

**Book: 625 Page: 528-531**

Receipt #: 53552

Total Fees: No Charge

Pages Recorded: 4

Cashier Initials: KAREN

Date Recorded: 12/16/2024 11:18:11 AM  
0062500528

## RESOLUTION NO. 29-2024

### A RESOLUTION BY THE CHEROKEE COUNTY BOARD OF COMMISSIONERS CREATING THE CHEROKEE COUNTY PLANNING COMMISSION

**WHEREAS** Kansas counties are authorized to enact planning and zoning laws and regulations for the protection of the public health, safety, and welfare. K.S.A. 12-741(a).

**WHEREAS** the Board of County Commissioners of any County may create a planning commission for the County. K.S.A. 12-744(a).

**WHEREAS** a planning commission is an advisory board. The final authority on zoning matters rest with the Cherokee County Board County of Commissioners.

**WHEREAS** the Board of County Commissioner has determined enactment of zoning laws and regulations are necessary for the protection of public health, safety, and welfare and future development of Cherokee County.

#### **NOW, THEREFORE, BE IT RESOLVED:**

#### **SECTION 1 – DEFINITIONS**

As used herein, the following terms are defined as stated below:

- (a) **Board.** The Cherokee County, Kansas Board of County Commissioners.
- (b) **Commission.** The Cherokee County Planning Commission.
- (c) **County.** Cherokee County, Kansas

#### **SECTION 2 – CREATION OF THE CHEROKEE COUNTY PLANNING COMMISSION**

- (a) **Creation.** The Cherokee County, Kansas Board of County Commissioners hereby creates a planning commission, pursuant to K.S.A. 12-744(a).
- (b) **Name.** The planning commission created by this Resolution shall be known as the Cherokee County Planning Commission.

### SECTION 3 – MEMBERS

- (a) **Number of Members.** The Planning Commission shall consist of five (5) members, referred to as Planning Commissioner 1, Planning Commissioner 2, Planning Commissioner 3, Planning Commissioner 4, and Planning Commissioner 5.
- (b) **Appointment.** Members of the Planning Commission shall be appointed by a majority vote of the Board. Regarding Planning Commissioners 1, 2, and 3, the Planning Commissioner must be appointed on a motion by the respective County Commissioner.
- (c) **Qualifications.**
- a. **Planning Commissioner 1.** Planning Commissioner 1 must reside in Cherokee County, Kansas Commission District 1 and outside the outside the corporate limits of any incorporated city.
  - b. **Planning Commissioner 2.** Planning Commissioner 2 must reside in Cherokee County, Kansas Commission District 2 and outside the outside the corporate limits of any incorporated city.
  - c. **Planning Commissioner 3.** Planning Commissioner 3 must reside in Cherokee County, Kansas Commission District 3 and outside the outside the corporate limits of any incorporated city.
  - d. **Planning Commissioner 4.** Planning Commissioner 4 must reside in Cherokee County, Kansas. Planning Commissioner 4 shall not reside in the same County Commission District as Planning Commissioner 5.
  - e. **Planning Commissioner 5.** Planning Commissioner 5 must reside in Cherokee County, Kansas. Planning Commissioner 5 shall not reside in the same County Commission District as Planning Commissioner 4.
- (d) **Term.** Except as stated below regarding the initial term, each Planning Commissioner shall serve a term of three (3) years. Such term shall commence on the first Monday in January which is not a federal holiday. Such term shall expire on the first Monday in January which is not a federal holiday in the third consecutive year, or until a successor has been appointed as provided herein.
- a. **Planning Commissioner 1.** Planning Commissioner 1 shall serve an initial term of one (1) year. Thereafter such Commissioner shall serve a term of three (3) years, as provided above.
  - b. **Planning Commissioner 2.** Planning Commissioner 2 shall serve an initial term of two (2) years. Thereafter such Commissioner shall serve a term of three (3) years, as provided above.



- c. **Planning Commissioner 3.** Planning Commissioner 3 shall serve an initial term of three (3) year. Thereafter such Commissioner shall serve a term of three (3) years, as provided above.
  - d. **Planning Commissioner 4.** Planning Commissioner 4 shall serve an initial term of one (1) year. Thereafter such Commissioner shall serve a term of three (3) years, as provided above.
  - e. **Planning Commissioner 5.** Planning Commissioner 5 shall serve an initial term of two (2) years. Thereafter such Commissioner shall serve a term of three (3) years, as provided above
- (e) **Removal.** Any member of the Planning Commission may be removed by a majority vote of the Board.
- (f) **Vacancies.** Vacancies created on the Planning Commission shall be filled by appointment as provided in this section. Any Planning Commissioner appointed to fill a vacancy shall serve the remainder of the respective unexpired term.

#### **SECTION 4 – OFFICERS**

- (a) **Chairperson.** The Planning Commission shall elect one member to serve as the commission chairperson. The Chairperson shall serve as such for a term of one year and until their successor has been appointed.
- (b) **Vice-Chairperson.** The Planning Commission shall elect one member to serve as vice-chairperson. The Vice-Chairperson shall serve as such for a term of one year and until their successor has been appointed.
- (c) **Secretary.** The Planning Commission shall elect an individual to serve as Secretary. The Secretary may or may not be a member of the Planning Commission. The Secretary shall serve as such for a term of one year and until their successor has been appointed.

#### **SECTION 5 – MEETINGS**

- (a) **Regular Meetings.** The Planning Commission shall meet at such time and place as may be fixed by the Commission's bylaws.
- (b) **Special Meetings.** Special meetings may be called at any time by the chairperson, or in the Chairperson's absence, by the Vice-Chairperson.
- (c) **Action.** Unless otherwise provided by Kansas Law or by resolution of the Board of County Commissioners, no action by the Planning Commission shall be taken except by a majority vote of the members present and voting.

(d) **Record.** A record of all proceedings of the Planning Commission shall be kept.

**SECTION 6 – BYLAWS**

The commission shall adopt bylaws for the transaction of business and hearing procedures, pursuant to and consistent with K.S.A. 12-745.

**SECTION 7 – BUDGET**

- (a) The Board of County Commissioners shall approve a Planning Commission budget and make such allowances to the planning commission as the Board deems proper, including funds for the employment of such employees or consultants as the Board may authorize and provide and shall add the same to the general budget.
- (b) Prior to the time budgeted funds are available, the Board may appropriate moneys for such purposes from the general fund. The Board may enter into such contracts as it deems necessary for the purposes of this act and may receive and expend funds and moneys from the state or federal government or from any other source for such purposes.

**ADOPTED** this 16th day of December 2024, by the Board of County Commissioners of Cherokee County, Kansas.

Approved:

Myra Carlisle Frazier  
 Myra Carlisle-Frazier  
 County Commissioner

Cory Moates  
 Cory Moates  
 County Commissioner

Lorie Johnson  
 Lorie Johnson  
 County Commissioner

Attest

Rebecca Brassart  
 Rebecca Brassart  
 County Clerk

