

July 25, 2005

Mr. Ray McElhaney, Councilman
City of Rutledge
P.O. Box 36
Rutledge, Tennessee 37861

Re: Planning Commission

Dear Councilman McElhaney

Bonny Mills asked the following questions on your behalf:

1. Does the mayor appoint a councilperson to the planning commission?
2. Do the members of the planning commission serve at the pleasure of the mayor?
3. Can the city council serve as the planning commission?

Under state law the mayor is automatically a member of the planning commission. The city council appoints one member to the planning commission. All the other members of the planning commission are appointed by the mayor and serve at the pleasure of the mayor.

It is the opinion of MTAS legal Counsel and myself that the mayor may not appoint the governing body to serve as the planning commission. We are of the opinion that it is the intent of the legislature that, with the exception of the mayor and a council member, that the other members of the planning commission be appointed from the citizenry. Please see the attached letter from Senior Legal Consultant Sid Hemsley addressing this same issue with Jefferson City in 1997.

Please provide a copy of this correspondence to the mayor and council and call me if you have questions or comments. Thank you for consulting with MTAS.

Respectfully Yours

Ron Darden
Municipal Management Consultant