) days thereafter.

*See* KSA 19-219. [Organization of board; chairman, vacancy; charter counties, exception]  
*See* Charter Resolution No. 036-01. [Relating to KSA 19-209, adopted pursuant to KSA 19-101b on February 1, 2001, establishing meeting dates and authorizing procedures and schedules for official meetings]  
 Case Annotation: Justice v. Board of Wyandotte County Commissioners, 17 K.A. 2d 102, 107, 835 P. 2d 692 (1992).

SECTION 2. Regular Meetings. Regular meetings shall be held on the day or days and at the time or times specified by resolution, and shall be conducted in the Board's Hearing Room, located on the third floor of the County Administration Building in Olathe, unless otherwise provided for and noticed to the public.

*See* KSA 19-209. [Meetings of board in counties of over 50,000]

*See* Charter Resolution No. 036-01. [Relating to KSA 19-209, adopted Feb. 1, 2001, pursuant to KSA 19-101b, establishing meeting dates and authorizing procedures and schedules for official meetings]

### SECTION 3. Special Meetings.

A. Special meetings may be called by the Chairman, or by a majority of Members, by filing written notice with the Clerk at least 24 hours in advance. The Clerk shall provide notice of the special meeting, which shall include date, time, location, and the subject(s) to be presented, and only the subject(s) in the notice shall be considered at that time, to the exclusion of all else.

B. In the event of an emergency involving injury or damage to persons or to property or which impacts the service or operations of the County Government, then a special meeting may be called with less than 24 hours notice, provided a majority of Members waive notice requirements and reasonable effort is taken to notify local news media.

*See* Charter Resolution No. 036-01. [Relating to KSA 19-209, adopted Feb. 1, 2001, pursuant to KSA 19-101b, establishing meeting dates and authorizing procedures and schedules for official meetings]

*See* Resolution No. 049-83. [Relating to special meetings of the Board of County Commissioners]

SECTION 4. Executive (closed) Session. Pursuant to provisions of state law, an executive session shall be called and conducted when necessary.

*See* KSA 75-4319. [Closed or executive meetings; conditions; authorized subjects for discussion; binding action prohibited; certain documents identified in meetings not subject to disclosure]

SECTION 5. Public Hearings. Public hearings shall be conducted when required by state law, charter, or county resolution, to receive testimony from the public on pending matters. Public hearings shall be called either by resolution, by public notice, or by public announcement.

A. The general procedure for a public hearing shall be as follows:

(1) Opening of the Public Hearing: The Chairman shall open the public hearing at the established time, after which staff shall explain the purpose of the public hearing and provide a summary of the issue(s) as well as an overview of the recommendations, if any, presented for its consideration.

(2) Presentations: If appropriate or necessary, those parties involved in the public hearing or who are primarily affected by any action that may arise as a result of the public hearing may be given time to present their evidence and information. The Chairman shall monitor the use of time and, in the interest of efficiency, may impose time and subject matter limits for testimony and comments presented.

(3) Public Testimony: The Chairman shall open the floor to testimony or comments from the general public. The Chairman shall monitor the use of time and, in the interest of efficiency, may impose time and subject matter limits for testimony and comments presented.

(4) Close of Public Hearing: After all testimony and comments have been received, the Chairman shall close the public hearing. If necessary, the public hearing may be held open until a date or time certain in order to provide additional time for the parties affected and the general public to submit additional evidence or commentary as a part of the record of the matter.

(5) Action: After the public hearing is officially closed, unless otherwise prescribed by law, any Member may propose, by regular motion, that the Board of County Commissioners take certain action on the matter, which shall be subject to these rules and any statutory or legal requirements.

B. The foregoing procedure may be modified, as needed, to accommodate the interests of the public and the operation of the County Government.

SECTION 6. Agenda Review Session. The Board of County Commissioners may conduct an informal, plenary session to review the preliminary agenda for future meetings, to receive staff reports and updates on agenda items, and to take up and consider other matters related to the preliminary agenda; Provided, no final action shall be taken on any matter at an agenda review session, but the Members may, by informal vote, give direction to the County Manager or staff, or decide procedural issues, but such votes shall be recognized as having the status of recommendations to the Board of County Commissioners or as direction to the County Manager or staff.

*See RONR §51 (Quasi Committee of the Whole, pgs. 530-532)  
See STURGIS Chapter 15 (Debate—Informal Consideration, pgs. 128-129)*

SECTION 7. Other Meetings. The Board of County Commissioners, as needed and at its discretion, may call and conduct meetings in such other venues as it may determine best serve the purposes and objectives of the County Government.

SECTION 8. Calendar and Notices. The Clerk shall publish a calendar of public meetings which shall serve as notice under the law, and shall post the calendar in a public place and make copies of it available to anyone requesting the same. The Clerk shall also provide such further or additional notices as may be required by law or by order of the Board of County Commissioners.

*See AGO 93-113; 86-113; and 96-14*

SECTION 9. Scheduling. The scheduling of meetings shall be coordinated under the supervision of the Chairman, subject to the following:

A. The Board of County Commissioners shall specifically set, by resolution, public notice, or public announcement, all meetings other than its regular meetings, whether in open or closed session, and whether conducted as the Board of County Commissioners or in some other official capacity. All such meetings shall be added to the official calendar.

B. Any meeting may be moved, continued, or rescheduled in order to accommodate the interests of the public. Any meeting shall be rescheduled upon a concurrence of a majority of the Board of County Commissioners, and notice shall be made by posting the time, date, and location of the rescheduled meeting on the official calendar; and, when necessary, by adoption of a resolution rescheduling the meeting or hearing.

SECTION 10. Location. The Hearing Room located on the third floor of the County Administration Building is the official chamber of the Board of County Commissioners and all public meetings, unless otherwise noticed, shall be held in the Hearing Room at the County Administration Building, and any alternate location shall be specified in the notice for the meeting.

[NOTE: The only persons who are admitted on or behind the dais are the Chairman and Members of the Board of County Commissioners and those staff who are required, under these rules, to attend the meetings and sessions, or their authorized deputies or delegates.]

SECTION 11. Quorum. A majority of Members elected to the Board of County Commissioners shall constitute a quorum for the transaction of business as required by law, unless otherwise provided by state statute or Home Rule Charter. In the absence of a quorum, those Members in attendance shall recess or adjourn until such time as a quorum may be available for the transaction of business.

*See* RONR §39 [Quorum requirements]  
*See* MASON Chapter 7, Sec. 49; Chapter 44, Sec. 500  
*See* STURGIS Chapter 13 (Quorum, pgs. 111-113)  
*See* DEMETER (Chapter VI – Incidental Motions (Quorum), pgs. 134-137)

SECTION 12. Public Accessibility. All meetings shall at all times comply with the accessibility requirements provided under the open records and open meetings laws of Kansas, and records of all proceedings shall be permanently maintained by and made available through the Clerk in accordance with the law.

*See* KSA 45-215, et. seq. [Kansas Open Records Act]  
*See* KSA 75-4317, et. seq. [Kansas Open Meetings Act]  
*See* RONR §47 [Minutes]  
*See* MASON Chapter 64, Sec. 695 (Journal Record of Proceedings)  
*See* MASON Chapter 65, Sec. 705.5 (Public Access to Legislative Chambers)  
 Case Annotation: Stephan v. Board of Sedgwick County Commissioners, 244 Kan. 536 (1989).

SECTION 13. Public Participation. All persons who act in an orderly manner may attend and observe any meeting of the Board of County Commissioners, except those which are closed according to law, and specific time shall be set aside during every regular business meeting to receive public comment concerning business of the County Government; Provided, that such attendance shall in no way interfere with or impede the conduct of the meeting. In the event of a disturbance or conduct that is disruptive to the proceedings, the room may be cleared of any person(s) by the Chairman. Members of the public shall not: make remarks which are personally offensive, impertinent, profane, or slanderous; campaign for or against a public office; promote private business interests or ventures; or use offensive or indecorous language which insults or demeans any person. Further, members of the public shall not be permitted to have placards, banners, or signs within the chambers of the Board of County Commissioners; Provided, that exhibits, displays, and visual aids used in connection with presentations on official items before the governing body may be permitted.

*See* KSA 19-218 [Public access to meetings of the Board of County Commissioners]  
*See* KSA 75-4317, et. seq. [Kansas Open Meetings Act]  
*See* MASON Chapter 65, Sec. 705.5 (Public Access to Legislative Chambers)  
 Case Annotation: Stephan v. Board of Sedgwick County Commissioners, 244 Kan. 536 (1989).

SECTION 14. Media. All public meetings shall be made accessible to representatives of the news media, freely subject to recording by radio, television and photographic services, provided such arrangements do not interfere with the orderly conduct of business at such meetings.

*See* KSA 75-4318(e) [Kansas Open Meetings Act]

[NOTE: In no circumstance shall any representative of the news media or member of the public be allowed upon the dais or behind the seats on the dais. A suitable space within the gallery of the hearing room shall be reserved for use by the news media, subject to the oversight of the Clerk of the Board.]

## V ORDER OF BUSINESS

SECTION 1. Order of Business. The following order of business shall be followed at all regular meetings:

CALL TO ORDER  
 OPENING CEREMONIES  
 PUBLIC COMMENTS  
 NOTES FOR THE RECORD  
 CONSENT AGENDA  
 ACTION AGENDA  
 REPORTS AND COMMUNICATIONS  
 COMMISSION COMMENTS

## ADJOURNMENT

[NOTE: The Chairman may deviate from the established Order of Business to accommodate the needs of the Board or pressing business, or such deviation may be made by motion approved by the Board.]

SECTION 2. Call to Order. The Chairman shall open each regular meeting at the appointed hour and, as the first item of business, shall direct the Clerk to call the roll, thereby proving the presence of a quorum, as required by law for the transaction of business.

SECTION 3. Opening Ceremonies. The Chairman shall lead the recitation of the Pledge of Allegiance to the Flag of the United States of America. The Chairman may invite or designate others to perform this duty. Thereafter, other ceremonies of a similar official nature may be held at the opening of any properly convened meeting. In addition, this time may be used to present awards, proclamations, or other honors by the Board of County Commissioners or to receive remarks by distinguished guests. Presentations shall be approved by the Chairman.

SECTION 4. Public Comments. This time shall be set aside at every regular meeting to allow the public to address matters that are not listed on the printed agenda, but which relate to the business of County Government. All speakers shall identify themselves for the record by providing the following: name; address and organization or affiliation, if appropriate; interest, or subject matter of concern; and the name(s) of those he or she may represent, and capacity, as appropriate. This information shall be provided by all speakers granted the privilege of the floor at any meeting. The Chairman shall have the discretion to determine the amount of time allotted to each speaker.

[NOTE: This shall not impact the opportunity that is provided to interested members of the public to speak to individual agenda items, as provided in Rule IV, Section 12. B.]

SECTION 5. Notes for the Record. This time shall be used by the Chairman to note matters which are to be executed by the Chairman, or another individual or entity, under previous authority granted by the Board of County Commissioners, which matters shall be recorded in the Journal.

SECTION 6. Consent Agenda. Items that are determined to be routine and non-controversial may be placed on a separate docket called the consent agenda, which is taken up and acted upon, collectively, under a single (omnibus) motion. The Chairman and County Manager may prepare a proposed consent agenda for consideration by the Board of County Commissioners. Any item (or items) shall be removed and placed on the action agenda by the Chairman for further consideration at the request of any Member or by any member of the public.

[NOTE (1): The consent agenda is intended to expedite approval of routine and non-controversial business matters; therefore, in recognition that any item may be separated from the consent agenda prior to formal action, the ability of the Chairman and County Manager to propose a consent agenda for any regular meeting shall not be impacted whether or not a prior formal review of the preliminary agenda is undertaken by the Board.]

[NOTE (2): The procedure in considering the consent agenda is as follows:  
The Chairman directs the Clerk to read the proposed consent agenda.  
A motion is in order, and must be seconded, which should be in the following form: "I move the adoption of the consent agenda, as presented (or, as amended)."  
Items may be separated from the consent agenda at the request of any Member or by any interested member of the public, which then fall to the action agenda.  
The Chairman directs the Clerk to call the roll on the motion to adopt the consent agenda.  
The Chairman announces the result of the vote, and its effect.]

SECTION 7. Action Agenda. All other items on the agenda requiring formal action shall be considered as part of the action agenda, and each item shall be considered and acted upon separately.

A. Interested persons may be permitted to address the Board of County Commissioners on any item, other than the consideration of minutes and appointments, on the action agenda at the time it is presented.

[NOTE: The minutes and nominations for appointment are privileged matters belonging to the Board of County Commissioners and therefore are not, as a general rule, open to public comment.]

B. Ordinarily, no person other than the applicant or proponent of an agenda item will be permitted to address any item more than twice during the same meeting, and shall limit their comments to no more than five minutes each time; Provided, that the Chairman shall have the discretion to determine the amount of time allotted to each speaker.

SECTION 10. Reports and Communications. This time is set aside for reports or formal communications from the Chairman, the County Manager, the Chief Counsel, or other staff which pertain to the business and operation of the County Government. When written reports or communications are presented, they shall be filed for record with the Clerk.

*See* RONR §50 [Reports]  
*See* STURGIS Chapter 21 (Reports & Recommendations, pgs. 185-190)

SECTION 11. Commission Comments. This time is set aside to allow Members to comment on matters related to the business and operation of the County Government.

SECTION 12. Executive Session (if necessary). An executive session may only be called from an open meeting and the time and purpose of the executive session must be included in the motion and recorded in the Journal. An executive session may be called at any point during the established Order of Business to accommodate the needs of the Board.

*See* KSA 75-4319 [Kansas Open Meetings Act]

SECTION 13. Adjournment. The Chairman shall adjourn all meetings at the close of scheduled business unless a Member timely objects to the adjournment and proposes proper consideration of additional business. In that event, the meeting shall adjourn upon the passage of a motion carried by majority vote.

*See* RONR §21.  
*See* STURGIS Chapter 11 (Privileged Motions—Motion to Adjourn, pgs. 77-81)  
*See* MASON Chapter 20, Sec. 200 (Precedence of Motion to Adjourn, pg. 161)  
*See* DEMETER (Chapter V – Privileged Motions (Adjourn), pgs. 108-111)

SECTION 14. Order for Special Proceedings. The order of business for all other forms of proceedings, including special meetings, joint meetings, and meetings conducted in a separate capacity, shall have and follow an order of business determined by the Chairman, or as stipulated by applicable law or regulation; and such order shall be reflected in the agenda prepared and published for those proceedings.

## VI MOTIONS & PROCEDURE

SECTION 1. Motions. A motion is a proposal to act, and is the mechanism by which business is introduced and conducted by the Board of County Commissioners. Unless operating under procedures provided by state statute or other legal regulation, or procedures set forth in *Robert's Rules of Order* as provided under Rule I, Section 4., all motions shall be open to debate without restriction, shall require a second (except as noted herein), and, in the absence of higher authority, shall require a simple majority vote for passage.

SECTION 2. Classification of Motions & Order of Precedence. Motions that are introduced are classified into the following categories, which rank in precedence (from highest to lowest) in the order given; specifically:

A. PRIVILEGED MOTIONS: Questions which relate generally to the rights and privileges of the body itself and of its Members or to other important matters which necessarily are afforded a privileged status. As a consequence, privileged motions outrank all other classes of motions; they may interrupt business and must be decided immediately.

B. INCIDENTAL MOTIONS: Questions which relate to procedure in the consideration and transaction of business. Due to their nature, incidental motions typically must be decided immediately, before further business may proceed or consideration of a pending question resume.

C. SUBSIDIARY MOTIONS: Questions which relate directly to the consideration, handling, and action upon specific business (main motions) properly in possession of the body. These motions are intended to assist the body in the treatment and/or disposition of the immediately pending question.

D. MAIN MOTIONS: An original proposition made, seconded, and in possession of the body.

For Sections 1 and 2 above, refer to:

*See* RONR §5 [Basic Classifications; Order of Precedence of Motions, pgs. 55-59]

*See* RONR §6 [Description of Classes & Individual Motions, pgs. 59-76]

*See* STURGIS Chapter 4 [Classification of Motions, pgs. 16-20]

*See* STURGIS Chapter 5 [Precedence of Motions, pgs. 21-23]

*See* MASON Chapter 16 [Presentation of Motions, pgs. 118-131]

*See* MASON Chapter 17 [Classification of Motions, pgs. 132-144]

[NOTE: The classification and order of precedence established in these rules differ from those established in *Robert's Rules of Order*, and are more aligned to the classification and ranking set forth in *Mason's Manual of Legislative Procedure*, a parliamentary authority that is specifically designed for legislative bodies.]

SECTION 3. MAIN MOTION: The original proposition submitted for consideration.

*See* RONR §4 [The Handling of a Motion, pgs. 31-54]

*See* RONR §10 [The Main Motion, pgs. 95-120]

*See* STURGIS Chapter 7 (Main Motions, pgs. 32-46)

*See* MASON Chapter 17 (Classification of Motions, pgs. 132-144)

*See* MASON Division 4 [Main Motions, pgs. 293-298]

*See* DEMETER (Chapter II – Main Motions & Resolutions, pgs. 24-35)

A. Any Member, having properly obtained the floor, may introduce a motion using the phrase: “I move that...[with the language of the proposal included].”

B. Except where noted in these rules, every motion requires a second, or the motion fails for lack of a second.

*See* RONR §4 [Seconding a Motion, pg. 34]

*See* STURGIS Chapter 6 (Rules Governing Motions, pgs. 25-26)

*See* DEMETER Chapter II (Main Motions & Resolutions, pgs. 27)

[NOTE: The principle in requiring a second to all motions, except where indicated, is to signify substantial interest among the Members to consider any proposal. Absent a proper second, a motion fails to command the attention of the body.]

C. A motion may be withdrawn by the Member at any time prior to the matter being put to a vote, and such withdrawal shall not require concurrence by the Member seconding the motion.

D. Types of Main Motions: In general, the following represent the primary motions considered by the Board of County Commissioners.

- (1) APPROVE: Official action to sanction or endorse a proposal that is properly in the possession of the body.
- (2) APPROVE AND ADOPT: the preferred motion for positive enactment of a resolution, indicating that the form of the resolution is approved and the proposition it contains adopted by the body.
- (3) AUTHORIZE: Official approval to empower an action or to empower a person to act on behalf of the body or the Johnson County Government in a specific manner.
- (4) DENY: Official action to reject a proposal properly in the possession of the body.
- (5) RESCIND/REPEAL: Official action to nullify previous action taken by the body, which may be accomplished by a simple majority vote in the absence of a higher requirement under the law.

#### SECTION 4. SUBSIDIARY MOTIONS.

*See* RONR Chapter VI [Subsidiary Motions, pgs. 121-210]  
*See* STURGIS Chapter 8 [Subsidiary Motions, pgs. 47-71]  
*See* MASON Part IV., Division 3 [Subsidiary Motions, pgs. 233-292]

A. AMEND: A subsidiary motion to improve or clarify the intent or substance of a pending motion, either by:

[NOTE: The test to determine if a motion is amendable is: If a motion can be put in another form, producing substantially different results, then it may be amended.]

- (1) ADDITION—Amending through the addition of specific words, phrases, or sentences to perfect the intent or meaning of the pending main motion.
- (2) DELETION—Amending through the striking of specific words, phrases, or sentences to perfect the intent or meaning of the pending main motion.
- (3) SUBSTITUTION—Amending by substitution of provisions, sections, or the entire language of the original motion and providing in lieu thereof new provisions, sections, or language; substantially, offering a new motion germane to the subject of the original main motion properly in possession of the body.
- (4) FRIENDLY AMENDMENT—An amendment offered to a pending motion properly in possession of the body which, if accepted by the movant and the seconder of the pending motion, is accepted without a separate vote.

[NOTE: Whereas *Robert's Rules of Order* does not recognize the “friendly amendment,” this practice is based on long-standing custom and is intended to expedite consideration by the body without the necessity of a formal vote where unanimous consensus indicates favor for the proposition.]

- (5) An amendment must be germane to the question under consideration; amendments in the third degree are not in order.
- (6) Amendments shall be acted upon in reverse order; thus, the last amendment presented shall be the first to be disposed of, as necessary.

For Paragraph A and Items (1), (2), (3), (4), (5), and (6) above, refer to:  
*See* RONR §12.  
 (1) *See* §12 [Rules for Different Forms of Amendment], pg. 136.

- (2) *See* §12 [Rules for Different Forms of Amendment], pg. 142.
- (3) *See* §12 [Rules for Different Forms of Amendment], pg. 145.
- (5) *See* §12 [Determining the Germaneness of an Amendment], pg. 132.
- See* STURGIS Chapter 8 (Subsidiary Motions—Motion to Amend, pgs. 47-55)
- See* MASON Chapter 38 [Motion to Amend, pgs. 268-288]
- (5) *See* Sec. 402 [Amendments Must Be Germane]
- (5) *See* Sec. 408 [Amendments of Amendments]

B. REFER: A subsidiary motion that enables any pending question or matter to be referred to a committee, agency or department, or another entity for review, comment, and possibly recommendation. This includes the opportunity to refer a pending question or matter to the Committee of the Whole or other committees that may be established. Instructions may be included in the motion to refer.

- See* RONR §13.
- See* STURGIS Chapter X [*Subsidiary Motions—Motion to Amend*, pgs. 47-55]

C. REMAND: A specialized subsidiary motion—based on principles of the motion to refer—which is specific to land use, planning and zoning, and development applications whereby an item under consideration is returned for further review and consideration either by the Planning Commission or the township zoning board. Any item may be remanded more than once. Although items may be remanded by motion, it is preferable to remand items by the adoption of a directive outlining the specific points to be considered or reconsidered.

D. DEFER: A subsidiary motion postponing consideration (or further consideration) of a measure to a date or time certain. When a motion is deferred, the entire matter is held over and the original main motion and all subsequent actions adhering to it are brought again before the body.

- See* RONR §14 [Postpone to a Time Certain]
- See* §12 [Rules for Different Forms of Amendment], pg. 136, pg. 142.
- See* STURGIS Chapter 8 (Subsidiary Motions—Motion to Postpone to Definite Time, pgs. 58-62)

E. TABLE: A subsidiary motion postponing consideration of a measure indefinitely, to be taken up again at any future meeting by a simple majority vote. A tabled measure remains with the Clerk until called up again, at which time the measure shall be in the same condition as when originally tabled, including the original main motion and all subsequent actions adhering to it.

- See* RONR §11 [Postpone Indefinitely]
- See* DEMETER (Chapter IV – Subsidiary Motions (Table), pgs. 94-97)

[NOTE: Whereas *Robert's Rules of Order* uses the motion to Table as a mechanism to temporarily set aside a question for a brief period of time within the same session/meeting, this practice is based on long-standing custom and conforms to the practice outlined in *Demeter's Manual*, which is equivalent to the motion to *Postpone Indefinitely* any motion or question, including all subsequent actions adhering to it, until being called up again by simple majority vote of the Members.]

## SECTION 5. INCIDENTAL MOTIONS.

- See* RONR Chapter VIII [Incidental Motions, pgs. 240-288]
- See* STURGIS Chapter 10 [Incidental Motions, pgs. 82-101]
- See* MASON Part IV., Division 2 [Incidental Motions, pgs. 179-232]

A. POINT OF ORDER: An incidental motion which enables a Member to bring attention to a potential breach of order or to question a procedure or rule. A point of order does not require a second, nor is it debatable. It is the duty of the Chairman to immediately take up the point of order and render a decision thereon. The Chairman may seek advice from counsel or other Members, and if no decision or ruling is apparent, then the Chairman may present the point to the body for a vote.

[NOTE: A Member may also raise a *Parliamentary Inquiry* or *Point of Information*, both of which are handled in the same manner as a *Point of Order*.]

B. SUSPEND THE RULES: An incidental motion which enables the body to temporarily set aside its rules, or any specific portion of its rules, in order to proceed to the consideration of some question or matter, carried on a simple majority vote. Such suspension shall not extend past the question or matter acted upon, or the meeting, as appropriate. A motion to suspend the rules must state the purpose for the suspension and requires a second.

C. DIVIDE A QUESTION: An incidental motion which enables the body to divide a complex question or proposal and to consider the matter by section or paragraph (*seriatim* consideration). A motion to divide a question must be seconded, but is not subject to debate.

## SECTION 6. PRIVILEGED MOTIONS.

*See* RONR Chapter VII [Privileged Motions, pgs. 211-239]

*See* STURGIS Chapter 9 [Privileged Motions, pgs. 72-81]

*See* MASON Part IV., Division 1 [Privileged Motions, pgs. 153-178]

A. CALL THE QUESTION: A privileged motion which closes debate or discussion and moves immediately to a vote on the pending question.

[NOTE: Whereas *Robert's Rules of Order* recognizes this as the subsidiary motion *Previous Question*, the practice in Johnson County is a long-standing custom intended to expedite consideration by the body of a question or issue which may not require debate or further discussion, or for which debate and discussion have been exhausted. A Member calling the question must be recognized, but does not require a second; debate is not allowed; and the body shall move immediately to the consideration of the pending question. Because the practice terminates debate, it is elevated to the classification of a privileged motion, relating to the rights of the body and its members.]

B. EXECUTIVE SESSION: A privileged motion which allows for a closed session for those purposes allowed by state law, which must be made in open, public session, must be seconded, and it subject to limited debate as to the date and/or time and general purpose. A motion for an executive session outranks all other motions except the two which follow.

C. RECESS: A privileged motion that provides for a short break in the proceedings. It must be seconded, but is not subject to debate. The motion to recess should include a specified length of time as well as the estimated time when the meeting is to reconvene.

D. ADJOURN: A privileged motion that, if carried, terminates all proceedings and ends the meeting. It must be seconded and is not subject to debate. The motion to adjourn is not in order whenever: 1) a motion is immediately pending and must be disposed of; 2) another Member has the floor; 3) during the calling of the roll or during the conduct of any vote; or 4) the Chairman has previously recognized another Member or individual for the purposes of gaining the floor to address the body.

[NOTE: Whereas *Robert's Rules of Order* requires a motion to be made, seconded, and carried to adjourn a meeting, the practice in Johnson County is to empower the Chairman to adjourn meetings when all business on the agenda has been completed and no additional business may be pending. A Member may timely object to the Chairman's adjournment of any meeting for the purpose of introducing business, in which case the meeting may adjourn upon such motion. *See Rule V., Section 13, above for details.*]

SECTION 7. Acceptance of Motions. It shall be the duty of the Chairman to accept or to entertain any proper motion whenever it is in order. A motion is in order when it is presented at an appropriate time, violates no rule, and is not clearly for the purpose of delaying or obstructing business. When a motion appears to the Chairman not

to be in correct form or contrary to the rules or practice of the Board, the Chairman may state that fact and may suggest the proper form of the proposal to the movant. When it is possible to state the motion in proper form, the Chairman may do so rather than in the form and language of the movant. In a case where there could be any question as to whether the Chairman is inaccurately stating the proposal or question before the Board, the Chairman shall inquire of the movant whether the statement is correct before finally entertaining and proceeding with the motion.

#### SECTION 8. Debate.

A. Members shall first request to be recognized by the Chairman before offering any motion or speaking in debate. In the event two or more Members request recognition at the same time, then the Chairman shall name which Member is entitled to the floor first.

B. A Member, having obtained the floor, shall not be interrupted for any reason, unless he or she is called to order, or if a point of order or inquiry is raised.

C. The Member introducing a motion shall be given the courtesy of being the first to speak to it, if he or she desires to do so, and also shall have the privilege of closing debate on the same measure.

D. Members shall confine their comments in debate to the subject matter; shall not engage in personalities; shall refrain from any disruption to the orderly conduct of business; and shall limit their remarks so as not to exceed five minutes in any given time.

E. Debate shall be unlimited, unless restricted by a prior motion, subject to these rules; Provided, no Member shall use debate to prolong debate unnecessarily or to introduce dilatory motions, and the Chairman shall be empowered to restrict debate, subject to an appeal, in order to focus the discussion to matters properly before the Board of County Commissioners.

For SECTION 3 above (generally), refer to:

*See* RONR Chapter XII [Assignment of the Floor & Debate]

(A) §42 [Rules Governing Assignment of the Floor]

(B) §43 [Rules Governing Debate]

*See* STURGIS Chapter 15 (Debate, pgs. 122-129)

*See* MASON:

(A) Chapter 10 [Right to the Floor, pgs. 75-81]

(B) Chapter 11 [Debate on Question, pgs. 82-87]

(C) Chapter 12 [Conduct of Debate, pgs. 88-95]

(D) Chapter 13 [Decorum in Debate, pgs. 96-102]

*See* DEMETER Chapter I [Parliamentary Essentials – Rules of Debate, pgs. 21-22]

*See* DEMETER Chapter III [Debating – Voting, pgs. 36-42]

SECTION 4 9. Voting. Votes shall be taken by calling the roll of Members, with the names of Members entered upon the Journal and listed according to those voting in the affirmative, those voting in the negative, those abstaining, and those absent. Members shall be called in district order, with the Chairman (or presiding officer) called last. Balloting or secret votes shall never be in order.

*See* RONR §44 [Voting Procedure – Roll Call, pgs. 412-415]

*See* STURGIS Chapter 17 (Methods of Voting, pg. 144)

*See* MASON Chapter 47, Sec. 535 [Voting on Roll Call, pgs. 378-382]

[NOTE: The majority of legislative bodies utilize this method because it is the most accurate of all voting systems and is the one most easily verified. It has the further advantage of recording the votes of individual Members, and, since Members are voting in a representative capacity, their constituents are thus able to determine how their representative voted on any given issue.]

A. Before the result of any vote is conclusively stated by the Chairman, any Member may change his or her vote, but not thereafter.

B. A tie vote results in no action being taken, the motion is lost, and it is immediately in order for a new motion to be introduced.

*See* RONR §43 [Tie Votes], pg. 400.

*See* STURGIS Chapter 16 (Votes Required for Valid Actions—Tie Vote, pgs. 136-137)

C. Abstention:

(1) If a Member abstains from a vote, he or she shall provide a brief statement as to the reason for the abstention, which shall be recorded in the Journal.

(2) In abstaining, the Member shall still be counted present for purposes of a quorum, unless that Member leaves the meeting, but shall not be deemed to have participated or voted in any action by the Board of County Commissioners.

D. There shall be no voting by proxy on any question; only those Members in attendance shall be allowed to vote.

SECTION 5. Reconsideration. The Board of County Commissioners may reconsider a previous action any time during the same meeting when that action was taken, but not otherwise. A motion to reconsider requires a 2/3 affirmative majority vote to consider recalling the previous action, and the motion for reconsideration can only be made by a Member who had voted on the prevailing side of the original motion. If passed, the previous action is brought again before the Board of County Commissioners in the same form as when it was adopted.

*See* RONR §37 [Reconsider, pgs. 304-324]

*See* STURGIS Chapter 7 (Main Motions—Restorative Motions, Motion to Reconsider, pgs. 38-42)

*See* MASON Chapter 41 [Motion to Reconsider, pgs. 299-320]

*See* DEMETER Chapter VII [Restoratory Motions – Reconsider, pgs. 138-144]

SECTION 6. Statement for the Record. A Member may be granted the privilege of filing a statement for the record with the consent of the Board of County Commissioners; Provided, that any Member granted such privilege shall submit his or her statement in writing to the Clerk by close of business (5:00 p.m.) on the same day the vote is cast, or within one hour of adjournment of that meeting, whichever is later, in order to be accepted for recordation. A Member who will not be present for a vote may submit a written statement to the Clerk to be read into the record of the meeting from which he or she will be absent.

## VII COMMITTEE OF THE WHOLE

SECTION 1. Convening. The Board of County Commissioners may convene as a Committee of the Whole for the purpose of conducting committee business. Regular meetings of the Committee of the Whole may be scheduled at the close of any regular business meeting of the Board of County Commissioners, or meetings may be scheduled by providing proper public notice. The Board of County Commissioners may resolve into the Committee of the Whole upon a motion duly made, seconded, and carried from any duly scheduled meeting of the Board.

SECTION 2. Proceedings. All proceedings of the Committee of the Whole shall be conducted as proper meetings, open to the public, with adequate legal notice. A quorum of the Committee, consisting of four

Members, is necessary for the conduct of any business by the Committee; Provided, that a lesser number may meet to discuss Committee business or receive reports but shall not transact any business. The Chairman of the Board of County Commissioners shall preside as Chairman of the Committee of the Whole and the Vice Chairman of the Board of County Commissioners shall preside in the absence of the Chairman, or a chairman pro tempore may be designated in the absence of both the Chairman and Vice Chairman.

SECTION 3. Purpose and Business. The Committee of the Whole shall serve as the working committee for the Board of County Commissioners. The Committee shall be used to conduct issue analysis and study, to review and develop policy positions, to discuss optional courses of action, to develop plans and reports, and to receive presentations from staff or from invitees at the request of the Committee. Reports to the Committee of the Whole shall be submitted in writing in accordance with schedules approved by the Chairman and enforced by the County Manager. Each report shall clearly specify what action, if any, is requested or recommended.

SECTION 4. Public Participation. All meetings of the Committee of the Whole shall be open to the public and a record of its proceedings shall be kept for each meeting, separate from the Journals of the Board of County Commissioners. The public shall not be permitted to participate nor offer comments or presentations as part of any proceedings of the ordinary meetings of the Committee. When public participation and comments on any subject under consideration by the Committee of the Whole are desired, a meeting of the Committee of the Whole designated as a public forum may be scheduled. All public forums shall have a defined issue or topic and shall be structured to provide for public participation through comments, presentations, or open discussion.

SECTION 5. Actions and Decisions.

A. The Committee of the Whole may not take any formal action, and no action of the Committee shall be binding upon the Board of County Commissioners or any of its Members.

B. The Committee may, as a part of its proceedings, make motions and conduct votes, consistent with appropriate provisions of these rules, upon issues under consideration by the Committee of the Whole. However, such motions and votes shall not be considered as formal action of either the Committee of the Whole or of the Board of County Commissioners. All such votes shall be considered as informal decisions by the Committee and may be used only as study conclusions, preliminary recommendations to the Board for its consideration, or as directives to the staff.

C. When direction to staff is required on any matter before the Committee of the Whole, that direction shall be accomplished by motion carried by a majority vote.

SECTION 6. Conclusions and Reports. The Committee of the Whole may submit its conclusions and decisions as agenda items to be formally considered by the Board of County Commissioners at one of its subsequent business sessions, or may formalize its conclusions in a study report.

## VIII COMMITTEES

SECTION 1. General purpose. The Board of County Commissioners may establish, by resolution or by motion, special committees, task forces, workgroups, etc., composed of its own Membership from time to time to assist it in the performance of its official duties and functions. Each such committee that is established shall have a defined purpose and shall undertake only the work assigned to it or which is relevant to its purpose. Projects or activities beyond the expressed purpose must be previously approved by the Board of County Commissioners, as must all expenditures and any question or interpretation of policy. The Board of County Commissioners may adopt criteria for membership on its committees and may further adopt reasonable methods for the selection of

members. All committee members are expected to adhere to the policies and procedures enacted by the Board of County Commissioners, including the Johnson County Code of Ethics (Resolution No. 162-88).

## SECTION 2. Operation of Committees.

A. All committees established by the Board of County Commissioners shall at all times comply with requirements of the open meetings and open records laws of Kansas as well as rules established by the Board of County Commissioners, which shall be observed in the operation of all committees created under its authority.

*See* KSA 45-215, et. seq. [Kansas Open Records Act]  
*See* KSA 75-4317, et. seq. [Kansas Open Meetings Act]

### B. Staff support:

(1) The Clerk, or a deputy authorized by the Clerk, shall act as secretary to the Committee of the Whole and other committees established by the Board of County Commissioners: shall publish notices and agendas, keep records and reports pertaining to the business of such committees, and attend to the general clerical operation thereof. This duty may be delegated to another officer, agency or department of the County Government; Provided, the committee secretary shall be responsible for filing copies of all meeting notices, agendas, minutes, reports, and other matters with the Clerk.

(2) The County Manager, through his office, shall manage and coordinate the provision of professional staff support required by the Committee of the Whole and other committees established by the Board of County Commissioners, which shall include, but not be limited to: the preparation, production, and submission of reports, analytical studies, evaluations, and recommendations; the engagement of qualified experts and consultants, when necessary; and assistance in communicating about the work of the committee(s) with the community and with other audiences or groups.

C. The Board of County Commissioners, by majority vote, may relieve any committee of further consideration of any matter referred to it and order that matter placed on its calendar for consideration by a motion to discharge.

## IX AGENDAS

SECTION 1. Meeting Agenda. The Chairman shall direct the preparation of an agenda for each meeting in consultation with the County Manager, which shall list in outline all matters to be introduced, considered, or acted upon. The description of each matter contained on the agenda shall be sufficient to permit the general public to determine the nature or subject of each item. Agenda items may be submitted by any Member through the Chairman; by the County Manager or Chief Counsel; or by the agencies or departments of the County Government through the Office of the County Manager.

## SECTION 2. Preparation and Schedule.

A. The County Manager shall ensure that all agenda items are prepared in accordance with standardized forms and submission schedules approved by the Chairman.

B. The County Manager shall be responsible for ensuring adequate administrative, legal, and financial reviews of all items and such further action as may be necessary so that all items included on the agenda are sufficiently ready for presentation. The County Manager, or his designee, shall consult with and advise staff on the preparation of briefing materials and other supporting documentation. Except for items submitted by the

Chairman or a Member, every item submitted for a meeting agenda shall be subject to the review and approval of the County Manager.

C. The County Manager may designate a proposed Consent Agenda and shall coordinate with the Chairman and assure full communication with respect to all agenda matters.

D. The Chairman may authorize the addition of items submitted outside the approved agenda schedule, but shall notify, or shall cause notification to be made to, all Members at least 24 hours in advance of the meeting; otherwise, a majority vote to suspend the rules shall be required to accept any late additions based on necessity and importance.

[NOTE: From an opinion issued by Chief Counsel, memo dated February 16, 2007: Once the agenda is published, items may not be removed without formal action of the Board unless the Board is divested of authority by some other action. Therefore, items may not be removed at agenda review.]

E. Any item(s) not specifically listed on the agenda may be taken up and acted upon by a simple majority vote if it is determined such action is a priority affecting the effective operation of County Government.

SECTION 3. Publication. The Clerk shall coordinate the publication of each agenda under direction of the Chairman, and shall ensure each item is presented under the appropriate order of business, according to these rules.

## X STAFF

SECTION 1. Staff Attendance. The following staff shall attend the sessions and meetings, except when excused, to render support and assistance in the conduct of business:

A. The County Manager, or the Manager's designee: shall have a seat, but no vote, at all meetings, unless excused; shall provide advice on the financial condition, operation, and needs of the County Government; shall recommend and present policy proposals; and perform such other service as may be required.

B. The Chief Counsel, or the Counsel's designee: shall have a seat, but no vote, at all meetings, unless excused; shall provide, upon request or when necessary, legal advice or opinions on all questions of law or procedure; and perform such other service as may be required.

C. The Clerk of the Board, or the Clerk's designee: shall attend all meetings and record the proceedings thereof; shall read or present papers, reports, motions, and other matters under the correct order of business as directed by the Chairman; shall certify to the passage of acts, orders, and judgments made by authority of the Board of County Commissioners; shall keep and preserve the records and files belonging to the Board of County Commissioners; and perform such other service as may be required.

D. When deemed necessary by the Board or the County Manager, the head or director of any agency or department of the County Government may be requested to attend any meeting to confer and advise upon matters with respect to the functions, services, and the general operation of the agency or department under his or her leadership.

SECTION 2. Inquiry. Members shall not interfere in administration, which is prohibited under the Home Rule Charter, but shall restrict inquiries through the County Manager related to the operations of County Government. Members may confer in person with the County Manager, or his designee, on such inquiries, or may submit a written inquiry. A written inquiry is the preferred method, since the request can then be tracked and

accountability can be ensured. The Clerk, or designee, shall provide forms for the use of Members in making such inquiries and coordinate the inquiry process.

*See* HRC Art. II, Sec. 2.07 [Prohibitions]

## XI MISCELLANEOUS

SECTION 1. Appointed Boards & Commissions. To ensure the vitality of County Government services and programs, the Board of County Commissioners utilizes direct citizen input through the voluntary appointment of individuals to various boards, commissions, committees, councils, and other advisory panels. There are various types of appointed boards and commissions; for example: policy-making (or governing) bodies; quasi-judicial bodies; regulatory or licensing bodies; administrative bodies; and advisory bodies.

[NOTE: For general reference, see also APPOINTED BOARDS & COMMISSIONS: RECOMMENDATIONS FOR IMPROVEMENTS TO THE APPOINTMENT PROCESS IN JOHNSON COUNTY, presented Thurs., October 19, 2006.]

A. Pursuant to the Home Rule Charter of Johnson County, all appointed bodies operating within the organization of Johnson County Government must comply with the administrative policies and procedures established by the Board of County Commissioners, including but not limited to its Code of Ethics and various policies related to financial management, personnel administration, purchasing, and technology.

*See* HRC Art. V, Sec. 5.04 [Governing Boards]  
*See* Resolution No. 162-88 [Code of Ethics]  
*See* Resolution No. 106-81 [Attendance Policy]

B. Appointment Procedure.

(1) The Clerk shall be responsible for administering the process by which appointments are made to the various boards and commissions in accordance with general policies adopted by the Board of County Commissioners.

(2) The Clerk shall publish and distribute a report in January of each year listing all existing and anticipated vacancies for the coming year, and shall issue monthly status reports on such vacancies. Reports shall be posted in public places designated by the Clerk to publicize opportunities for appointment to the County's boards and commissioners to interested members of the community. Whenever a vacancy exists, the Clerk shall provide notice and coordinate a recruitment process.

(3) All appointments are made to definite terms, which shall be maintained by the Clerk. Those appointed to a position on any board or commission shall continue to serve until a successor is appointed by official action. In cases where a vacancy has not been filled by a District Commissioner within 60 days of the notice, the Chairman shall be empowered to consult with the District Commissioner and offer a nomination for that position.

For items (1), (2), and (3) above:  
*See* Resolution No. 004-07 [Procedures for Making Appointments to Boards & Commissions]

(4) The Clerk shall keep the official records pertaining to the appointment process, which includes: membership rosters for all boards and commissions; nomination papers; official oaths; and other records that may be required. In addition, each board or commission shall file copies of all its meeting agendas, minutes, annual reports (if made), and other similar documents with the Clerk of the Board of County Commissioners, which shall be made available to the public as provided under the Kansas Open Records Act.

C. Liaison Assignments.

(1) The Chairman shall designate Members to serve as liaisons on behalf of the Board of County Commissioners to the various appointed boards and commissions within Johnson County Government, as well as to specific external organizations and associations, which shall become effective February 1 each year.

(2) As a liaison, Members are responsible for attending the meetings of the assigned board or commission and remaining current on matters or issues of concern with respect to those boards or commissions. The basic purpose of the liaison assignment is to provide a conduit for timely communications between the Board of County Commissioners and the various boards, commission, and other entities, and, as appropriate, to keep the Board of County Commissioners informed as to the work of those subordinate and external entities. Liaisons may, at times, also function as advocates for their assigned boards and commissions. Liaison roles and assignments may be further defined or directed by the Chairman or by the Board of County Commissioners. Members should ensure that their communications as a liaison reflect the adopted position or majority consensus of the Board of County Commissioners and the policies, procedures, rules and regulations of Johnson County Government.

## SECTION 2. Hearing Room; Member Offices, Stationery & Supplies.

A. Hearing Room: The Hearing Room shall be the official chamber of the Board of County Commissioners, and shall be under the supervision and control of the Chairman and reserved for the use of the Board and its functions. The Chairman may authorize the use of the Hearing Room for governmental purposes.

B. Member Offices: Each Member shall be provided with office space within the Office of the Board of County Commissioners, which shall be his or her official mailing address for correspondence and notices related to official business of the County Government or related to his or her official duties. Each office shall include the necessary furnishings, supplies, and equipment to support the Member in the performance of his or her official duties. Each Member is also eligible to receive adequate equipment and supplies for a home office that enables him or her to function effectively and perform the duties of his or her office.

[NOTE: Office space is allocated by the Chairman, generally on the basis of seniority. If any Member's office is vacated for any reason, that office may be offered to other Members on the basis of seniority. This provision does not pertain to the office of Chairman.]

C. Official Stationery: All correspondence by the Chairman or any Member in his or her official capacity shall be prepared on official stationery provided by the Office of the Board of County Commissioners. Official stationery shall not be used for personal correspondence of the Chairman or any Member for any reason.

D. Return of County Assets: At the conclusion of their terms, Members may arrange to purchase equipment that was provided to them for their official use as a County Commissioner, and this shall include, but not be limited to computers and/or laptops, fax machines, cell phones, etc.; Provided, that the Information Technology Services Department shall determine a fair market price for such equipment to be paid by the Member, payable to Johnson County Government and delivered to the Clerk within 60 days of leaving office.

SECTION 3. Notification of Significant Activities or Events. The Board of County Commissioners shall expect the County Manager to notify them, and provide periodic updates, regarding significant activities or events in the community involving actual or potential injury or damage to persons or property or situations which impact the service or operations of the County Government or which affect the citizens of Johnson County.