



COUNCIL HEARING

Wednesday, October 20, 2021 at 6:50 PM

COUNCIL MEMBERS:

Mayor Rick Scholl
Council President Doug Morten
Councilor Patrick Birkle
Councilor Stephen R. Topaz
Councilor Jessica Chilton

LOCATION & CONTACT:

HYBRID: Council Chambers and Zoom (details below)

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Email | kpayne@sthelensoregon.gov

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AGENDA

OPEN PUBLIC HEARING

TOPIC

1. Removal of Planning Commission Member for Non-Performance of Duties

CLOSE PUBLIC HEARING

VIRTUAL MEETING DETAILS

Join Zoom Meeting: <https://us06web.zoom.us/j/5033976272>

Meeting ID: 503 397 6272

Dial by your location: 1 213 338 8477

The St. Helens City Council Chambers are handicapped accessible. If you wish to participate or attend the meeting and need special accommodation, please contact City Hall at 503-397-6272 in advance of the meeting.

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For more information or for an application, stop by City Hall or call 503-366-8217.



CITY OF ST. HELENS PLANNING DEPARTMENT

M E M O R A N D U M

TO: City Council
 FROM: Jacob A. Graichen, AICP, City Planner
 RE: October 20, 2021 6:50pm hearing before the City Council for Planning Commissioner removal for nonperformance of duty
 DATE: October 13, 2021

Our newest Planning Commissioner, Shana Cavanaugh appointed in January of this year, has missed three consecutive meetings or four if the September joint meeting with the Council is included:

- July 2021 regular Planning Commission meeting – **absent**
- August 2021 regular Planning Commission meeting – **absent**
- September 2021 regular Planning Commission meeting cancelled; joint meeting with City Council instead (and on a different date) – **absent**
- October 2021 regular Planning Commission meeting – **absent**

Some earlier meetings have been missed as well.

Per SHMC 2.08.040:

Appointments to fill vacancies shall be for the remainder of the unexpired term. **A member may be removed by the city council after a hearing for misconduct or nonperformance of duty.** A member who is **absent from three consecutive meetings without an excuse as approved by the planning commission is rebuttably presumed to be in nonperformance of duty**, and the city council shall declare the position vacant unless finding otherwise following the hearing.

At their October 12, 2021 meeting, the Planning Commission unanimously determined by that there is not an approvable excuse for these absences. Thus, we will hold a hearing for removal of Shana Cavanaugh from the Planning Commission due to nonperformance of duty.

Following the hearing at the regular session, if the Council finds that there is a nonperformance of duty (or is not presented with rebutting evidence or testimony to the contrary), the Council can declare the position vacant.

* * *

Please note that staff has made several attempts to contact this commissioner via email and phone to no avail.

The most recent phone message was one I left on September 23, 2021 noting the three consecutive absences rule and asking if she wanted to continue or not. I asked, “please just let us know.”

Given no responses, we have no choice but to resort to this rarely used provision of a hearing for Planning Commissioner removal, despite the time and expense to do so.