

BYLAWS OF
WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

ARTICLE I

PURPOSE AND ORGANIZATION

SECTION 1. The purpose of the Wichita-Sedgwick County Metropolitan Area Planning Commission (hereinafter "Commission") shall be those set forth in the Joint Ordinance Resolution of the two Governing Bodies, and as set forth as Ordinance No. 50-313 and Resolution No. 127-2016, and an agreement recorded November 17, 2016, between the Board of County Commissioners of Sedgwick County and the City of Wichita, any amendment(s) to such agreement, and those powers and duties delegated to the Commission by K.S.A. 12-741 et seq.

ARTICLE II

POWERS AND DUTIES OF THE COMMISSION

SECTION 1. Powers. That said Commission, as herein specified, shall be vested with the following powers and authority, to-wit:

The Commission shall have such power and duties as may be prescribed by law from time to time, including but not limited to those responsibilities in K.S.A. 12-741 et seq., as amended, and any local ordinances and resolutions. As a primary function, the Commission shall have the responsibility for the preparation, adoption, recommendation and maintenance of a long-range comprehensive plan, pursuant to K.S.A. 12-747 et seq., as amended.

SECTION 2. Actions. In all formal matters, said 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 shall be published in the official City or County paper as may be appropriate.

SECTION 3. Oath. Before entering upon the duties of the office, the members of said Commission shall subscribe to an oath of office, if required by the Governing Body appointing them.

SECTION 4. Seal. The Commission shall maintain a seal, and the same have the word "Seal" in the center thereof, and the words "Wichita-Sedgwick County Metropolitan Area Planning Commission Kansas," in or around the outer circle.

ARTICLE III

MEETINGS OF THE COMMISSION

SECTION 1. Regular Meetings. Regular meetings of the Commission generally shall be held on the Thursdays of the 2nd and 4th full weeks of each month, in accordance with a schedule of meeting dates approved by the Commission each year. When the date of a regular meeting comes on a legal holiday, the Commission may designate another date for the next regular meeting. Unless otherwise publicly announced by the Chair, all meetings shall be held in the Metropolitan Area Planning Commission Meeting Room, 2nd floor, The Ronald Reagan Building, 271 West Third Street, Wichita, Kansas, beginning at 1:30 p.m., provided the Commission may adopt another hour, date and place of holding its meeting by majority vote. Any such change shall be given wide publicity for the convenience of persons having business before the Commission. Commission meetings may also allow for virtual attendance and participation by members of the Commission and members of the public. For purposes of these bylaws, "virtual attendance" means the use of videoconference technology for people to view, listen, and participate in Commission meetings. When available, virtual attendance may also be allowed through telephone or audio attendance and participation.. When virtual attendance is an available option, then information sufficient for individuals to access Commission meetings shall be featured prominently on the Commission's webpage, included within the Commission meeting agenda, and included within each mailed and published notice of public hearing.

SECTION 2. The Secretary, as defined in Article IV, Section 1 of these bylaws, or other authorized officer shall prepare an agenda of all matters to come before the Commission and furnish the same to the Commission members no later than the Monday preceding the next regular meeting. A copy of the agenda shall also be furnished to all of the members of the City and County governing bodies, the City and County managers, and any person requesting notices of Commission meetings. Any member of the Commission may cause matters to be placed on the agenda by advising the Secretary no later than 12 o'clock noon on the Wednesday preceding the next regular meeting. Off agenda items may be considered with the approval of a majority of the members present.

SECTION 3. Special Meetings. Special meetings of the Commission may be called by the Chair (or in his or her absence by the Vice Chair) for whatever time and purpose determined. The same process can be undertaken by the respective chair (or in his or her absence by the respective vice chair) for the Subdivision Committee and Advance Plans Committee. In the event a special meeting is called, notice as to time, date, place and reason for the meeting shall be given to all the members of the Commission and all of the other individuals required to receive notice pursuant to Article III, Section 2 of these bylaws at least 24 hours before the meeting. Any such notice to

each member of the Commission shall be by mail, electronic mail, or personal service by the Secretary at the address or electronic mail address given to the Secretary by such member.

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

SECTION 3A. Emergency Meetings. In the event of conditions established by order or other action by appropriate local, state or federal authorities impacting the conducting of regular, in person meetings of the Commission, or of committees thereof, or due to circumstances that may cause the Commission, by a majority vote of the Commission, to choose to take measures for the protection of the health, safety, and welfare of the community; a procedure may be established to conduct Emergency Meetings, which may be held primarily through virtual attendance, with capacity limitations, and/or with alternative locations for participants to physically attend the meeting for purposes of virtual attendance. Any Emergency Meeting of the Commission or of any committee thereof shall comply with K.A.R. 16-20-1, to the extent that such administrative regulation may apply to such meeting.

- a. The Planning Director, and/or designee, shall prepare a formal Meeting Procedures Plan that describes the methodology to be used in conducting the Commission meeting. The Plan should:
 1. provide for the required participation of all interested parties, including public hearings;
 2. generally describe the means and methods for participation by Commission Members, applicants and agents; members of the public; other stakeholders; and staff.
- b. The Commission, or a committee thereof, shall vote on whether to accept the Meeting Procedures Plan for the Emergency Meeting at its first public meeting, which may be at the Emergency Meeting as the first order to business following the Call to Order thereof. The first meeting may be the "virtual" meeting being conducted as the Emergency Meeting.
- c. The imposition of the special "Emergency Meeting procedures" shall only be applicable so long as special conditions are established by order or other action of the appropriate local, state or federal authorities having jurisdiction that impact the conducting of normal regular meetings of the Commission, or the circumstances that caused the Commission to take measures pursuant to Section 3A are no longer in effect.

SECTION 4. Open Meetings. All meetings of the Commission and its committees shall occur pursuant to the Kansas Open Meetings Act (K.S.A. 75-4317, *et seq.*).

SECTION 5. Recording of Minutes. The Commission shall cause the Secretary to keep and maintain complete records of all matters coming before the Commission. The Secretary shall also prepare and maintain copies of permanent minutes available for public access during normal business hours. Permanent copies of minutes shall not be removed from the Office of the Secretary of the Commission except by order of the courts.

Copies of the minutes of the Commission shall be furnished to all persons or bodies making request for same to the Secretary. The Secretary may make such charges as are permitted by the Kansas Open Records Act (K.S.A. 45-215, *et seq.*).

SECTION 6. Quorum. A quorum of the Commission shall be required to conduct official business. A quorum shall consist of a majority of the members of the Commission. The affirmative vote of a majority of those members present and voting shall be sufficient for the passage of all motions; except that the adoption of or amendments to the long-range comprehensive plan, the Unified Zoning Code text, and the Subdivision Regulations shall require a majority of all members. In the absence of a quorum at any meeting, the presiding officer may adjourn the meeting to a specific time, date and place, which shall be publicly announced at the meeting.

SECTION 7. Recessed Meetings. Should the business before the Commission not be completed, the Chair may recess the meeting to a specific time, date and place until the matters on the original agenda are acted on.

SECTION 8. Conduct of Meetings. The Chair shall preside at all meetings of the Commission, except in his/her absence, disability or vacancy, the Vice Chair shall preside. In the absence, disability or vacancies of both the Chair and Vice Chair, the Secretary shall preside for the purpose of electing an Acting Chair.

SECTION 9. Parliamentary Procedure. All meetings of the Commission and of its committees shall generally be conducted in accordance with the most recent version of Robert's Rules of Order except insofar as modified by these bylaws and procedures adopted by the Commission.

- a. The Commission may suspend these bylaws and/or Robert's Rules of Order (for purposes of this Article III, Section 9.a., collectively referred to as "rules"), provided that the motion to suspend the rules take precedence over other prime motions; provided a motion to suspend the rules shall state the specific purpose and rule to be suspended; provided that no motion to suspend the rules shall be considered approved unless the length of time suspension will be in effect has been specified; provided that the motion to suspend the rules shall be approved by a two-thirds

majority of the members and provided that no suspension of the rules shall be considered permanent.

- b. When an application is set for public hearing, the Secretary initiates the agenda item with a staff presentation regarding the application. After the Secretary's presentation, a presentation by the applicant and his/her representative(s) on zoning, subdivision, and vacation items shall occur and be limited to ten minutes, plus an additional two minutes for rebuttal at the end of the hearing. The time for rebuttal may be extended by up to two minutes by the Chair and may be further extended by the Commission by majority vote.

Subsequently, presentations by other members of the audience shall be limited to three minutes per individual. The time for presentations may be extended by up to two minutes by the Chair and may be further extended by the Commission by majority vote. Prerecorded audio-visual presentations shall be included in the time limit of each speaker. All written and visual materials (or copies) used as part of a presentation to the Commission at the hearing shall be retained by the Secretary as part of the official record for that item.

Comments from the public (audience) on any matter may be limited at the discretion of the presiding officer when in his/her opinion such comments are repetitious, 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 permit further comments. Each member of the Commission may speak to an issue as many times as may be desired, unless a motion to call the question or otherwise cease debate has been approved by the Commission.

- c. Any member remaining silent on a vote shall be considered to have voted in the affirmative. The Chair shall grant permission upon request for any member to refrain from participating in the discussion and voting on an item when said member advises the Chair of matters arising under the provisions of Section 10.b pertaining to that item. Such member shall be recorded as abstaining on the vote but shall be counted for the purposes of determining a quorum.

SECTION 10. Conflict of Interest and Ethical Considerations.

- a. Members shall not assist or represent applicants on zoning, subdivision, or vacation applications, unless the member or a business or other entity in which the member has an ownership interest is the applicant. Members may appear and speak before the Commission under the provisions of subsection b. where the member owns property or is a prospective purchaser of property included in an application or the member owns property in the statutory notification area of an application.

- b. A member shall not participate as a member or vote on an issue before the Commission if:
 - 1. the member has a substantial interest on a particular issue as defined by state law;
 - 2. the member has expressed an individual opinion on the determination of a quasi-judicial matter or otherwise expressed himself or herself in a way that infers an opinion has been formed prior to the Commission's hearing on the matter;
 - 3. the member owns property or is a prospective purchaser of property included in any application;
 - 4. the member owns property in the statutory notification area; or
 - 5. the member has an ownership interest in a business or other entity that is an applicant.
- c. Members shall not make presentations to either governing body on a quasi-judicial item prior to the resolution of that item by the governing body, unless the member has abstained from participation on that item or the member has been designated by the Commission to make a presentation.
- d. Prior to the receipt of public comments on any application, Members shall disclose the nature of any ex parte contacts and of any information obtained through those contacts.
- e. Members shall maintain an open mind and shall not pre-judge or pre-determine applications before the public hearing.

ARTICLE IV

ORGANIZATION

SECTION 1. Officers. Officers of the Commission shall be the Chair, Vice Chair, and Secretary. The Chair and Vice Chair shall be elected at the first meeting in September and shall serve for a term of one year. The Chair and Vice Chair shall be members of the Commission. The Secretary shall be the Director of the Metropolitan Area Planning Department or his/her designee.

The Chair shall not succeed himself or herself the following year. The Chair shall rotate between a City and County appointee each year.

The Chair shall conduct all meetings and business, sign resolutions, subdivision plats, and other official papers and documents.

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

The Secretary shall conduct all the business for the Commission as directed and set forth by these bylaws. The Secretary is hereby designated to act as the "responsible agent" for the Commission in handling all Federal, State and local contracts and agreements. The Secretary or a designated appointee shall present Commission actions and recommendations to the governing bodies. The Secretary of the Commission shall, when required by law, authenticate by the seal of the Commission and the signature of the Secretary, the signature of the Chair.

SECTION 2. Committees (Standing). The Chair shall, within 30 days of his/her election, appoint from the Commission membership the following committees for a one year term:

SUBDIVISION COMMITTEE. Shall be comprised of seven members, at least three members of the Subdivision Committee shall be from among the City appointed members and at least three members of the Subdivision Committee shall be from among the County appointed members, and shall recommend action to the Commission on all matters coming before it for final recommendation (administration of the Subdivision Rules and Regulations; changes thereto; establishing street names; review of vacations, dedications, access control issues and other direct land development issues relating to form and infrastructure) and to approve preliminary plats and authorize preparation of final plats. The chair of the Subdivision Committee may temporarily appoint members of the Advance Plans Committee as alternates to the Subdivision Committee. Such alternates shall serve as proxies on an as-needed basis specifically for the purpose of a single meeting, so long as the total number of voting members does not exceed seven (7) members. When alternates are appointed, the membership requirements regarding City appointed members and County appointed members shall not apply. If the Subdivision Committee fails to achieve a quorum for a meeting, items on the agenda for that meeting will be deferred to the next meeting of the Subdivision Committee.

ADVANCE PLANS COMMITTEE. Shall be comprised of seven members, three from among the City appointed members and three from among the County appointed members, plus the Vice Chair and shall provide guidance to staff in developing, formulating and considering projections, forecasts, goals and objectives, proposals, plans and policies that affect the long term physical, social and economic character of the

planning area. The chair of the Advance Plans Committee may temporarily appoint members of the Subdivision Committee as alternates to the Advance Plans Committee. Such alternates shall serve as proxies on an as-needed basis specifically for the purpose of a single meeting. When alternates are appointed, the membership requirements regarding City appointed members and County appointed members shall not apply.

SECTION 3. Committees (ad hoc). The Chair with the consent of the Commission, may appoint ad hoc committees as may be needed to assist in the business of the Commission. The membership of such committee(s) may include, or be all non-commission members. All such committees shall be provided a formal charge and shall report to the Commission its findings and recommendations, unless otherwise directed.

SECTION 4. Committees (general rules). The Chair shall designate the chair for each committee appointed. Each committee shall vote for its own vice chair. No committee chair shall succeed themselves the following year. A majority of the members of any committee shall constitute a quorum. Support material shall be furnished only to committee members unless specifically requested by other Commission members. Any Commission member may sit with the other committee members, but only appointed committee members may vote.

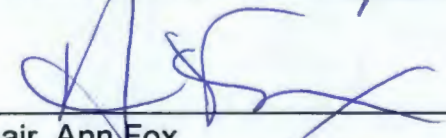
ARTICLE V

AMENDMENTS TO BYLAWS

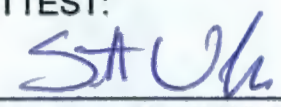
SECTION 1. The Commission may, by a two thirds majority vote thereof, amend these bylaws or any provisions or sections thereof at any time when the same is not in conflict or in contravention of any of the laws of the State of Kansas or ordinances applicable thereto. Provided, however, that notices of the proposed amendments be furnished by the Secretary to the Commission members not less than five (5) days prior to the meeting at which said amendments are to be considered. A copy of the bylaws will be filed with the Office of the City Clerk of the City of Wichita and the Office of the County Clerk of Sedgwick County.

The above and foregoing bylaws are hereby adopted as the bylaws of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

Dated this 15th day of September, 2022.

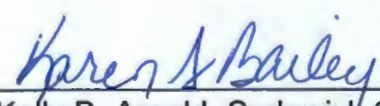



Chair, Ann Fox

ATTEST:



Secretary, Scott Wadle

Filed with the Sedgwick County Clerk's Office:


for _____
Kelly B. Arnold, Sedgwick County Clerk



Filed with the City of Wichita City Clerk's Office:



Karen Sublett, City of Wichita City Clerk
Jamie Buster

