

**BYLAWS OF THE
JOHNSON COUNTY, KANSAS, PLANNING COMMISSION**

Adopted: March ??, 2022

ARTICLE I: ESTABLISHMENT AND NAME

1.01. The Johnson County, Kansas, Planning Commission was established by Resolution No. 130-84 of the Board of Commissioners of Johnson County, Kansas (Board) on October 4, 1984, and in accordance with the provisions of K.S.A. 19-2957. The official abbreviation of the planning commission's name shall be JCPC. The JCPC shall act as an advisory commission to the Board to support planning and zoning efforts for unincorporated Johnson County, and any additional duties that the Board prescribes. The JCPC shall be subject to the jurisdiction, and under the control and approval of the Board.

ARTICLE II: PURPOSE AND MISSION.

2.01. The purpose of the JCPC, with the approval of the Board, is to prepare or cause to be prepared a comprehensive plan for the coordinated development of Johnson County in the manner and for the purposes as provided in K.S.A. 19-2958, and zoning and subdivision regulations in the manner and for the purposes provided in K.S.A. 19-2960. The JCPC shall also be authorized to submit recommendations to the Board regarding the adoption of proposed amendments to the Johnson County Zoning and Subdivision Regulations and amendments to the Comprehensive Plan. The JCPC shall also be authorized to do any other statutory duties delegated to them by applicable state law, including but not limited to those set forth in K.S.A. 12-530, and any amendments thereto, if any.

2.02. The JCPC shall, at a minimum, annually review the adopted comprehensive plan for the purposes of determining if any portion of the plan has become obsolete and shall make a report to the Board regarding same on or before June 1 of each year. The JCPC, however, may at any time review and reconsider the comprehensive plan as deemed necessary. Furthermore, the JCPC shall review all proposed amendments to the Zoning and Subdivision regulations and present a recommendation to the Board.

2.03. Any recommendations by JCPC relating to comprehensive plans and zoning and subdivision regulations shall be designed, in accordance with the present and future needs of the county and shall promote the public health, safety, morals, comfort, convenience, prosperity and general welfare and protect the land, air, water, natural resources and environment and encourage their use in a desirable manner and insure efficient expenditure of public funds and conserve and protect the values of property under the jurisdiction of the county.

2.04. The JCPC shall consider the following policy matters adopted by the Board on October 4, 1984, pursuant to Resolution No. 144-84, in the revisions comprehensive plan or zoning and subdivision regulations, including but not limited to:

2.04.01. Provisions for orderly growth. Recommend development policies concerning appropriate density, platting and land use patterns, the need for transition between undeveloped, partially developed, and full urban development.

2.04.02. Mechanism to reduce county subsidies. Recommend development standards and cost-sharing procedures to support capital projects (such as collector roads) as an integral part of the development process.

2.04.03. Coordination with cities. Recommend the means by which the rural comprehensive plan and subsequent regulations can appropriately reflect the plans for growth and development of the respective cities in the county.

2.04.04. Improved procedures and recommendations. Recommend procedural improvements concerning decision formats, findings of fact, and legal procedures to comply with recent court rulings and legislation. Propose new zoning and subdivision regulation amendments based on the comprehensive plan and its recommended policies, which will streamline and improve the administration of such regulations by the township zoning boards and staff. New amendments should attempt to strike a balance in order to achieve quality development, protection of existing uses, and a timely, expeditious, and uncomplicated review of zoning applications.

ARTICLE III: BYLAWS

3.01. The rules for the transaction of business and conduct of the affairs of the JCPC shall be determined by these bylaws and are intended to guide the efforts of its Members, as adopted by the JCPC, with the approval of the Board. These rules, therefore, having been adopted by the Board, acting collectively, in conducting the business of the Johnson County Government.

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

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

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

3.01.02(b). All Members present and participating in meetings have the right to participate in debate when discussion is permitted. Members shall

speaking for intervals not exceeding five (5) minutes after being recognized by the Chairman, so all Members have an equal opportunity to speak to issues that are pending before the Board. As a courtesy, the Chairman may signal Members when they have exceeded five (5) minutes so that a Member may bring his or her comments to a conclusion.

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

3.01.02(d). 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 Article IV. MEMBERS, Section 4.09. Conflict of Interest.

ARTICLE IV: MEMBERS.

4.01. Composition and Qualifications. The JCPC shall consist of twelve (12) members who are appointed by the Board. Nine (9) of such members shall be residents of the unincorporated area of the County. Three (3) of the twelve (12) members shall be residents of the incorporated area of the County. At least one member of each Zoning Board and each Consolidated Zoning Board in the County shall be appointed by the Board to serve as one of the nine (9) members representing the unincorporated area. For the remaining positions, the Board shall endeavor, but not be required, to appoint a resident from any township which lacks representation on the Planning Commission.

4.02. Term of Office. The members first appointed by the Board shall be appointed for terms of one (1), two (2), and three (3) years. The terms shall be divided equally or as nearly equally as possible between the members. Thereafter, members shall be appointed for terms of three (3) years each. All members shall serve until their successors are appointed and qualified. Vacancies shall be filled by appointment by the Board for the unexpired term.

4.03. Removal. The Johnson County Board of Commissioners may remove a member for cause as outlined in Section 4.07 herein.

4.04. Vacancy. All vacancy appointments on the JCPC shall be made by the Board. In the event a vacancy should occur prior to the expiration of a member's term, the successor shall be appointed within sixty (60) days of notification to Board. The successor shall serve the unexpired portion of the departing member's term on the JCPC.

4.05. Committees. Special committees may be authorized and appointed by JCPC for special, limited purposes and shall serve only until completion of the assignment. Committees shall be less than seven (7) members.

4.06. Compensation. Members serve without compensation for their services, but may receive such traveling expenses as the Board authorizes.

4.07. Vacancies and Removal of Members of the JCPC. Members may be removed with cause by the Board as outlined in Section 4.03 herein for the reasons set forth below. The JCPC shall meet in executive session in discussing any of the reasons listed in 4.07.01 through 4.07.04 and in determining whether a recommendation for removal of a member is forwarded to the Board:

4.07.01. If a member ceases to be qualified consistent with Section 4.01 respectfully herein;

4.07.02. If a member is convicted of a felony or found guilty/adjudicated of a crime of dishonesty during said service as a member of JCPC;

4.07.03. If a member fails to attend three (3) or more consecutive meetings, unless there is a two-thirds (2/3rds) majority vote of all members on commission by the JCPC that good cause exists to excuse the non-attendance;

4.07.04. If a member of the JCPC fails to comply with any policy established by the Board on disclosure of conflicts of interest and Code of Ethics.

4.08. Resignation. Resignation by a member of the JCPC shall be by written notice conveyed to the Chairperson of the JCPC and the Board as well as the Clerk of the Board. In the absence of a written resignation by the member, the member may verbally resign by communicating with the Director of Planning, who shall thereafter alert the Clerk of the Board, in writing, of the member's resignation. The resignation shall be effective on the date of filing with the Clerk, or as otherwise stated herein.

4.09. Conflicts of Interest. Any member who has a pecuniary interest in a matter pending before the JCPC, or who is likely to derive direct and tangible personal or professional benefit from particular resolution of the matter or has a substantial interest as defined by KSA 75-4301 et seq, shall declare a conflict of interest and shall be disqualified from considering, debating, discussing and voting on any issue connected with the matter, and his/her presence at the meeting shall be disregarded for the purposes of obtaining a quorum for voting on that issue. A member that declares a conflict shall remove him/herself from the meeting room for that issue in which he/she has a conflict in order to not influence the vote with his or her presence. The Chairman shall declare an abstention for each affected member for that item on the agenda. Further, no member with a conflict shall appear before the JCPC on behalf of any party or entity on any matter under consideration relating to that matter. In the case of an inquiry and/or complaint filed by a member of the public, or such other person, including but not limited to a county official or employee regarding a potential disqualification, the Chairman of the JCPC shall rule on such alleged disqualification. Reasons for disqualification shall be, but are not limited to, the following: a) To

avoid the appearance of an impropriety. 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).

4.10. Code of Ethics. Each member of the JCPC shall abide by and be subject to the Board's Code of Ethics. Each member prior to assuming their duties will sign an acknowledgement of receipt of Code of Ethics.

4.11. Conduct. Member 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 JCPC.

ARTICLE V: OFFICERS & STAFF

5.01. At the JCPC regular February meeting each year, the JCPC shall elect from its members a Chairperson and Vice-Chairperson by a majority vote of those present. Each officer shall serve a one (1) year term. Each officer may be re-elected for two (2) additional consecutive term to the same office. If all officers leave the JCPC at the same time, the most senior member in years of service on the JCPC shall serve as Chairperson until an election can be held. Any officer of the JCPC may be removed from that office by a motion and a unanimous vote of all the remaining members of the JCPC. A vacancy in any term of an officer may be filled by the remaining members of the JCPC for the unexpired portion of that term of office.

5.01.01. Chairperson. The Chairperson shall preside at all meetings of the JCPC, review agendas for meetings, and shall decide all points of order and procedure. The Chairperson may call a special meeting of JCPC in compliance State statute. The Chairperson shall perform all duties incident to the office of Chairperson and other duties as may be prescribed by JCPC from time to time.

5.01.02. Vice-Chairperson. The Vice-Chairperson shall have the powers and shall exercise the duties of the Chairperson whenever the Chairperson is absent, incapacitated, abstained, or otherwise unable to serve or act for any other reason. The Vice-Chairperson shall exercise the powers and perform the functions that are from time to time assigned by the Chairperson or JCPC.

5.01.03. Secretary. The Director of the Johnson County Planning Office shall designate a member or members of his/her staff to serve as secretary or secretaries for the JCPC. The secretary shall be responsible for keeping a proper record of the proceedings and shall

perform other duties as the JCPC may require with the approval of the Director of the Johnson County Planning Office.

5.01.04. Staff. The Planning Department shall provide professional and technical assistance to the JCPC as requested by a majority of all members of the JCPC. The Board may employ or contract with other consultants for such services as the JCPC requires under the Direction of Planning director.

ARTICLE VI: MEETINGS

6.01. Meetings of JCPC. The JCPC shall regularly meet the 4th Tuesday of every month at 5:45 p.m. in the third floor hearing room of the Administrative Building located at 111 South Cherry Street in Olathe, Kansas. Special meetings may be called at any time in compliance with State statute by the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson. With a majority vote of all the members of JCPC, JCPC may by resolution change the date, time and location of any regular monthly meeting with the approval of the Board. Pursuant to provisions of state law, an executive session shall be called and conducted when necessary.

6.02. Parliamentary Authority. All JCPC meetings shall be conducted in accordance with the applicable procedure set forth in *Roberts Rules of Order*, Newly Revised, 12th edition, and any subsequent editions or amendments thereto, if any, shall govern to the extent practical where not inconsistent with the laws and regulations of the State of Kansas or resolutions adopted by the Board. In the absence of a rule or established practice, the Chairman shall declare the proper procedure. Any rule may be suspended by a majority vote of the members present at a meeting 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.

6.03. Open Meetings. All meetings of the JCPC are public meetings, open to the public at all times, except as otherwise provided herein or allowed by Kansas law. Notice and conduct of all meetings shall comply with the requirements of K.S.A. 75-4318 and all notice requirements for the JCPC under KSA 19-2956 et seq. and County regulations. Notice of regular meetings of JCPC shall be posted on the Johnson County website for the Board and Planning Department, and members shall receive electronic notice of meetings. Notice of special meetings shall be posted on the Johnson County website for the Board and Planning Department, posted on the bulletin board in the lobby of the administrative building; notify the press; and provide written notice to those who have previously requested such notice.

6.04. Quorum. Seven (7) members of JCPC that are present either physically or by other means of telecommunications, as outlined in Section 6.10 herein, shall constitute a quorum for the transaction of business at any meeting of the JCPC, and if less than a quorum is present, then a majority of those present may adjourn the meeting to a later date without further notice. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date and/or site.

6.05. Agendas. Agendas for JCPC shall ordinarily be electronically transmitted through email to members of JCPC at least five (5) days prior to the scheduled meeting date. The agenda shall be made public before the meeting. Matters which are not listed on the agenda may be added at the beginning of the meeting unless there is an objection by a majority of the members present.

6.06. Order of Business. At the discretion of the Chairperson, the order of business at meetings of the JCPC shall be as follows:

- 6.06.01.** Call to order
- 6.06.02.** Roll Call - Establishment of Quorum
- 6.06.03.** Public Comment
- 6.06.04.** Disclosure of Conflict of Interests by Members
- 6.06.04.** Agenda - Additions & Deletions
- 6.06.06.** Approval of Minutes
- 6.06.07.** Old Business
- 6.06.08.** New Business
- 6.05.09.** Adjournment

6.07. Minutes. The Secretary of the JCPC, or his/her designee, shall record minutes of each regular, or special meeting of JCPC, and shall cause to be transcribed and distributed the minutes to the members of the JCPC for their approval. The minutes of the JCPC shall also be provided to the Clerk of the Board, and upon the request of the public.

6.08. Recessed Meeting. In the event of a disturbance or conduct that is disruptive, the JCPC may recess any regular, special or previously recessed meetings to a place and time specified in the adopted recess motion. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location or time.

6.09. Voting Members. Each of the twelve members of JCPC shall be voting members and decisions for the JCPC shall be made by a majority vote of the JCPC members present. All members, including the Chairperson, shall be entitled to one vote. All votes shall be cast in person or by electronic means as outlined in Section 6.10 herein. No member shall vote on any matter or issue when that member has a personal or financial interest in the matter or issue. A majority vote of all JCPC members present is required when voting is on recommendations for the adoption of revisions to the County regulations or the comprehensive plan and a vote for or against such recommendation by less than a majority of the members present constitutes a "failure to recommend." A majority vote of all members of the JCPC is required when voting is on original adoption of regulations or original adoption of the comprehensive plan.

6.10. Telecommunication Voting.

6.10.01. A member of JCPC may attend meetings by telephone, video conference, or by other acceptable means of telecommunication. In advance of the meeting in which a member of JCPC desires to vote by telephone, video conference or similar

communications equipment, the Chairperson of JCPC shall notify the JCPC Secretary so that the Secretary may make arrangements for the member to participate by telephone, video conference or similar telecommunication equipment. A member of JCPC who desires to vote by telephone, video conference or similar telecommunications equipment must be present by means of the telephone, video conference or similar telecommunications at the beginning and during the debate leading up to the vote on any particular issue.

6.11. 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 public notice, or by public announcement. After the public hearing is officially closed, unless otherwise prescribed by law, any Member may propose, by regular motion, that JCPC take certain action on the matter, which shall be subject to these rules and any statutory or legal requirements.

6.12. Public Participation. All persons who act in an orderly manner may attend and observe any meeting of JCPC, except those which are closed according to law, and specific time shall be set aside during every regular meeting to receive public comment concerning business of JCPC; 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.

ARTICLE VII. PUBLIC RECORDS

7.01. Requests. All public records requests received shall be processed in accordance with the requirements of K.S.A.45-215, et seq., and any amendments thereto, if any.

7.02. Expenses. Costs associated with providing copies of public records under this section shall be the same as periodically determined by the Board.

ARTICLE VIII: AMENDMENT

8.01. Amendment. These bylaws may be altered, amended, or repealed, by the JCPC at any special or regular meeting by a majority vote of all members and approved by the Board. Notice of the proposed alteration, amendment or repeal shall have been provided to the members in writing not less than ten (10) days prior to the meeting at which the Bylaws are proposed to be altered, amended or repealed.

ARTICLE X: CONFLICT

