

BYLAWS - RULES AND REGULATIONS

VALLEY FALLS, KANSAS

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 in accordance with Kansas statutes upon the authorization of the Governing Body.
2. It shall be the responsibility of the Planning Commission to formulate Subdivision Regulations in accordance with Kansas statutes upon the authorization of the Governing Body.
3. It shall be the responsibility of the Planning Commission to formulate a Zoning Ordinance in accordance with Kansas statutes upon the authorization of the Governing Body.
4. Following adoption of a Zoning Ordinance, it shall be the responsibility of the Planning Commission to hold public hearings for proposed zoning changes and conditional uses and make a recommendation to the Governing Body.
5. It shall be the responsibility of the Planning Commission to consider flood plain development controls.
6. Following adoption of a Comprehensive Plan in accordance with Kansas statutes, it shall be the responsibility of the Planning Commission to perform an annual review of the Comprehensive Plan.
7. It shall be 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 II - 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 Planning Commission to the Governing Body; and
- (d) inform petitioners of decisions.

2. 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 agendas 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;
- (f) performing other duties as the Planning Commission may require; and,
- (g) causing all public notice of hearing as required by law to be given.

ARTICLE III - 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 an issue 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. A majority of the Planning Commission membership 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. The motion shall be restated by the Chairman before the 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 take action on a motion; except that, an affirmative vote of a majority of the full Planning Commission is required for approving subdivision plats, recommending adoption or amendments of the Comprehensive Plan and for recommending adoption of new Zoning Ordinance and/or Subdivision Regulations. The Chairman of the Planning Commission shall vote on all matters requiring an affirmative vote of a majority of the full Planning Commission, but shall not vote on matters requiring only an affirmative vote of the members present and voting, except to break a tie vote.
8. All members, except the Chairman on matters requiring only an affirmative vote of the members present and voting, shall vote when present, except that any member shall automatically disqualify himself or herself from voting on any decision in which there might be a conflict of interest and should state the conflict of interest and should state the nature of the conflict for the minutes, and further, should any member abstain from voting, that members vote shall be considered cast with the majority.
9. When procedural and parliamentary rules adopted by the 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 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 V - HEARINGS

1. Before recommending adoption or amendment of all or any part of the Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, 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;
 - (g) Planning Commission asks any questions it may have of the proponents, opponents or staff; and,
 - (h) Planning Commission then acts upon a motion.
2. Action by the Planning Commission on any matter which a hearing is held shall not be taken until the hearing has been concluded.

ARTICLE VI - RECOMMENDATIONS

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

ARTICLE VII - 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 VIII - 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 Valley falls.

ARTICLE IX - RECORDS AND REPORTS

1. The Planning 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 after its adoption to determine if any portion has become obsolete and shall make a report to the Governing Body regarding same.

ARTICLE X - AMENDMENTS

1. These rules of procedure may be amended by an affirmative vote of a majority of a quorum of the Commission, provided such amendments have 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 XI - ETHICAL PRINCIPLES

1. 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 _____, 199__.

Planning Commission of Valley falls, Kansas

By: _____
Chairman

Attest: _____
Secretary

ETHICAL PRINCIPLES

VALLEY FALLS PLANNING COMMISSION AND STAFF

The Valley falls 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 County 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 Decision. 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. Facilities 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 directly or indirectly 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 voting Commission member 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 member of staff believe he or she can no longer render such service in a thorough and diligent manner, he or she should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member should 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 or 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 officials or the County Attorney.
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 Planning Commission 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. All Planning Commission members and staff 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, Valley falls 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
 - * Conditional Use permits previously discussed
 - * New Conditional Use permit applications
4. Reports of other business
 - * Preliminary plats previously discussed
 - * New preliminary plats
 - * Final plats previously discussed
 - * New final plats
5. Old Business
6. New Business
7. Adjournment