



MEMORANDUM

TO: Eric Cousens, Director of Planning and Permitting

CC: City of Auburn Planning Board

FROM: Sally J. Daggett, Esq.

RE: Authority of the Planning Board to Appoint Committees

DATE: March 6, 2024

I am writing in response to your inquiry regarding the establishment of Planning Board committees. As I understand the facts, the Chair of the Planning Board would like to appoint a Planning Board working group to include some Planning Board members and at least one member of the public (who is also a former Planning Board member). The issue of Planning Board committees is addressed in Sec. 2-476 of the Auburn Code, which provides as follows:

Sec. 2-476. Committees.

The chairperson of the planning board may from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report.

Thus, the Chair of the Planning Board may appoint a Planning Board working group/subcommittee to include a subgroup of Planning Board members, but the subcommittee itself may only be comprised of Planning Board members. There is nothing to preclude a member of the public from attending any or all of a subcommittee's meetings. Note that all subcommittee meetings must be open to public attendance, and meetings must be preceded by public notice in compliance with public meeting notice requirements under State and local law. Based on our experience with board subcommittees, it might also make sense to have the Chair:

- (i) Define the purpose of the subcommittee;
- (ii) Define the scope of the subcommittee's work;
- (iii) Provide a time frame for the subcommittee's work; and

- (iv) Establish a plan to comply with public meeting and public record retention legal requirements.

Please let me know if you have any questions. Thank you.