

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

**Adopted: May ?? 2022**

**ARTICLE I: ESTABLISHMENT AND NAME**

**1.01.** The Johnson County, Kansas, Planning Commission was established by Resolution No. 130-84 adopted by the Board of County 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 serves in an advisory capacity providing support and recommendations to the Board in matters related to land use, comprehensive planning, and zoning for the 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.** JCPC, in its advisory role, oversees the preparation of a comprehensive land use plan for the development of unincorporated Johnson County in accordance with K.S.A. 19-2958, as well as provides input into zoning and subdivision regulations in accordance with K.S.A. 19-2960. The JCPC may, from time to time, make recommendations to the Board regarding proposed amendments to the Comprehensive Plan or the Zoning and Subdivision Regulations adopted by the Board. The JCPC's statutory duties include, *inter alia*, review of certain proposed annexations, all as prescribed by Kansas statutes.

**2.02.** The JCPC may undertake a review of the Comprehensive Plan any time such a review is deemed necessary. However, such a review shall be undertaken at least once each calendar year with the assistance of the Johnson County Planning Department and any outside professional. The JCPC findings and any recommendations shall be presented to the Board on or before June 1 of each year. The JCPC shall also review any amendment to the Zoning and Subdivision regulations proposed by the Planning Department and make a recommendation to the Board regarding its adoption.

**2.03.** The JCPC in fulfilling its advisory role to the Board in connection with the Comprehensive Plan and the Zoning and Subdivision Regulations, shall promote and be guided by the interest in protecting the public's health, safety, and welfare including due regard for the protection of the environment.

**2.04.** 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 ensure efficient expenditure of public funds and conserve and protect the values of property under the jurisdiction of the county.

**2.05.** The JCPC shall be guided by the policies of the Board related to land use and development, including Resolution No. 144-84 adopted on October 4, 1984, which provides general direction for the JCPC to follow when it undertakes its review of the Comprehensive Plan or the Zoning and Subdivision regulations, to wit:

**2.05.01.** Provisions for Orderly Growth. Recommend development policies concerning appropriate density, platting, land use patterns, and the need for transition between undeveloped, partially developed, and full urban development.

**2.05.02.** Mechanism to Reduce County Subsidies. Recommend development standards and cost-sharing approached to support capital projects (such as collector roads) as an integral part of the development process.

**2.05.03.** Coordination with Cities. Recommend the means by which the Comprehensive Plan and Zoning and Subdivision Regulations might accommodate the future growth and development of the respective cities in Johnson County.

**2.05.04.** Improved Procedures and Recommendations. Recommend necessary or desirable changes to decision formats, findings of fact, and legal procedures to comply with any recent court rulings or legislation. Propose zoning and subdivision regulation amendments based on the Comprehensive Plan and its recommended policies to streamline or improve the enforcement and administration of regulations by the township zoning boards and staff. Administrative actions should strive for a balance that achieves quality development, protects existing uses, and affords applicants 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 of the JCPC.

**3.01.01.** These rules are intended to facilitate, and not obstruct the JCPC in undertaking its duties by providing a framework for conducting meetings.

**3.01.02.** All Members have and share equal rights, privileges, and obligations which include, 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 at a meeting has the right to participate in the discussion of any agenda item or matter before the

JCPC under *Robert's Rules of Order*. Each Member may initially speak for up to five (5) minutes after being recognized by the Chairman to allow all Members that wish to express a view on the matter have an equal opportunity to do so. As a courtesy, the Chairperson may signal a Member when the five (5) minute limit is nearly reached to allow the Member to conclude.

**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 in attendance for meetings have the right and the duty to vote on matters that require a vote unless obligated by law or Board policy to abstain on any particular matter.

#### **ARTICLE IV: MEMBERS**

**4.01. Composition and Qualifications.** The JCPC shall consist of twelve (12) Members appointed by the Board. Nine (9) Members shall be residents of the unincorporated area of Johnson County. If they are willing to serve, at least one member of each Zoning Board, and at least one member of each Consolidated Zoning Board of Johnson County, shall be appointed by the Board to serve as Members representing the unincorporated area. Three (3) of the twelve (12) Members shall be residents of the incorporated area of Johnson County.

**4.02. Term of Office.** Members appointed by the Board shall serve 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 any unexpired term.

**4.03. Removal.** The Board 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.

**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. Each committee 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** Members serve at the pleasure of the Board and may be removed by the Board at any time with or without the recommendation of

the JCPC. The JCPC may, however, consider whether to recommend the removal of a Member, in executive session, for the following reasons:

**4.07.01.** If a Member no longer meets the qualifications for appointment under Section 4.01.

**4.07.02.** If a Member is convicted or pleads guilty to a crime that is a felony or if a Member is convicted or pleads guilty to a misdemeanor that has dishonesty as an element.

**4.07.03.** If a Member without cause fails to attend three (3) or more consecutive meetings. A Member that contends the absences were “with cause” may present the issue to the JCPC and if the JCPC agrees by a majority vote of all the Members then the Member shall not be subject to removal.

**4.07.04.** If a Member violates any policy established by the Board relating to conflicts of interest including the Board’s adopted Code of Ethics for Johnson County Government (Code of Ethics).

**4.08. Resignation.** Resignation by a Member should be by written notice conveyed to the Chairperson of the JCPC and the Clerk of the Board. In the absence of a written resignation by the Member, the Member may orally resign to the Director of the Johnson County Planning Department, who shall advise the JCPC and the Board, in writing, of the Member’s resignation. A written resignation shall be effective on the date stated in the notice or on the date given if orally.

**4.09. Conflicts of Interest.** Any member who has a pecuniary interest in a matter pending before the JCPC, or who derives some 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 Chief Counsel or designee shall make a recommendation to JCPC as to whether there is a conflict of interest and the majority of JCPC shall rule on such alleged disqualification. Reasons for disqualification shall be but are not limited 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 or designee to determine whether a conflict may exist and what, if any, action should

be taken in such situation(s). A Member may inquire of Chief Counsel for Johnson County for a determination whether any particular situation is a conflict of interest under the County's Ethics Code and, if so, what actions are necessary by the Member.

**4.10. Code of Ethics.** Each Member shall be familiar with the Board's adopted Code of Ethics which applies to all those who are appointed to County board and commissions.

**4.11. 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 each other, staff, the Board, and members of the public.

## **ARTICLE V: OFFICERS AND STAFF**

**5.01.** The JCPC shall hold a meeting in June each year to 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. If the Chairperson and Vice-Chairperson become vacant simultaneously during the year, or if both are disqualified from voting or otherwise unavailable, the longest-serving Member present shall serve as acting-Chairman unless another individual is chosen as acting-Chairperson for the meeting by a vote of the majority of those present. Such acting-Chairperson shall serve as Chairperson until an election can be held after notice to all the Members. Any officer of the JCPC may be removed from office by a motion and a unanimous vote of all the remaining Members. A vacancy of an office may be filled by the remaining Members for the unexpired portion of that term of office by a majority vote of those present.

**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 law. The Chairperson shall perform all duties incidental 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 Department shall designate a staff member or members to serve as secretary to the JCPC. The secretary shall be responsible for keeping a proper record of the proceedings and shall perform other duties as they may require with the approval of the Director of the Johnson County Planning Department.

**5.01.04. Staff.** The Johnson County 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 requires and under the direction of the Planning Department.

## ARTICLE VI: MEETINGS

**6.01. Meetings of JCPC.** The JCPC shall regularly meet the 4<sup>th</sup> Tuesday of every month at 5:45 p.m. in the third-floor hearing room of the Administration Building located at 111 South Cherry Street in Olathe, Kansas. Special meetings may be called at any time in compliance with state law by the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson. With a majority vote of all the Members of the JCPC, the 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 may 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, 12<sup>th</sup> 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 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 under KSA 19-2956, *et seq.* and County regulations. Notice of regular meetings of the JCPC shall be posted on the Johnson County website maintained for the Board and the Planning Department. Members shall receive electronic notice of meetings as necessary. Notice of special meetings shall be posted on the Johnson County website maintained for the Board and the Planning Department, posted on the bulletin board in the lobby of the Administration Building; provided to the press and to those who have previously requested such notice.

**6.04. Quorum.** A quorum shall be seven (7) Members of JCPC that are present either physically or by other means of telecommunication, as outlined in Section 6.10, for the transaction of business at any meeting of the JCPC. 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 the JCPC shall ordinarily be electronically transmitted through email to Members 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 Interest/Ex-Parte Communications by Members

**6.06.05.** Agenda - Additions and 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 shall record minutes of each regular, or special meeting of the JCPC, and shall cause to be transcribed and distributed the minutes to the members of the JCPC for their review. The minutes of the JCPC shall also be provided to the Clerk of the Board and to any person upon request.

**6.08. Recessed Meeting.** In the event of a disturbance or conduct that is disruptive, they 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.**

All members, including the Chairperson, shall be entitled to one vote. Each of the twelve Members of the JCPC may vote and decisions of the JCPC shall be made by a majority vote of the Members present at a meeting unless expressly stated otherwise or unless a statute requires a majority of all the Members. For example, by statute, a majority vote of all members of the JCPC is required to adopt a Comprehensive Plan but not to recommend an amendment to the Comprehensive Plan. 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 or is otherwise disqualified under the Board's Code of Ethics from participating in the decision.

**6.10. Telecommunication Voting.** A Member of the JCPC may attend meetings by telephone, video conference, or by any other acceptable means. In advance of the meeting in which a member of the JCPC desires to vote by telephone, video conference or similar communication method, the Chairperson shall notify the JCPC Secretary to make arrangements for the Member to participate as requested. A Member who desires to vote by telephone, video conference or similar method must be present by means of the telephone, video conference or similar telecommunication

method at the beginning and during the discussion leading up to the vote on any particular issue. Proxy voting is not allowed.

**6.11. Public Hearings.** Public hearings shall be conducted when required by state law, County charter, or County resolution, and whenever necessary to receive testimony from the public on pending matters. After the public hearing is officially closed, unless otherwise prescribed by law, any Member may propose, by regular motion, that the 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. 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. To ensure an orderly and efficient meeting so that the Board can effectively conduct its business, all persons before JCPC are encouraged to be professional, concise, courteous, and respectful. Comments should be addressed to JCPC as a whole. All persons should refrain from obscene, profane, slanderous, insulting or threatening remarks. Political campaigning and commercial advertisements are not allowed. 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 Chairperson.

**6.13. Ex Parte Communications.** Ex parte communications are communications made to influence a decision-making official off the record and out of the presence of other parties. Members of JCPC should disclose to the Planning staff or during a JCPC meeting the nature of any ex parte contact with the public and any information obtained through those contacts that may have a bearing on their decisions. Planning Staff shall make such information part of the JCPC record.

## **ARTICLE VII. PUBLIC RECORDS**

**7.01. Requests.** All public record requests received shall be processed in accordance with the requirements of K.S.A. 45-215, *et seq.*

**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 meetings by a majority vote of all members and approved by the Board. Notice of the proposed alteration, amendment or repeal shall be 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**



