

KNOXVILLE • KNOX COUNTY

M P C

METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

By Laws

May 11, 2017

RESTATED
BYLAWS OF
THE KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
AS AMENDED THROUGH MAY 11, 2017

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ARTICLE I

NAME

The name of this regional planning commission is The Knoxville/Knox County Metropolitan Planning Commission (the "Planning Commission").

ARTICLE II

FISCAL YEAR

The fiscal year of the Planning Commission shall begin on July 1, and shall end on June 30.

ARTICLE III

MEETINGS

Section 1. Regular Meetings.

Regular meetings of the Planning Commission shall be held on the second Thursday of each month at 1:30 p.m. in the Main Assembly Hall of the City-County Building in Knoxville, Tennessee. When conflicts arise, such as holidays or inclement weather, the regular meeting shall be held at such other time and place as may be designated by the Chair.

Section 2. Annual Meetings.

An annual meeting of the Planning Commission shall be held on the October meeting date or other date as specified by the Chair, with the specific date, hour and location to be designated by the Chair. Written notice of the date, hour and location shall be given by the Executive Director of the Planning Commission to each member of the Planning Commission not less than five (5) business days prior to the meeting date.

The following business shall be conducted at the annual meeting:

- A. The Executive Director of the Planning Commission shall present a report on staff activities during the immediately prior fiscal year, and a statement of the fiscal status of the Planning Commission.
- B. Each committee of the Planning Commission shall present a status report on the work of such committee.
- C. Such other business as may properly come before the Planning Commission.

Section 3. Special Meetings.

Special meetings of the Commission may be called by the Chair, or by any two (2) members of the Planning Commission.

Section 4. Notice of Special Meetings.

A written notice of any special meeting, stating the date, hour, location and purpose of the meeting shall be given by the Executive Director of the Planning Commission to each member of the Planning Commission not less than five (5) business days prior to the meeting date.

Section 5. Waiver of Notice.

A member of the Planning Commission, either before or after any special meeting, may waive notice of the meeting, and such waiver shall be deemed the equivalent of giving notice. Attendance at a special meeting by a member of the Planning Commission shall constitute a waiver of notice of the special meeting, unless that member attends for the express purpose of objecting to the transaction of business on the grounds that the meeting was not lawfully convened.

Section 6. Open Meetings Law.

All meetings of the Planning Commission convened in order to make a decision or to deliberate toward a decision on any matter shall be an "open meeting", in accordance with the requirements set forth in TENN. CODE ANN. 8-44-101. et seq.

Section 7. Proxies.

Members of the Planning Commission shall not be permitted to vote by proxy.

Section 8. Quorum.

The presence of eight (8) members shall constitute a quorum at a duly convened meeting.

Section 9. Adjournment.

Any meeting of the Planning Commission may be adjourned. Notice of the adjourned meeting or of the business to be transacted there, other than an announcement at the meeting adjourned shall not be necessary. Any business which could have been transacted at the meeting originally called, may be transacted at the adjourned meeting.

Section 10. Voting.

All matters to be voted on by the Planning Commission shall be put in the form of a motion, duly seconded. The Chair shall conduct the voting by asking those in favor to

signify by saying "Yes", and those opposed to signify by saying "No". The Chair shall inform the recording secretary of the number of "Yes" votes and the number of "No" votes. If there is any question about the results of the vote, or upon the request of any member of the Planning Commission, a roll call vote shall be taken. Any vote to "Pass" shall be deemed and recorded as a "No" vote. Except as is provided otherwise in these By-Laws, a majority of the votes cast shall be sufficient for the adoption of any motion that is in order.

Any motion considered by the Planning Commission which fails adoption may be reconsidered at any time prior to adjournment, upon a motion, duly seconded, and without the necessity of a precedent Motion to Reconsider.

Section 11. Minutes.

A record, or minutes, of the proceedings of all meetings shall be kept by a recording secretary, appointed by the Executive Director. The minutes shall reflect:

- A. Every motion upon which a vote is taken by the Planning Commission.
- B. The names of the members of the Planning Commission making and seconding any such motion.
- C. The number of "Yes" votes and "No" votes on each motion.
- D. A record of any roll call vote taken.
- E. The name of any member of the Planning Commission that abstains from the discussion and vote on any matter.

When published, the minutes shall be signed by both the Chair and the Executive Director.

ARTICLE IV

OFFICERS

Section 1. Officers.

The officers of the Planning Commission shall be chosen by the Planning Commission and shall consist of a Chair, a Vice-Chair and a Secretary.

Section 2. Vacancies.

When a vacancy occurs in the office of Chair or Vice-Chair, the Planning Commission shall elect successors to those positions. The office so elected shall serve until a successor has been elected.

Section 3. Removal.

An officer may be removed by a majority vote of the entire membership of the Planning Commission (not less than eight (8) votes) when in its judgment the best interests of the Planning Commission will be served by the removal.

Section 4. Chair.

The Chair shall preside at all meetings of the Planning Commission and shall perform such duties as the Planning Commission shall from time to time proscribe. The Chair may participate in all discussion, and shall be entitled to vote as any other member of the Planning Commission.

Section 5. Vice-Chair.

In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.

Section 6. Secretary.

The Executive Director shall serve as Secretary of the Planning Commission, and shall be responsible for maintaining a full record of all proceedings of the Planning Commission. The Secretary shall give, or cause to be given, notice of all meetings of the Planning Commission, and shall perform such other duties as the Planning Commission may direct.

Section 7. Delegation of Duties.

The power and duties of any officer may be delegated to any member of the Planning Commission by a majority vote of the entire membership of the Planning Commission (not less than eight (8) votes) whenever in its judgment the best interests of the Planning Commission will be served by the delegation.

Section 8. Nomination of Officers.

During or before October of each year, the Chair shall appoint a Nominating Committee consisting of three (3) members of the Planning Commission, none of whom are incumbent officers. The Nominating Committee shall identify and present a slate of nominees for the offices of Chair and Vice-Chair at the regular Planning Commission meeting in November. In addition to the slate of nominees offered by the Nominating Committee, nominations for elected officers may be made from the floor.

Section 9. Election of Officers.

The Chair and the Vice-Chair shall be elected at the regular December meeting of the Planning Commission. All elected officers of the Planning Commission shall serve

a term of one (1) year beginning January 1, or until a successor has been elected. Elected officers shall be eligible for re-election.

ARTICLE V

EXECUTIVE COMMITTEE

In January, the Chair shall appoint an Executive Committee, consisting of the elected officers and three other members of the Planning Commission. The appointment shall be for one (1) year, coterminous with the Chair's term, or until a successor committee is appointed. Members of the Executive Committee may be reappointed.

The duties of the Executive Committee shall be:

1. To review and recommend the annual budget and work program, and any amendments thereto, to the Planning Commission for adoption.
2. To review and resolve Planning Commission employee grievances in accordance with the provisions of the adopted Employee Handbook.
3. To appoint individuals to serve as hearing officers for all employee grievances under the Americans with Disabilities Act, in accordance with the provisions of the adopted Employee Handbook.
4. Upon request, to provide consultation and advise on such matters as the Executive Director shall bring before the Committee.

A record, or minutes, of all Executive Committee meetings shall be kept by recording secretary, appointed by the Executive Director, which, when published, shall be signed by the Chair.

ARTICLE VI

EXECUTIVE DIRECTOR

Section 1. Executive Director.

The Mayors of the City of Knoxville and Knox County, acting jointly, will appoint an Executive Director for the benefit of the Planning Commission, qualified by special training and experience in the field of planning. Compensation for the Executive Director will be determined by the City and County Mayor, with funds appropriated by the City and County Legislative bodies. The Executive Director shall be the Secretary of and chief advisor to the Planning Commission. The Executive Director shall have general administrative responsibilities, including:

- A. Supervision of the daily operations of the Planning Commission and its staff.
- B. Development of the budget and work program, in cooperation with the Executive Committee.
- C. Execution of the work program.
- D. Responsibility for employment, supervision, training, discipline and termination of all staff members and employees of the Planning Commission.

The Executive Director shall provide monthly reports on staff activities and the fiscal status of the Planning Commission.

Section 2. Relationship with City and County Government.

The Executive Director and the Planning Commission staff shall at all times be available to the departments of both the City of Knoxville and Knox County Governments, for information and advice on day-to-day developments and planning issues, when requested by the Mayor of the City and/or County. However, any request for a study, research program or planning project made by the City or the County Governments shall be adopted by the Executive Committee and incorporated into the work program prior to any staff work on the request.

ARTICLE VII

CONFLICT OF INTEREST

Any member of the Planning Commission having a conflict of interest regarding a proposal before the Planning Commission, shall abstain from any discussion or voting on such proposal, and shall advise the Chair of such conflict prior to the meeting at which the proposal is scheduled to be heard. The Commissioner shall abstain from all discussion and voting on the proposal, and will not be considered present for purposes of establishing a quorum. A conflict of interest shall exist under the following conditions:

- A. When a member of the Planning Commission or any member of his immediate family has a financial interest in property that is the subject of a proposal being considered by the Planning Commission.
- B. When a member of the Planning Commission or any member of his immediately family has a financial interest in property that is contiguous to or closely associated with property that is the subject of a proposal being considered by the Planning Commission.

- C. When a member of the Planning Commission or any member of his immediately family has a financial interest in a company or other entity that is seeking consideration of a proposal by the Planning Commission, or is actively working for or against the proposal that is before the Planning Commission.
- D. When a member of the Planning Commission or any member of his immediately family may receive some private benefit, either direct or indirect from the approval or the disapproval of a proposal being considered by the Planning Commission.
- E. When a member of the Planning Commission determines in his own mind that there are compelling reasons that will prohibit him from acting in the best interest of the community, or that his participation will create the impression of impropriety in the eyes of the general public.

ARTICLE VIII

ADMINISTRATIVE RULES AND PROCEDURES

The Planning Commission shall adopt and maintain *Administrative Rules and Procedures* which shall govern the conduct of business before the Planning Commission. These *Administrative Rules and Procedures* may be adopted, amended, repealed or suspended by the affirmative vote of not less than a majority of the entire membership of the Planning Commission (not less than eight (8) votes).

ARTICLE IX

RULES OF ORDER

When a parliamentary matter not covered by the *By-Laws* arises, *Robert's Rules of Order* may be applied.

ARTICLE X

AMENDMENTS

The *By-Laws* may be amended, repealed or suspended by the affirmative vote of not less than a majority of the entire membership of the Planning Committee (not less than eight (8) votes). Provided, no amendment or repeal shall be adopted until five (5) days' notice of the proposal has been provided to all members of the Planning Commission.

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