

Johnson County, Kansas Stormwater Management Advisory Council Bylaws

Adopted: September 18, 2003

Article I - Name

The name of this organization shall be Johnson County Stormwater Management Advisory Council (SMAC).

Article II - Purpose

The purpose of SMAC shall be to review recommendations of the Stormwater Management Program (Program), to advise the Board of County Commissioners (Board), and to coordinate the efforts on stormwater management issues and projects resulting from the implementation of the 1/10 cent sales tax for stormwater management and flood damage mitigation.

Article III - Membership

Section 1. SMAC shall be composed of participating (voting) members and ex officio (non-voting) members.

Section 2. Each City or other governmental entity which is, and remains, a signatory to the Stormwater Management and Flood Control Interlocal Agreement, shall appoint one representative to serve as the participating voting member of SMAC. Additionally, each City has the option to appoint an alternate voting member who shall represent the City at SMAC meetings in the event that the voting member cannot attend. No other individual may vote for the City except the voting member or the alternate voting member. The qualifications for membership and the manner of appointment shall be at the sole discretion of the City's governing body. No person may be appointed as a voting member or an alternate voting member if participation in SMAC would create a direct conflict of interest as determined by the Executive Committee. The City shall notify the Program Manager in writing of appointments to SMAC.

Section 3. In order to ensure coordination of stormwater management throughout the greater Kansas City metropolitan area, the governing bodies of Douglas, and Miami Counties in Kansas; Jackson and Cass Counties in Missouri; Kansas City, Missouri, the Unified Government of Kansas City, Kansas/Wyandotte County; and the Mid-America Regional Council shall each be invited to nominate a representative from their jurisdictions to serve as an ex officio member to SMAC. The Board of County Commissioners will be informed of the ex officio members. The Board may designate and/or request additional ex officio members at its discretion.

Section 4. Voting and alternate voting members of SMAC shall be appointed by their governing body and shall serve until the governing body provides the Program Manager, in writing, the name of the members' replacement.

Article IV - Responsibilities

Section 1. It shall be the duty and responsibility of SMAC to:

- a. Review and/or recommend to the Board such studies as it deems advisable to evaluate stormwater management needs throughout Johnson County and within any watershed of the County.
- b. Monitor, update, and recommend to the Board funding participation policies and guidelines for the sharing of the costs between the Cities and the Program for engineering and construction of stormwater management projects.

- c. Present reports to the Board regarding the status of stormwater management needs and practices in Johnson County, and recommending ways to improve stormwater management throughout the County and the metropolitan area.
- d. Monitor, update, and recommend to the Board criteria for prioritizing stormwater management projects and for coordinating of projects among the various jurisdictions.
- e. Provide suggestions and recommendations to the Board on improvements and land use planning guidelines that are needed or may be advisable to protect the citizens of the County from injury or damage caused by stormwater.

Section 2. Annually, SMAC shall review and recommend an annual budget and program to the Board.

Section 3. SMAC shall provide such other reports, recommendations, and advice as may be requested by the Board.

Article V - Powers and Authorities

SMAC shall be an advisory body only and shall not have any power or authority to bind any City, the County, or any other governmental entity; nor to contract, to sue or be sued, or to incur debt or other obligations; nor to hire or retain any employees or services. All authorities and powers of decisions and actions for administration of the Program and for the expenditure of funds from the stormwater management fund shall vest and remain with the Board.

Article VI - Meetings

Section 1. SMAC shall meet as a whole not less often than quarterly unless there is no business to be conducted as determined by the Chair and the Program Manager, and shall meet at any reasonable time upon request of the Board. Special meetings may be called by the Chair, or upon petition of a majority of the participating members of SMAC upon two days' prior written notice.

Section 2. Attendance by a majority of cities' participating or alternate voting member shall constitute a quorum, and minutes shall be kept of each meeting.

Section 3. Each City with an identified participating member shall have only one vote.

Section 4. Any participating member of SMAC who has unexcused absences from three consecutive meetings of SMAC can be construed as voluntarily resigning from SMAC. The offending member may be so advised, and the City represented may be requested to make a substitute appointment.

Article VII - Committees

Section 1. SMAC shall include participating members representing each of the major watersheds within Johnson County.

The Cities will be grouped into three river basins as follows:

- Kansas River Basin – Bonner Springs, DeSoto, Lake Quivira, Lenexa, Merriam, Mission, Olathe, Overland Park, Shawnee, Unincorporated Johnson County.
- Blue River Basin – Fairway, Leawood, Mission, Mission Hills, Mission Woods, Olathe, Overland Park, Prairie Village, Roeland Park, Unincorporated Johnson County, Westwood, Westwood Hills.
- Marais des Cygnes River Basin - Edgerton, Gardner, Spring Hill, Unincorporated Johnson County.

Section 2. An Executive Committee composed of seven participating voting members shall be elected each year. Of that total, three members shall be representatives from the Kansas River Basin, three from the Blue River Basin, and one from the Marais des Cygnes River Basin. No City shall have more than one representative on the Executive Committee. Nominations and elections shall be by SMAC as a whole. The Executive Committee members shall be elected at the first SMAC meeting of each calendar year.

Terms on the Executive Committee shall be for one year, and individuals shall be eligible for reappointment. In the event of a vacancy on the Executive Committee, SMAC as a whole shall elect a new committee member.

Article VIII - Officers

The officers of SMAC shall be a Chair and a Vice Chair, will make up two of the members on the Executive Committee, and will be elected by the members of the SMAC from among their own ranks at the first meeting of the calendar year. The Chair and Vice Chair may not represent municipalities located entirely within the same river basin. The officers shall serve one year terms or until their respective successors are qualified, and no individual shall serve as either Chair or Vice Chair for more than two consecutive terms.

Article IX - Amendments

These bylaws may be amended at any meeting of the SMAC by a two-thirds vote of the members present, provided that the amendment has been presented in writing and is included in the notice announcing the meeting at which the amendment is to be voted on.