

BY-LAWS OF THE PRAIRIE VILLAGE PLANNING COMMISSION

Adopted May 5, 2020

ARTICLE ONE

Creation

1. **Name.** There is hereby established by the City Code of Prairie Village, a City Planning Commission to be named "The Prairie Village Planning Commission. (Hereinafter referred to as "Planning Commission" or "Commission.")
2. **Membership.** The Planning Commission shall consist of seven (7) members. The members shall be appointed by the Mayor with the consent of the Council to serve on the Planning Commission without compensation for their services. Members of the Planning Commission shall serve for a three (3) year term, which shall expire on March 1 three (3) years later. The appointment of the members shall be staggered so that not more than three (3) Commissioners' membership terms expire at the same time. Vacancies on the Commission shall be filled by appointment of the unexpired term.

ARTICLE TWO

Purpose

1. **By-Laws.** The purpose of these By-Laws are to establish rules for the internal organization and procedures of operation of the Planning Commission.
2. **Commission.** The function, powers, and duties of the Planning Commission are as authorized by State Law, and by the existing municipal codes establishing the Planning Commission. The Planning Commission adopts its own rules and policies for procedure, consistent with its powers granted in municipal and state law.

ARTICLE THREE

Organization

1. **Officers.** The officers of the Commission shall be a Chairman, Vice-Chairman, and Secretary. The Chairman, Vice-Chairman and Secretary shall be elected by the Planning Commission at its regular meeting in January of each year. The term of office shall be one (1) year. The officers may be re-elected by a majority vote of the membership of the Planning Commission.
2. **Chairman.** The chairman shall preside at all meetings of the Planning Commission. At his or her discretion, a Chairman may call special meetings and may also relinquish the Chair to the Vice-Chairman or other specific member. The Chairman may not make or second motions, but he or she may vote on any and all motions to come before the Commission. The Chairman shall appoint all committees of the Planning Commission. The Chairman shall perform all of the duties assigned to the

office by law and by the City Governing Body. If the Chairmanship becomes vacant for any reason, the Vice-Chairman shall succeed to the Chairmanship for the remainder of the term.

3. **Vice-Chairman.** The Vice-Chairman shall act as Chairman in the absence of the Chairman or disability of the Chairman, and, while so serving, shall have all the authority held by the Chairman. In the event the office of the Chairman becomes vacant, the Vice-Chairman shall succeed to that office for the unexpired term and the Planning Commission shall elect a new Vice-Chairman for the unexpired term.
4. **Secretary.** The Commission shall appoint a recording secretary, who shall be provided by the City of Prairie Village and who need not be an appointed member of the Planning Commission.
 - a. The secretary shall attend all meetings of the Planning Commission and shall send notices of all regular and special meetings to all members of the Commission. In addition, the Secretary shall have, under the Chairman, responsibility for books, papers, and records of the Planning Commission and attend to all correspondence of the Planning Commission.
 - b. The secretary is responsible for keeping an accurate record of all regular and special meetings and transcribing them for Planning Commission approval. All motions shall be recorded an accurate record made of all reasons for motions or votes by the members of the Commission shall be made. All meeting minutes shall become a permanent record and part of the official records of the City of Prairie Village.
5. **Attendance.** In the event that the Chairman, Vice-Chairman, or Secretary of the commission shall be absent or unable for any reason to attend to the duties of their offices, the members of the Commission may, at any regular meeting or any special meeting called for that purpose, appoint a Chairman pro tem or a Secretary pro tem, as the case may be, who shall attend to all the duties of such officer until such officer shall return or be able to attend to his or her duties.
 - a. A commission member shall be removed by the Mayor without Council consent as a result of:
 - i. Absence from three (3) consecutive meetings; or
 - ii. Absence from five (5) meetings during the calendar year.

ARTICLE FOUR

Meetings

1. **Regular Meetings.** Regular meetings of the Planning Commission, unless otherwise provided, shall be at Prairie Village Municipal Building at 7:00 p.m. on the first Tuesday

of every month. All meetings shall be open to the public. Meetings shall adjourn no later than 10:00 p.m., unless extended upon motion of a majority of the Planning Commission members present.

- a. Items remaining on the agenda at the end of a meeting may be continued by the Planning Commission until the next regular meeting unless otherwise provided by law.
 - b. The Chairman or Vice-Chairman may authorize the Secretary or designee to poll the members of the Commission for the purpose of cancelling a meeting.
2. **Special Meetings.** Special meetings of the Planning Commission can be called by the Mayor, city staff, or by a majority of the Planning Commission members. The Planning Commission shall provide at least three (3) days' notice to each member prior to any special meeting unless the notice requirement is waived by all members.
 3. **Quorum.** A majority of the membership of the Planning Commission (4 members) shall be necessary to constitute a quorum for the transaction of business and the taking of official action.
 4. **Agenda.** The agenda for all regular meetings shall be available on the City's website by the end of the business day on the Friday prior to the meeting. The order of items on the agenda shall be at the discretion of Deputy City Administrator or his or her designee, with due consideration being given to early consideration of items likely to attract large attendance at the meeting. The Chairman may, for reasons stated to all in attendance, vary from the order of the agenda.
 - a. An item may be added to the agenda only by affirmative vote of a majority of the members.
 - b. An agenda item consisting of a proposed amendment to the zoning regulations may be removed from the agenda only by a motion to recommend approval or denial.
 - c. Other items not pertaining to ordinance approval may be removed by a majority of the members and reasons therefore stated in the record.

ARTICLE FIVE

Conduct of Meetings

1. **Parliamentary Procedure.** Except as otherwise provided, meetings of the Planning Commission shall be conducted in accordance with the procedures proclaimed by Robert's Rules of Order.
2. **Order of Business.**
 - a. The agenda shall be organized in the following order: Roll Call, Approval of Minutes, Public Hearings, Non-Public Hearings, Other Business, and Adjournment.

- b. The Chairman shall call each agenda item and ask staff to provide a report or presentation on the agenda item prior to opening it up to the applicant (if applicable) and questions/debate by the Planning Commission.
3. **Staff Reports.** Staff reports on all agenda items shall be included in the Planning Commission packet posted to the City website and be available the Friday prior to the Planning Commission meeting. All staff reports and recommendations should be sent directly to applicants (if applicable) prior to the Planning Commission meeting.
4. **Continuances by Staff, Commission Member, or Applicant.** Any item may be continued upon request or recommendation by staff or a Commission member except as provided by law. The Commission may continue items requiring a public hearing to a date certain. Other items allowed by law may be tabled and recalled at the request of the staff or Commission. A continued item which fails to be recalled after six (6) months shall be considered withdrawn.
 - a. An applicant may continue his or her own proposal to a date certain by notifying the Secretary not less than two business days prior to the date of the hearing (or 10 days if a public hearing notice was required to be published). Where notification by mail of adjacent property owners has taken place as required by law, the applicant shall further notify the same property owners, by registered mail, return receipt requested, of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than ten (10) days prior to the date of the originally scheduled hearing and at least twenty (20) days prior to the next hearing date.
 - b. Any proposal not withdrawn prior to preparation of the agenda may be continued at the applicant's request only by affirmative vote of a majority of the Commission members. In consideration of such a motion to allow a continuance, the Commission may question the audience as to the number who have been inconvenienced and/or incurred expense on the presumption that the item would be heard, and the Commission may refuse to continue the proposal and proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain. Only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, with such notification to be mailed not less than twenty (20) days prior to the date of the new hearing. In addition, the Commission may direct the applicant to change the posting on the property and direct the staff to publish the new date in the appropriate newspaper at the applicant's expense.
5. **Incomplete Submittals.** The Commission will not hear items that fail to meet submission requirements.
6. **Appearances Before the Commission.** Applicants or their representatives may appear before the Commission to present their views on an agenda item. The

Commission will hear those views at an open meeting. The name and address of the applicant and his or her agent shall be entered in the record, as well as a summary of the presentation. At the conclusion of the applicant's presentation, members of the Commission and staff shall have the opportunity to question the applicant. Any other supporting testimony may then be requested. Public input will then be heard on Public-Hearing items, with the members of the Commission and staff having an opportunity to question any speaker. The applicant will then be given opportunity to present a short summary. All statements shall be directed to the Commission and cross conversation a month those in attendance is prohibited.

- a. All persons who wish to speak shall first give their names and addresses for the record. The Chairman may establish limits on time used by all parties making presentations or comments to the Planning Commission; however, the decisions made by the Chairman may be overridden by a majority vote of Commission members.
- b. Questions between opposing parties shall be directed first to the Chairman, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Chairman feels testimony has been sufficiently heard, the Chairman shall declare the public hearing closed after which the public in attendance may address the Commission only with the permission of the Chairman, and only to answer a question by a member of the Commission.

7. Motions after Public Hearings. Following the closing of public hearings, a motion may be made to recommend approval or denial of the application, to continue the application to a later date certain, or to table the item if allowed by law. A brief statement of reason or reasons for the motion will precede the making of all motions. Any stipulations relative to plans, development procedures, etc., should be listed following the motion to approve.

- a. Upon receiving a second, the motion may be discussed, and, upon the call for question or at the discretion of the Chairman, brought to a vote. A motion to amend, if necessary, must be voted on first. Then, the main motion would be voted on in its amended state. Motions shall require an affirmative vote of a majority of the members of the Planning Commission for passage, except as otherwise provided by law.
- b. A vote shall be by the raising of hands or by roll call, at the discretion of the Chairman. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Robert's Rules of Order. If not prohibited by law, and if the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a date certain. Such a motion for continuance shall include a reason for the action and shall require a majority vote of the Planning Commission Members.

8. **Commission Action.** The Commission shall, at the conclusion of discussion on the item, take action on each item presented. Voting shall be raising of hands or by roll call as determined by the Chairman; however, any member may call for a roll call vote on any issue. All members, including the Chairman, shall have a vote and shall vote when present, except that any member shall automatically disqualify him or herself from voting on any decision in which he or she may have a conflict of interest.
 - a. If the item upon which the Planning Commission action is taken is remanded for reconsideration by the Governing Body, it shall be considered at the next regular meeting of the Planning Commission after notices of the remand is received. If no action is taken on the remanded item at this meeting, the same recommendation will be deemed made and will be returned to the Governing Body.
9. **Abstentions.** If, after considering an item, a Commissioner wishes to abstain from voting, his or her abstention shall be counted as a vote cast in favor of the position taken by the majority of the Commissioners present and voting. If there is a tie vote, an abstention shall be considered a denial.
10. **Failure to Recommend.** If there is a tie vote of the Planning Commission on any item on which the Commission sits as a recommending body, such as a rezoning or text amendment, such a tie vote is considered a failure to recommend and goes to the Governing Body with no recommendation, except as otherwise provided by law. If the tie vote occurs on action on which the Commission sits as a final decision maker, a tie vote defeats the motion. If no subsequent motion is made and approved after the tie vote, the request is deemed denied.
11. **Applicant Not in Attendance.** In case an applicant or his or her agent is not in attendance when the item is called, the item shall be continued to the next month's meeting agenda. If, at the time the item is called again, the applicant is still not present, the Commission may approve or deny the application as it sees fit.

ARTICLE SIX **Miscellaneous**

1. **Conflict of Interest.** When a member of the Commission feels he or she may be in conflict of interest on a particular case before the Commission, he or she shall state so for the record and should not participate in the hearing or discussion and shall not vote on the issue. If this will eliminate a quorum, then the Planning Commission shall continue the hearing to the next regular meeting. The Chairman may ask the member to vacate his or her chair and leave the room if he or she deems it necessary.
2. **Suspension of Rules.** These by-laws may be amended or repealed for stated reasons by affirmative vote of three fourths (2/3) of the members of the Commission

(five out of seven members).

3. **By-Law Review.** The Prairie Village Planning Commission shall review, amend, and approve these by-laws in January of each year.
4. **Disclaimer.** If the Prairie Village Planning Commission fails to strictly follow these by-laws, any action taken will not be invalidated.