

# **BYLAWS - RULES AND REGULATIONS**

## ***JUNCTION CITY/GEARY COUNTY, KANSAS***

### ***METROPOLITAN PLANNING COMMISSION***

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

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

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

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

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

### 1. Chair:

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

- (a) decide all points of order and procedure;
- (b) certify plans and subdivision plats;
- (c) transmit reports and recommendations of Metropolitan Planning Commission to the Governing Body or may delegate this task to the Secretary; and,
- (d) inform petitioners of decisions.

### 2. Vice-Chair:

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

### 3. Secretary:

The Secretary shall be responsible for:

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

## **ARTICLE III - MEETINGS**

### 1. The Metropolitan Planning Commission shall hold regular monthly meetings at 5:15 p.m. on the 2<sup>nd</sup> Thursday of every month at the Geary County Office Building; 200 E. 8<sup>th</sup> St.; except the Chair may cancel a regular meeting for the following reasons:

- (a) it is determined a quorum will not be present;
- (b) no subjects are scheduled for the agenda; or,
- (c) other reasonable circumstances.

### 2. Special meetings of the Metropolitan Planning Commission may be called by the Chair, or in his or her absence by the Vice-Chair. Notice of special meetings shall be given by the Secretary to the members of the Commission at least three (3) days prior to such meeting and shall state the purpose and time of the meeting.

### 3. All regular and special meetings, hearings and records shall be open to the public.

### 4. A majority of the Metropolitan Planning Commission membership shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting and the business items do

not include a scheduled public hearing, those present may complete discussion on the items, but may not take any vote on any matter before the Commission.

If a quorum is not present and the agenda contains any item(s) with scheduled public hearings, those members present shall continue the public hearing item(s) to another specific date, time and location; and an additional legal publication of notice of the public hearing shall not be required.

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

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

1. Any interested party may request a place upon the agenda of a Metropolitan Planning Commission meeting.
2. A copy of the agenda and case information will be delivered to the members of the Metropolitan Planning Commission/Board of Zoning Appeals prior to the meeting. *(amended 7/14/2016)*
3. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except the Chair may allow consideration of non-agenda items.

## **ARTICLE V - HEARINGS**

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

The following procedure will normally be observed:

- (a) staff presents the agenda item;
  - (b) the Metropolitan Planning Commission may ask questions regarding the staff presentation and report;
  - (c) the applicant of the agenda item makes a presentation;
  - (d) any members of the public wishing to speak make presentations;
  - (e) applicant makes rebuttal;
  - (f) staff presents staff findings;
  - (g) Metropolitan Planning Commission asks any questions it may have of the applicant, other members of the public, or staff;
  - (h) Metropolitan Planning Commission closes public hearing and begins deliberation; deliberations may be made in executive session;
  - (i) Metropolitan Planning Commission takes action upon the request in open session;
  - (j) Metropolitan Planning Commission action may be to approve, approve with modification, deny, make "no recommendation", or continue the request to the next meeting for additional information.
  - (k) Metropolitan Planning Commission may place a time limit on all speakers for any case.
2. Action by the Metropolitan Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
  3. If the applicant and/or agent thereof, of the agenda item requiring a public hearing is not present for said hearing, the Chair shall continue the public hearing to another specific date, time and location, and additional application with appropriate fee(s) as well as additional legal publication of notice of the public hearing shall be required.

## **ARTICLE VI - RECOMMENDATIONS**

The Metropolitan Planning Commission shall authorize a member of the Metropolitan Planning Commission, the Secretary, or other supporting staff to appear before the Governing Body for the purpose of reporting recommendations of the Metropolitan Planning Commission.

## **ARTICLE VII - COMMITTEES**

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

## **ARTICLE VIII - EXPENSES**

1. The Metropolitan Planning Commission may accept, receive, or expend funds and services only from budgeted funds authorized by the Governing Bodies.

2. The designated fiscal agent of the Metropolitan Planning Commission shall be the Geary County Clerk.

**ARTICLE IX - RECORDS AND REPORTS**

1. The Metropolitan Planning Commission shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
2. All records of the Metropolitan Planning Commission shall be available for public review.

**ARTICLE X - AMENDMENTS**

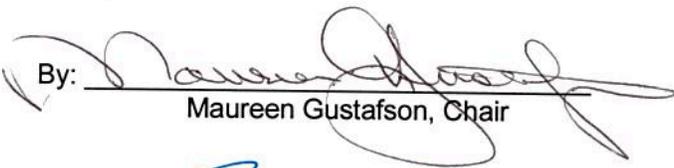
These bylaws may be amended by an affirmative vote of a majority of the Metropolitan Planning Commission provided such amendments have been submitted in writing to each member of the Metropolitan Planning Commission at least three (3) days prior to the meeting at which action is to be taken. *(amended 7/14/2016)*

**ARTICLE XI - ETHICAL PRINCIPLES**

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

Approved this 11th day of March, 2021.

Metropolitan Planning Commission of Junction City/Milford/Geary County, Kansas

By:   
Maureen Gustafson, Chair

Attest:   
Troy Livingston, Secretary