

ARTICLE 3

BY-LAWS

Creation, Membership, and Purpose

1. There are hereby established rules of procedure for the City Planning Commission to be named "The By-Laws of the City of El Dorado Planning Commission" or "By-Laws."
2. The Planning Commission shall consist of thirteen (13) members. The members shall be appointed by the Mayor with the consent of the City Commission to serve on the Planning Commission without compensation for their services. Members of the Planning Commission shall serve for a three-(3) year term, which shall begin on April 1 of the year of the appointment and expire on March 31 three (3) years later. The appointment of the members shall be staggered so that not more than three (3) Commissioners' membership terms expire at the same time. Vacancies on the Commission shall be filled by appointment for the unexpired term.
3. The purpose of these By-Laws is to establish rules for the internal organization and procedures of operation of the Planning Commission.

Article I - Areas of Responsibility

1. It shall be the responsibility of the Planning Commission to cause the preparation, development and adoption of a comprehensive plan.
2. It shall be the responsibility of the Planning Commission to formulate subdivision regulations.
3. It shall be the responsibility of the Planning Commission to formulate zoning regulations.
4. It shall be the responsibility of the Planning Commission to plan for extraterritorial growth and regulations where that territory is considered to be a part of the community of the City of El Dorado.
5. It shall be the responsibility of the Planning Commission to hold public hearings for proposed zoning changes and make a recommendation to the City Commission.
6. It shall be the responsibility of the Planning Commission to consider flood plain development controls.
7. It shall be the responsibility of the Planning Commission to perform an annual review of the Comprehensive Plan.
8. It shall be the responsibility of the Planning Commission to adopt bylaws.

Article II - part I - officers

1. The Planning Commission shall organize annually at the first regular meeting after the appointment of new members.
2. The Commission shall elect a Chairman and a Vice-Chairman 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 an indefinite term. It is not required that he or she be a member of the Commission.

Article III - part II - Duties of Officers

1. Chairman: The Chairman shall preside at all meetings and public hearings of the Planning Commission and shall:
 - a. decide all points of order and procedure;
 - b. certify plans and subdivision plats;
 - c. transmit reports and recommendations of the Planning Commission to the City Commission; and
 - d. inform petitioners of decisions.
0. Vice-Chairman: The Vice-Chairman shall assume the duties of the Chairman in his absence.
3. Secretary: The Secretary shall be responsible for:
 - a. keeping the minutes of the Planning Commission meetings;
 - b. sending agenda to members of the Planning Commission;
 - c. carrying out written correspondence;
 - d. maintaining the records of the Commission;
 - e. certifying, along with the Chairman, all plans and subdivision plats; and
 - f. performing other duties as the Planning Commission may require.

Article IV - Meetings

1. The Planning Commission shall hold regular monthly meetings at a time and place to be designated by the Commission; except that the Chairman may cancel a regular meeting with at least three (3) days prior notice for the following reasons:
 - a. it is determined that a quorum will not be present;
 - b. no subjects are scheduled for the agenda; and
 - c. other reasonable circumstances.
2. Special meetings of the Planning Commission for obtaining public opinion on a problem or discussion of a particular problem with interested parties may be called by the Chairman or in his absence by the Vice-Chairman. 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. Seven (7) members, a majority, shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting, those present shall continue the meeting at a specific date, time and location.
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. presentation of requests and/or petitions (hearings) on the agenda;

- e. old business;
- f. new business; and
- g. adjournment.

6. ***Voting Procedure:*** The Commission shall, at the conclusion of discussion on the item, take action on each item presented. Voting shall be by raising of hands or by roll call as determined by the Chairman; however, any member may call for a roll call vote on any issue. All members, including the Chairman, shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision which he may have a conflict of interest. If the item upon which the Planning Commission action is taken is remanded for reconsideration to the Commission by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notice of the remand is received. If no action is taken on the remanded item at this meeting, the same recommendation will be deemed made and will be returned to the Governing Body.

- a. ***Motions after Public Hearings.*** Following the closing of public hearings, a motion may be made to recommend approval or denial of the application. If an item is to be continued to a future date, the motion shall be to terminate testimony at this time and keep the hearing open until the item is brought up for final action. The date for this final action shall be stated as the time at which the public hearing will be reopened. A brief statement of reason or reasons for the motion will precede the making of all motions. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve. Upon receiving a second, the motion may be discussed and, upon the call for question or at the discretion of the Chairman, brought to a vote. A motion to amend, if necessary, must be voted on first. Then the main motion would be voted on in its amended state. Motions shall require an affirmative vote of a majority of the members of the Planning Commission for passage, except as otherwise provided by law.

Vote shall be by the raising of hands or by roll call, at the discretion of the Chairman. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Robert's Rules. If not prohibited by law, and if the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action, and shall require a majority vote of the Planning Commission members.

- b. ***Abstentions.*** If, after considering an item, a Commissioner wishes to abstain from voting, his abstention shall be treated neither as a vote for or against the majority.
- c. ***Failure to Recommend.*** If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body, such as a rezoning or text amendment, such a tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation, except as otherwise provided by law. If the tie vote occurs on action on which the Commission sits as a final decision-maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.
- d. ***Conflict of Interest.*** When a member of the Commission feels he may be in conflict of interest on a particular case before the Commission, he may so state for the record, and should not participate in the hearing or discussion, and shall not vote on the issue. If this will eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting. The Chairman may ask the member to vacate his/her chair and leave the room if he deems it necessary.

7. When procedural and parliamentary rules adopted by the Planning Commission conflict, parliamentary

procedure shall be according to the "Roberts Rules of Order."

Article V - Agenda Subjects

1. Any interested party may request a place upon the agenda of a Planning Commission meeting.
2. A copy of the agenda shall ordinarily be mailed to the members of the Planning Commission so that they may review them at least three (3) days prior to the meeting.
3. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chairman may allow consideration of non-agenda items.

Article VI - Hearings

1. Before recommending adoption or amendment of all or any part of the Comprehensive Plan, Subdivision Regulations, Zoning Ordinance or Major Street Plan, the 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 Planning Commission may ask questions regarding the Staff presentation and report;
 - c. proponents of the agenda item make presentation;
 - d. any opponents make presentations;
 - e. applicant makes rebuttal;
 - f. staff presents staff findings; and
 - g. Planning Commission asks any questions it may have of the proponents, opponents or Staff, and then acts upon a motion.
0. The office of the City Engineer shall cause a notice of such public hearings to be published once in the official City newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such a hearing and shall describe such proposal in general terms.
 1. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

Article VII - Recommendations

1. The Planning Commission shall authorize a member of the Planning Commission or staff to appear before the Governing Body for the purpose of reporting recommendations of the Planning Commission.

Article VIII - Committees

1. The Planning Commission may establish such committees as it deems 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 Planning Commission shall fill vacancies on committees as they are created.

Article IX - Expenses

1. The Planning Commission may accept, receive or expend funds, and services from the governing body.
2. The designated fiscal agent of the Planning Commission shall be the City Clerk of the City of El Dorado.

Article X - Records and Reports

1. The Commission shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the Governing Body regarding same.

Article XI - Amendments

1. These rules of procedure may be amended by an affirmative vote of a majority of a quorum of the Commission, provided such amendment has been submitted in writing to each member of the Commission at least three (3) days prior to the meeting at which action is to be taken.

Article XII - Suspension of Rules, Review and Disclaimer

1. Any of these By-Laws may be suspended for stated reasons by affirmative vote of three-fourths (3/4) of the members of the Commission.
2. The El Dorado Planning Commission shall review, amend and approve these By-Laws in June of every year.
3. If the El Dorado Planning Commission fails to strictly follow these By-Laws, any action taken will not be invalidated.

Article XIII - Ethical Principles

Members of the Planning Commission who shall legally have a conflict of interest or believe that they may have a substantial interest as defined in K.S.A. 75-4301, in any matter that 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 _____ day of _____, 20__.

Planning Commission

of

El Dorado, Kansas

By Attest

Chairman Secretary

Ethical Principles for the El Dorado Planning Commission and Staff

The El Dorado Planning Commission has officially adopted the following principles to govern the conduct of its business. These principles should be considered as advisory rather than mandatory. Should any questions arise about the interpretation and application of any of these principles, the City Attorney should be consulted.

1. Serve the Public Interest. The primary obligation of Planning Commission members and planning staff is to serve the public interest.
2. Support Citizen Participation in Planning. Because the definition of the public interest is modified continuously, Planning Commission members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well being. Members should encourage a forum for meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.
3. Recognize the Comprehensive and Long Range Nature of Planning Decisions. Planning Commission members and planning staff should recognize and give special consideration to the comprehensive and long-range nature of planning decisions. Planning Commission members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Planning Commission members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Planning Commission members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. Expand Choice and Opportunity for All Persons. Planning Commission members and planning staff should strive to make decisions which increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions, and decisions which restrict choices and opportunities be changed.
5. Facilitates Coordination through the Planning Process. Planning Commission members and planning staff must encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests. Planning Commission members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.
6. Avoid Conflict of Interest. To avoid conflict of interest and even the appearance of impropriety, Planning Commission members who may receive some private benefit from a public planning decision

must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to a immediate relation. A member with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and step down from the Planning Commission and not participate as a member of the public when such deliberations are to take place. The member must not discuss the matter privately with any other member voting on the matter.

7. Render Thorough and Diligent Planning Service. Planning Commission members and planning staff must render thorough and diligent planning service. Should a Planning Commission member or members of staff believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member must not participate in that decision.
8. Not Seek or Offer Favors. Planning Commission members and members of staff must seek no favor. Planning Commission members and planning staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties; or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part. Individuals must not offer any gifts or favors intended to influence the recommendation or decision of Planning Commission members or planning staff.
9. Not disclose or Improperly Use Confidential Information for Financial Gain. Planning Commission members and planning staff must not disclose or use confidential information obtained in the course of their planning duties for financial or other gain. A Planning Commission member of staff must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of nondisclosure may be made only when (a) required by process of law, (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the Planning Commission member or member of staff has made reasonable efforts to verify the facts and issues involved, obtain reconsideration of the matter, and obtain separate opinions on the issue from other planners or officials.
10. Ensure Access to Public Planning Reports and Studies on an Equal Basis. Planning Commission members and planning staff must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to a member or planning staff must be made available in the same form to the public in a timely manner at reasonable or no cost.
11. Ensure Full Disclosure at Public Hearings. Planning Commission members and staff members must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record.
12. Maintain Public Confidence. A Planning Commission member or member of staff must conduct himself/herself publicly so as to maintain public confidence in the public planning body, the City of El Dorado and the official's performance of the public trust.

Sample Agenda for Planning Commission Meetings

1. Call to order and Roll Call

2. Approval of minutes of prior meeting (as mailed or amended)

3. Public Hearings

- Zoning applications previously discussed
- New zoning applications
- Special use permits previously discussed
- New special use permit applications

1. Reports of other business

- Preliminary plats previously discussed
- New preliminary plats
- Final plats previously discussed
- New final plats

1. Old Business

2. New Business

3. Adjournment