



Rules of Procedure Update

**Community & Economic Development
Office of the Director**

To: Historic Landmark Commission members

From: Cheri Coffey, Assistant Planning Director (cheri.coffey@slcgov.com – 801-535-6188)

Date: November 7, 2012

Re: Proposed Revisions to Rules of Procedure

Attached please find a new revised version of the Rules of Procedure. The document is a clean version that reflects the Senior City Attorney's recommendations and the Commission's discussion from November 1, 2012.

All of the changes that were directed by the majority support of the Historic Landmark Commission, as well as the minor revisions requested by the Senior City Attorney are highlighted in yellow. In addition, the numbering of the document has been corrected. The direction that staff received on specific questions at the November 1, 2012 meeting is as follows:

1. Do not include the word "voting" in the phrase "majority of members" in the section about quorum. (#16.).
2. Do not include the requirement of stating the appeals process in the Rules of Procedure. The appeals process should be noted on every agenda and the Chair will continue the practice of verbally stating the appeals process during the meeting.
3. Do not provide specific language about electronic conferencing of meetings in the Rules of Procedure. The City Code allows for this option should an occasion arise where it is necessary.
4. Fix the typo in section 4.j.
5. Relocate the language about special or unusual circumstance in the second paragraph of the Conflict of Interest Section (#11) to make it read more clearly.
6. Remove the section about Reconsideration of applications which have been denied.
7. Remove the language about rescinding a motion.
8. Clarify the language in #39, Suspension of Alteration of Rules.

Staff would like the Commission to adopt the revised document at the December 6, 2012 meeting.

Thanks

SALT LAKE CITY HISTORIC LANDMARK COMMISSION

Rules of Procedures

A. Organization

1. **Election of Chair and Vice Chair:** The Commission, at its regular meeting in August, shall elect a Chair and Vice Chair who shall serve for a term of one year each. Members shall be notified of the upcoming election of officers at the meeting one month prior to the election.
2. A special election may be called by a majority vote of the quorum of the members present in the event the Chair or Vice Chair is unable to fulfill their elected term.
3. Orientation: All new Historic Landmark Commissioners should have an orientation meeting with Planning Staff and observe one Historic Landmark Commission meeting for orientation purposes.

4. Duties of the Chair:

The Chair to Preside at Commission Meetings: The Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.

- a. To call the meeting to order on the day and the hour scheduled, and proceed with the order of business.
 - b. To announce the business before the Commission in the order in which it is to be acted upon.
 - c. To receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.
 - d. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings, and to announce the results of the motions.
 - e. To inform the Commission on any point of order or practice and in the course of discharge of this duty, the Chair shall have the right to call upon legal counsel for advice.
 - f. To authenticate by signature, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission.
 - g. To maintain order at the meetings of the Commission
 - h. To move the agenda along and hold down redundancy by limiting the time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedure during meetings.
 - i. To recognize speakers and Commissioner prior to receiving comments and presentation.
 - j. The Chair shall not vote unless the vote is needed to break a tie or to ensure a quorum of the Commission is voting.
5. **Duties of the Vice Chair:** The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of the Chair. Should the Chair

Comment [c1]: Fixed typo

resign from the Commission, the Vice Chair shall serve as Chair until elections are held at the next available meeting.

6. **Temporary Chair:** In the event of the absence, disability or conflict of interest of both the Chair and the Vice Chair, the Planning Director shall appoint another Historic Landmark Commission member to serve as Chair until the Chair or Vice Chair returns. In such event, the temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission.
7. **Planner:** A Planning Division staff person shall act as the liaison between the Planning Division and the Commission. This staff person's duties shall include, but not be limited to, setting agendas, preparing staff reports, and handling administrative duties for the Commission. This person shall be the Planning Director or his or her designee(s), and shall serve as an ex officio member of the Commission without vote, as per Section 21A.06.050.D of the City's zoning ordinance.
8. **Secretary:** A Planning Division secretary shall serve as secretary of the Historic Landmark Commission. The secretary's duties are as follows:
 - a. To publish public notices of regular and special Historic Landmark Commission meetings, consisting of a quorum, in accordance with the noticing regulations of the Zoning Ordinance.
 - b. To attend every meeting of the Commission, to take and record the roll, to read any communications, resolutions or other papers which may be ordered to be read by the Chair of the meeting and to receive and bring to the attention of the Commission all messages and other communication from other sources.
 - c. To keep and maintain a permanent record file of all documents and papers pertaining to the Historic Landmark Commission meetings as per Salt Lake City Code 21A.06.
 - d. To ensure Commissioners receive materials pertinent to regularly scheduled Commission meetings at least five (5) days prior to the Historic Landmark Commission meetings.

Comment [c2]: Added as per Attorney's request

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Comment [c3]: Changed from post to publish as per Attorney's request

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B. Rights and Duties of Members

9. **Meeting Attendance:** Every member of the Commission shall attend the sessions of the Commission unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall inform the Chair and the Planning Director, or his/her appointed designee, of the absence.
 - a. If a Commission member misses three consecutive meetings or six meetings in a calendar year, the Chair shall confer with the member regarding the ability, interest and commitment of the member to continue membership on the Commission.
 - b. If the Commission member continues to miss meetings, the Chair shall bring the matter to the full Commission. The Commission will decide upon an

appropriate recommendation to the Mayor as to whether removal of the member from the Commission is appropriate as per section 21A.06. of the Salt Lake City Code.

10. **Leave of Absence:** The Commission may grant its members leaves-of absence not to exceed six months.
11. **Conflict of Interest:** As per Salt Lake City Code Chapter 21A. 06, no member of the Historic Landmark Commission shall participate in or be present at the hearing or disposition of any matter in which that member has any conflict of interest prohibited by title 2, chapter 2.44 of the Salt Lake City Code. The Historic Landmark, Commission may, by majority vote of the quorum of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.

The following gives additional clarification relating to addressing conflicts of interest. A Historic Landmark Commission member may declare a conflict of interest regarding specific agenda items. Members of the Historic Landmark Commission who feel they or any other member of the Commission may have an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda, shall explain the apparent conflict to the Commission. The Commission may then vote to decide whether the requested disqualification is justified. After declaring a conflict of interest, a Historic Landmark Commission member shall not participate in, or be present at the public hearing unless they need to be present if required by special or unusual circumstances, nor participate in the discussion or vote of the matter, nor attempt to use influence with other Commissioners before, during, or after the meeting. The following are additional guidelines for conduct:

- a. There may be a conflict of interest if there are personal, familial relationships, or financial ties between a Commission member and proponent/opponent of any item of business.
- b. A Historic Landmark Commission member may appear before the Commission through their employment as an advocate or agent for an applicant or as a property owner only after the Commissioner's disqualification on the subject matter.
- c. A Commission member must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence the decisions of any City board.
- d. A Commission member must not use the power of office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.
- e. A Commission member shall not have any ex parte discussions regarding any business before the Commission. For the purpose of the Historic Landmark Commission policy, ex parte discussions include any communication with interested parties of any issue coming before the Historic Landmark Commission, prior to the Commission's final decision.

Comment [c4]: Moved as per Commissioner's Shepherd's suggestion.

- f. Conflict of interest rules, procedures and guidelines shall also apply to the Architectural Committee and other ad hoc committees established by the Commission.

C. Meetings

12. **Place:** All meetings of the Commission shall be held in a room of the City and County Building, 451 South State Street, Salt Lake City, Utah, or at such other place as the Commission or Planning Director may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Salt Lake City for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Commission so long as proper notice of meeting location is posted for the general public.
13. **Regular Meetings** –Regular meetings of the Commission shall normally be held on the first Thursday of each month or such other appropriate day as determined by the Commission. The regular meetings shall generally begin at 5:30 P.M. At the discretion of the Chair, field trips or work sessions may be held on another day as determined by the Commission, at 4:00 p.m. or at another appropriate time. The Historic Landmark Commission shall normally meet at least once a month.
14. **Special Meetings:** The secretary shall give notice of the time and purpose of every special meeting of the Commission at least twenty-four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally or by telephone. Such notice may also be given by the United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed no less than five (5) days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the meeting.
15. **Meetings – Matters Considered:** Other business items pertaining to the affairs of the Salt Lake City Historic Landmark Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.
16. **Quorum:** A quorum of the Historic Landmark Commission shall consist of a majority of the members who are currently appointed as defined in Salt Lake City Code Chapter 21A. 06. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from a vote, however, shall count toward consideration of a quorum. Except as otherwise specifically provided in these rules, a majority vote of the quorum of the members present shall be required and shall be sufficient to transact any business before the Commission.

D. Procedure – Order of Business

17. **Order of business:** The order of business shall normally be as follows:
 - a. Field trip;
 - b. Dinner
 - c. Work Session
 - d. Report of Chair and Vice Chair
 - e. Report of Director or designee
 - f. Approval of minutes;
 - g. Comments to the Commission;
 - h. Roll taken by the secretary;
 - i. Consideration of agenda items, and
 - j. Other business at the discretion of the Chair.

18. **Field trips:** On those occasions when site inspections are deemed advisable, field trips should typically be held prior to the Historic Landmark Commission meetings, and the time of the field trip to be posted on the agenda. Only Historic Landmark Commission members and pertinent City Staff shall be allowed to attend the field trip in the City-owned van. The public shall be allowed at the sites of the field trip but are encouraged to present their case at the Historic Landmark Commission meeting, not during the field trip. Public comment is discouraged during the field trip and any public comment made shall not include substantive information. Field trips shall be for the purpose of gathering information, not for discussing decisions.

19. **Agenda for Meetings:** The Secretary, with the assistance of the Planning Director or designee, shall prepare a written agenda for each meeting as far in advance as possible and shall submit such agenda to each member of the Commission at least five (5) days prior to each meeting.

20. **Staff Report:** All applications and projects presented to the Historic Landmark Commission for its consideration should be accompanied by a staff report detailing the overview, background, analysis, and Staff recommendations which should typically include findings of fact and where applicable, conditions for approval. Staff reports should address the portion of the Salt Lake City Zoning Ordinance or other applicable development codes relevant to the petition's request and how the request fits within the criteria of the ordinances and applicable design guidelines. Staff reports should be as concise as possible while allowing for adequate coverage of the subject matter and shall be made available to the petitioner and anyone else requesting a copy.

21. **Delivery of Staff Reports.** Copies of staff reports and other pertinent materials shall be made available to the Historic Landmark Commission members at least five (5) days prior to regularly scheduled Historic Landmark Commission meetings.

22. **Submission of Written Material:** Any written material submitted for the Historic Landmark Commission's consideration should be submitted to the office of the

Comment [c5]: Changed from "Major Issues" to "applications and projects" as per Attorney's request.

Planning Division by Wednesday, at noon, eight days prior to the meeting. This allows time for incorporation into the Historic Landmark Commission packet. Materials submitted after the Wednesday deadline will be emailed to the Historic Landmark Commission members or handed to them at the scheduled meeting. However, there is no guarantee that Historic Landmark Commissioners will have an opportunity to review written material that is not delivered with the packet.

23. **Notification of Public Hearings:** Notices of all items scheduled for Historic Landmark Commission meetings shall be provided consistent with Salt Lake City Code Chapter 21A.10.020 *General Application and Public Hearing Procedures*. Anyone wishing to receive notice of Historic Landmark Commission meeting agendas, copies of minutes and/or staff reports may be placed on the regular e-mailing list or US Mail list by contacting the Planning Division.
24. **Minutes:** The secretary shall provide the minutes to the Commission within 5 days prior to the meeting. The Commission shall approve the minutes at a regularly-scheduled public meeting with any appropriate modifications, unless the Commission by majority vote of the quorum of the members present determines that the minutes are substantially inaccurate to the point where minor revisions will not adequately correct the minutes to accurately reflect the meeting for which they were made.

E. Procedure – Order and Decorum

25. **Order of Consideration of Items:** The following procedure will normally be observed, however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business:
 - a. Item introduction by Chair;
 - b. Staff presentation and recommendation;
 - c. Applicant presentation of proposal;
 - d. Opening of the public hearing portion of the meeting.
 - i. Community Council/ Organization presentation/comment. There shall be a five (5) minute maximum Community Council / Organization presentation, unless the Chair authorizes additional time.
 - ii. General Public's comment; There shall be a two (2) minute maximum per individual's presentation / comments, unless the Chair authorizes additional time.
 - iii. Applicant's response to comments offered during the public hearing. There shall be a five (5) minute maximum response time from the applicant unless the Chair authorizes additional time.
 - e. **Opening and Closing Public Hearings;** The Chair shall open and close the public portion of each hearing prior to Historic Landmark Commission's discussion and vote on the matter.
 - f. **Historic Landmark Commission discussion and vote.** The discussion is closed to staff, the petitioner, and public unless the Historic Landmark Commission requests additional information. The Commission Chair may

outline possible actions- approval, approval with conditions, denial or continuation. If additional information is required, the public hearing portion of the meeting may be reopened by the Chair.

26. **Recess:** The chair may call for a recess for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.
27. **Public Comment at Work sessions and Retreats.** During the course of conducting Historic Landmark Commission business other than public hearings, the Chair, after consulting with the Commission, may elect to receive comment or take testimony from the audience. However, the Historic Landmark Commission is not obligated to take any comment from the audience and any comment is at the will of the Chair.
28. **Adjournment:** The Chair shall adjourn the meeting at the end of each Historic Landmark Commission meeting.

H. Procedure – Motions

29. **Making Motions:** Any Commission member, with the exception of the Chair, may make or second a motion. Motions should state findings for approval or denial within the motion:
 - a. Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.
 - b. The staff recommendation should be sufficient in detail to assist the Commission in stating findings.
 - c. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.
 - d. Commissioners may request advice from the City Attorney or members of the Planning Division Management Team in the preparation, discussion and deliberation of motions during the meeting
 - e. Conditions to motions for approval: Conditions placed on the approval of an application must be germane to mitigating negative impacts relating to the proposal or are necessary to ensure the project meets the regulatory criteria.
 - f. Second Required: Each motion of the Commission must be seconded.
 - g. Withdrawing a Motion: After a motion is stated, the motion shall be in the possession of the Commission but may be withdrawn by the author of the motion prior to the vote. Withdrawal of a second is not necessary.
 - h. Motion to Table: A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.

- i. Amending Motions: When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the amendment.
- j. Amending Amendments to Motions: An amendment to a motion may be amended, no second required, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the additional amendment.
- k. Substitute Motions: A substitute motion may be made prior to a vote on the original motion. A second is required on the substitute motion before a vote on the substitute motion can occur.
- l. To Reconsider a Motion: To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider must pass with a majority vote of the quorum of the members present. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made or prior to the approval of the minutes containing the particular item.

I. Procedure: Debate/ Questions

- 30. No member of the Commission shall question another member in debate without obtaining the Commissioner's consent and to obtain such consent, shall first address the Chair.
- 31. No member of the Commission shall ask a question of the public without first obtaining permission of the Chair.
- 32. No member of the Commission shall debate with the applicant or a member of the public during the public meeting. Opinions of the Commission members should be voiced after the public hearing and should focus on the project and not an individual(s).

II. Procedure – Voting

- 33. **A Majority Vote required.** A motion can only be approved by a majority vote of the quorum of the members present at the meeting.
- 34. **Changing a Vote:** No member may change his/her vote after the decision is announced by the Chair.

35. **Tie vote:** Tie votes shall be broken by the Chair casting a vote. Tie votes which include the Chair voting (in cases where the Chair must vote to ensure a quorum of the Commission is voting) , shall result in no Historic Landmark Commission action.
36. **Abstention:** Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention may be stated at the time of the abstention and such reason shall not be considered a conflict of interest.
37. **Explaining the Vote:** After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
38. **Not to Vote Unless Present:** No member of the Commission is permitted to vote on any motion unless the member shall be present when the vote is taken.

J. Procedure – Suspension of Rules

39. **Suspension of Alteration of Rules:** No standing rules of the Historic Landmark Commission shall be altered, amended, suspended, or rescinded without the vote of a majority of a quorum present at the meeting.

M. Letter from Planner

40. After the Historic Landmark Commission hearing, the Planning Staff shall prepare a Record of Decision of the Commission, and outlining any subsequent action the applicant must take. This letter shall be prepared by the Commission secretary.

Comment [c6]: Retained as per Attorney's Request.

N. Modifications of Approved Applications

41. An approved application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Planning Director. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans, or sketches, where necessary. If the Planning Director finds that the modification of an approved application constitutes a substantial change, the applicant shall submit the information as a new application to the full Commission for approval.

O. Committees

42. The Historic Landmark Commission shall establish standing or ad hoc committees, consisting of members from the full Commission, to address specific issues or to

perform specific tasks. These committees shall meet on an as-needed basis. Their recommendations shall be forwarded to the Historic Landmark Commission prior to the subsequent regularly-scheduled meeting.

- 43. Architectural Committee:** It shall be the policy of the Historic Landmark Commission that an Architectural Committee of the Commission shall be available to meet with applicants to give them suggestions on various design options of what might meet standards regarding their project upon the direction of the Commission.
- a. During a committee meeting, the Architectural Committee, collectively and individually, shall not indicate the approval or disapproval of the application. No advice or opinion given, or reported as having been given, by any member of the Architectural Committee at such an informal meeting shall be in any way official or binding. The Commission shall direct the staff to issue final approval of projects reviewed by the Architectural Committee, or require the applicant to return to the Commission for final review after the applicant has worked with the Architectural Committee.
 - b. For applications regarding new construction, the applicant should first meet with the Historic Landmark Commission in order to obtain a general direction from all of the members of the Commission. Once the general direction is given and the issues have been raised, the Historic Landmark Commission may direct the applicant to meet with the Architectural Committee to work out the technical details on the project. The Commission shall determine if the application for new construction should be issued final approval by the staff or referred back to the Commission for further review and/or final approval after the applicant or representative has met with the Architectural Committee.
 - c. The Planning staff attending the Architectural Committee shall take notes of the discussion. The Staff members should help the Committee members identify standards that need to be followed relating to the project and ensure that suggestions of the Committee members are consistent with those standards. The recommendation of the Architectural Committee shall be presented in written form to the Historic Landmark Commission prior to their subsequent public hearing.

P. Recordation of Certificate of Appropriateness

- 44. Records shall be kept of all administrative approvals.** A written report of these decisions shall be included in the Historic Landmark Commission Annual Report and with each Commission meeting's packet of information.

Q. Record of Decision

- 45.** After the meeting, the Planning Division secretary will create a "Record of Decision" which includes the list of items acted upon and what action was taken (approved, approved with conditions, tabled or denied). The Record of Decision

shall be posted on the Planning Division website the day following the public meeting. The posting of this document on the website shall start the timeframe for the appeal period.

P. Annual Report

46. The Planning Staff shall prepare an Annual Report to be presented to the Historic Landmark Commission at its regularly scheduled meeting in February. The report shall include information about the number, type and disposition of standard cases, administrative Certificates of Appropriateness, and information regarding other City or Staff activities involving historic preservation. The Annual Report will be compiled with additional information detailing the activities of the Planning Division and forwarded to the City Council and Mayor.

Q. Approval and Amendment of Rules of Procedure

47. These Rules of Procedure may be amended by a majority vote of a quorum of the members present.

R. Recording of Rules

48. These rules and all subsequent amendments shall be recorded by the Planning Division Secretary and copies shall be furnished to each member of the Commission and posted to the Planning Division website.

Approved by the Historic Landmark Commission _____