

HOUSE BILL 2712

By Turner M

AN ACT to amend Tennessee Code Annotated, Section 13-4-102 and Section 13-3-103, relative to planning commission organization, rules, appointment of director and staff, and appropriation and disbursement of funds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-4-102, is amended by deleting the section in its entirety and by substituting instead the following language:

Each municipal planning commission shall elect its chair from among its appointed members. The term of the chair shall be one (1) year with eligibility for reelection. Each municipal planning commission shall adopt rules for the transaction of business which shall include but not be limited to the selection of additional officers it deems appropriate to fulfill the organizational needs of the municipal planning commission, the requirements for the municipal planning commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the municipal planning commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations which shall be a public record. The Mayor or City Manager shall have the power to appoint and fix the compensation, within the funds appropriated by the legislative body for this purpose, of a planning director, who shall be qualified by training, experience, membership in the American Institute of Certified Planners, or education in city, regional or state planning or related academic fields. Any such appointment shall be made after the municipal planning commission has had the opportunity to interview and offer its recommendations with regards to the candidates for the position to the Mayor or City Manager. Notwithstanding the above, any provision relating to the appointment of a planning director contained in any municipal, city or

town charter or private act must be utilized in appointing a planning director. Where allowed under the prevailing personnel policy, the planning director shall have the power and authority to hire and fix the compensation, within the funds appropriated by the legislative body for this purpose, of such other employees and staff as he or she may deem necessary for the work of the planning commission. The municipal planning commission may also contract with planners or other experts for such services as it may require within the funds appropriated by the legislative body for this purpose. The municipal, city or town legislative body shall appropriate and disperse funds for the salary or salaries of the planning director and staff and the operational expenses of the planning office and the contracted services of planners or other experts retained to provide assistance to and studies, plans, reviews and reports for the municipal planning commission. The municipal planning commission may also receive and expend funds from grants, gifts, contracts, fees, and appropriations from federal, state, other local governments or private sources for the purpose of carrying on its planning functions.

SECTION 2. Tennessee Code Annotated, Section 13-3-103, is amended by deleting the section in its entirety and by substituting instead the following language:

Each regional planning commission shall elect its chair from among its appointed members. The term of the chair shall be one (1) year with eligibility for reelection. Each regional planning commission shall adopt rules for the transaction of business which shall include but not be limited to the selection of additional officers it deems appropriate to fulfill the organizational needs of the regional planning commission, the requirements for the regional planning commission to make findings of fact, statements of material evidence and reasons for its actions as part of each motion or action of the regional planning commission and the keeping of a record of its resolutions, transactions, motions, actions, and determinations which shall be a public record. The County Mayor, County Executive or Metropolitan Mayor or Executive shall have the power to appoint and fix the compensation, within the funds appropriated by the legislative body

for this purpose, of a planning director, who shall be qualified by training, experience, membership in the American Institute of Certified Planners, or education in city, regional or state planning or related academic fields. Any such appointment shall be made after the regional planning commission has had the opportunity to interview and offer its recommendations with regards to the candidates for the position to the County Mayor, County Executive or Metropolitan Mayor or Executive. Notwithstanding the above, any provision relating to the appointment of a planning director contained in any metropolitan or county charter or private act or interlocal agreement must be utilized in appointing a planning director. Where allowed under the prevailing personnel policy, the planning director shall have the power and authority to hire and fix the compensation, within the funds appropriated by the legislative body for this purpose, of such other employees and staff as he or she may deem necessary for the work of the planning commission. The regional planning commission may also contract with planners or other experts for such services as it may require within the funds appropriated by the legislative body for this purpose. The county or metropolitan legislative body or by agreement the county, municipal, town, city or metropolitan legislative bodies in a multi-jurisdictional planning region, shall appropriate and disperse funds for the salary or salaries of the planning director and staff and the operational expenses of the planning office and the contracted services of planners or other experts retained to provide assistance to and studies, plans, reviews and reports for the regional planning commission. The regional planning commission may also receive and expend funds from grants, gifts, contracts, fees, and appropriations from federal, state, other local governments or private sources for the purpose of carrying on its planning functions.

SECTION 3: This act shall take effect upon becoming a law, the public welfare requiring it.