

# CITY OF BLACK HAWK



## BYLAWS AND ADMINISTRATIVE REGULATIONS GOVERNING THE HISTORIC PRESERVATION COMMISSION

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# **CITY OF BLACK HAWK**

## **RULES AND REGULATIONS GOVERNING THE HISTORIC PRESERVATION COMMISSION**

### **ARTICLE 1**

#### **GENERAL PROVISIONS**

##### **Section 1.1 Applicable City Charter, Local Ordinances, and Rules and Regulations**

The Historic Preservation Commission (hereinafter referred to as the “Commission”) shall be governed by the City Charter, local ordinances, Guide to Programs, Design Standards, Secretary of the Interior’s Standards for the Treatment of Historic Properties, Comprehensive Plan and the rules and regulations of the Commission as set forth herein.

##### **Section 1.2 Requirements for Familiarity with City Charter, Local Ordinances, Rules and Regulations Affecting the Commission and information pertaining to cases presented for review to the Commission.**

Upon taking office all members of the Commission shall familiarize themselves with the materials listed in Section 1.1 above, and while in office, they shall maintain such knowledge, and knowledge of amendments and additions. The Commission members should make all efforts to visit a site which is the subject of a request for review by the Commission for the purpose of acquainting them with the site’s physical layout, its relation to surrounding properties and uses, and to help them in visualizing the effect of recommending the particular request (Certificate of Appropriateness, Grant applications, Historic Designations, etc.)

### **ARTICLE 2**

#### **MEMBERS AND OFFICERS**

##### **Section 2.1 Members**

Members of the Commission shall be residents of the City of Black Hawk and shall have such qualifications as the City Council deems necessary and desirable in the best interests of the City. To the extent possible, the commission shall be composed of both professional and lay members and shall be selected from fields of history, architecture, landscape architecture, architectural history, prehistoric or historic archaeology, planning, or related disciplines such as the building trades, cultural geography, cultural anthropology, real estate or law.

##### **Section 2.2 Officers**

The Historic Preservation Commission shall appoint a Chairperson and a Vice-Chairperson who shall serve as officers of the Commission. The Commission shall hold its annual election of

officers at the first meeting of any calendar year or at a date determined by the Commission. Each officer term shall be for one year from the date of appointment. The election may be held by secret ballot or by a roll call vote if the Commission chooses so in advance of the ballot at the same meeting. In the case of a tie vote, the Secretary to the Historic Preservation Commission shall disclose the names of the tie contestants and another ballot shall be taken, until one person has received a majority vote of all regular seated members of the Commission. The Vice-Chairperson shall be selected in the same manner as the Chairperson. The Vice-Chairperson shall perform the same functions as the Chairperson during the disqualification, absence or disability of the Chairperson. The Vice-Chairperson may also be designated as the acting Chair at the discretion of the Chair in order to provide additional training for the Vice-Chair. In case of vacancy in the office of Chairperson, the Vice-Chairperson shall succeed the Chairperson and serve the unexpired term as Chairperson. A new Vice-Chairperson shall be selected at the next regular session of the Commission. The Chairperson or, in his absence, the Vice-Chairperson shall conduct the hearing in accordance with local ordinances and these rules and regulations as well as Roberts Rules of Order. In the absence of the Chairperson and the Vice-Chairperson, the members present shall elect a temporary chair to preside over the meeting and the agenda for that day. The officers are voting members and are accorded the same rights and privileges accorded other members.

### **Section 2.3 Secretary to the Historic Preservation Commission**

The City of Black Hawk shall provide the Commission with a secretary. The secretary will attend all meetings and hearings, shall prepare the agenda for all meetings, shall take and prepare minutes of meetings, showing the outcome of each vote upon every question, and shall administer oaths to people who want to testify during public hearings. The Secretary shall be the custodian of the Commission's records and shall conduct official correspondence, send out all notices, compile records and maintain the files. No later than the Friday preceding each regular Commission meeting, the Secretary shall have an agenda of the next meeting including all attachments, staff reports and a copy of the minutes of the previous meeting delivered to each Commission member.

### **Section 2.4 Advising Candidates During the Selection Process**

It shall be the responsibility of the City Council to advise candidates applying for appointment to the Historic Preservation Commission of the commitment required in terms of time needed for the review of staff reports and regular attendance at meetings. Candidates shall indicate their ability to meet this commitment during their interview. Each candidate shall receive a copy of these Rules and Regulations upon receipt of his application.

### **Section 2.5 Appointment**

The Commission shall consist of five (5) members appointed by the City Council. The City Council shall also appoint three (3) alternate members from residents of Black Hawk.

### **Section 2.6 Term of Office**

All Commission members shall serve a four (4) year term unless a Commission member is filling an unexpired term, in which case the Commission member shall serve the remaining portion of the unexpired term. Additionally, two (2) of the initial five (5) regular appointment terms shall be two (2) years in duration in order to create staggered terms.

### **Section 2.7 Compensation**

Each member of the Board may be reimbursed for actual expenses incurred as a result of such membership. The expenses shall be documented to the Secretary to the Board.

### **Section 2.8 Removal for Cause**

Any member may be removed for cause by the City Council upon presentation of written charges after a hearing. Making continuous inappropriate comments, suggestions, or actions may be cause for removal. Failure to attend three (3) or more regular meetings without prior explanation to the Secretary of the Commission may be considered a cause for removal.

### **Section 2.9 Vacancies**

A vacancy shall exist when any member dies, resigns, is removed for cause, is not reappointed, ceases to be a resident of the City, or becomes an elected official or an employee of the City. The City Council shall appoint a member to fill the unexpired term of the member whose place has become vacant. A member who ceases to be a resident of the City may continue to serve for up to six (6) months until a new member has been appointed by the City Council to replace that member.

## **ARTICLE 3**

### **POWERS OF THE COMMISSION**

#### **Section 3.1 Certificates of Appropriateness as required in the Zoning Ordinance**

The Historic Preservation Commission shall have the authority to review and issue Certificates of Appropriateness (COAs) for building and demolition permits for locally designated historic landmarks.

#### **Section 3.2 Historical Grants as outlined in the Guide to Programs**

The Historic Preservation Commission shall hear applications for historical grants and make recommendations to the City Council regarding said applications.

### **Section 3.3 Nomination or designation of properties or structures as Historic Landmarks.**

The Commission is authorized to review and make recommendations to the City Council regarding applications for local historic designations. The Commission shall, after reasonable opportunity for public comment, prepare a report indicating whether the subject property meets the criteria set forth in Section 16-426 of the Black Hawk Municipal Code.

The Commission's design standards and decisions shall be consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties and such standards shall also be used to evaluate applications before the Commission.

### **Section 3.4 Appeals**

The Commission is authorized to hear appeals of denials of any staff determinations related to Historic preservation, if allowed and made. The Commission may uphold staff determinations, approve subject plans with or without conditions or continue the case to allow changes.

### **Section 3.5 Conditions**

The Commission may impose conditions upon the issuance of any COA or recommendation made to the City Council in accordance with the City's Ordinances and Regulations.

### **Section 3.6 Other Plans**

The Commission shall review all proposed adoptions of changes or amendments to the Comprehensive Plan, Guide to Programs, Park Plans, Historic Plans and any other plans that may be presented to the Commission.

## **ARTICLE 4**

### **CONDUCT OF MEMBERS**

#### **Section 4.1 Right of Floor**

No member, staff or citizen shall speak unless recognized by the Chairperson according to Robert's Rules of Order.

#### **Section 4.2 Motions**

After a resolution or motion is introduced and seconded, the Chairperson shall restate the resolution or motion and ask for discussion from Commission members. After all Commission members have had an opportunity to speak, the Chairperson shall instruct the Secretary to conduct a roll call vote. Any amendment to a motion, whether it is for the purpose of adding to, deleting from, or changing the character of the original motion, shall require a majority vote of members for adoption of the amendment.

### **Section 4.3 Representation of Applicant**

No member of the Commission shall represent an applicant before the Historic Preservation Commission on matters on which the Commission is to make determinations. This section shall not prevent the Commission Member from appearing before the Commission as a property owner or citizen. No Commission member may sit at the dias during a hearing if he or she intends to address the Commission as a citizen. When such member makes a statement as a citizen, he or she shall not identify himself or herself as a member of the Commission. In addition, he or she shall not discuss the application with any Commission member in advance of or during the hearing.

### **Section 4.4 Conflict of Interest**

No member of the Commission shall participate as a Commissioner in any case in which he has financial interest in the property or action concerned. Commission Members may voluntarily excuse themselves if there is a conflict for any other reason.

### **Section 4.5 Expressions of Bias, Prejudice or Opinion**

No member shall discuss a case with any other parties except staff prior to a public hearing, or express any bias, prejudice, or individual opinion on proper judgment of a case prior to a hearing. The Commission may discuss general matters pertaining to planning and development in the City.

### **Section 4.6 Decorum and Order**

The Chairperson shall preserve decorum and decide all questions of order before the Commission. All meetings of the Commission shall be in accordance with Robert's Rules of Order.

## **ARTICLE 5**

### **MEETINGS AND HEARINGS**

#### **Section 5.1 Regular Meetings**

Regular meetings of the Commission shall generally be held at 1:00 P.M. on the 1st and 3<sup>rd</sup> Tuesday of each month at the City of Black Hawk Annex Building, 211 Church Street, except as otherwise designated by the Commission. Changes in meeting times and dates shall be posted with the agenda for such meetings.

## **Section 5.2 Special Meetings**

Special meetings may be called by the Chairperson or at the request of a majority of Commission Members.

## **Section 5.3 Study Sessions**

Study sessions are informal meetings during which general historic preservation topics are discussed which contribute to the continuing education and training of Commission members. Study sessions are open to the public and are to be recorded and minutes taken. Study sessions shall be held at the discretion of the Commission.

## **Section 5.4 Continued Cases**

Any regular hearing may be continued to the next regularly scheduled meeting or any other meeting, and such continuance shall not require additional public notice. If a member was not present at the meeting from a case that was continued, the member shall listen to the official tapes of the meeting and then be qualified to vote on the case. An applicant may request that a case be continued to a later date certain if all five (5) voting members of the Commission are not present at the beginning of the public hearing.

## **Section 5.5 Cancellation**

If no business is scheduled before the Commission, a meeting may be canceled by the Secretary to the Commission after consulting with the Chairperson and by giving notice to all members at least two (2) hours before the time set for the hearing.

## **Section 5.6 Quorum**

A quorum of the Commission shall consist of a majority of the regular members. If a quorum is not present, the matter shall be continued to the next hearing date. A concurring vote of a majority of those members present and voting is required to approve any matter before the Commission.

## **Section 5.7 Order of Business at Meetings**

The order of business is generally established by the agenda. Changes in the agenda will be discussed by the Commission and the decision on any changes will be announced by the Chairperson at the beginning of the public hearing. The normal order of business shall be as follows:

- a. Call to Order
- b. Conflicts of Interest
- c. Approval of Minutes
- d. Consent Agenda
- e. Historic Grant Applications

- f. Certificate's of Appropriateness
- g. Recommendations for Local Historic Designation
- h. Comprehensive Plan and/or other plans
- i. Other Business
- j. Adjournment

Cases pertaining to the same parcel of property may be considered together or sequentially but moved upon separately.

### **Section 5.8 Public Hearings**

A. The Commission shall hold a public hearing on all applications if required by the Black Hawk Municipal Code.

B. Prior to a public hearing, the Chairperson shall explain to those present the order of business at a commission meeting. The Chairperson shall also inform the Commission as to the requirements of the law and what must be proven to substantiate their application.

C. Those citizens who want to testify during a hearing shall be sworn in by the Secretary. Prior to any individual giving testimony at a hearing, the Chairperson shall instruct the Secretary to administer the oath.

D. The order of business for each case at a public hearing shall be as follows:

1. The Chairperson shall announce the case;
2. A staff person shall present the staff report;
3. The applicant shall present the case;
4. Persons wishing to comment upon the applicant's request may speak;
5. The Commission may question the applicant, interested persons and staff;
6. The Commission shall close the hearing and discuss the case;
7. The Commission makes findings and votes on the application; and
8. The Chairperson shall state the outcome of the vote.

E. Any materials presented to the Commission during the public hearing must be identified and entered into the record as an exhibit. Such materials shall be kept in the case file.

F. The Commission shall approve, modify or deny; or recommend approval or denial of any matter before the Commission using the form of a resolution.

G. The Commission shall keep minutes of its proceedings and it shall also keep records of its examinations and of the official actions, all of which shall be filed immediately in the offices of the City and shall be public record.

## **ARTICLE 6**

### **ORDER OF BUSINESS FOR HISTORIC PRESERVATION COMMISSION HEARINGS**

#### **Section 6.1 INTRODUCTION**

Chairperson: Welcome to the Black Hawk Historic Preservation Commission Hearing. I would like to explain the following guidelines:

1. I would ask that all testimony be given at the microphone.
2. When you first speak, please state your full name and complete address.
3. If you wish to speak again, you must request permission from the Chairperson.
4. All testimony should be relevant and not be repetitious.
5. Proper decorum must be maintained in this room. Clapping, booing and audible conversations among the audience are not appropriate.
6. If you have any objections to any testimony, you may request permission to re-address the Commission.

#### **Section 6.2 ORDER OF TESTIMONY**

Testimony shall be received in the following order:

1. If the roster indicates that there is opposition to the case, staff shall present its full report or recommendation. Staff will be allowed a maximum of ten (10) minutes to present.
2. The applicant will make a statement in support of this application. The applicant will be allowed a maximum of fifteen (15) minutes to present.
3. A maximum of five (5) minutes will be allowed for other citizens to speak in the following order:
  - a) Those in support of the application
  - b) Those opposed
4. Applicant's rebuttal testimony. Applicant will be allowed a maximum of five (5) minutes for rebuttal.
5. After completion of all testimony, the Chairperson may close the public hearing and open the proceedings to discussion and questions by the Commission. At the discretion of the Chairperson, additional testimony may be entertained, but such additional testimony must not be repetitious and must serve to clarify points raised in the earlier testimony. Although a case may be continued to a subsequent meeting for further study, the Historic Preservation Commission normally makes a decision on a case the same afternoon as the public hearing.

RECOMMENDED AND APPROVED:

By:

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Cynthia Linker  
Community Planning and Development Coordinator

By:

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City of Black Hawk Historic Preservation Commission

By:

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City of Black Hawk Board of Aldermen

APPROVED AS TO FORM:

By:

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Corey Hoffmann, City Attorney