

MURRAY PLANNING COMMISSION

BY - LAWS

The Murray Planning Commission (hereafter referred to as “Commission”) is established as provided by KRS 100. The Commission’s main function is the adoption and amendment of the Zoning Ordinance and Comprehensive Plan for the City of Murray. The Commission shall have the primary responsibility of guiding the overall planning activities of the City of Murray and making recommendations to the Murray City Council.

ARTICLE I

MEMBERSHIP

SECTION I.

The Commission shall consist of ten (10) members. This number may be increased or decreased by action of the Murray City Council. However, at no time shall the membership be fewer than five (5) and no more than twenty (20) members. The Mayor shall appoint nine (9) members to the Commission with no more than two (2) members residing outside the Murray city limits but within the extraterritorial jurisdiction area of the Commission. The Calloway County Judge/Executive shall appoint one member due to the planning unit exercising jurisdiction outside the city limits. At least two-thirds (2/3) of the members of the Commission shall be citizen members. A citizen member shall be an individual who is not an elected or appointed official or employee of the City or County.

SECTION II.

If vacancies in membership are not filled within sixty (60) days by the appropriate appointing authority, then the Commission shall fill the vacancy. When a vacancy occurs, other

than through expiration of the term of office, it shall be filled for the remainder of that term.

SECTION III.

Term of Office — The term of office of all elected public officials appointed to a Commission shall be the same as their official tenure in office. The term of office for other members of the Commission shall be four (4) years.

SECTION IV.

Oath of Office — All members of the Commission shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any Judge, County Judge/Executive, notary public, clerk of a court, or justice of the peace within the county in which he resides.

SECTION V.

Reimbursement — The Commission members will receive fifty dollars (\$50.00) for each meeting they attend as compensation for the expenses and time incurred in the review of items before the Commission. The members shall also be reimbursed for reasonable travel and related expenses for room, meals and actual costs associated with conducting official business of the Commission while attending approved educational seminars and meetings, subject to advance authorization by the Mayor and/or City Administrator. Non-citizen members of the Commission shall serve without compensation other than reimbursement for their out-of-pocket costs for travel, meals, and other expenses in conducting official business of the Commission subject to advance authorization by the Mayor and/or City Administrator.

SECTION VI.

Removal — Any member of the Commission may be removed by the appropriate

appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest. Any appointing authority who exercises the power to remove a member of the Commission shall submit a written statement to the Commission setting forth the reasons for removal, and the statement shall be read at the next meeting of the Commission, which shall be open to the general public. The member so removed shall have the right of appeal in the Calloway County Circuit Court. Any member may be removed if he or she is absent from three (3) consecutive meetings or more than 50% of the Commission's meetings within a one (1) year period.

ARTICLE II

NOMINATION AND ELECTION OF OFFICERS

SECTION I.

The Commission shall annually elect a Chairman, First Vice-Chairman, Second Vice-Chairman, Secretary, and any other officers which it deems necessary for a one (1) year term of office beginning on January 1.

SECTION II.

Nominations of officers shall be made from the citizen members at the annual organizational meeting which shall be held on the 3rd Tuesday in October in each year.

Nominations of citizen members only shall be accepted.

SECTION III.

Election of officers shall take place immediately following nominations. Voting shall take place in one of the following ways: voice, show of hands, rising, balloting, roll call, or general consent.

SECTION IV.

A candidate receiving a simple majority vote of all members present where there is a properly constituted quorum shall be declared elected and shall serve for a term of one (1) year effective the first day of January following the October election or until his successor shall take office. Officers are eligible for re-election.

SECTION V.

Vacancies shall be filled immediately by regular election procedure.

ARTICLE III

OFFICERS DUTIES

SECTION I.

The Chairman's general duties are: to open and call the meeting to order having ascertained that a quorum is present; to announce the business to be conducted; to preside over the meeting following the City of Murray Ordinances, Commission By-Laws, and Robert's Rules of Order; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved or necessarily arise in the course of proceedings and to announce the result of the vote; to require order and sincerity in meetings; to inform the group present to a point of order or a practice pertinent to pending business; and to authenticate, by his signature when necessary, all acts, orders, and proceedings of the Commission and any documents of or for the City of Murray. The Chairman shall be a voting member of the Commission.

SECTION II.

The First vice-Chairman shall assist the Chairman in any way possible subject to the Chairman's request. In the absence of the Chairman, the Vice-Chairman shall automatically

become the presiding officer of the Commission and have the same duties as the Chairman.

SECTION III.

The Second Vice-Chairman shall assist the Chairman and the First Vice-Chairman. In the absence of the Chairman and Vice-Chairman, the Second Vice-Chairman shall preside over meetings of the Commission and have the same duties as the Chairman.

SECTION IV.

The minutes of the meeting shall be recorded and transcribed by Murray Planning Staff. All meetings shall be electronically recorded and a written transcript of the minutes, after adoption by the Commission, shall be provided to a requesting party. The City of Murray Planning Staff shall be guided by Article VI — Transaction of Business, Section VI.

SECTION V.

Should the presiding officer find it necessary to vacate the chair during the meeting and the first or second vice-chairman is not present, he can, subject to the approval of the Commission and provided a quorum remains, appoint a Chairman Pro-Tem. Such office shall be terminated by the entrance of the chairman, first vice-chairman or second vice-chairman or adjournment of that meeting.

SECTION VI.

Should the person elected as Chairman resign or for any reason leave the Commission, the First Vice-Chairman shall become Chairman. Similarly, should the First Vice-Chairman position become vacant, the Second Vice-Chairman shall become the First Vice-Chairman.

ARTICLE IV
MEETINGS

SECTION I.

Meetings shall be held on the 3rd Tuesday of each month at 5:00 p.m. at Murray City Hall, 104 North Fifth Street, Murray, Kentucky, or such other location as the Commission may deem appropriate. There shall be at least six (6) regular meetings annually.

SECTION II.

A quorum for a meeting is the number of members who must be present in order for business to be legally transacted. A quorum refers to the number present, not the number voting.

SECTION III.

The Commission shall consider a quorum present when a simple majority of the total membership of the Commission is in attendance.

SECTION IV.

Special meetings may be called by the Chairman. Such a meeting may also be requested by a vote of a quorum of the Commission and must be called by the Chairman. The notice of a special meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Commission. The Chairman or Murray Planning Staff shall notify all members of the Commission by oral, written, or electronic notice not less than seven (7) days in advance of such special meetings. This notice shall contain the date, time, place and subject or subjects of discussion.

SECTION V.

All meetings shall be open to the general public.

ARTICLE V

ORDER OF BUSINESS

SECTION I.

The order of business at regular Commission meetings shall be:

- (a) Call the meeting to order and welcome those in attendance.
- (b) Approval of the minutes from the previous Commission meeting and accepting modifications as appropriate.
- (c) Addressing old and unfinished business.
- (d) Addressing new business brought before the Commission for review, consideration, and/or public hearings.
- (e) Receive reports from Planning Staff or Commission members.
- (f) Adjournment

ARTICLE VI

TRANSACTION OF BUSINESS

SECTION I.

A simple majority of the total membership of the Commission shall constitute a quorum. Any member of the Commission who has any direct or indirect financial interest in the outcome of any question before the Commission shall disclose the nature of the interest and shall disqualify themselves from voting on the question, and they shall not be counted for the purpose of determining the existence of a quorum.

SECTION II.

Any member of the Commission, who fails to notify the Commission of a financial interest in the question called to vote, shall have their voting qualification judged by the Commission as to their interest in the questions and their right to vote.

SECTION III.

Any member of the Commission found to have any financial interest in a question called to vote shall not be considered in a quorum count prior to voting.

SECTION IV.

A simple majority vote of all members present where there is a properly constituted quorum shall be necessary to transact any official business, except that a vote of a simple majority of the total membership of the Commission shall be necessary for the adoption or amendment of the Commission's by-laws or elements of the comprehensive plan.

SECTION V.

Any procedural matter in the conduct of business not covered in these by-laws shall be governed by "Robert's Rules of Order".

SECTION VI.

All minutes and records of all proceedings, including regulations, transactions, findings and determinations shall be filed in the Planning and Zoning Department, which shall be considered the office of the Commission. A transcript of the entire proceedings of the Commission meeting shall be provided, if requested, by a party at the expense of the requesting party, and the transcript shall constitute the record.

SECTION VII.

The Commission shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it. The Chairman of the Planning Commission shall have the power to administer oaths to witnesses prior to their testifying before the Commission on any issue.

ARTICLE VII

HEARINGS

SECTION I.

In addition to those hearings required by law, the Commission may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest.

SECTION II.

Notice of such hearings shall be published as required by Kentucky Revised Statutes Chapter 424 which requires notices to be published at least once not less than seven (7) days nor more than twenty-one (21) days prior to the date of the hearing.

SECTION III.

Each matter before the Commission may be stated by the Chairman, or a member of the Murray Planning Staff. The Chairman or a designated member of the Commission in the absence of the Chairman shall preside over the hearing and establish the procedure to be followed. The Chairman shall allow all parties having an interest in the matter an opportunity to present their respective positions on an issue coming before the Commission. The Chairman shall administer an oath to those testifying.

SECTION IV.

A record shall be kept of those speaking before the Commission.

SECTION V.

The Commission may appoint one or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendations to the Commission based upon a transcript of record of the hearing.

ARTICLE VIII

ORIENTATION AND CONTINUING EDUCATION REQUIREMENTS

SECTION I.

PLANNING COMMISSION MEMBERS:

(a) Within one (1) year prior to appointment to the Commission, or within one hundred twenty (120) days of appointment to the Commission, each Commission member shall attend a minimum of four (4) hours of orientation training.

(b) Each Commission member, starting from their date of appointment, shall be required to attend a minimum of eight (8) hours of continuing education within each period of two (2) consecutive years.

(c) Commission members failing to complete the required minimum number of orientation training hours or continuing education hours within the time allotted shall be subject to removal from office according to the provisions of KRS 100.

SECTION II.

PLANNING COMMISSION STAFF:

The following regulations shall apply to planning professionals, zoning

administrators, administrative officials, and each planning professional's deputy and assistant whether employed by or contracted by the Commission:

(a) Within one (1) year prior to being employed by or contracted by the Commission, or within one hundred twenty (120) days of being employed by or contracted by the Commission, each planning professional, zoning administrator, administrative official, and each planning professional's deputy and assistant shall attend a minimum of eight (8) hours of orientation training.

(b) Each planning professional, zoning administrator, administrative official, and each planning professional's deputy and assistant employed by or contracted by the Commission starting from their date of employment or contract, shall be required to attend a minimum of sixteen (16) hours of continuing education within each period of two (2) consecutive years.

(c) The Commission shall not employ a planning professional, zoning administrator, administrative official, or planning professional's deputy or assistant who fails to comply with the required minimum number of orientation training hours or continuing education hours within the time allotted in the capacity of a planning professional, zoning administrator, administrative official, or planning professional's deputy or assistant.

SECTION III.

Record of compliance with the requirements of this Article VIII shall be maintained, in written form, in the Murray Planning Department.

ARTICLE IX
AMENDMENTS

SECTION I.

These by-laws may be amended by a vote of a simple majority of the total membership of the Commission. The amendment(s) shall be effective at the next regularly scheduled meeting of the Commission.

ADOPTED BY: MURRAY PLANNING COMMISSION

DATE: JULY 16, 2013

CHAIRMAN: _____
ED PAVLICK