

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director and
Planning Administrator

DATE: October 29, 2025

SUBJECT: **Public Meeting Rules for Subcommittee Meetings**

In April of 2023, the Planning Commission created three subcommittees in order to allow Commissioners to delve deeper into topics of interest to them. At that time, City staff explained that there was not capacity to staff the subcommittee meetings, and it was determined that the subcommittees would therefore be informal and not include a quorum of Commission members.

From the April 18, 2023 Commission meeting minutes:

The Commission agreed to create three subcommittees, one each to focus on the priority topics and Commissioner leads were named: Commissioner Fought will take on *Design Standards*, Slater to work on *Solar*, Heller to work on *Wetlands*. Commissioners that are interested in being on a subcommittee should email Lisa Anderson-Ogilvie. The subcommittees will not be staffed, will work on topics related to the Commission's priorities, will have four or less members, so as not to trigger quorum, and can bring items, presentations, and information to any agenda, as long as they provide staff the information in time to send out the agenda. The Commission also agreed that any projects or code amendments that are recommended by a subcommittee, will be addressed within Staff capacity and other long-range projects that are already on the work plan.

The subcommittee on *Solar* and *Design Standards* have been disbanded. A *Transportation* subcommittee was created, and the *Wetlands* subcommittee is still meeting.

Recently, City staff received an inquiry about viewing the recording of the subcommittee meeting and the meeting minutes. In view of this inquiry, the City's Legal Department has reviewed the public meeting laws regarding subcommittee meetings and provides the following information:

The public meetings law applies to all "governing bodies." ORS 192.620. A "governing body" is defined as: "the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration." ORS 192.610(5). ORS 192.610(6) defines a "public body" as: "the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof." However, if the subcommittee is charged with advising an individual, it

would not be a governing body. 42 Op Atty Gen 187, 189, 1981 WL 152293 (1981) (governor was not a public body under meetings law); *see Indep. Contractors Research Inst. v. DAS*, 207 Or App 78, 92–94 (2006) (no violation of meetings law for advisory committee reporting to DAS’s Chief Procurement Officer).

The Planning Commission meets the definition of a public body. Based on the authority given to the subcommittees at the April 18, 2023 meeting, it would appear that the subcommittees are governing bodies. Additionally, it has been indicated that the *Wetlands* subcommittee is planning to present findings and make a recommendation to the full Commission at an upcoming meeting, further cementing its status as a governing body.

Since the subcommittees have the authority to make recommendation to the full Planning Commission, they are subject to the same rules as governing bodies, and need to follow all of the rules such as notice of the meeting, preparing an agenda, taking minutes, recording the meeting, etc. As was the case in 2023 when the subcommittees were created, the Planning Division continues to have staffing issues that impact our ability to staff the subcommittees. Both of our administrative staff have given notice and have not yet been replaced. This includes the administrative staff that support the Planning Commission, the Historic Landmarks Commission and the Hearings Officer, in addition to their main charge of helping the planners process land use applications.

Therefore, there are two options to address the issue of the subcommittees and public meetings law:

1. Update the charge of the subcommittee to make them advisory only to me, the Planning Administrator. The Planning Administrator would have the discretion to act or not act on the recommendations of the subcommittee.

This option is least impactful to City staff but could limit the impact of the subcommittee. I would have the discretion to act, or not act, on the recommendations. Those decisions would be based on staff capacity, impact on adopted work plans, budget, etc.

2. Begin to staff the subcommittees so that we comply with all public meeting laws.

This option will only be feasible if the subcommittee meetings are scheduled to begin immediately after a regularly scheduled Planning Commission meeting, which will allow staff to consolidate many of the required tasks for staffing the meeting such as notice, recording and taking of minutes.

If the Planning Commission, after discussion and consideration, chooses option two as listed above, both subcommittees will need to have at least one properly noticed meeting prior to presenting a recommendation to the full Commission.