



TO: City Commission
FROM: Zach McHatton
DATE: March 14, 2023
SUBJECT: Newton Land Bank Bylaws

PURPOSE:

The Land Bank Bylaws were approved at the September 15, 2022 meeting of the Land Bank. They now simply need to be ratified by the City Commission.

RECOMMENDATION:

Approve Land Bank bylaws as presented.

NEWTON LAND BANK

Bylaws

ARTICLE I. CREATION AND MEMBERSHIP

Section 1. Creation. The Newton Land Bank, hereinafter referred to as the "NLB," has been established by the governing bodies of the city of Newton by the adoption of Ordinance No. 5058-21 of the City of Newton which was passed and approved on October 12, 2021. Hereafter, Ordinance No. 5058-21 is referred to as the "Land Bank Ordinance."

Section 2. Powers of the NLB. The NLB shall operate under the powers and duties prescribed in Ordinance No. 5058-21 and K.S.A. 12-5901 *et. Seq.*

Section 3. Composition of Membership. The NLB shall be composed of seven members appointed by the City Commission. All appointed members shall be appointed for one-year terms each. Any appointment to fill a vacancy on the NLB shall be made for the unexpired portion of such vacated term. All appointed members shall be eligible for reappointment by the City Commission and will not be subject to term limits. All members of the NLB shall serve without compensation. While the City Commission shall have the discretion to appoint any person to the NLB, the City Commission shall attempt to appoint the following representatives:

- a. A representative from the Harvey County Economic Development Council;
- b. A representative from the Newton Area Chamber of Commerce Board of Directors;
- c. The owner of a business which is located in the Downtown Business District;
- d. Two at-large members with expertise in the area of real estate, and experience with Habitat for Humanity.

Section 4. Ex-Officio Membership. The City Manager, Director of the Harvey County Economic Development Council, and Executive Director of the Newton Chamber of Commerce shall serve as ex-officio members of the NLB. Ex-Officio members shall participate in the discussion of business items that come before the NLB but shall not vote or be considered a member for purposes of establishing a quorum. The NLB shall have the authority to appoint additional ex-officio members in order to fulfill the purpose and functions of this Ordinance.

Section 5. Attendance Policy. Attendance at the meetings of the Land Bank 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 Land Bank 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 Land Bank meeting shall be provided to the governing bodies. Any member of the Land Bank that fails to maintain regular attendance shall be removed from the Land Bank.

Section 6. Conflicts of Interest. Members of the Land Bank 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 Land Bank, 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 7. Compensation. Members of the Land Bank 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 Land Bank's activities, as the governing bodies by policy may deem desirable.

ARTICLE II. OFFICERS, ELECTIONS AND DUTIES

Section 1. Officers. The Officers of the Land Bank shall consist of a Chair, Vice-Chair and Secretary. The Chair and Vice-Chair shall be members of the Land Bank who are elected to such offices by the Land Bank in the manner prescribed in the Newton Land Bank Ordinance.

Section 2. Elections. The election of officers shall be conducted by the Commission at the first regular Land Bank meeting each year. Election shall be made by a majority vote of the membership of the Land Bank. 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 Land Bank is vested with the authority and duties as contained in the Newton Land Bank Ordinance.

Section 4. Duties of the Chair and Vice-Chair. The Chair shall preside at all meetings of the Land Bank. 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 Land Bank 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 Land Bank meeting.

- (b) To prepare the minutes of each Land Bank meeting and submit them to the Land Bank for approval.
- (c) To sign all minutes and other official papers and documents to indicate that they have been approved by the Land Bank.
- (d) To maintain an official record of the minutes as approved, and to provide the governing body of the city of Newton with copies on a continuing basis.
- (g) To prepare written reports and recommendations of the Land Bank to the governing bodies of the city of Newton.

ARTICLE III. MEETINGS

Section 1. Regular Meetings. At the first meeting of the Land Bank each year, the Land Bank 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, on the 3rd Thursday, beginning at 11:00 am. Any such change shall be given wide publicity for the convenience of persons having business before the Land Bank. The Land Bank shall meet at regular intervals as established from time to time by the NLB.

Section 2. Special Meetings. Special meetings may be called by the Chair. 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 Land Bank. 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 Land Bank is not completed, the Land Bank 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 Land Bank 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 Land Bank provided above, the Land Bank 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 Land Bank. If a quorum is not present at the time designated for the convening of a scheduled meeting of the Land Bank, those members 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 members 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 Land Bank members in advance of the meeting. Copies of the agenda shall also be furnished to the governing bodies of the cities of 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 Land Bank 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 Land Bank, 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 Land Bank, 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 Land Bank in attendance.

Section 2. Actions. In all formal matters, the Land Bank 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 Land Bank 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 Land Bank 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 Land Bank shall state the nature of such conflict, and shall abstain from all Land Bank 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 Land Bank 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 Land Bank 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. AMENDMENTS TO BYLAWS

Section I. Amendments. The Land Bank 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 body of the city of Newton. A current copy of the Bylaws shall be maintained on file with the City Clerk of the city of Newton.

APPROVED AND ADOPTED by the Newton Land Bank on the 15th day of September 2022.

Chair

ATTEST:

Secretary

APPROVED AND ADOPTED by the Newton City Commission on the _____ day of _____, 2023.

Leroy Koehn, Mayor

ATTEST:

Denise R. Duerksen, City Clerk