

**BY-LAWS OF THE**  
**CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION**  
**HAMILTON COUNTY, TENNESSEE**

(Adopted by the Planning Commission July 9, 1990)  
(Amended by the Planning Commission on October 13, 1997)

**ARTICLE I. THE COMMISSION**

Section 1. Name of Commission. The name of the Commission shall be the "Chattanooga-Hamilton County Regional Planning Commission" as established and provided for by Section 13-3-101 of the Tennessee Code, annotated.

Section 2. Office of Commission. The office of the Commission shall be determined by the Mayor of Chattanooga and the County Mayor of Hamilton County, and shall be located in quarters provided by these two member governments.

Section 3. Meeting Place. The meeting place shall be designated by the Chairperson or by a majority vote of the Commission members.

**ARTICLE II. OFFICER**

Section 1. Officer. The officer of the Commission shall be a Chairperson.

Section 2. Election. The Chairperson shall be nominated by the Mayor of the City of Chattanooga and the County Mayor of Hamilton County and approved by the Department of Economic and Community Development's Local Government Planning Advisory Committee. The Chairperson's appointment must be affirmed by the Planning Commission each June. The Chairperson shall serve for the term of his/her appointment on the Planning Commission or until such time as they resign or are replaced by the Mayor or County Mayor.

Section 3. Chairperson. The Chairperson shall preside at all meetings of the Commission and except as otherwise authorized by resolution of the Commission shall sign all contracts, reports and instruments made by the Commission. As deemed necessary, the Chairperson shall submit recommendations and information as may be considered proper concerning the business affairs and policies of the Commission. The Chairperson may appoint Committees to carry out the work of the Commission.

**ARTICLE III. MEMBERS**

Section 1. Number. There shall be fifteen (15) members of the Commission as established and provided for by Section 13-3-101 of the Tennessee Code, annotated.

Section 2. Designated Members. The County Mayor, the Chairperson of the Hamilton County Board of Commissioners (or a member of the Board of Commissioners designated by the Chairperson of the Board of Commissioners, to serve a term of office concurrent with the pleasure of the Chairperson), the Mayor of Chattanooga, and the Chairperson of the Chattanooga City Council (or a member of the Council designated

by the Chairperson, to serve a term of office concurrent with the pleasure of the Chairperson).

Section 3. Appointed Members. Beginning at the date of the adoption of this amendment, there shall be five (5) appointed members who reside in the City of Chattanooga and five (5) appointed members who reside in Hamilton County. The Chairperson shall reside within Hamilton County, either within the City of Chattanooga, within unincorporated Hamilton County, or within a municipality served by the Regional Planning Agency.

Section 4. Composition. In accordance with Section 13-3-101 of the Tennessee Code, annotated, less than a majority of the members of the Commission shall hold a salaried public office or position excepting offices or faculty memberships of a university or other educational institution.

Section 5. Appointment. Recommendations for new members to fill vacancies or to serve out the unexpired terms of members who have ceased to serve shall be nominated by either the Mayor, or the Hamilton County Mayor. The Mayor of the City of Chattanooga shall make the recommendations for appointed members who reside in the City of Chattanooga; the County Mayor of Hamilton County shall make the recommendations for appointed members who reside in Hamilton County. The Chairperson is a joint appointment and must be affirmed by the membership on a yearly basis. All recommendations for appointment must be forwarded to the Local Planning Assistance Office for review and approval by the Local Government Planning Advisory Committee of the Department of Economic and Community Development.

Section 6. Terms of Members. The terms of the designated members of the Commission shall be coterminous with their office. The terms of the appointed members shall be four (4) years, beginning on the first day of June. The terms of the appointed members shall be staggered so that not more than four (4) members' terms shall expire in any one year. Members may be appointed for more than one term.

#### **ARTICLE IV. EXECUTIVE COMMITTEE**

Section 1. Members. The executive Committee of the Commission shall consist of:

- a) The County Mayor of Hamilton County;
- b) The Mayor of the City of Chattanooga;
- c) The Chairperson of the Chattanooga-Hamilton County Regional Planning Commission;
- d) The Chairperson of the Chattanooga City Council or such Chairperson's designee; and
- e) The Chairperson of the Hamilton County Commission or such Chairperson's designee.

(Amended by Resolution 3/13/2000)

Section 2. Function. The Executive Committee shall act on all matters of personnel, administrative procedures, and financial matters for the Commission; provided, however, that any Executive Committee which shall be responsible to replace the

Executive Director shall remain as constituted until such new Executive Director has been selected and has accepted such position.

(Amended by Resolution 3/13/2000)

#### **ARTICLE V. STAFF**

Section 1. Employment. The Commission shall employ such professional, technical and secretarial staff as it deems necessary for the proper fulfillment of its program and operations.

Section 2. Organization. The Commission shall organize its staff in a manner deemed best suited to the orderly operation of its work and the augmenting of its policies and decisions. The staff shall be under the supervision of an Executive Director, who shall be employed by the Commission and shall be qualified by training and experience in the field of planning, and shall be directly responsible to the Commission.

Section 3. Consultants. The Commission may hire the services of consultants to assist its staff in developing and implementing its planning program.

#### **ARTICLE VI. MEETINGS**

Section 1. Regular Meetings. Regular meetings of the Commission shall be held monthly on the second Monday in each month at a place designated by the Commission, except that when deemed expedient by a majority of the Commission, the meeting date and/or place may be changed.

Section 2. Special Meetings. The Chairperson of the Commission may, when he deems it expedient, and shall, upon the written request of two (2) members of the Commission, call a special meeting of the Commission for the purpose of transacting any business designated in the call. The call for such special meeting may be delivered to each Commissioner, or may be mailed to each Commissioner at such address as he shall have previously designated. At such special meeting no business shall be considered other than is designated in the call, but if all the members of the Commission are present at a special meeting any and all business may be transacted at such special meeting.

Section 3. Quorum. A majority of the Commissioners serving on the Commission at the time of any Commission meeting shall constitute a quorum for the purpose of beginning of said meeting. For the purpose of conducting the Commission's business; at any time during the meeting that fewer Commissioners are present than the number that constituted a quorum at the beginning of the meeting, then that number shall constitute a quorum, provided that a simple majority vote is still required for any official action.

(Amended by Resolution 1/9/06)

Section 4. Manner of Voting. The manner of voting on all questions coming before the Commission shall be decided by the Chairperson.

## **ARTICLE VII. AMENDMENTS**

Section 1. The By-Laws of this Commission may be amended at a regular or special meeting but no amendment shall be adopted unless at least four (4) days written notice thereof has been previously given to all members of the Chattanooga-Hamilton County Regional Planning Commission.

**CODE OF ETHICS AND CONDUCT**  
**CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION**

**Code of Ethics and Conduct:** The members of the Commission and its staff should upon appointment or designation review the Code of ethics and Conduct and should abide by it in the performance of their duties.

This Code is based from general values of society and from the Planning Commissioners and staff having special responsibility to serve the public interest.

**SECTION 1. PLANNING COMMISSIONS**

- A. A planning commissioner's primary obligation is to serve the public interest. While the definition of public interest is formulated through continuous debate, a planning commissioner owes allegiance to a conscientiously attained concept of the public interest, which requires these special obligations.
- B. A planning commissioner should have special concern for the long range consequences of present actions.
- C. A planning commissioner should pay special attention to the inter-relatedness of decisions.
- D. A planning commissioner should strive to provide full, clear and accurate information on planning issues to citizens and governmental decision-makers.
- E. A planning commissioner should strive to give citizens the opportunity to have a meaningful impact on the development of plans and programs. Participation should be broad enough to include people who lack formal organization or influence.
- F. A planning commissioner should strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons, and must urge the alteration of policies, institutions and decisions which oppose such needs.
- G. A planning commissioner should strive for to protect the integrity of the natural environment..
- H. A planning commissioner should strive for excellence of environmental design and endeavor to conserve the heritage of the build environment.
- I. A planning commissioner should not, without the consent of the commission and only after full disclosure, vote on any matter in which he personally or his employer have a direct financial interest conflict between the interest of the public and the direct financial interest of the before mentioned parties. This provision would not however limit the commissioner from specific activities as outlined in Section II, 1, 2, 3 and 4 if those activities do not violate the spirit of Section II, "A".

- J. A planning commissioner should not solicit prospective clients or employment through use of false or misleading claims, harassment or duress.
- K. A planning commissioner should not use the power of any office to seek or obtain a special advantage that is not in the public interest.

## **SECTION II. SPECIFIC ACTIVITIES**

- A. A planning commissioner may engage in the following activities, provided however, no commissioner at any time will harass, intimidate, or use undue influence on any staff members on any matter:
- (1) Inquiries of staff as to their opinions on any matter of which they may have information, expertise, or responsibility.
  - (2) Review any reports, studies, or any other planning matters with the concurrence of staff management.
  - (3) Consultation with staff on matters that the commissioner may have special knowledge or expertise.
  - (4) The Chairperson of the Commission, as provided by the By-Laws of the Commission, may fulfill his/her duties as a member of the Executive Committee by action on all matters of personnel, administrative procedures, and financial matters of the Commission subject to the provisions of Section II (A).

## **SECTION III. PLANNING COMMISSION STAFF**

The Planning Commission staff is considered to be planning professionals and as such are subject to the American Planning Association Code of Ethics and Professional Conduct, including periodic amendments made by the National Organization. The Staff is also subject to the provisions of The Code of Ethics and Conduct stated herein.

Added 2/13/06:

- Transacting Business: Commission members may not vote on or participate in the discussion of any contract with Hamilton County, the City of Chattanooga or other municipality in Hamilton County served by the Chattanooga-Hamilton County Regional Planning Commission, which benefits them personally more than the public or industry regulated generally would be or which benefits any corporation in which they hold controlling financial interest. (A controlling financial interest is defined as ten percent (10%) or more.)
- Voting Conflicts: Commission members may not lobby any Board, official, or employee of the City of Chattanooga, Hamilton County or other municipality in Hamilton County which is served by the Chattanooga-Hamilton County Regional Planning Commissioner vote on matters in which they knowingly

would or might profit financially, differently than the general public. Commission members should recuse themselves from voting and shall not speak to any issue before the Commission when there is a conflict of interest unless specifically questioned by another member of the Commission.

- Gifts:

Commission members may not accept any substantial gift from anyone by reason of service on the Commission.

Commission members are prohibited from soliciting or taking any gift because of an official action taken or which could be taken.

For the purposes of this section, a gift is defined as anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise without adequate and lawful consideration.

"Substantial gift" means worth more than fifty dollars (\$50.00) on an annual basis. "Substantial gift" does not include items received for expenses that would otherwise be reimbursable as legitimate business expenses.

- Exploitation of Official Position: Commission members may not use or attempt to use his or her official position for personal financial gain or to secure or attempt to secure special privileges and/or exemptions for himself or herself or others.
- Commission members violating this code shall be, at the instance of Commission person, subject to public censure by the Commission, which censure shall be spread upon the minutes of the Commission. No such matter shall be brought to the floor in a Commission meeting without first being brought to and approved by a majority of the Chattanooga-Hamilton County Regional Planning Commission Executive Committee.
- Conduct of individual members during meetings of the Commission is expected to reflect a total sense of respect for the office held by those assembled to conduct business. Members shall be courteous to one another, to any member of the administrative staff, as well as persons who may address the Commission. A member may not speak until recognized by the Chair and shall not be recognized the second time on the same subject matter until all members who wish to speak have had an opportunity to do so. Any disorderly conduct shall be noted by the Chair, and the offending Member shall forfeit the privilege to the floor for the remainder of the meeting, except for the purpose of casting his or her vote.
- All members shall be prompt and regular in attendance for scheduled meetings. Failure of a member to be present at three consecutive scheduled meetings for a calendar year shall institute grounds for terminating his/her membership by the appointing authority.

- Violation of any of the rules hereinabove set forth by any member of the Commission established by this resolution shall constitute grounds for removal of the violator.

(Adopted by Resolution 2/13/06)