

Sample HPC Bylaws

(Insert Name) Historic Preservation Commission Bylaws

I. Authority

The (Name of Commission) Historic Preservation Commission (hereinafter referred to as the "preservation commission") has been created pursuant to the Georgia Historic Preservation Act, O.C.G.A. Section 44-10-21, and a local historic preservation ordinance adopted by the City of (Name of Commission), and shall be governed by the terms thereof.

II. Membership Vacancies

Should a member die, resign, fail to attend three consecutive regular meetings of the preservation commission (and should there be no adequate excuse for such absence), or move his permanent residence outside of the (Name of City/County), the Chair shall recommend to the governing authority that a vacancy be declared and that the vacant position be filled for the remainder of that member's unexpired term. An individual appointed to serve the remainder of an unexpired term shall be eligible to be reappointed. Unless disqualified as provided above, members shall serve until their successors are appointed and qualified.

III. Officers

- a) Chair - A Chair shall be elected by the members of the commission from among their membership. The Chair shall preside at all meetings and hearings. The Chair shall decide all points of order and procedure, subject to the historic preservation ordinance, these bylaws, and any rules of procedure or guidelines adopted by the preservation commission, unless directed otherwise by a majority of the members in session at the time. The Chair may discuss or vote on any matters before the body.
- b) Vice Chair - A Vice Chair shall be elected by the members of the preservation commission from among their membership in the same manner as the Chair. The Vice Chair shall serve as acting Chair in the absence of the Chair, or when that officer shall refrain from participation because of a conflict of interest, and shall have the same powers and duties as the Chair when acting in that capacity.
- c) Secretary - A Secretary shall be elected by the members of the preservation commission from among their membership in the same manner as the Chair and Vice Chair. The Secretary shall cause a record to be made of each meeting of the preservation commission which shall include, at a minimum, a record of all resolutions, proceedings, and actions of the body. The Secretary shall serve as acting Chair both Chair and Vice Chair are unable to participate due to absence or a conflict of interest and shall have the same powers and duties as the Chair when acting in that capacity.

- d) Elections - Officers shall serve one-year terms and shall be eligible for reelection. The preservation commission shall elect its initial officers at the first meeting following their appointment and thereafter in June of each year. If a vacancy should occur in any office, an individual shall be elected from the membership to serve for the remainder of the unexpired term.

IV. Meetings

- a) Regular Meetings - Regular meetings of the preservation commission shall be held on the (day of week) of each month at (time), and (day/time of second monthly meeting, if needed) at the (location name here); provided that meetings may be held at some other convenient place if directed by the Chair in advance of the meeting. If a regularly scheduled meeting occurs on a legal holiday, the Chair may set an alternate day for the meeting.
- b) Special Meetings - Special meetings of the preservation commission may be called at any time by the Chair. At least forty-eight hours' notice of the time and place of special meetings shall be given to each member; provided that this requirement may be waived by consent of all the members. The purpose of the special meeting must be stated in the notice.
- c) Cancellation of Meetings - Whenever there is no business to be conducted, the Chair may dispense with a regular meeting by giving notice to all members not less than twenty-four hours prior to the time set for the meeting.
- d) Adjourned Meetings - Should the business before the preservation commission not be completed, the Chair may adjourn the same from day to day until the matters before the body are disposed of.
- e) Quorum - A quorum shall consist of a majority of the members.
- f) Open Meetings - All meetings of the preservation commission shall be open to the public, except where otherwise provided by the Georgia Open Meetings Law. However, members of the public shall not address the preservation commission unless invited to do so by the Chair. A time limit may be set by the preservation commission for the presentations or remarks of non-members.
- g) Agenda - The agenda for each meeting shall be prepared by staff at the direction of the Chair. The normal order of business at each meeting shall be: (1) call to order, (2) determination of quorum, (3) approval of the agenda, (4) applications for certificates of appropriateness, approval of minutes of the previous meeting, (5) old business, (6) new business, (7) adjournment.
- h) Decisions - Decisions of the preservation commission shall be by a majority of those members present and voting, a quorum being present. Decisions may be made by voice vote unless any member requests a roll call vote.

- i) Committees. - The Chair shall appoint any committees found necessary to facilitate business before the preservation commission and shall be an ex-officio member of all committees. With the concurrence of the commission, committees may include residents of the city who are not members of the commission.

V. Staff

The governing authority shall provide technical and clerical assistance as the preservation commission may require, and shall maintain permanent and complete records of the activities of the preservation commission.

VI. Conflict of Interest

A member shall not cast a vote on any issue before the preservation commission which involves the interests of that member or an organization in which that member has an ownership interest or position of control or directly represents. Neither shall a member cast a vote on any matter which could provide direct financial benefit to that member. Whenever a conflict of interest situation arises in the conduct of business the following actions shall be taken:

- a) The individual member shall divulge the existence and reasons for the potential conflict;
- b) The preservation commission shall decide if such a conflict exists.
- c) If it is decided that a conflict exists, the affected member shall refrain from presenting, voting on, or discussing the project, other than answering a direct question.
- d) Should the preservation commission determine that a conflict of interest does not exist, the nature of the alleged conflict and the reason(s) for determining a conflict did not exist shall be entered into the minutes.

VII. Code of Conduct

Each member of the preservation commission shall adhere to the following code of conduct as contained in Section 45-10-3 of the Official Code of Georgia Annotated:

- a) Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to evasion;
- b) Never discriminate by the dispensing of special favors or privileges to anyone, whether or not for remuneration;
- c) Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties;

- d) Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit;
- e) Expose corruption wherever discovered;
- f) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, or corporation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties;
- g) Never accept any economic opportunity under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his official duties;
- h) Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust; and
- i) Never take any official action with regard to any matter under circumstances in which he knows or should know that he has a direct or indirect monetary interest in the subject matter of such matter or in the outcome of such official action.

VIII. Applications or certificates of appropriateness

- a) Requirements. Submission of applications for certificates of appropriateness shall be made at the (location name here). Applications shall include: No applications shall be considered by the Commission unless they are complete, including all necessary exhibits. Provided, however, that the Commission may consider applications not complying with this paragraph only upon a finding by the Commission, entered in the record, of extraordinary or unusual circumstances which would make compliance with this provision impractical. The Chair, together with Staff, shall determine the completeness of submitted applications one week prior to the meeting. Should an application be determined to be incomplete, the applicant will be contacted by Staff with a request for additional material. In the event that the requested material is not presented by the scheduled meeting, that application shall be withdrawn from the agenda.
- b) Deadline for Submission. Applications for certificates of appropriateness shall be submitted by (time & day) of the week prior to the meeting where it will be reviewed (ten days prior to the meeting). Should this day fall upon a legal holiday applications of certificates of appropriateness shall be due the following day by noon.
- c) Public Notice. Public notice of applications for certificates of appropriateness shall be accomplished either by advertisement in the local paper or by posting of a sign on the subject property.

- d) Representation. The applicant or a bona fide representative of the applicant shall be present at the meeting or meetings were the application for a certificate of appropriateness is reviewed. In the event that no representative is present for an application, that application shall be considered withdrawn. (NOTE: May want to have a provision allowing the HPC to waive this requirement, perhaps by consensus of those present at the meeting. This helps when you have a simple application and the applicant is infirm, or lives a great distance, etc.)
- e) Timeliness of the Commission. Action on a certificate of appropriateness must be taken by the Commission within 45 days after the filing of a complete application. This time limit can be extended by mutual agreement between the applicant and the Commission.
- f) Determination of Material Change. Staff shall determine for each application whether the request concerns ordinary maintenance or repair. Staff may seek the opinion of the Chair or Vice Chair in this determination. Such determinations will be reported at the next regularly scheduled meeting of the Historic Preservation Commission.

IX. Amendments

These bylaws may be amended by the affirmative vote of three members of the preservation commission, provided that notice of the intent to amend and the content of the amendment shall have been distributed in writing to each member a least ten (10) days prior to the meeting at which the vote to amend is taken or presented to the members, all members being present, at the regular meeting preceding the meeting at which the vote to amend is taken.