

CHEROKEE COUNTY PLANNING COMMISSION BY-LAWS

Adopted July 1, 2026

Article I General Provisions

Section 1. Name.

As established by Cherokee County Resolution No. 29-2024, the name of this organization is the Cherokee County Planning Commission, hereinafter referred to as “the Commission”.

Section 2. Purpose.

The Commission’s purpose is to promote the orderly development of the County by holding such hearings, adopting such rules and regulations, and making such recommendation to the Board of County Commissioners as the Commission deems appropriate.

Section 3. Membership.

Membership of the Commission shall be consistent with the provisions of Cherokee County Resolution No. 29-2024 regarding the number of members, method of appointment, and terms of office.

Section 4. Duties.

The duties of the Planning Commission shall be:

- (a) to cause to be prepared, adopted, and maintained an official Comprehensive Plan, pursuant to KSA 12-747(a);
- (b) to annually review the Comprehensive Plan and to report any conclusions to the Board of County Commissioners, pursuant to KSA 12-747(d);
- (c) to consider all matters, hold such hearings, and make such recommendation as required by Kansas Law, pursuant to K.S.A. 12-715 through 12-775 and other applicable statutes, and as may be assigned by the Board of County Commissioners; and
- (d) to submit to the Board of County Commissioners on or before the first day of June of each year a proposed budget for the subsequent year.

Article II

Purpose of By-Laws

The purpose of these by-laws is to establish rules governing the Commission's transaction of business and hearing procedures. K.S.A. 12-745.

Article III

Organization

Section 1. Officers.

The officers of the Commission shall be a chairperson and a vice-chairperson. The initial Commission shall elect a chairperson and vice-chairperson at its first meeting who shall serve until the first scheduled meeting in 2027. Thereafter the Commission shall elect a chairperson and vice-chairperson at the first meeting in each calendar year. Their term of office shall be one (1) year and until a successor is appointed. K.S.A. 12-745.

Section 2. Chairperson.

The chairperson shall preside over all meetings of the Commission. In the chairperson's absence, the vice-chairperson shall preside. In the event the office of chairperson becomes vacant, the members shall appoint a replacement to complete the current term.

Section 3. Vice-Chairperson.

The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of both the chairperson and vice-chairperson, the members present at such meeting shall elect a chairperson pro-tempore. In the event the office of vice-chairperson becomes vacant, the members of the Commission shall appoint a replacement.

Section 4. Secretary.

The Commission shall elect a secretary. The secretary may or may not be a member of the Commission. K.S.A. 12-745. The secretary shall:

- (a) attend all Commission meetings, personally or through a qualified designee;
- (b) keep a record of all proceedings of the Commission;
- (c) prepare the agenda and order of business for each Commission meeting in consultation with the chairperson;
- (d) record all votes taken by name, indicating whether each member voted in the affirmative, in the negative, or abstained;

- (e) provide a copy of the record of each meeting to the Board of County Commissioners;
- (f) prepare all outgoing communications, accept all incoming communications, and inform the Commission regarding such communications; and
- (g) give or cause to be served all notices required by law, these by-laws, or as directed by the Commission.

Section 5. Committees.

The Commission may establish such committees and subcommittees as the Commission deems appropriate to advise or assist in the Commissions activities. K.S.A. 12-745.

Section 6. Attendance.

The Chairperson shall report to the Board of County Commissioners when any member is absent from three (3) consecutive meetings or more than four (4) meetings in a twelve (12) month period.

Section 7. Employees.

The Commission may employ such persons deemed necessary and may contract for such services as the Commission requires, subject to the availability of funding. K.S.A. 12-745.

Article IV

Meetings

Section 1. Regular Meetings.

The Commission shall fix and determine the time and place of all future regular meetings. The Commission shall meet not less than once in any three (3) month period. If the regular meeting falls on a federal holiday, such meeting shall automatically be held on the next day which is not a holiday unless the Commission, by formal action, sets a special meeting day. All regular and special meetings of the Commission shall be open and the public shall be permitted to attend.

Section 2. Special Meetings.

The chairperson of the Commission may call a special meeting at any time by personally providing not less than twenty-four (24) hours notice to each member.

Section 3. Agenda.

The agenda for all regular meetings shall be made available to the public not less than forty-eight (48) hours prior to the meetings. The agenda for any special meeting shall be made publicly available as soon practicable, but not less than twelve (12) hours before such special meeting.

Section 4. Quorum Requirements.

The Commission, nor any committee thereof, shall take any action unless a quorum of the respective members is present. A quorum shall consist of a majority of the total number of members of the Commission or respective committee. In the absence of a quorum at any meeting, the presiding officer, after consultation with the members present, shall adjourn the meeting to a specified date, time, and place.

Section 5. Open Meetings.

All meetings of the Commission and committees thereof shall be open to the public as provided by the Kansas Open Meetings Act (KOMA), except for executive session as authorized by law.

Section 6. Action.

All actions by the Commission shall be taken by a majority vote of a quorum of members present at any meeting, unless a higher number of affirmative votes is required by Kansas Law, these by-laws, or County Resolution.

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 by-laws. The County Counselor shall interpret all issues arising under Robert's Rules.

Section 2. Order of Business.

The order of business at regular meetings, unless modified by the chairperson, shall be as follows:

1. call to order;
2. chairperson announces rules of conduct;
3. roll call and declaration of a quorum by secretary;
4. review prior meeting minutes;
5. communications;
6. conflict of interest declaration;
7. public hearing agenda items;
8. public comment regarding non-agenda items;
9. discussion of planning related issues; and
10. adjournment.

Section 3. Order of Public Hearing.

The chairperson shall announce the public hearing item and shall proceed in the following order:

1. presentation by the applicant or proponent of the item;
2. questions of the applicant or proponent by the Commission;
3. public comment from those in support of the item and questions by the Commission;
4. public comment from those opposed to the item and questions by the Commission;
5. rebuttal comments of applicant or proponent;
6. follow-up questions by the Commission;
7. public hearing closed by chairperson;
8. Commission discussion; and
9. Commission action.

The chairperson may set such reasonable time limits as the chairperson deems reasonably necessary to ensure the orderly conduct of Commission business. Such limits may however be modified by a majority vote of the members present. No time limit shall be imposed which disproportionately impact the proponent or opponent of any item.

Section 4. Appearance Before the Commission.

Individuals, businesses, organizations, and members of the community at large, 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 any agenda item, or other business of the Commission. The public may address their comments or concerns to the Commission in person or in writing. The chairperson may set such reasonable time limits as the chairperson deems reasonably necessary to ensure the orderly conduct of Commission business. Such limits may however be modified by a majority vote of the members present. No time limit shall be imposed which disproportionately impact the proponent or opponent of any item.

Following the Call to Order, the chairperson shall announce the rules of conduct as follows:

1. all comments shall be addressed to the chairperson;
2. each person shall be given an opportunity to be heard, but second comments will not be permitted until every person has had the opportunity to be heard;
3. in the interest of fairness to the public, statements should be as concise as possible;
4. the chairperson reserves the right to terminate a presentation or ask for a summation if comments become excessively repetitive or stray from the issues at hand;
5. time limits may be imposed for individual comments;
6. at all times during the public hearing, the chairperson shall expect courtesy from all participants and catcalls, booing, or other outbursts from the public shall not be tolerated; 7) Decision of the Commission shall be based on facts presented in evidence at the public hearing and accepted planning principals.

Section 5. Commission Action.

The Commission shall take action on each item presented at the conclusion of discussions regarding such item. Action shall be taken by a motion made by any member, supported by a second by another member. Upon a proper motion and second, the chairperson shall call for a vote on the proposed action.

Section 6. 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. Motions made should include reasons in support of such action.

Section 7. Voting.

Voting shall be by individual voice vote on each proposed action. The secretary shall call upon each member present to cast their vote in the affirmative by stating "yay", in the negative by stating "nay", and abstaining by stating "abstaining". The secretary shall record each vote and announce the vote count. Thereafter, the chairperson shall announce the action of the Commission.

Section 8. 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 the member has a conflict of interest or a substantial interest as defined by KSA 75-4301 *et seq.* A Commission member shall be considered to have a conflict of interest should they have an interest, pecuniary or otherwise, in any matter to be considered by the Commission and shall be disqualified from considering, debating, discussing, and voting on said matter. Should any member have such a conflict or 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. Further, no member shall appear before the Commission on behalf of any party or entity on any matter under consideration.

Section 9. Ex-Parte Contacts.

It is in the public interest that all members of the Commission should have an opportunity to be aware of and act upon the information that is available to other members. Individuals appearing before the Commission are entitled to a fair and equitable hearing with a decision based upon the evidence presented at the hearing. Therefore, all members are discouraged from entering into ex-parte contact, however, if contact is made outside of the public meeting setting, the member shall: 1) place upon the record the substance of all written and oral ex-parte communications concerning individual agenda items; and 2) provide that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each meeting where action is considered.

Section 10. Record of Proceedings.

The secretary shall record and maintain the minutes of each meeting as a matter of public record and shall present such minutes to the Commission for approval.

Article VI
Amendments

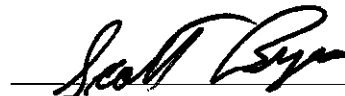
These by-laws may be amended by a majority vote of the Commission at any regular meeting, provided the members have been notified one (1) month in advance and the proposed amendment has been placed on the agenda.

Article VII
Adoption

The foregoing by-laws are hereby adopted on this 1st day of July 2026 by the Cherokee County Planning Commission.



Roger Draeger



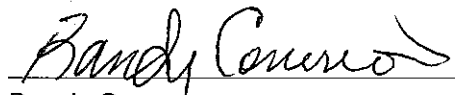
Scott Boyes



Brett Warstler

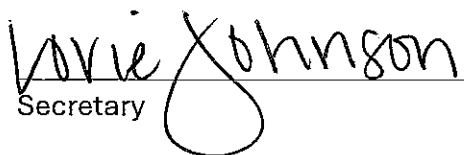


John Lopp



Randy Commons

Attest



Secretary