

JOINT RESOLUTION OF BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, KANSAS, AND ORDINANCE FOR THE CITY OF ANDOVER, KANSAS, PROVIDING FOR THE ESTABLISHMENT OF THE ANDOVER AREA PLANNING COMMISSION, PRESCRIBING THE NUMBER, QUALIFICATIONS AND MANNER OF APPOINTMENT OF ITS MEMBERS, ITS POWERS AND DUTIES, PROVIDING FOR THE ESTABLISHMENT OF AN ANDOVER METROPOLITAN AREA PLANNING DEPARTMENT, REPEALING CERTAIN RESOLUTIONS AND ORDINANCES, AND RELATING THERETO.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, KANSAS, Being assembled in regular session in the Office at the Courthouse in El Dorado, Kansas, this _____ day of _____, 1967, and

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS.

SECTION 1. Commission Creation. There is hereby created the Andover Area Planning Commission as authorized by K.S.A. 12-716, et seq.

SECTION 2. Same - membership, term, compensation. The Andover Area Planning Commission shall consist of a minimum of seven (7) members, a majority of whom shall hold no other public office except appointive memberships on planning commissions, three (3) of whom shall be appointed by the Mayor of the City of Andover, and four (4) of whom shall be appointed by the Chairman, of the Board of County Commissioners of Butler County, Kansas. All terms shall commence on March 1, and expire on last day of February. All terms of office other than the terms of the initial appointees shall be for four (4) years and until their successors shall have been duly appointed and qualified. Each of the appointments shall be made so that no more than one City and two County appointments shall expire each year. In case of death, incapacity, resignation or disqualification of any member, the City or County making the appointment of such member shall appoint another member for the unexpired term of such deceased, incapacitated, resigned or disqualified member. Any property owner between the ages of twenty-one (21) and seventy (70) of good character shall be eligible for appointment by either the Mayor of the City of Andover or the Chairman of the Board of Commissioners of Butler County who resides within a radius of three (3) miles in length measured from the intersection of Main and LaFayette

Streets in the City of Andover, or within the corporate limits of the City of Andover, Kansas. No person shall be disqualified from continuing to serve on such Planning Commission by reason of changing his residence, provided such person continues to reside within said radius or said city. Members of the Andover Area Planning Commission shall serve without compensation.

SECTION 3. Same - meetings, organization, records.

The Andover Area Planning Commission created hereby shall convene for its meetings at such place as shall be fixed by the Chairman of the Andover Area Planning Commission on the first Monday of each month and the Board of County Commissioners shall be invited and encouraged to meet with said Planning Commission a minimum of two meetings each year. Said Planning Commission shall annually elect one member as Chairman and one member as Vice-Chairman. Said Chairman shall also serve as Director of Planning and shall employ such staff and consultants as are approved by said Planning Commission. Special meetings of the Planning Commission may be called by the Chairman, or in his absence by the Vice-Chairman on not less than 24 hours notice, such notice to be by mail or personal service by the Secretary or his representative, at the address given to the Secretary of the Planning Commission by such member. A quorum of the Planning Commission shall consist of four (4) members. The Planning Commission shall designate a Secretary and may also designate an Assistant Secretary, neither of whom need be members of the Planning Commission. The Secretary shall cause a proper record to be kept of all the proceedings of the Planning Commission.

SECTION 4. Same - jurisdiction. The Planning Commission shall have jurisdiction for general planning throughout the City of Andover and that part of Butler County within a three miles of the city limits of the City of Andover. The Planning Commission shall hold hearings and recommend on all zoning matters within said area, and shall have subdivision jurisdiction with said area. The Planning Commission shall also have

such other jurisdiction as may be possessed by any member governing body or their planning commission, when expressly delegated to the Andover Area Planning Commission by resolution. The Andover Area Planning Commission shall have no jurisdiction outside said three mile radius.

SECTION 5. Same - authority, function, responsibility.

The Andover Area Planning Commission, herein sometimes referred to as the Planning Commission, shall have such power and duties as may be prescribed by law from time to time. As a primary function, the Planning Commission shall have the responsibility for the preparation, adoption, recommendation and maintaining of a long-range Comprehensive Development Plan to guide the future physical development of the Andover Area. Such Comprehensive Development Plan shall consist of a land use element, a circulation element, and facilities element. The plan shall provide a statement of population distribution and density and proposed building intensities and other uses of land. Such Comprehensive Development Plan shall be coordinated with a county wide comprehensive plan to be developed by the Butler County Planning Board. The Commission shall recommend development plans for specific public works projects and for urban renewal. Such development plans shall be related to the Comprehensive Development Plan and shall insure the integration of proposed land uses and for matters of access and relationship to the neighborhood within which such development plans provide for construction. Development plans shall also contain analysis of methods of financing proposed public works. The Planning Commission shall cause to be prepared zoning studies and shall recommend the zoning of all land within its jurisdiction. The Planning Commission shall cause to be prepared annually for the jurisdictions that they represent, a statement of current and past growth and development trends and anticipated growth for the succeeding year and

for the succeeding five years. Such annual statement of anticipated growth and development shall also contain an annual review of the status of the Comprehensive Development Plan and recommend adjustments in such plan. Such annual review statement shall be transmitted to the administrative heads of the political jurisdictions involved on, or before, the first day in February of each year for the use by the respective jurisdictions in the preparation of their annual capital improvement budget.

SECTION 6. Same - budget, disbursing agent. On or before the first day in February of each year, the Planning Department shall submit to the Chairman of the Board of County Commissioners of Butler County, Kansas, and to the Mayor of the City of Andover, a budget of income and expenditures for the ensuing fiscal year. This budget shall be submitted for review and comment. For such contributions as may be made by the City of Andover or Butler County, the City Treasurer of the City of Andover is hereby designated as the custodian and disbursing agent for the contributions. The expenses of the Andover Area Planning Commission shall be paid by the City of Andover.

SECTION 7. Agreement and Effective Dates. This joint resolution and ordinance shall constitute an agreement between the City of Andover and Butler County, as contemplated in K.S.A. 12-716, et seq., and shall also constitute a resolution of the Board of County Commissioners of Butler County, a resolution of an ordinance of the City of Andover, and shall be effective upon its passage and adoption by the Board of County Commissioners of Butler County, Kansas, and the Governing Body of the City of Andover acting separately, and after its publication once in the official county newspaper, and its publication once in the official newspaper of the City of Andover. A fully executed and attested copy shall be filed with the County Clerk of

Butler County, Kansas, and the City Clerk of the City of Andover, Kansas.

SECTION 8. SAVINGS CLAUSE. If this joint resolution and ordinance, or any part thereof, shall be held or determined to be unconstitutional, illegal, ultravires or void, the same shall not be held or construed to change or annul any provision hereof which may be legal or lawful.

SECTION 9. TERMINATION. Either of the parties hereto may cancel and terminate this agreement on a thirty-day notice to the other, but termination by one alone shall not affect a termination of the other.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF BUTLER COUNTY, KANSAS, this _____ day of _____, 1967, after due consideration of all members being present and voting as follows:

CHAIRMAN _____

DATED at El Dorado, Kansas, this _____ day of _____, 1967.

BOARD OF COUNTY COMMISSIONERS OF
BUTLER COUNTY, KANSAS

CHAIRMAN

COMMISSIONER

COMMISSIONER

ATTEST:

COUNTY CLERK (SEAL)

Passed by the Governing Body, not less than two-thirds of the members-elect voting in favor thereof, the 11th day of March, 1967.

Hal Baker
MAYOR

ATTEST:

Charles E. Clay
CITY CLERK