

HAYWOOD COUNTY REGIONAL PLANNING COMMISSION BY-LAWS

ARTICLE I

AUTHORITY

These by-laws are adopted under the authority of Tennessee Code Annotated and amendments thereto as set forth in Section 13-3-103 as follows: "Each regional Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record."

OBJECTIVES

The objectives and purposes of the Haywood County Regional Planning Commission shall be as set forth in Section 13-3-104 through 13-3-105 of the Tennessee Code Annotated and amendments and supplements thereto and those powers and duties delegated to the Planning Commission by the chief legislative body in accordance with the above mentioned enabling legislation.

ARTICLE II

MEMBERSHIP

Section 1. The Haywood County Regional Planning Commission shall have nine (9) members the majority of whom shall hold no salaried public office or position whatever, excepting offices or faculty memberships of a university other educational institution.

Section 2. The Planning Commission membership shall consist of three (3) members designated from the Haywood County Commission and six (6) other appointed members. All designated and appointed members shall be recommended by the County Executive and approved by the Haywood County Commission.

Section 3. The term of any member designated from the Haywood County Commission shall be coterminous with his or her term of office on the Commission. The term of all appointed members shall be four (4) years except that the terms of three (3) members shall be one (1), two (2), and three (3) years respectively.

ARTICLE III

OFFICERS AND THEIR DUTIES

Section 1. The officers of the Planning Commission shall consist of a Chairman, Vice-Chairman, and Secretary.

Section 2. The Chairman shall preside at all meetings and hearings of the Planning Commission and have duties normally conferred by parliamentary usage on such officer.

Section 3. The Chairman shall be one of the appointive members of the Planning Commission. He or she shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

Section 4. The Vice-Chairman shall be a designated member of the Planning Commission and shall act for the Chairman in his or her absence.

Section 5. The Secretary shall certify Planning Commission approval of subdivision plats and other documents acted upon by the Planning Commission and have such other duties as are normally carried out by a secretary or requested by the Chairman.

ARTICLE IV

ELECTION OF OFFICERS

Section 1. Nomination of officers shall be made from the floor and officers shall be elected at an annual organizational meeting in the month of January.

During this election process, a member of the staff personnel shall act as Chairman pro tem. The Commission shall elect its Chairman from among the appointive members.

Section 2. The nominee for each office receiving a majority vote of the membership present shall be declared elected and shall take office at the January meeting.

Section 3. All officers shall be elected for a term of one (1) year and shall be eligible to succeed themselves. Vacancies shall be filled immediately for the unexpired term by the regular election procedure.

ARTICLE V

STAFF PERSONNEL

Section 1. The Planning Commission may appoint or employ such staff as the Commission deems necessary in accordance with Section 13-3-103 of the Tennessee Code Annotated and may contract with public agencies, planners, engineers or other consultants for such services as it may require.

Section 2. The appointed professional staff shall take action and make recommendations in the name of the Planning Commission in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time.

ARTICLE VI

COMMITTEES

Section 1. Special committees may be appointed by the Chairman for those purposes and terms as designated by the Planning Commission.

Section 2. The Chairman shall be an ex-officio member of any committee and shall have the right to cast a vote as a member of such committee.

ARTICLE VII

MEETINGS

Section 1. All meetings of the Haywood County Regional Planning Commission shall be held on the second Thursday of each month at 6:00 p.m. at the Haywood County Courthouse or such other place and time as shall be designated in advance by the Chairman.

- Section 2. A majority of the appointed membership of the Planning Commission shall constitute a quorum. A quorum shall be present before any business is transacted. In the event of any vacancy on the Commission, a majority of the members still acting shall constitute a quorum.
- Section 3. All plans, reports, and recommendations of the Planning Commission must be approved by a majority of the members of the Commission present at the meetings.
- Section 4. All persons presenting business before the Planning Commission shall have no more than 5 minutes to present their case.ⁱ
- Section 5. A record of the vote of each member on each major question shall be kept as a part of the minutes.
- Section 6. The minutes shall reflect finding of facts on all voting matters.ⁱⁱ
- Section 7. Special meetings may be called by the Chairman or by the Vice-Chairman if the Chairman is not acting. It shall be the duty of the Chairman to call such a meeting when required to do so by a majority of the members of the Planning Commission. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission. The Secretary shall notify all members of the Commission and provide adequate public notice in advance of such a special meeting.
- Section 8. Except as set forth herein, Roberts Rules of Order shall prevail as to any matters of procedure.
- Section 9. All meetings at which official action is taken shall be open to the general public.
- Section 10. At all meetings, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have personal interests in the business before the Commission, this Commissioner shall disclose the interest and be disqualified from voting upon the business.
- Section 11. Affirmative vote of a majority of the members attending the meeting is necessary for approval of any proposed subdivision or zoning matter and in the event that a majority of those present at the meeting shall not vote affirmatively on a matter, the matter shall be recommended as not approved.

ARTICLE VIII

PROCEDURE

- Section 1. ~~All matters to be presented to the Commission shall be filed in final form no later than fourteen (14) working days preceding the regular meeting at which a recommendation is sought.~~ Effective March 1, 2023, all matters to be presented to the Commission shall be filed in final form not later than thirty (30) days preceding the regular meeting at which a recommendation is sought.ⁱⁱⁱ
- Section 2. An agenda of matters to be presented at the meeting shall be prepared prior to the general meeting by the Commission and no additions to the agenda shall be allowed unless approved by a majority vote of the Commission.
- Section 3. If the petitioner or applicant or his representative is not present when the Planning Commission is to consider his case, consideration will be put off until the next regular or advertised Planning Commission meeting. Deferral of consideration shall continue until the petitioner or applicant or his representative is present to explain his petition or application

to the Commission and to answer any questions the Commission may have concerning his proposal.

Section 4. All votes shall be recorded by a delegated person and kept In the official minutes of the meeting.

Section 5. The minutes of the meeting shall be the official acts of the Commission and any change in any correspondence shall not be valid.

Section 6. The Secretary shall be the person responsible for the correctness of all minutes, although the actual taking of the minutes may be delegated to other persons.

ARTICLE IX

PUBLIC HEARING

Section 1. In addition to those required by law, the Commission may, at its discretion, hold public hearings when the Commission deems hearings will be in the public interest.

Section 2. Notice of such hearings shall be published in a newspaper of general circulation within Haywood County at least ten (10) calendar days prior to the date of such public hearings.

Section 3. During a public hearing, the case before the Commission shall be presented in summary by a member of the staff or by a Commission member designated by the Chairman. Interested parties shall then have the privilege of the floor or by submitting in writing.

ARTICLE X

FILING

Section 1. All matters to be presented to the Commission shall be filed at the County Executive's Office with the number of copies provided as required by the appropriate ordinance or regulations.

All matters shall be submitted to the planning assistance staff as required.

ARTICLE XI

CONFLICT OF INTEREST

Section 1. Any member shall disqualify them self from any participation in the discussion of or voting on any matter on the meeting agenda in which he has a direct or indirect personal interest.

Section 2. The member shall vacate his or her seat during deliberation on any matter from which he has disqualified himself. The member shall not be replaced for the vote.

Section 3. A member who is disqualified shall not be counted as present for a quorum for that particular vote, thereby reducing the necessary number of affirmative votes required to approve a motion. Where a disqualification produces less than a quorum, no vote shall be taken on the matter before the Commission.

Section 4. The burden of revealing any such conflict rests with individual members of the Planning Commission.

ARTICLE XII

ADOPTION AND AMENDMENT

Section 1. These by-laws herein shall be in full force and effective at the first meeting and all subsequent meetings following the adoption of this document by a majority vote of the entire membership of this Planning Commission.

Section 2. These rules may be amended by a two-third majority vote of the entire membership of the Planning Commission at any time by placing on the agenda of any regular meeting an item for their amendment or by a Special Meeting called for that purpose as set forth herein.

Amended this 12th day of January 2023.

Chairman of the Haywood County Regional Planning Commission

ATTEST:

Secretary of the Haywood County Regional Planning Commission

End Notes:

ⁱ Public Hearing held prior to Regional Planning Commission Meeting on January 12, 2023. Adopted that same evening.

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