

# **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 seven (7) members, with at least two-thirds of the members being citizen members and no more than one (1) member residing outside the Murray city limits but within the county in which the Planning Commission is located. The Mayor shall appoint, increase or decrease the members of the Commission with the approval of the legislative body. 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 ten (10) members. Citizen members may be any citizen who is not an elected official, appointed official, or public employee of the city or county. (NOTE: Although no statute prohibits appointment of City Council members to a Planning Commission, Kentucky case law holds that the two offices are functionally incompatible, and due process and public policy prohibit simultaneous service on the City Council and Planning Commission. The Calloway County

Judge/Executive may appoint one (1) member of the Planning Commission when extraterritorial jurisdiction is exercised for subdivision or other regulations. If the County Judge/Executive chooses to not appoint a member, then the Mayor with the approval of the City Council can appoint a member from the extraterritorial jurisdiction. The membership of the sitting Murray Planning Commission shall be decreased only by attrition with the first appointed member position of the Planning Commission appointed by the Mayor being the first position to be terminated by attrition.

## **SECTION II.**

All vacancies, whether by resignation, dismissal or expiration of the term of office, shall be filled within sixty (60) days by the appropriate appointing authority, or as otherwise provided for in KRS Chapter 100.

## **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 but the term of office for members first appointed shall be staggered so that a proportionate number serve one, two, three and four years respectively, and later appointments or reappointments shall continue the staggered pattern.

## **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 — All members, except public officials, and employees of participating cities and counties, 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. Reimbursement for expenses may be authorized for public officials, and employees of participating cities and counties who are members of the Planning Commission, but such members shall not receive compensation.

#### **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 Chair, First Vice-Chair, a Second Vice-Chair 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 a regular monthly meeting held during the 4<sup>th</sup> quarter of each year which is held on the third Tuesday of the month. Public officials and employees of participating cities and counties who are members, shall not make nominations or be an officer of the Planning Commission.

#### **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 election or until his successor shall take office. Officers are eligible for re-election.

#### **SECTION V.**

Vacancies of Officers shall be filled immediately by regular election procedure.

### **ARTICLE III OFFICERS DUTIES**

#### **SECTION I.**

The Chair'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 including administering oath, orders, and proceedings of the Commission and any documents of or for the City of Murray. The Chair shall be a voting member of the Commission.

#### **SECTION II.**

The First Vice-Chair shall assist the Chair in any way possible subject to the Chair's request. In the absence of the Chair, the First Vice-Chair shall automatically become the presiding officer of the Commission and have the same duties as the Chair.

### **SECTION III.**

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

### **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-Chair is not present, he can, subject to the approval of the Commission and provided a quorum remains, appoint a Chair Pro-Tem. Such office shall be terminated by the entrance of the Chair, First Vice-Chair or Second Vice-Chair or adjournment of that meeting.

## **SECTION VI.**

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

## **ARTICLE IV**

### **MEETINGS**

#### **SECTION I.**

Meetings shall be held on the third Tuesday of each month at 4:30 p.m. at Murray City Hall, 500 Main 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. If a Commissioner recuses themselves from an item on the agenda, the Commissioner shall not be counted for the purpose of a quorum for that item.

#### **SECTION III.**

The Commission shall consider a quorum present when a simple majority of the total membership of the Commission is in attendance. If a Commissioner recuses themselves from an item on the agenda, the Commissioner shall not be counted for the purpose of a quorum for that item.

**SECTION IV.**

Special meetings may be called by the Chair or Murray Planning Staff. Such a meeting may also be requested by a vote of a quorum of the Commission and must be called by the Chair. 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 Chair 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) Roll call of Commission members.
- (c) Approval of the minutes from the previous Commission meeting and accepting modifications as appropriate.
- (d) Addressing old and unfinished business.

- (e) Addressing new business brought before the Commission for review, consideration, and/or public hearings.
- (f) Receive reports from Planning Staff or Commission members.
- (g) 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 recuse 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 Commission member found to have any financial interest in a question called to vote shall recuse themselves from voting on the question, and they shall not be counted for the purpose of determining the existence of a quorum. Any Commission member which abstains to vote, will not negatively impact the Planning Commission's ability to conduct business and shall be counted for the purpose of determining a quorum.

**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 Chair 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 public hearings required by law, the Commission with discussion of the Murray Planning Staff, may hold public hearings at its discretion when it is apparent that such hearings will be in the public interest.

#### **SECTION II.**

Notice of public 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 Chair, or a member of the Murray Planning Staff. The Chair or a designated member of the Commission in the absence of the Chair shall preside over the hearing and establish the procedure to be followed. The Chair 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 Chair shall administer an oath to those testifying, asking them to state their name and address.

**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 the Murray Planning Department or contracted by the Commission:

(a) Within one (1) year prior to being employed by the Murray Planning Department or contracted by the Commission, or within one hundred twenty (120) days of being employed by the Murray Planning Department 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 the Murray Planning Department 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.

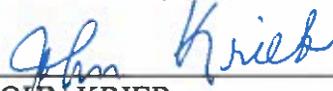
**ARTICLE IX  
AMENDMENTS**

**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: November 15, 2022

CHAIR:   
JOHN KRIEB