

# NEWTON-NORTH NEWTON HISTORIC PRESERVATION

## COMMISSION

### BYLAWS

#### ARTICLE I. CREATION AND MEMBERSHIP

**Section 1. Creation.** The Newton-North Newton Historic Preservation Commission, hereinafter referred to as the "Commission," has been reestablished by the governing bodies of the cities of Newton and North Newton by the adoption of Ordinance No. 5009-20 of the City of Newton which was passed and approved on 03/10/2020, and by the adoption of Ordinance No. 633-20 of the City of North Newton which was passed and approved on 03/09/2020. Together, Ordinance No. 5009-20 and Ordinance No. 633-20 are referred to as the "Historic Preservation Ordinance."

**Section 2. Membership.** The membership of the Commission shall consist of nine (9) members, six (6) appointed by the Mayor of the City of Newton with the consent of the governing body thereof, and three (3) appointed by the Mayor of the City of North Newton with the consent of the governing body thereof. The Commission shall establish and maintain membership consistent with the terms of the Historic Preservation Ordinance.

**Section 3. Attendance Policy.** Attendance at the meetings of the Commission is an important responsibility of membership. To provide a means by which the governing bodies may monitor the regular observance of these responsibilities by their appointed members, the minutes of each meeting of the Commission shall report those members in attendance and those members absent, and shall include after each name a summary of the attendance record of each such member during that current year of appointment. The minutes of each Commission meeting shall be provided to the governing bodies. Any member of the Commission that fails to maintain regular attendance shall be removed from the Commission.

**Section 4. Conflicts of Interest.** Members of the Commission shall conduct themselves at all times in full conformity with the conflict of interest rules set forth in K.S.A. 75-4301a, *et seq.* Further, each member shall disclose during the open meeting any known direct interest such member has in any matter pending before the Commission, including direct interests held by that person's spouse or by any member of that person's immediate family or by that person's business or employer. Such disclosure shall be made prior to any discussion of the merits of such pending matter. The existence of any such direct interest shall not necessarily disqualify that member's participation in such discussion or voting thereon, provided that such disclosure has been given, and provided that such interest is not a disqualifying interest under the conflict of interest rules set forth in K.S.A. 75-4301a, *et seq.* All future amendments to the statutes cited herein shall be and become a part of the requirements of this section.

**Section 5. Compensation.** Members of the Commission shall serve without compensation for their services; provided, however, that the members may receive reimbursement for their authorized out-of-pocket expenses, including travel when related to the Commission's activities, as the governing bodies by policy may deem desirable.

## ARTICLE II. OFFICERS, ELECTIONS AND DUTIES

**Section 1. Officers.** The Officers of the Commission shall consist of a Chair, Vice-Chair and Secretary. The Chair and Vice-Chair shall be members of the Commission who are elected to such offices by the Commission in the manner prescribed in the Historic Preservation Ordinance. The Secretary shall be such staff person or representative of the City of Newton who has been designated by the governing body or by the City Manager of the City of Newton to perform the functions of the Secretary.

**Section 2. Elections.** The election of officers shall be conducted by the Commission at the first regular Commission meeting after the thirtieth day of June in each year. Election shall be made by a majority vote of the membership of the Commission. Each officer shall take office immediately upon such person's election, and shall serve for one year or until his or her successor has been elected. Officers may serve for more than one term, and may serve consecutive terms.

**Section 3. Authority & Duties.** The Commission is vested with the authority and duties of the Historic Preservation Commission as contained in the Historic Preservation Ordinance.

**Section 4. Duties of the Chair and Vice-Chair.** The Chair shall preside at all meetings of the Commission. The Vice-Chair shall exercise the duties of the Chair in the absence of the Chair. In the absence of both the Chair and the Vice-Chair, the Secretary shall preside for the purpose of the selection of a temporary Chair, and the Secretary shall forthwith relinquish the chair after selection of a temporary Chair, who shall then exercise the duties of the Chair. The Chair shall represent the Commission at all meetings with other groups unless another member is designated to perform that function.

**Section 5. Duties of the Secretary.** The Secretary shall perform the following duties:

- (a) To oversee the preparation and distribution of agendas for each Commission meeting.
- (b) To prepare the minutes of each Commission meeting and submit them to the Commission for approval.
- (c) To sign all minutes and other official papers and documents to indicate that they have been approved by the Commission.

- (d) To maintain an official record of the minutes as approved, and to provide the governing bodies of the cities of Newton and North Newton with copies on a continuing basis.
- (g) To prepare written reports and recommendations of the Commission to the governing bodies of the cities of Newton and North Newton.

### ARTICLE III. MEETINGS

**Section 1. Regular Meetings.** At the first meeting of the Commission following the thirtieth day of June in each year, the Commission shall determine such regular schedule of meetings for the following year as the Commission shall deem to be advisable. Unless otherwise designated, all meetings shall be held in the City Commission Room at the Newton City Administration Building, 201 East 6th, Newton, Kansas, beginning at 6:00 p.m. Any such change shall be given wide publicity for the convenience of persons having business before the Commission. The Commission shall meet as often as necessary to complete its work in a timely manner, but must meet at least twice a year.

**Section 2. Special Meetings.** Special meetings may be called by the Chair, or by the Vice-Chair or, upon written request of any three (3) members of the Commission, or by the Secretary. When a special meeting is called, notice as to date, time, place and purpose of the meeting shall be given to each member of the Commission. The announcement of a special meeting at a regular meeting shall constitute notice to those members present. No agenda items other than those stated in the notice shall be considered at a special meeting.

**Section 3. Adjourned Meeting.** If the business before the Commission is not completed, the Commission by motion may adjourn the meeting or a specific agenda item to a specified date, time and place until the matters on the original agenda or the specific item are acted upon. When such a motion is made at a meeting as to agenda items for which public notice has been given for the current meeting, no further notice is required to be given as to the continuation of such adjourned items. Any additional notice need not comply with the formal requirements of an initial notice as prescribed by ordinance or by state law.

**Section 4. Open Meetings.** All meetings of the Commission shall be open to the public and to attendance by representatives of the news media; except, however, for such portion of such meetings as are conducted in executive session in conformance with the provisions of the Kansas Open Meetings Act, K.S.A. 75-4317, *et seq.* No binding vote or decision shall be taken except in open session.

**Section 5. Workshop Sessions.** In addition to the regular and special meetings of the Commission provided above, the Commission may meet in workshop sessions called for the purpose of engaging in general discussions of one or more topics, or for the purpose of education and training; provided, however, that no binding action may be taken at such workshop sessions. While minutes are not necessary as to such meetings, a record of attendance and a brief summary

of the subjects discussed shall be made. Workshop sessions shall conform with the Kansas Open Meetings Act, K.S.A. 75-4317, *et seq.*

**Section 6. Quorum.** A quorum shall consist of a majority of the total, outstanding membership of the Commission. If a quorum is not present at the time designated for the convening of a scheduled meeting of the Commission, those Commissioners in attendance may nevertheless, convene for the limited purpose of determining by motion made and approved by a majority of those in attendance to reschedule the meeting for another date, time and place. If a quorum is present at the time a meeting is convened, but if a quorum is lost during that meeting, the remaining Commissioners may continue to conduct any business on the published agenda that does not by law require a public hearing, and by motion and majority vote of those remaining in attendance may adjourn any items on the agenda that do require a public hearing to another date, time and place. In either of the above instances, no further notice is required to be given as to the continuation of such agenda items for which public notice has been given for the current meeting, and any additional notice given need not comply with the formal requirements of an initial notice as prescribed by ordinance or by state law. Members having a conflict of interest in relation to an item of business, or members otherwise abstaining from voting on an item of business, may be counted when determining whether a quorum is present.

**Section 7. Agendas.** The Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and shall be responsible for distributing the agenda. In the preparation of an agenda, the following rules of procedure shall be followed:

- (a) The agenda for each regular meeting shall include the following items in the following order:
  - (1) Consideration of the Minutes of the prior regular meeting, and consideration of the Minutes of any intervening special meetings as to which sufficient time has passed to enable the preparation of such Minutes.
  - (2) Consideration of any items submitted to the Secretary in conformance with these Bylaws.
  - (3) Consideration of any old business as itemized in the agenda or as raised at the meeting.
  - (4) Consideration of any new business as itemized in the agenda or as raised at the meeting.
- (b) The Secretary shall have the discretion to determine the order on the agenda in which all items above are to be considered, with consideration being given to the anticipated public interest in such items, to the needs and convenience of the applicants and other parties in interest, and to the interests of good order.

- (c) At any time during the meeting the Chair may entertain a motion to change the order of the agenda or to amend the agenda as published.

The Secretary shall publish the agenda and provide agendas to the Commission members in advance of the meeting. Copies of the agenda shall also be furnished to the governing bodies of the cities of Newton and North Newton, and to each party having an item on the agenda.

**Section 8. Recording of Meetings.** The Secretary shall keep complete records of all proceedings of the Commission and shall prepare and maintain Minutes to be kept on record, which is available for public view. Permanent copies of such Minutes shall not be removed from the custody of the Secretary except upon the order of a court. Copies of the minutes shall be furnished to all persons or bodies making such a request to the Secretary. The Secretary may make such charges as are necessary to recover the cost of making such copies, consistent with the adopted policies of the City of Newton under the Kansas Open Records Act.

#### **ARTICLE IV. CONDUCT OF MEETINGS**

**Section 1. Order of Business.** Unless otherwise decided by the Commission, the order of business shall be as set forth in the agenda. An item not listed on the agenda may be raised for consideration under old business only if such item has been taken up for consideration at a previous meeting. Any other item not listed on the agenda may be raised for consideration under old or new business as is appropriate. Only members of the Commission, or members of the zoning and planning staff of the cities, or the Secretary may propose an item of old or new business. A person desiring to raise an item under either old or new business shall announce the nature of the matter and move that the matter be taken up for consideration. Consideration shall then be given to such matter only upon the approval of a majority of the membership of the Commission in attendance.

**Section 2. Actions.** In all formal matters, the Commission shall act by motion unless a resolution is required by law. All notices required by law to be given by publication shall be published in the officially designated newspaper of the City governing body in whose jurisdiction the matter relates. Substantive motions before the Commission shall be restated by the Chair or Secretary before a vote is taken.

**Section 3. Voting.** When a quorum is declared present, all actions of the Commission shall be taken by a majority vote of the members present, unless some other number of votes shall be required by law. Voting shall be by individual voice ballot of "Aye" or "Nay" on each item, or by the raising of hands, as directed by the Chair, and the votes shall be tallied and the results determined and announced by the Secretary.

**Section 4. Parliamentary Procedure.** Subject to the provisions of these bylaws, the Chair shall decide all points of order and procedure, unless overruled upon motion made and passed by a majority vote of the members in attendance, including the Chair. In addition to other procedures separately set forth in these Bylaws, the following procedures are hereby adopted:

- (a) A second shall be required for all motions.

- (b) Any member who has a disqualifying conflict of interest on a matter before the Commission shall state the nature of such conflict, and shall abstain from all Commission discussion and voting upon such matter; provided, however, that such person may remove himself or herself from the bench and take a place in the audience during such portion of the meeting.
- (c) Any member who desires to abstain for the purpose of advocating for or against a matter before the Commission as a party in interest shall declare such intent and shall remove himself or herself from the bench and take a place in the audience during such portion of the meeting; provided, however, that such member then forfeits the right to engage in Commission discussion, deliberation and voting on such matter, and such person's presence shall not be counted for quorum purposes as to such matter.

## ARTICLE V. HEARING PROCEDURES

**Section 1. Intent and Purpose.** It is the intent of the Commission to hold fair and impartial hearings on all matters requiring a public hearing at which adequate legal notice has been given to all concerned parties. The purpose of such hearings is to help ensure that decisions are based on the relevant evidence that is properly brought before the Commission through such hearing, and are not arbitrary, discriminatory or unreasonable. To ensure fairness, the hearing room should be able to accommodate all persons wishing to attend and to enable them to properly hear the proceedings.

**Section 2. Ex Parte Contacts with Commissioners.** Ex parte contacts with Commissioners on a matter before the Commission (i.e., those contacts in the form of verbal or written communications which are made outside of a public hearing) should be discouraged. Any member of the Commission who has received ex parte contacts regarding any such matter should reveal the nature and extent of such contacts prior to the beginning of the public discussion on such matter.

## ARTICLE VI. AMENDMENTS TO BYLAWS

**Section I. Amendments.** The Commission may, by a two-thirds majority vote of the entire membership thereof, amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict or contravention of any of the laws of the State of Kansas or of any ordinances of the cities applicable thereto; provided, however, that no such amendment shall be effective until it has been approved by the governing bodies of the cities of Newton and North Newton. A current copy of the Bylaws shall be maintained on file with each of the City Clerks of the cities of Newton and North Newton.

**APPROVED AND ADOPTED** by the Newton/North Newton Historic Preservation Commission on the 20<sup>th</sup> day of August 2020.

James E. Wale

Chair

ATTEST:

Rebecca Mikinaud  
Secretary

**APPROVED AND ADOPTED** by the Newton City Commission on the 8<sup>th</sup> day of September, 2020.

Leroy Koehn  
Leroy Koehn, Mayor

ATTEST:

Denise R. Duerksen  
Denise R. Duerksen, City Clerk

**APPROVED AND ADOPTED** by the North Newton City Council on the 14<sup>th</sup> day of September, 2020.

Ronald D. Braun  
Ronald D. Braun, Mayor

ATTEST:

Patricia S. Redding  
Patricia S. Redding, City Clerk