BY-LAWS OF THE TOPEKA PLANNING COMMISSION

ARTICLE I

Section 1. **Name.** The name of this organization, established by Ordinance adopted by the City Council of the City of Topeka, Kansas, is the Topeka Planning Commission. The term “Commission” in the following sections shall mean the City of Topeka Planning Commission.

**Section 2. Membership.** Membership of the Commission shall be as established by Ordinance adopted by the City Council of the City of Topeka, which specifies the number, method of appointment, and term of office.

ARTICLE II

Purpose of By-Laws

Section 1. **Bylaws.** The purpose of these bylaws is to establish rules for the internal organization of the Commission and for procedures of operation.

Section 2. **Commission.** The function, powers, and duties of the Commission are as authorized by state law and by city ordinance. With some exceptions, actions of the Commission are recommendations only and subject to approval by the City Council. The Commission, however, adopts its own rules and policies for procedure, consistent with its powers.

ARTICLE III

Organization

Section 1. **Officers.** The officers of the Commission shall be a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall be elected by the Commission at its regular meeting in January of each year. Their term of office shall be one (1) year. No person may serve more than two (2) consecutive terms. The Director of Planning or his/her selected representative shall serve as secretary to the Commission.

Section 2. **Chairperson.** The chairperson shall preside at all meetings of the Commission unless the chairperson designates someone to preside in his/her stead. The chairperson shall appoint all committees and be an ex-officio member of all committees. The chairperson shall also be a voting member of the Commission. The chairperson shall perform all the duties assigned to his/her office by law and by the city council.

Section 3. **Vice-chairperson.** The vice-chairperson shall act as chairperson in the absence of the chairperson. In the event the office of chairperson becomes vacant, the vice-chairperson shall succeed to that office for the unexpired term, and the Commission shall select a new vice-chairperson for the unexpired term at the next regular meeting.
Section 4. **Secretary.** The secretary shall be the City’s Planning Director. The secretary shall prepare the agenda and the order of business for each regular meeting in consultation with the chairperson. Specifically, the secretary shall record all votes taken by name, indicting whether the member voted in the affirmative or negative or abstained, and shall transmit a copy of said record to the city council following each meeting of the Commission. The secretary shall also keep the Commission informed on all communications. The secretary shall record the minutes of all meetings and shall provide copies to all members of the Commission, the City Council and other public agencies involved. The secretary shall act on behalf of the Commission in the following matters, provided that matters shall first be presented to the Commission if there appears to be a serious conflict of interest, public controversy, or the like:

a) Represent the Commission on planning matters at all meetings of the City Council;
b) Prepare or present plans, policies or procedures established by the Commission;
c) Prepare the annual budget and review it with the Commission;
d) Accept and prepare all routine communications on planning matters; and
e) Give or serve all notices required by law, these bylaws or adopted procedures.

Further, the secretary shall be responsible to advise the chairperson directly, and the Commission as a whole, on matters regarding annual requirements for document reviews, and deadlines and content requirements for submission of various reports and documents to local governing bodies, the State of Kansas, and federal offices.

Section 5. **Committees.** The chairperson of the Commission may appoint special study committees.

Section 6. **Attendance.** Any member who is absent from three (3) consecutive regular meetings without having been previously excused by the chair shall have such absence reported by the chairperson to the City Council. Members who accrue more than four (4) unexcused absences may be removed for cause by the city council.

Section 7. **Planning Office.** The Planning Department shall provide professional and technical assistance to the Commission. Staff planners shall present recommendations of the Commission to the City Council. Recommendations of the professional staff, minutes of the Commission meeting, and other relevant material shall be presented to the City Council with the recommendations of the Commission. The Planning Department shall also provide technical assistance to the City Council and to other boards, commissions and agencies as is deemed appropriate by the Planning Director or City Manager.
ARTICLE IV
Meetings

Section 1. Regular Meetings. The Planning Commission shall convene for its first meeting at such time and place as shall be fixed by the city council, and shall therefore proceed to organize and elect officers and fix and determine time and place of future meetings, which meetings shall not be less than four (4) times per year. A regular meeting shall adjourn at 11:00 p.m. without a vote, unless the Commission votes by a simple majority to extend the meeting for a designated period not to exceed one hour. Additional extensions shall require additional motion and approval by a simple majority. If the Commission business is unfinished at 11:00 p.m. and no vote is taken to extend the meeting or a vote fails, the meeting will be continued at the next regular scheduled meeting or otherwise designated time. These meetings shall be held at such time and place as designated by a majority of the entire Commission or respective standing committee and shall be announced through notice provided to the city clerk.

Section 2. Special Meetings. Special meetings of committees or the Commission may be called by the respective chairperson. Such meetings shall also be called at the request of a majority of the committee or Commission. Notice of special meetings shall be given by the Planning Director not less than three (3) business days prior to the meeting. The notice shall state the purpose and time and place of the meeting. Notice shall be by mail or e-mail to the address provided by the member to the secretary.

Section 3. Agenda. Agendas for all regular meetings shall be available at the Planning Department at least one (1) week prior to the meetings. Between meetings of the Commission, the planning staff will be available to provide information on matters that come or have come before the Commission.

Section 4. Quorum Requirements. A quorum of the Commission shall be as established by ordinance adopted by the City Council of the City of Topeka of five (5) members. A quorum of a special study committee shall consist of a majority of the members of the study committee. No official business shall be conducted by the Commission or committees in the absence of a quorum. Study committees may meet if at least two members are present but no recommendation shall be made except by a majority vote of a quorum of such committee. 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. A quorum is not lost when a member or members abstain from voting.

Section 5. Open Meetings. All meetings of the Commission and study committees shall be open to the public except that closed sessions may be held in accordance with the provisions of the Kansas Open Meetings Act.

Section 6. Voting Requirements. Except as otherwise provided by state law requiring a higher number of affirmative votes, any matter requiring that a recommendation be made to the City Council shall require the affirmative votes of not less than a majority of the membership of the Commission. Matters pertaining only to the administration of the planning department and action of a study committee shall require only a simple majority vote of a quorum.
ARTICLE V
Conduct of Meetings

Section 1. Parliamentary Authority. Meetings shall be conducted according to Robert’s Rules of Order in all cases where they are applicable and not inconsistent with these bylaws and the Commission’s adopted Rules of Procedure.

Section 2. Staff Reports. Staff reports on all agenda items shall be prepared and transmitted to the Commission members a minimum of three (3) days prior to the time of the meeting.

Section 3. Appearance Before the Commission. Petitioners or their representatives, members of the community at large or individuals or their representatives who feel they will be affected by any action may appear before the Commission to present views and statements either for or against agenda items. The public may address their comments or concerns to the Commission in person or in writing. The Chairperson may at his/her discretion limit the length of presentation or discussion to ensure the orderly conduct of Commission business provided that the decision of the Chairperson may be overridden by a majority vote of those commissioners present.

Section 4. Commission Actions. The Commission shall take action on each item presented at the conclusion of discussion of that item.

Section 5. Motions. Motions before the Commission shall be made in the affirmative or negative on all public hearing items and shall be restated by the Chairperson before a vote is taken.

Section 6. Voting. Voting shall be by voice ballot on non-public hearing items and individual voice ballot on all public hearing items and shall be tallied by the secretary.

Section 7. Conflict of Interest. It is the duty of each member to vote on each issue. No member of the Commission, however, shall participate in, discuss or vote on a matter in which he or she has a conflict or interest as set forth in Ordinance No. 18094 or has a substantial interest as defined by K.S.A. 75-4301 et seq. Should any member have such a substantial interest on a matter coming before the Commission or its committees, the Chairperson shall declare an abstention for each affected Commission member for that item on the agenda.

Section 8. Record of Proceedings. The Secretary shall record the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.
ARTICLE VI

Amendments

Section 1. These bylaws may be amended by a majority vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda.

Adopted by the Planning Commission on this 16th day of February, 2009.