

~~Amendment to Marion County Planning Commission/ Board of Zoning Appeals  
August 23, 2018.~~

**MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING  
APPEALS BYLAWS**

**ARTICLE I. CREATION, AUTHORITY AND DUTIES**

Section 1. Creation. The Marion County Planning Commission, herein after referred to as the “Commission” has been created by the Marion County Commissioners, herein after referred to as the “Governing Body”, by the initial adoption of Resolution No. 91-10 which was passed and approved on December 2, 1991~~-, and Resolution No. 2019-23 which was passed and approved December 16, 2019. In the case of conflicts Resolution No. 2019-23 controls.~~

Section 2. Membership. The membership of the Marion County Planning Commission shall consist of ~~nineeleven~~ members, with ~~threetwo~~ members appointed from each of the ~~threefive~~ County Commission districts. ~~A single member shall be elected At-Large by majority vote and approval of the sitting Board of County Commissioners for a three-year term to serve under the same requirements as those other members appointed by the process noted herein.~~ Planning Commission members shall be electors and residents of Marion County, except that one such member may reside within the corporate limits of an incorporated city located within each of the ~~threefive~~ county commissioner districts~~-, so long as a majority of members reside outside the corporate limits of any city.~~ Members are appointed by the Governing Body, and vacancies are filled by appointment for the unexpired term.

Each member of the Planning Commission and Board of Zoning Appeals may serve three consecutive three-year terms. Once a member reaches their term limit they may be reappointed following a one-year hiatus from the Planning Commission and Board of Zoning Appeals.

Further, the members of the Marion County Planning Commission shall sit as the Marion County Board of Zoning Appeals.

Section 3. Disqualification. Any member who is absent from more than three consecutive regular meetings for reasons not considered justifiable by the Commission shall be notified that the Commission will recommend to the Governing Body that his or her membership be declared vacated and a replacement appointment be made.

Section 4. Authority. The Commission is vested with the responsibilities of a Planning Commission as contained in the County Planning Statute KSA 12-744. When sitting as

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the Board of Zoning Appeals, the Board shall be vested with the responsibilities of a Board of Zoning Appeals as contained in K.S.A. 12-759, and amendments thereto.

Section 5. Duties. As provided for by the statutes referred to in Section 4, the duties of the Commission shall be:

1. Prepare, adopt, and maintain official zoning regulations and hearing procedures.
2. Submit annual budget to the Governing Body.
3. Prepare plans for special projects.
4. Maintain reference library of plans, reports, maps, resolutions, regulations, and policies for officials, citizens and developers.
5. Maintain cooperation with city planning groups.
6. Hold hearings and make recommendations on matters assigned by the Governing Body.

Section 6. Compensation. Members of the Commission shall serve without compensation for their services; however, the members may receive reimbursement for their authorized out-of-pocket expense related to the Commission's activities as the Governing Body may deem desirable.

## **ARTICLE II. OFFICERS, ELECTION AND DUTIES.**

Section I. Officers. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice-Chairperson shall be members of the commission; however, the Secretary may or may not be a member of the Commission. ~~When the Secretary is a member of the Commission, t~~The Secretary may utilize the services of a recording secretary when provided by the County. These officers shall also serve on the Board of Zoning Appeals.

Section II. Elections. At the regular Commission meeting in January of each year, the officers shall be nominated and those persons receiving the highest number of votes shall be deemed elected. Officers shall take office following the meeting and serve for one year or until their successor has been elected. Officers may serve for more than one term.

Sections 3. Duties.

The Chairperson shall perform the following duties:

1. The Chairperson shall preside at all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the members present shall appoint a temporary Chairperson to preside among the voting members present.
2. The Chairperson shall sign all minutes, and other official papers and documents to indicate that they have been approved by the Commission.
3. The Chairperson shall represent the Commission at all meetings with other groups unless another member is designated to perform that function.

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4. The Chairperson shall also be responsible to oversee the preparation and distribution of agendas for the Commission meeting, if he or she so chooses, or direct the Secretary to prepare the agenda for meetings and hearings. Final approval of the agenda will be from the Chairperson. The agenda may be amended by a majority vote of the Commission.

The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.

The Secretary or designee shall perform the following duties:

1. Prepare the minutes of each Commission meeting and submit them to the Commission for approval.
2. Maintain an official file or record book of the minutes as approved and signed; and provide the Governing Body with copies on a continuing basis.
3. Distribute to each Commission member all current materials relating to County planning and zoning as they are received.
4. Prepare and distribute agendas for each Commission meeting under the direction of the Chairperson.

### **ARTICLE III. MEETINGS**

**Section 1. Regular Meetings.** Regular meetings of the Commission shall be held on the fourth Thursday of each month. When the date of a regular meeting coincides with a legal holiday, the Commission may designate the date for the next regular meeting. Unless otherwise publicly announced by the Chairperson, regular meetings shall be held in the office of the Planning & Zoning Administrator at 7:00 pm, provided, however that the Commission may adopt another hour, date and place of meeting by majority vote. Any such changes shall be given wide publicity for the convenience of persons having business before the Commission.

**Sections 2. Special Meetings.** Special meetings may be called by the Chairperson or in the Chairperson's absence by the Vice-Chairperson, for whatever date, time and purpose deemed necessary. In the event a special meeting is called, notice as to date, time, place and reasons for the meetings shall be given by the Chairperson to all the Commission members and the Governing Body at least 20 days before the meeting. The announcement of a special meeting at a regular meeting shall constitute notice to those members present. Members not present and the Governing Body shall be notified by the Chairperson.

No matters other than those enumerated in the notice shall be considered at a special meeting.

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Section 3. Adjourned Meetings. If the business before the Commission is not completed, the Commission by motion may adjourn the meeting or a specific item to a specified date, time and place until the matters on the original agenda or the specified item are acted upon. When such a motion is made known to those persons in attendance, no further notice need be given.

Section 4. Open Meetings. All meetings of the Commission shall be open to the public and to representatives of the news media.

Section 5. Quorum. A quorum shall consist of a majority of the membership designated by the resolution creating the commission whether any vacancies exist or not. A quorum must be present to conduct any business including hearings. In the absence of a quorum at any meeting, the presiding officer after consultation with those members present may adjourn the meeting to a specified date, time, and place. When such information is made known to those persons in attendance, no further notice need be given. A quorum is not lost when a member abstains from voting.

Section 6. Agendas. The Secretary, under the direction of the Chairperson, shall prepare an agenda of all matters to come before the meeting and mail or deliver it to the Commission members no later than 10 calendar days preceding the next regular meeting. Copies of the agenda shall be furnished to the Governing Body and to each party having an item on the agenda. Any member of the Commission may place items on the agenda by advising the Chairperson no later than 14 days preceding the next regular meeting. Off agenda items may be considered at the end of the regular agenda.

Section 7. Recording of Meetings. The Secretary shall maintain complete records of all matters coming before the Commission. The Secretary shall also prepare and maintain permanent minutes to be kept in a file or record book available for public view. Permanent copies of such minutes shall not be removed from the Courthouse except by order of a court. Copies of the minutes shall be furnished to all persons or bodies making such a request to the Secretary. The Secretary may make such charges as are necessary to recover the cost of making such copies.

Section 8. Actions. In all formal matters, the Commission shall act by motion unless a resolution is required by law or governmental regulations. All notices required by law to be given by publication including those for public hearings shall be published in the official designated county newspaper.

Section 9. Parliamentary Procedure. All meeting of the Commission and of its committees shall be conducted in accordance with Robert's Rules of Order except insofar as modified by these Bylaws and procedures adopted by the Commission:

1. Motions to "receive and file" shall not be debatable.

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2. A second shall be required for all motions.
3. The presiding officer shall have the right to make motions and to second motions without vacating the chair.
4. The Commission may suspend the rules provided that:
  - a. The motion to suspend the rules takes precedence over other prime motions
  - b. The motion shall state the specific purpose and rule to be suspended
  - c. No such motion shall be considered approved unless the length of time such suspension will be in effect has been specified
  - d. The motions shall be approved by a majority of the quorum
  - e. No suspension of the rules be considered permanent
5. Participation from the floor (audience) on any matter may be limited at the discretion of the presiding officer when in his opinion such participation is repetitious; contains statements derogatory to the character, integrity or actions of the Commission or any member without support of such allegations; or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not reasonably permit further participation. Each member of the Commission may speak to an issue as many times as may be desired. Those persons speaking on a given item or case from the floor may speak only two times unless otherwise requested to do so by a Commission member or when such person received permission from the presiding officer.
6. When a quorum is present, a majority of the present and voting members shall be sufficient for the passage of any motion. Any member abstaining or remaining silent on a vote shall be considered to have acquiesced with the majority vote of those who voted. However, in the case of an equally divided vote, the vote of a member abstaining or remaining silent ~~is~~ not to be counted. In any divided vote, the presiding officer shall call for a roll-call vote. The Secretary shall enter into the minutes the results by name of all roll-call votes.
7. The presiding officer may grant permission for any member to abstain ~~or~~ from any particular vote when the member declares a conflict of interest and requests the presiding officer to approve an abstention from voting. When such an abstention is granted, the requesting member shall disassociate himself or herself from the assembled members and not engage in discussion until the particular item is acted upon. Members shall automatically be granted an abstention when they or their spouse own property in the area of notification for a rezoning case. -Such abstention shall not prevent them from signing a protest petition.
8. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless overruled by majority of the total membership of the Commission.

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#### **ARTICLE IV. COMMITTEES**

Section 1. Committees and Liaison Representatives. The Chairperson, with the consent of the Commission, may appoint standing and ad hoc committees and liaison representatives as may be needed to assist in the business of the Commission. The membership of such committee(s) and liaison representatives may consist of all Commission members or part Commission members or be all non-Commission members.

#### **ARTICLE V. AMENDMENTS TO BYLAWS**

Section 1. Amendments. The Commission may, by a two-thirds majority vote thereof, amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict of any of the laws of the State of Kansas or resolutions of the County applicable thereto. Notice of the proposed amendments shall be furnished by the Secretary to the Commission members and the Governing body not less than 20 calendar days prior to the meeting at which such amendments are to be considered.

As revised and approved the ~~23rd day of August, 2018.~~

**Planning Commission of Marion County, Kansas**

By: \_\_\_\_\_  
Chairperson

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

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