

# Historic District Commission Bylaws

Adopted, effective immediately, April 5<sup>th</sup>, 2010.  
As amended through March 18<sup>th</sup>, 2024.

## Table of Contents

1. Name, Purpose.....	1
2. Membership.....	2
3. Duties of All Members.....	4
4. Officers.....	5
5. Meetings.....	7
6. Record.....	10
7. Committees.....	12
8. Other Matters to be Considered by the Commission.....	13
9. Commission Staff.....	13
10. Adoption, Repeal, Amendments.....	16
Appendix A. Code of Conduct.....	16

## 1. Name, Purpose

**101.** The name shall be the Escanaba Historic District Commission, hereafter known as the “Commission”.

**102.** These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in the Historic Districts Act.

**103.** Law references.

- (1) The City Historic Districts Ordinance of 2009, City Code of Ordinances, Ch. 9, Sec. 116 *et seq.*, herein “the Ordinance”.
- (2) The Freedom of Information Act, MCL 15.231 *et seq.*, herein “FOIA”.
- (3) The Open Meetings Act, MCL 15.261 *et seq.*, herein “OMA”.
- (4) The Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1501 *et seq.*, herein “the Construction Code Act”.
- (5) The Local Historic Districts Act, MCL 399.201 *et seq.*, herein “the Historic Districts Act”.
- (6) The Secretary of the Interior’s Standards for Rehabilitation, 36 CFR 67.7, herein “the Rehabilitation Standards”.

## 2. Membership

**201.** Members of the Commission are appointed by the City Council pursuant to the Ordinance.

- (1) Firstly, each member shall represent and advocate what is best for the City as a whole, putting aside personal or special interests.
- (2) Secondly, a majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, as appointed by the City Council.

**202.** Liaisons. The purpose of liaisons is to provide certain City officials and quasi-officials with the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements pursuant to Section 203 on page 2. Liaisons, if not already appointed Commission members, are:

- (1) Planning & Zoning Department staff, and their agents and consultants.
- (2) The Commission's consultants.
- (3) City Attorney.
- (4) City engineering, electrical, water and wastewater department heads, or similar department heads, their agents and/or consultants.
- (5) A member of the Planning Commission, as appointed by that body.
- (6) A member of the City Council, as appointed by that body.

**203.** Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Secretary, or designee, shall keep attendance records and shall notify the City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings, so the City Council can consider further action allowed under law or excuse the absences.

**204.** Conflict of Interest and Incompatibility of Office.

- (1) Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, issuing, deliberating on, voting on, or reviewing a case:
  - A. concerning the member;
  - B. concerning work on land owned by the member, or which is within 300 feet of land owned by the member;
  - C. involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss;

- D. which is an action which results in a pecuniary benefit to the member; and
  - E. where the member's employee or employer is:
    - i. an applicant or agent for an applicant, or
    - ii. has a direct interest in the outcome.
- (2) When a conflict of interest exists, the member of the Commission shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:
- A. declare a conflict exists at the next meeting of the Commission;
  - B. cease to participate at the Commission meetings, or in any other manner, or represent oneself before the Commission, its staff, or others; and
  - C. during deliberation of the agenda item before the Commission, leave the meeting room until that agenda item is concluded.
- (3) If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.

**205.** If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

- (1) To determine whether the two offices are incompatible, the City Attorney shall assess their compatibility and render an opinion to the Commission.

### 3. Duties of All Members

**301.** *Ex parte* contact. *Ex parte* contact happens when a member of the Commission is contacted by someone outside of a meeting concerning a pending issue.

- (1) Members shall avoid *ex parte* contact about cases where an administrative decision is before the Commission whenever possible.
- (2) Despite one's best efforts it is sometimes not possible to avoid *ex parte* contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

**302.** Site inspections.

- (1) Site inspections shall be done by the zoning administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing on the site.

- (2) If desired, no more than one member of the Commission may accompany the zoning administrator or staff on a site inspection.

**303.** Accepting gifts.

- (1) Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
- (2) As used here, gifts, shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
- (3) This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to Section 6 of the Historic Districts Act, if the City Council has authorized the Commission as their agent for the acceptance of such gifts.

**304.** Spokesperson for the Commission.

- (1) Free and open debate should take place on issues before the Commission. Such debate shall only occur at Commission meetings, duly noticed and held in accordance with OMA.
- (2) Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
- (3) From time-to-time, or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

**305.** Code of Conduct, Oath of Office.

- (1) Each member, upon appointment, shall receive and sign a Code of Conduct.
  - A. See Appendix A on page 16 for a Code of Conduct.

## **4. Officers**

**401.** The Commission shall have the following officers, as selected from its membership:

- (1) A Chair, retaining their ability to discuss, make motions and vote on issues before the Commission, whose duties shall be to:
  - A. Preside at all meetings with all powers under parliamentary procedure, pursuant to Section 507 on page 8;
  - B. Rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics, profanity, or other remarks which are not about the topic before the Commission;
  - C. Restate all motions as pursuant to Section 508 on page 8;
  - D. Appoint committees;
  - E. Appoint officers of committees, or choose to let them select their own officers;
  - F. Call special meetings pursuant to Section 502 on page 6;
  - G. Act as an *ex officio* member of all committees of the Commission;

- H. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda, if the Chair so chooses;
  - I. Periodically meet with the Preservation Director and/or other Planning & Zoning Department staff to review operations and procedures, and to monitor progress on various projects;
  - J. Act as the Commission's chief spokesperson and lobbyist to represent the Commission at local, regional, and state government levels.
  - K. Represent the Commission before the City Council; and
  - L. Perform such other duties as may be ordered by the Commission.
- (2) A Vice-Chair, whose duties shall be as follows:
- A. Act in the capacity of Chair, with all the powers and duties found in Subsection (1) on page 4, in the Chair's absence; and
  - B. Perform such other duties as may be ordered by the Commission.
- (3) A Secretary, whose duties shall be as follows:
- A. Execute documents in the name of the Commission;
  - B. Be responsible for the minutes of each meeting, pursuant to Section 601 on page 10, if there is not a recording secretary;
  - C. Review the proposed minutes, sign them, submit them for approval to the Commission, and have them spread in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review (the Secretary may delegate this duty to Commission staff);
  - D. Receive all communications, petitions, and reports to be addressed by the Commission, being delivered or mailed to the Secretary in care of the Planning & Zoning Department Office;
  - E. Keep attendance records pursuant to Section 203 on page 2;
  - F. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to OMA (the Secretary may delegate this duty to City staff);
  - G. Prepare an agenda for Commission meetings pursuant to Section 504 on page 7 (the Secretary may delegate this duty to City staff);
  - H. Perform such other duties as may be ordered by the Commission.
- (4) A Deputy Secretary, whose duties shall be to:
- A. Act in the capacity of Secretary, with all the powers and duties found in Subsection (3) on page 5, in the Secretary's absence; and
  - B. Perform such other duties as may be ordered by the Commission.
- (5) A Recording Secretary, whose duties shall be as follows. The Recording Secretary shall not be a member of the Commission or any of its committees.
- A. At each meeting take notes for minutes and prepare a first draft of the proposed minutes, pursuant to Section 601 on page 10, for review and signature by the Secretary; and
  - B. Perform such other duties as may be ordered by the Commission or Secretary.

**402. Selection.** At the regular meeting in September of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for

reelection. The method of nomination and election shall be as follows. The Secretary shall designate a non-member of the Commission to be the Recording Secretary.

(1) Nomination:

- A. A motion is made that candidates for Chair be nominated from the floor.
- B. Members may nominate any person eligible to hold the office.
- C. The Chair shall ask if there are any further nominations for Chair. If there are none, they declare that nominations are closed.
- D. Paragraphs A through C shall be repeated for the offices of Vice-Chair, Secretary, and Deputy Secretary.

(2) Election:

- A. The Chair shall call on a single member.
- B. That member shall declare their vote for all the offices at one time.
- C. The Secretary, or designee, shall record the member's vote, repeating it back to verify that the vote was properly recorded.
- D. Paragraphs A through C shall be repeated until all members, including the Chair, have declared their votes.

**403.** Tenure. The Chair, Vice-Chair, Secretary, and Deputy Secretary shall take office on the 1st day October following their selection and shall hold office for a term of one year, or until their successors are selected and assume office.

**404.** Succession. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term, and the Commission shall select a successor to the office of Vice-Chair for the unexpired term in the same manner as the original selection. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term, and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term in the same manner as the original selection.

## 5. Meetings

**501.** Regular meetings. Meetings of the Commission will be held the third Monday of March, June, September, and December at 4:30 pm at the Escanaba City Hall, 410 Ludington Street, Escanaba, MI. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice or regularly scheduled Commission meetings shall comply with OMA.

**502.** Special Meetings.

(1) Special meetings shall be called in the following manner:

- A. By the Chair.
- B. By any two members of the Commission.

- C. The Preservation Director.
  - D. By the Chair at the request of any non-member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting.
- (2) Notice of special meetings shall be given by the Secretary to members of the Commission at least 48 hours prior to such meeting and shall state the purpose, time, day, month, date, year, and location of the meeting (the Secretary may delegate this function to staff). In addition, notices shall comply with OMA.

**503.** Quorum. Four members of the Commission shall constitute a quorum. Transaction of business and taking of official action shall only be done when a quorum is present. No member of the Commission attending a meeting by electronic means shall be counted for a quorum. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day in the same manner as described in Section 512 on page 9.

**504.** Order of Business, Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

- (1) Call to order, roll call, and pledge of allegiance, titled “Call to Order” on the agenda.
- (2) Matters pertaining to citizens present at the meeting, titled “Public Business” (with individual items numbered “PB#”) on the agenda, in the following order:
  - A. Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
  - B. Persons requested by the Commission to attend the meeting.
  - C. Other public engagement for items on this agenda, titled “Agenda Public Comment”.
- (3) Housekeeping Business, with individual items numbered “HK#”.
  - A. Approval of Minutes.
  - B. Approval of Agenda.
  - C. Other.
- (4) Unfinished Business and Reports (items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office), with individual items numbered “UB#”.
- (5) New Business (other business and communications), with individual items numbered “NB#”.
- (6) Public engagement for items not on this agenda, titled “General Public Comment” on the agenda.
- (7) Adjournment.

**505.** Placement of Items on the Agenda.

- (1) The Planning & Zoning Department shall be the office of record for the Commission.
- (2) The Planning & Zoning Department may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight (8) business days prior to the next regularly scheduled Commission meeting.

- (3) The deadline to add items to the Commission's meeting agenda shall be seven (7) business days prior to the next regularly scheduled Commission meeting.
- (4) Items received by the Planning & Zoning Department less than seven (7) business days prior to the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at the following regularly scheduled Commission meeting, unless that item is related to a special meeting pursuant to Section 502 on page 6.

**506.** Delivery of Agenda. The agenda and accompanying materials shall be sent by first-class mail to Commissioners so that it is reasonably expected to be received at least one week before the meeting, pursuant to Section 501 on page 6.

**507.** Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Robert's Rules of Order Newly Revised, (11th Edition, Perseus Publishing, New York, 2000)* for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert's Rules of Order*, then these Bylaws control.

**508.** Motions. Motions shall be restated by the Chair before a vote is taken.

- (1) Motions dealing with a Certificate of Appropriateness shall be stated as one, two, or three motions which collectively contain each of the following parts:
  - A. The list of facts, which is the information pertinent to making a decision on the matter, structured as a "findings of fact" on the case (including parcel owner, parcel legal description, what is applied for).
  - B. The rationale, i.e., reasons for why the conclusion was made. A Certificate of Appropriateness may be granted by the Commission only in cases where the applicant demonstrates in the official record of the public hearing that ... by showing all of the following:
    - i. That the Rehabilitation Standards shall be adhered to;
    - ii. That the relevant City design guidelines shall be adhered to; and
    - iii. That a fire or smoke alarm system, compliant with the Construction Code Act, shall be provided at the property.
  - C. The conclusion or decision.
  - D. Any conditions upon which a Certificate of Appropriateness may be issued, if applicable. Conditions shall be listed in detail and based on regulations or standards already in the City Historic Districts Ordinance or adopted design review standards & guidelines related to this decision.
  - E. Reasons why the conditions are imposed.
- (2) Any other motion dealing with a non-administrative decision matter shall be stated in prose or in the form of a resolution.



**509. Voting.** Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded as “yes” or “no”. Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of a quorum shall be necessary for the adoption of motions.

**510. Commission Action.** Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

**511. Public Engagement.** All regular and special meetings, hearings, records, and accounts shall be open to the public.

- (1) All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment shall be provided for at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost to members of the public asking for a copy prior to the meeting.
- (2) The time allowed for all persons wishing to make public comment at a Commission meeting shall be limited as follows.
  - A. Petitioner and spokesperson comment: 15 minutes.
  - B. General public comment: 3 minutes.
- (3) The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment under the same time limit as petitioners.
- (4) Persons who are unable to attend meetings, but still wish to make comment, may submit them in writing to the Commission. Written comments for any meeting shall be received no later than 1:00 PM on the meeting date.
  - A. Such written comments shall be received by the Secretary, pursuant to, with copies provided to all Commission members and liaisons at the meeting.

**512. Recess.**

- (1) After a meeting has been in session for two hours (not including site inspections), the Chair shall suspend the Commission’s business and evaluate the remaining items on its agenda.
- (2) The Commission shall then decide to do one of the following:
  - A. Finish that meeting’s agenda;
  - B. Act to continue the meeting on another day (fix the time at which to adjourn);
  - C. Complete some agenda items, then act to continue the meeting on another day (fix the time at which to adjourn) to complete other agenda items; or
  - D. Postpone certain agenda items to the next regular meeting.

- (3) If applicable, such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the Commission is reconvened, public notice shall be given to comply with OMA. Upon reconvening, a roll call of attendance shall be the first item of business. The Commission shall then resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

## 6. Record

**601.** Minutes and Record. The Commission Secretary shall keep, or cause to be kept, a record of Commission meetings which shall, at a minimum, include an indication of the following:

- (1) Copy of the meeting posting pursuant to OMA.
- (2) Copy of the minutes, and all its attachments, which shall include a summary of the meeting, in chronological sequence of occurrence:
  - A. Time and place the meeting was called to order;
  - B. Attendance of members and support staff members;
  - C. Indication of others present (listing names if others choose to sign in and/or a count of those present);
  - D. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity;
    - i. An alternative is to attach a copy of the report if offered in writing.
  - E. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments;
    - i. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
  - F. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
    - i. Who testified and a summary of what was said,
    - ii. A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.),
    - iii. The location of the property involved (tax parcel number and description, legal description is best).A statement of what is being approved (e.g. special use permit, variance, conditional use permit, subdivision, land division, etc.),
    - iv. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes),
    - v. What evidence was considered (summary of discussion by members at the meeting),
    - vi. The administrative body's findings of fact,
    - vii. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated or with which not complied),
    - viii. The decision (e.g. approve, deny, approve with modification),

- ix. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any,
  - x. A list of all changes to the map/drawing/site plan that was submitted (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photo copied. Then colors on the copy will not show at all or will just be black), and
  - xi. Make the map/drawing/site plan part of the motion (e.g. "...attached to the original copy of these minutes as appendix 'A', and made a part of these minutes...").
- G. Who called the question;
  - H. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: "A voice vote was taken; MOTION PASSED/FAILED";
  - I. That a person making a motion withdrew it from consideration;
  - J. All the Chair's rulings;
  - K. All challenges, discussion, and vote/outcome on a Chair's ruling;
  - L. All parliamentary inquiries or point of order;
  - M. When a voting member enters or leaves the meeting;
  - N. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting;
  - O. All calls for an attendance count, the attendance, and ruling if a quorum exists or not;
  - P. The start and end of each recess;
  - Q. All Chair's rulings of discussion being out of order;
  - R. Full text of any resolutions offered;
  - S. Summary of announcements;
  - T. Summary of informal actions, or agreement on consensus; and
  - U. Time of adjournment.
- (3) Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as exhibits to the minutes.

**602.** Retention. Commission records shall be preserved and kept on file according to the following schedule:

- (1) Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission, or department publications: Permanent.
- (2) Bills and/or invoices, receipts, purchase orders, vouchers: 7 years.
- (3) Correspondence: Permanent.

**603.** Records shall be subject to the disclosure requirements of FOIA, except that information which pertains to the exact location of archaeological sites. Such archaeological information shall be kept confidential and shall not be open to public inspection.

## 7. Committees

**701. Ad Hoc Committees.** The Commission or Chair may establish and appoint *ad hoc* committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an *ad hoc* committee at any given time.

**702. Citizen Committees.** The Commission or Chair may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than a quorum of the Commission serves on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the issue before the Commission and to better represent various interests in the City.

**703. Subservient to the Commission.** All committees are subservient to the Commission and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.

**704. Same Principles.** The same principles of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:

- (1) Officers. Officers of the Commission are appointed by the Chair of the Commission at the time the Commission is created, or are elected by the Commissioner's membership at their first meeting. Officers, at a minimum, shall include a Chair and a Secretary/Vice-Chair.
- (2) Quorum. A committee's quorum shall be at least half the total appointed membership of the committee.
- (3) Voting. Only those appointed members of a committee who are present at the time of a vote shall be eligible to cast a vote.
- (4) Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee's Secretary/Vice-Chair, or acting Secretary in the absence of the elected Secretary/Vice-Chair, shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may either consider removal of the individual from the committee or excuse the absence(s).
- (5) Minutes. The committee's Secretary/Vice-Chair shall keep minutes of committee meetings in the same format used by the Commission, filed in the same office as the Commission's minutes.
- (6) Staff. Committees may make reasonable use of Planning & Zoning Department staff's time, assistance and direction for performing the work of the committee.
- (7) Subcommittees. Committees may not form subcommittees.

## **8. Other Matters to be Considered by the Commission**

**801.** Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

- (1) At least annually, the adoption of priorities for the Commission's plan of work.
- (2) Annually, preparation of an annual report to the City Council.
- (3) Office or Administrative Policy, and rulings on interpretation of regulations by the Commission or its staff.
- (4) All reports and plans before publication.
- (5) Such other matters as the Preservation Director shall find it advisable or essential to receive consideration by the Commission.

**802.** Fees. The Commission shall from time to time establish fees for services, municipal "assistance", or municipal "work". Such fees shall not contravene any state statute, county ordinance, or fee established by the City Council.

## **9. Commission Staff**

**901.** Authorization. The Commission staff may consist of a Preservation Director and such other personnel as authorized by the City.

**902.** General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the City and its environs and are within the scope of the Historic Districts Act.

**903.** Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group to either be better informed, or to present their own views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

**904.** Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all suspected problems or violations seen in the course of their work. Staff shall follow the following procedures and guidelines:

- (1) When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.

- (2) Report the problem or suspected violation to the City department, county, state, or federal agency which has jurisdiction as quickly as possible.
- (3) When observing or receiving a report from another City department, county, state, or federal agency of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the situation.

**905. Conflict of Interest.**

- (1) All members of the Commission's staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
  - A. Issuing, deliberating on, voting on, or reviewing a case concerning the staff member.
  - B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by the staff member, or which is adjacent to land owned by the staff member.
  - C. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which the staff member is a part owner, or any other relationship where the staff member may stand to have a financial gain or loss.
  - D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to the staff member.
  - E. Issuing, deliberating on, voting on, or reviewing a case concerning the staff member's spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of the staff member's household.
  - F. Issuing, deliberating on, voting on, or reviewing a case where the staff member's employee or employer is:
    - i. an applicant or agent for an applicant, or
    - ii. has a direct interest in the outcome.
- (2) When a conflict of interest exists, the staff member shall do all the following immediately upon first review of the case and determining a conflict exists:
  - A. declare a conflict exists,
  - B. cease to process the case any further, and
  - C. forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
- (3) Other than as part of work for the Commission, staff members shall not do any of the following. This is not intended to prevent a staff member from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.
  - A. Provide private consultation services or advise on similar related services for clients.
  - B. Provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to real estate, land development, architecture, professional and civil engineering, landscape architecture, or public administration consulting or work) within a site within the boundaries of the City or for clients who are or may be applicants before the Commission or the Commission's staff.

**906. Preservation Director's Duties.** The Preservation Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. Their work shall be carried on with the widest degree of professional responsibility, subject to the administrative policies of the City. In addition to any job description adopted from time to time by the City, the basics of the Preservation Director's job shall include, but not be limited to:

- (1) Recommendations. The Preservation Director shall act or make recommendations in the name of the Commission, in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Commission, presentation of the matter shall be made at a Commission meeting.
- (2) Administrative Duties. The Preservation Director shall:
  - A. Supervise and review the work of the professional, technical, and nontechnical employees of the Commission's staff.
- (3) Policy Formulation. The Preservation Director shall:
  - A. Be responsible for carrying out the directives of the Commission.
  - B. Advise and assist the Commission in the establishment of general preservation policy.
  - C. Work with the Chair of the Commission for formulation of staff policy.
  - D. Recommend to the Commission action necessary for effectuating plans with respect to both public and private endeavors.
  - E. Administer the City Historic Districts Ordinance.
  - F. Prepare long range comprehensive plans and other plans.
- (4) Public Relations. The Preservation Director shall:
  - A. Officially present the Commission's recommendations to the City Council and to the Planning Commission.
  - B. Officially represent the Commission and its staff at preservation conferences, interdepartmental meetings of the City government, and serve generally as a liaison between the Commission and the public.
  - C. Encourage private development or investment in accordance with preservation plans.
  - D. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of preservation plans.
  - E. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with preservation efforts.
  - F. Accept other responsibilities as may be directed by the Commission, City Council, or City Manager.
- (5) Commission duties delegated to the Preservation Director:
  - A. Submit the proposed minutes for approval to the Secretary and have them spread in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review.

- B. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to OMA.
- C. Prepare an agenda for Commission meetings pursuant to Section 504 on page 7.

## **10. Adoption, Repeal, Amendments**

**1001.** Upon adoption of these Bylaws of 2010, they shall become effective immediately, and all previous Bylaws shall be repealed.

**1002.** The Commission may suspend any one of these Bylaws for a duration of not more than one agenda item.

**1003.** These Bylaws may be amended at any regular or special meeting by a two-thirds vote.

## **Appendix A. Code of Conduct**

As a member, I will:

1. Accept responsibility to represent the Historic District Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the Historic District Commission responsibility to promote, support, and develop an effective preservation program.
5. Attend the meetings of the Historic District Commission on a regular basis and provide prior notice of any necessary absences.
6. Read the master plan, zoning ordinance, bylaws, and other pertinent documents which pertain to the business of the Historic District Commission.
7. Attend appropriate training programs on planning and zoning in order to stay current on issues of concern for my community and in preservation law.
8. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Historic District Commission.



9. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
10. Refrain from deciding cases before the meeting discussion.
11. Participate in the Historic District Commission deliberation at the meetings when appropriate.
12. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, incompatible office, *ex parte* contact, voting on the same issue twice by virtue of serving on two different bodies, or accepting gifts as a form of influencing my vote.
13. In public forums, after a vote has been taken, I will represent the adopted majority position of the Historic District Commission when speaking on behalf of the Commission.