

Portland Planning Commission

Best Practices

The Planning Commission's powers and duties are defined in Zoning Code Chapter 33.710. In addition, the Planning Commission has adopted Bylaws that "ensure the Planning Commission performs its business and responsibilities in an inclusive, efficient, effective and equitable manner."

This document – the Planning Commission Best Practices – is another component to the guidelines of the Commission and establishes agreed-upon standards for its members. It is intended to help the volunteers on the Planning Commission, especially new members, navigate their role on a City commission. It recognizes that Commissioners are volunteers and play other roles in the community. The guidance in the Best Practices is not included in the Bylaws because it doesn't cover issues of public interest. Instead, the main audience of this document is the Commissioners themselves.

The Best Practices is not comprehensive. It is understood that Commissioners should remain committed to the Commission and act in a manner that upholds the credibility of the Commission, while being respectful, and acting with integrity, consideration, and courtesy to others.

Commissioners engage with a variety of groups that have different roles. This document is organized by those groups as follows:

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2. Communication off the dais
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Working with Fellow Commissioners

1. Communication on the dais

While Commissioners work in a variety of settings, their work on the dais is the most important of settings. Planning Commission meetings are always open to the public and recorded for posterity.

- Commissioners are encouraged to use the “Items of Interest” portion of the agenda to share information they think other Commissioners may find useful or timely.
- Commissioners are encouraged to attend the meetings in-person, but virtual attendance is also available.
- Commissioners refer to each other by “Commissioner [last name]” or “Chair [last name]”

2. Communication off the dais

The Commission is a public body and subject to Oregon public meeting laws. As such, the key is to remember that the work of the Commission must be done publicly. The guidance in the section applies to projects that are active at the Commission, projects that will come before the Commission and public policy that is not within the Commission’s purview. This guidance applies to all forms of communication, whether in person, email, texts, phone, etc.

- While commissioners may discuss projects off the dais with another individual Commissioner, they **cannot participate in sequential discussions** on a topic. This could too easily lead to a quorum of the Commission having engaged in a conversation and could violate public meeting laws.
- Commissioners should **vote on each project on its own merits**, taking into consideration the evidence presented, the testimony received, the Comprehensive Plan policies, and the deliberation at the Commission. They should not offer votes as favors to another Commission or in exchange for another vote. They should not form alliances or form voting blocks.
- If Commissioners have **documents** they’d like to share with fellow Commissioners, they should send it to the PC Coordinator (Julie Ocken) for distribution. This ensures that all Commissioners receive the information at the same time.

3. Shared leadership/opportunities/ownership of the Commission

Commissioners have many opportunities to engage in the work of the Commission.

The Bylaws contain two ways:

- Commissioners may **represent the Commission** in other forums/groups; and
- The **Chair may delegate presiding** over a project to another Commissioner (non-Vice Chair).

In addition, Commissioners should be aware that:

- **Officer meetings** which are intended to prepare for the upcoming Planning Commission meeting, are open to all Commissioners, so long as a quorum is not reached. Commissioners representing the Planning Commissioner in other forums will provide an update on the work/dialogue occurring in those forums on a quarterly basis. This **Quarterly Updates of Other Groups' Work** will be added to agendas for the second meeting of the month in January, April, July and October.

Working with the Public

4. Informal communication with the public

This guidance **applies to all forms of communication**, whether in person, email, texts, phone, etc. It also applies to all stages of a project – before, during, and after the Commission has heard and made a recommendation.

- If members of the community approach Commissioners, Commissioners may **discuss** projects that are before the Commission but should not feel obligated to do so. Tip: Encourage the public to testify.
- Commissioners **may attend public events** about the project. This includes events hosted by BPS and those hosted by others.
- Commissioners **should not feel obligated to disclose** that they are a Commission member. If asked if they are on the Commission, they should answer truthfully and explain that they are not representing the Commission.
- If Commissioners have had conversations with community members about a project or attended events about the project, they should **disclose** the nature of those conversations on the dais.
- Commissioners **should not make promises** on behalf of the Commission to parties or members of the public; it is inappropriate to promise a certain outcome from Commission action, overtly or implicitly.

5. Commission's role in community engagement

Staff engages community members and conducts public outreach at multiple phases throughout the project, in advance of items coming to Planning Commission.

- One role the Commission plays is to listen to, read and consider **testimony** (oral and written) during public hearings.
- Another role is to understand and **evaluate the outreach staff has conducted** during the project. If Commissioners feel like certain communities have not been adequately engaged, Commissioners should ask staff to seek input from those communities.

- Commissioners are **not expected to conduct any outreach** for projects that come before them. Commissioners are welcome to attend public events (see above) but should not organize their own events related to a project. Commissioners are welcome to let community members know that they should be aware of a project.

6. Making the Commission more accessible and welcoming

- Continue to prioritize live streaming and recording of Planning Commission meetings.
- Hold hearings off-site/in community, when possible and practical.
- Hold hearings during the evening, when possible and practical.

7. Recruitments

- City staff will **conduct recruitments using the latest practices** established by the Office of Community and Civic Life.
- When appointments end, **the position becomes vacant**, and the public is encouraged to apply. The incumbent to the position is also welcome to apply but is not guaranteed an appointment to a second term.
- When possible, one position on the Commission will be reserved for a **youth commissioner**, aged 18-25 at the time of appointment. The youth Commissioner serves for a two-year term but otherwise has all the power and duties of other Commissioners.

Working with Staff

8. Communicating with staff

- The Planning Commission Coordinator (Julie Ocken), Chief Planner (Patricia Diefenderfer), and Principal Planner (Sandra Wood) staff the Commission. Commissioners should feel free to contact them for **general communication** issues and with any questions.
- Generally, **project-specific communication** should be directed to project staff, while copying Julie, Patricia, and Sandra. If Commissioners have information to share (an article, data, a study they read) related to a project, they should feel free to share it directly with project staff and discuss whether it should be entered into the project record. If the Commissioner wants to enter the information into the record, staff will transmit the information to the full Commission.

9. Project Sequencing

City staff bring the majority of projects to the Commission for consideration. The Commission should be given ample time to consider the facts, ask questions, consider public testimony, deliberate, and make its recommendation. On the other hand, it's important to not unnecessarily prolong the work. The default is for projects to be scheduled for three meetings, as follows:

Meeting 1 – briefing and public hearing

- Staff aims to distribute documents to Commissioners 12 days prior to the public hearing.
- Commissioners should read the materials before the briefing/public hearing.
- Commissioners should read the written testimony before the briefing/public hearing.

Meeting 2 – work session

- Staff aims to distribute documents to Commissioners no later than 6 days prior (the Thursday prior) to the work session.
- Commissioners should read the materials before the work session and be ready to engage in the conversation.

Meeting 3 – vote on amendments and vote on full package

- Same as meeting 2.

Working with the Media

10. Informal communication with the media

There is no such thing.

11. Speaking as a member of the Planning Commission

Generally

- Commissioners **should not feel obligated to talk to the media**. As volunteer board members, Commissioners engage in the discussion on the dais and their discussion on the dais should speak for itself.
- If Commission members are **approached by the media**, they will direct inquiries to BPS's communications staff and the Chair, who serves as the official spokesperson for the Commission. BPS staff and the Chair will discuss and determine how to respond to media inquiries.
- Commission members **should not proactively contact the media** about Commission-related matters or deliberations.

If the media insists on a specific Commissioner's point of view and/or if a commissioner wants to share their perspective with the media, then the best practice is as follows:

Before the Commission has held a hearing:

- Commissioners should not feel obligated to talk to the media.
- It is preferred to not talk with media before a hearing because the Commission has not heard or made a recommendation on the matter.

During (whether testimony is open or closed)

- Commissioners should not feel obligated to talk to the media.
- It is preferred to not communication with the media while the Commission is in the middle of deliberations.
- Commissioners should not be debating each other or staff through the media. Those debates should occur in a public setting on the dais.

After the Commission's recommendation is made

- Commissioners should not feel obligated to talk to the media.
- The Chair (or designee) speaks on behalf of the Commission (per Bylaw II.G.1.).
- Commissioners can share their perspectives and reasons for their vote.
- Speak only for yourself, not the full Commission and refrain from speculating or characterizing another Commissioners' position.

Working with the Mayor and City Administrator

12. Rely on staff for communications with the Mayor and City Administrator

- The Planning Commission advises and makes recommendations to City Council. Therefore, Commissioners do not generally communicate with the Mayor or the City Administrator.
- The Mayor and City Administrator set the agenda and influence City staff and the Commission's workplan. Therefore, staff will share the Mayor's and City Administrator's priorities with the Commission as appropriate.

Working with City Council

13. Formal communications to City Council for projects *within* the Commission's purview

Speaking on behalf of the Commission – A primary role of the Planning Commission is to make recommendations to City Council on land use issues. The Commission communicates its recommendation in two ways:

- *Transmittal letter to City Council* – The Commission writes a transmittal letter to City Council after making a recommendation. The letter is included with the package that staff files with the Council Clerk. The letter typically includes the date of the vote, the number of ayes and nays, the salient issues discussed, and dissenting opinions. Commissions should voice the reasons for their dissenting vote on the dais if they want to include their perspectives in the letter. This is especially important if there are several dissenting opinions. The transmittal letter will reflect the debate that occurred on the dais.
- *Presenting a recommendation to City Council* – When a project is presented to City Council, the Chair (or designee) presents the transmittal letter, including the

dissenting views, and answers any questions Council may have. The presenter is part of staff's presentation and does not sign up as a testifier.

Speaking as an individual – Individual Commissioners may want to provide their perspective directly to the City Council. In that case, Commissioners:

- Sign up as a testifier.
- Be clear that they are not speaking on behalf of the Commission even though they are a commissioner (per Bylaw II.G.1).
- Let the Chair (or delegate presenting on behalf of the Commission), Patricia and Julie know ahead of time.

14. Formal communications to City Council for projects *outside* the Commission's purview

Speaking on behalf of the Commission – If City Council (or another agency) is taking up an issue that the Commission has not discussed, no one should be representing the Commission's position on that issue.

Speaking as individuals – Individual Commissioners may want to provide their personal perspective to the City Council (or agency). In that case, Commissioners:

- Sign up as a testifier.
- Be clear that they are not speaking on behalf of the Commission (per Bylaw II.G.1) and that the subject was not discussed at the Commission.
- Let the Chair, Patricia and Julie know ahead of time.

15. Informal communication with City Councilors

Individual Commissioners may want to meet with City Council members informally. In this case, Commissioners:

- Coordinate directly with Council offices.
- Be clear about whether they are representing the Commission or speaking as an individual Commissioner (see Bylaw II.G.1). Also be clear about whether or not the subject was discussed at the Commission.
- Keep the Chair, Patricia and Julie informed of these communications.

16. Feedback loop from City Council

Staff will include updates of the status of the Commission's recommendations to City Council in the Director's Report portion of meetings as applicable.

17. Annual Report to City Council

33.710.040.E. requires that the Planning, Design and Historic Landmarks Commissions and the Hearings Officer provide City Council an annual report of their work. While the Design and Historic Landmarks Commission provide this report, the Planning Commission historically hasn't. This is because the other Commissions are decision-making bodies, and their work is rarely seen by the Council. In contrast, the Planning Commission's work (in the form of project recommendations) are seen by the Council throughout the year. Therefore, the Commission's "annual report" is transmitted on a project-by-project basis and not consolidated into one annual report.