



# 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](mailto:cheri.coffey@slcgov.com) – 801-535-6188)

**Date:** July 22, 2013

**Re:** Proposed Revisions to Rules of Procedure

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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. The document also includes draft language about formally accepting the results of professionally developed historic surveys. I have also attached the minutes from the November 1, 2012 meeting and the strike and bold version of the document that was included in the November 1, 2012 packet.

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 red. 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. Removed the wording about a quorum because it is included in the ordinance.
2. Did 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. Did 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. Fixed the typo in section 4.j
5. Relocated 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. Removed the section about Reconsideration of applications which have been denied.
7. Removed the language about rescinding a motion
8. Clarified the language in #39, Suspension of Alteration of Rules.
9. Clarified the purpose of the Letter from the Planner to the Applicant...

On June 6, 2013, the Commission directed staff to draft language relating to a process to formally accept professionally conducted surveys. The purpose of the process is to ensure the public is aware of the

survey project, has an opportunity to provide input and has an opportunity to respond to the survey ratings/ findings. In addition, because surveys are an important tool in the review of historic preservation projects, this process formalizes the Commission's acceptance of the survey findings and ratings. The proposed language is highlighted in yellow in Section P (#46-50).

Staff is requesting that the Commission review the information, discuss it and adopt it at the August 1, 2013 meeting.

Thanks

# SALT LAKE CITY HISTORIC LANDMARK COMMISSION

## Rules of Procedures

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### 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.

Comment [c1]: Fixed typo

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 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.

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

- 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.
- 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 voting 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.~~

**Comment [c5]:** Because this is defined in the ordinance, it should be removed from the Rules of Procedure to ensure there is no conflict with the ordinance.

~~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**

**16. 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.

**17. 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.

**18. 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.

19. **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 petitioner'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.
20. **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.
21. **Submission of Written Material:** Any written material submitted for the Historic Landmark Commission's consideration should be submitted to the office of the 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.
22. **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.
23. **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.

**Comment [c6]:** Changed from Major Issues to applications and projects as per Attorney's request.



## ***E. Procedure – Order and Decorum***

- 24. 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.
- 25. 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.
- 26. 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.

27. **Adjournment:** The Chair shall adjourn the meeting at the end of each Historic Landmark Commission meeting.

## **F. Procedure – Motions**

28. **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.~~

Comment [c7]: As per the Commission's direction.

### **G. Procedure: Debate/ Questions**

- 29. 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.
- 30. No member of the Commission shall ask a question of the public without first obtaining permission of the Chair.
- 31. 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).

### **H. Procedure – Voting**

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

- 34. **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.
- 35. **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.
- 36. **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.
- 37. **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.

**I. Procedure – Suspension of Rules**

- 38. **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.

**J. Record of Decision**

- 39. 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 no later than the day following the public meeting. The posting of this document on the website shall start the timeframe for the appeal period.

**Comment [c8]:** Moved from later in the document to be consistent with the chronological steps of the process.

**K. Letter from Planner**

- 40. After the Historic Landmark Commission hearing, the Planning Staff project planner shall prepare a Record of Decision of the Commission, and outline letter to the applicant and property owner (if different) which outlines the action of the Commission. The letter shall also include any subsequent action the applicant must take prior to commencing with the project and provide information about the appeals process. This letter shall be prepared by the Commission secretary.

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**Comment [c9]:** Clarified section to indicate the purpose of the letter from the planner to the applicant.

**L. 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

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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.

**Comment [c10]:** As per the Commission's direction, removed the section about reconsidering a motion that had been denied by the Commission.

## **M. | Committees**

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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.

## **N. 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.~~

Comment [c11]: Moved to J above

## **O. Annual Report**

45. 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.

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## **P. Process for Accepting Historic Surveys**

46. Prior to conducting a professional historic survey, the Planning Division will send notice to all property owners in the survey area to inform them that a survey will begin, the purpose of the survey, how they can provide input to the professional surveyor and who the staff contact is if they want more information.
47. Once the professional survey is complete, the surveyor will send the draft report to the project planner for review. The Program Manager will assign other staff planners to work with the project planner to field check the ratings of each property and identify information they may have relating to the ~~area, that~~ area, which the surveyor may not be aware of. The purpose of this review is to ensure the Planning Division is in agreement with the findings and ratings of the survey.
48. Once the Planning Division is in agreement with the survey report, a meeting will be held where the surveyor will provide all property owners with a summary of the results of the survey. The surveyor will also brief the Historic Landmark Commission on the results of the survey.

Comment [c12]: New Section

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49. The Historic Landmark Commission will notify all property owners within the survey area of a public hearing relating to the survey. The purpose of the public hearing is to allow the property owners and public to voice comments relating to the survey results.

50. The Historic Landmark Commission will take formal action to decide whether to accept the survey results so that they can be used as a tool for making decisions relating to historic preservation in the survey area.

**Q. | Approval and Amendment of Rules of Procedure**

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

**R. | Recording of Rules**

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52. 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 \_\_\_\_\_

**WORK SESSION** 6:34:33 PM

The Commission and Staff reviewed proposed changes to the Historic Landmark Commission Rules of Procedures.

Vice Chair Hart stated she is concerned that removing the word 'voting' from paragraph 17 would allow non-voting members, such as ex officio members, to be counted towards a quorum.

Ms. Coffey stated she did not believe that was correct. She stated Section 6 of the Zoning Ordinance defines a quorum and states the Planning Director is an ex officio member and does not have the right to vote. Ms. Coffey stated Staff would like to remove the word 'voting' from the Rules of Procedures because the Chair does not typically vote, but is still counted towards a quorum.

Mr. Nielson stated the Ordinance will take precedence over the Rules of Procedures except for where the Ordinance is unclear on certain issues. He stated the Ordinance has specific language defining a quorum, and it does include the term 'voting members.' Mr. Nielson stated taking the word 'voting' out of the Rules of Procedures would not have any effect because it would not change the Ordinance. He discussed the reasons for not having the Chair vote.

Vice Chair Hart asked if the Chair was being redefined as a non-voting member.

Mr. Nielson stated the term 'non-voting' was not being used. He stated the Chair does not vote unless it is to break a tie or bring the Commission up to quorum.

Chairperson Harding stated paragraph 34 is difficult to understand.

Commissioner Shepherd asked about bringing in absentee Commissioners on the phone to complete a quorum.

Mr. Nielson stated the City Ordinance states a Commission can hold an electronic meeting only if a majority of a quorum is physically present at the meeting. He stated because this is already in the Ordinance, the Historic Landmark Commission can hold electronic meetings without adding to the Rules of Procedures.



Ms. Coffey asked if the Commission would be required to hold electronic meetings. She stated there are pros and cons to these types of meetings.

Chairperson Harding stated she has personal experience participating in meetings by telephone and it is difficult.

Commissioner Brennan stated dealing with design issues which are visual in nature would be difficult without both audio and visual support.

Mr. Nielson stated there would be visual support. He stated it would have a 15 second delay. He stated a Commissioner cannot be forced to participate remotely, but electronic meetings are an option if they are needed.

Chairperson Harding asked if paragraph 34 should be changed to read "No standing rules of the Historic Landmark Commission shall be altered, amended, suspended, or rescinded without a majority vote of a quorum."

Mr. Nielson recommended it be changed to "...without a vote of the majority of the members present."

Chairperson Harding stated that would work.

Vice Chair Hart stated it should be mandatory, not optional, for the Chair to read the appeals process after each Public Hearing. She stated if someone is adversely affected by a decision made by the Commission they have a right to know there is an appeals process.

Mr. Nielson stated he disagrees. He stated the law presumes people will educate themselves on what their rights are. He stated if the Commission adds the requirement to read the appeals process to the Rules of Procedures, and it is not read, an Applicant filing an appeal after the deadline has passed can undo the entire process.

Vice Chair Hart stated in five years no one has ever forgotten to read the appeals process.

Mr. Nielson stated he has seen it happen many times, especially when a petition is approved.

Commissioner Davis asked why an approval would be appealed.

Mr. Nielson stated neighbors might disagree with an approval and they have the right to appeal the decision.

Chairperson Harding stated she agrees with Mr. Nielson.

Commissioner Shepherd asked if the appeals process can be read before the public hearings.

Vice Chair Hart stated not requiring the reading of the appeals process is not being transparent.

Commissioner Davis asked if reading the appeals process before the public hearings would be helpful if people came in late.

Mr. Nielson stated he believed information about the appeals process is on the agenda as a courtesy, but it isn't a requirement.

Ms. Coffey stated the appeals process information is not on the agenda, but can easily be added.

Commissioner Davis stated the Commission should take Mr. Nielson's advice.

Chairperson Harding stated the Commission could make an effort to read the appeals process after each petition and also add the information to the agenda.

Commissioner Brennan stated he agrees with Mr. Nielson, but would like the Commission to have an informal policy that the appeals process information is included on the agenda and that the Chairperson reads the appeals process after each petition.

Commissioner Brennan asked what the definition of a quorum is.

Mr. Nielson stated a quorum is a majority of appointed members including the Chair.

Chairperson Harding asked how many members the Commission has.

Ms. Coffey stated the Commission has ten members. She stated the Commission can have between nine and eleven members.

Commissioner Shepherd stated there is a typo in the Rules of Procedures on page 2, section 4j.

He asked about the highlighted phrase on page 4, under Conflict of Interest.

Ms. Coffey stated the paragraph previously stated the Commissioner must leave the room if there is a conflict of interest. She stated this phrase was added in order to allow the Commissioner to stay if there are special circumstances.

Mr. Nielson discussed examples of conflicts of interest he has seen. He stated occasionally a Historic Landmark Commission member may need to appear before the Commission, and he is not trying to discourage that. He recommended it not become a regular occurrence.

Commissioner Brennan asked if a Commissioner was appearing regularly before the Historic Landmark Commission if it would be appropriate to discuss the problem with the mayor.

Mr. Nielson stated he has not seen that problem with the Historic Landmark Commission and believes the Commission can be self-regulating.

Commissioner Shepherd asked for clarification on page 15, section O. He asked if it is an existing rule.

Ms. Coffey stated it is an existing rule and Staff would like to know if the Commission would like to keep the rule. She stated Staff recommends removing this rule.

Chairperson Harding stated she believes the rule should stay in the Rules of Procedure. She stated it gives the Applicant a chance to come back before the Commission without paying another fee. She asked if Staff decides which petitions would come back before the Commission.

Ms. Coffey stated Staff would review the petition, but the Commission would need to decide if they wanted to hear petition again.

Chairperson Harding asked how often this situation has happened.

Ms. Coffey stated she does not remember this situation ever happening.

Mr. Paterson stated Historic Landmark Commission application fees are low and that it might be faster for some Applicants to re-file a denied application.

Vice Chair Hart asked if Staff would still need to review an application that was re-filed.

Ms. Coffey stated Staff would need to review the application, but it would still be faster for the Applicant because the Commission would not need to decide on whether or not they would reconsider the petition.

Chairperson Harding stated it wouldn't hurt to keep the policy in the Rules of Procedures for the rare case it would be useful.

Mr. Nielson stated he recommends adding a time limit to this policy.

Ms. Coffey stated there are two issues to consider, the Commission reconsidering a decision, and the Commission rescinding a decision. She stated Staff recommends both are removed from the Rules of Procedure.

Mr. Paterson stated the current rule does not have a time limit for rescinding a decision.

Mr. Nielson stated approvals made on applications submitted with false or fraudulent information should be rescindable at any time, but he is not sure if this rule is in the Rules of Procedure.

The Commission agreed that the removal of the word 'voting' from paragraph 17 was appropriate.

Commissioner Brennan stated he believes the policy allowing an Applicant to bring back a denied application to the Commission for reconsideration should be removed from the Rules of Procedure. He stated the Applicant should file a new application.

Mr. Nielson stated the Applicant has the option to make an appeal.

The Commission agreed the policy should be removed from the Rules of Procedure.

The Commission also agreed to remove the policy regarding rescinding a motion.

The Commission and Staff discussed the policy on page 15, section M, number 37. Ms. Coffey stated she would like to leave this policy in the Rules of Procedures.

Commissioner Shepherd asked what the procedure is if no resolution is reached after the Commission requires an Applicant to work out details of an application with Staff.

Ms. Coffey stated Staff would refer the application back to the Commission.

Ms. Coffey stated she would like the Commission to make a formal approval of the Rules of Procedure in December.

**The meeting stood adjourned at 7:29:18 PM**

# SALT LAKE CITY HISTORIC LANDMARK COMMISSION

## Rules of Procedures

**Comment [c1]:** This type of information is found in the Ordinance and what is listed below not all inclusive. Staff recommends leaving this out.

### ~~A. Purpose~~

- ~~1. To more fully implement the requirements of and responsibilities outlined in the local ordinances to preserve historic structures and areas of Salt Lake City by establishing procedures for the organization of the business of the Salt Lake City Historic Landmark Commission hereafter termed Commission and processing applications for:
  - ~~a. Exterior remodeling or alterations of structures or sites in historic districts or landmark sites;~~
  - ~~b. Design of new structures; and~~
  - ~~c. Demolition of landmark sites and structures within historic districts.~~~~

### ~~B. General Rules~~

- ~~2. The Commission shall be governed by the terms of the Salt Lake City Zoning Ordinance, especially Chapter 21A.34.020 entitled "H" Historic Preservation Overlay District as they may be amended or revised.~~

**Comment [c2]:** Not necessary information

### ~~C.A. Organization~~

- ~~3. **Appointment Election of Chair and Vice Chair:** The Commission, at its first regular meeting in August, shall select 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.~~
- ~~4. A special election may be called by a majority vote of the Historic Landmark Commission in the event the Chair or Vice Chair is unable to fulfill their elected term.~~
- ~~5. Orientation: All new Historic Landmark Commissioners should have an orientation meeting with Planning Staff and observe one Historic Landmark Commission meeting for orientation purposes.~~

**Comment [c3]:** Moved from later in the document.

#### ~~6. Duties of the Chair~~

- ~~7. **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 or 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 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, ~~or the disability~~ disability or conflict of interest of both the Chair and the Vice Chair, the Chair, Vice Chair or Planning Director shall appoint another Historic Landmark Commission member to serve as Chair until the Chair or Vice Chair returns. the most senior member of the Commission present at the meeting shall 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.

Comment [c4]: The proposed change is to allow others members the ability to serve- sometimes the most senior member may not want to serve as chair.

7. ~~**Elections Should both the Chair and Vice Chair Resign:** Should both the Chair and Vice Chair resign from the Commission, the most senior member of the Commission shall serve as Chair until elections can be held at the next available meeting.~~

Comment [c5]: Moved to a place earlier in the document.

8. **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.

9. **Secretary:** A Planning Division secretary shall serve as secretary of the Historic Landmark Commission.

- a. To post 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.

**D.B. *Rights and Duties of Members***

- 10. 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 ~~his/her~~ 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~~ whether removal of the the member shall be removed from the Commission is appropriate as per section 21A.06. of the Salt Lake City Code.
- 11. Leave of Absence:** The Commission may grant its members leaves-of absence not to exceed six months.



**12. 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 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, the discussion and the vote of the matter, not attempt to use influence with other Commissioners before, during, or after the meeting unless they need to be present if required by special or unusual circumstances. The following are additional guidelines for conduct:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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 [c6]: Moved from later in the document.

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

- a. ~~If a Commission member believes he/she cannot render an objective review, the Commission member may declare a conflict of interest from specific agenda items.~~
- b. ~~Members of the Commission who feel that they 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.~~
- c. ~~After declaring a conflict of interest, or after the Commission has made a determination of a conflict of interest, a Commission member shall not participate in the discussion and vote of that matter, nor attempt to use his/her influence with other Commission members before, during, or after the meeting. The Historic Landmark Commission may, by majority vote 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.~~
- d. ~~Any member declaring a conflict of interest shall be disqualified and shall leave the table and not participate in or be present at the public hearing, the discussion, vote pertaining to that particular matter as a member of the Commission. A Commissioner may appear before the Commission through his/her employment as an advocate or agent for an applicant only after the Commissioner has disqualified him/or herself from the subject case as a member of the Commission.~~

~~Below are some guidelines for conduct:~~

- 1) ~~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.~~
- 2) ~~A Commission member may appear before the Commission through his/her employment as an advocate or agent for an applicant or as a property owner only after the Commissioner's disqualification on the subject matter.~~
- 3) ~~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.~~

Comment [c7]: These paragraphs are generally included above.

~~4) 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. ~~Architectural Committee: Conflict of interest rules, procedures, and guidelines shall also apply to the Architectural Committee, and other ad hoc committees established by the Commission.~~

Comment [c8]: Included above

## ~~E.C.~~ **Meetings**

13. **Place:** All meetings of the Commission shall be held in ~~Room 315a~~ 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 ~~Division~~ 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.
14. **Regular Meetings** ~~—Time for Notice:~~ Regular meetings of the Commission shall normally be held on the first ~~and third Wednesdays~~ Thursday of each month or such other appropriate day as determined by the Commission. at the hour of 5:30-5:45 P.M. ~~at the hour of 5:30-5:45 P.M.~~ 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. the first and third Wednesdays of each month at the hour of 4:00 P.M. or at such other appropriate time.~~
15. **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.
16. **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.

17. **Quorum:** A quorum of the Historic Landmark Commission shall consist of a majority of the ~~voting~~ 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 Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission.

#### **F.D. Procedure – Order of Business**

18. **Order of business:** The order of business shall normally be as follows:
- a. Field trip;
  - b. ~~Work Session~~/Dinner
  - c. Work Session
  - d. Report of Chair and Vice Chair
  - e. Report of Director or designee
  - f. Approval of minutes;
  - eg. Comments to the Commission;
  - dh. Roll taken by the secretary;
  - e. ~~Approval of minutes;~~
  - fi. Consideration of agenda items, and
  - gj. Other business at the discretion of the Chair.
19. **Field trips:** On those occasions when site inspections are deemed advisable, field trips ~~shall~~ 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 ~~Planning- 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.

20. **Agenda for Meetings:** The ~~Planning Staff~~Secretary, with the assistance of the ~~Chair~~Planning Director or designee, shall prepare a written agenda for each meeting as far in advance as possible and shall ~~place such~~submit such agenda ~~in the hands of~~ to each member of the Commission at least five (5) days prior to each meeting, ~~prior to the commencement of the meeting. Such agenda shall be delivered to the members of the Commission twelve (12) days prior to each meeting.~~

21. **Agenda Deadline:** ~~Requests for Historic Landmark Commission consideration must be properly presented (i.e., fees paid, completed applications, zoning compliance), to the Planning Division within a time period to be determined by the Planning Staff. The time period must be sufficient to allow Staff to complete an analysis of the project prior to the Historic Landmark Commission consideration of the project.~~

22. **Staff Report:** All major issues presented to the Historic Landmark Commission for its consideration ~~shall~~should be accompanied by a staff report detailing the overview, ~~background, proposal,~~ analysis, and Staff recommendations which ~~shall~~ should typically include findings of fact and ~~where applicable,~~ conditions for approval. Staff reports ~~shall address~~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. adopted guidelines/ordinances which relate to the project.~~ Staff reports ~~shall~~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.

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.

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

~~Applicants and/or their representative should submit written and graphic materials to the Planning Division prior to the agendaed meeting to allow the Planning Division staff adequate time to review the materials, determine the appropriate recommendation and prepare a staff report.~~

24. ~~Submission of materials by interested parties:~~ Interested parties may submit written comments at any time prior to the Historic Landmark Commission or during

**Comment [c9]:** This relates to staff procedures rather than Commission procedures.

~~the public comment period that pertains to a particular case or issue. If the interested party intends his/her comments to be included in the staff report, the comments must be submitted five (5) days prior to the Historic Landmark Commission meeting. Interested parties may also submit verbal comments to staff prior to the Historic Landmark Commission meeting to convey to the Commission members during the staff presentation of the application.~~

25. **Notification of Public Hearings:** Notices of all items scheduled for Historic Landmark Commission meetings shall be provided consistent with Salt Lake City Code Chapter mailed in accordance with Section 21A.10.020(E) General Application and Public Hearing Procedures, of the City's zoning ordinance. 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 mailing list by contacting the ~~Historic Landmark Commission secretary. All notifications shall be consistent with the City Ordinance. Planning Division.~~
26. **Minutes:** The secretary shall provide the minutes to the Commission within 5 days prior to the meeting, prepare minutes of each public meeting of the Commission in a timely manner and provide same to the Commission within 45 days of the meeting. The Commission shall approve the minutes at a regularly-scheduled public meeting with any appropriate modifications, unless the Commission by majority vote 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.

~~G.E.~~ **Procedure – Order and Decorum**

27. **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.
  - 1. Community Council-/ Organization presentation/~~response~~comment.  
There shall be a five (5) minute maximum Community Council / Organization presentation, unless the Chair authorizes additional time.
  - 2.e.—General Public's comment; There shall be a two (2) minute maximum per individual's presentation / comments, unless the Chair authorizes additional time.
  - 3. 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. Historic Landmark Commission discussion and vote.
- f. 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. Motion and vote to close the public hearing; and~~
- g. Historic Landmark Commission discussion and vote, ~~in executive session.~~  
The discussion is closed to staff, the petitioner, and public unless the Historic Landmark Commission requests additional information. The Commission Chair During this time, the staff may make comment when called upon by the Chair. The applicant and public may not make comment unless the Historic Landmark Commission requests additional information of them. If additional information is required by the Commission, the public portion of the meeting may be reopened, 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.

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.

Public Comment other than Public Hearing. 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.

Adjournment: The Chair shall adjourn the meeting at the end of each Historic Landmark Commission meeting.

## H. Procedure – Motions

28. **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 ~~summary should~~ 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
  - ~~d.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.
  - e.f. Second Required: Each motion of the Commission must be seconded ~~with the exception of motions to amend a motion and motions to adjourn the Commission meeting.~~
  - f.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.



- ~~g-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.
- ~~h-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.
- ~~i-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.
- ~~j-k.~~ Substitute Motions: A substitute ~~motion, motion which shall replace the original 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.
- ~~k.~~ ~~To Rescind a Motion:~~ ~~A motion to rescind or make void the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their positioning reliance on the Commission's action on the motion.~~
- l.
- m. 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. 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 ~~when prior to the approval of the~~ minutes containing the particular item ~~are approved.~~
- ~~n.~~ ~~Motion to Open and Close Public Hearings:~~ ~~The Chair shall open and close the public portion of each informal hearing prior to the Commission discussion and vote on the matter.~~
- ~~o.~~ ~~Motion to Recess:~~ ~~The Chair shall call for a break 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.~~

**Comment [c10]:** Staff does not recommend including this. We are not sure the HLC has ever relied on this type of action before and it may be tricky going back on an action several months after it is made. It is difficult to know how much an applicant has relied on the action. They may not have a building permit, but they may have invested in plans, etc getting ready to apply for the permit.

~~p. Motion to Adjourn: The Chair shall adjourn the meeting at the end of each Commission meeting.~~

### **I. Procedure: Debate/ Questions**

- a. 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.
- b. No member of the Commission shall ask a question of the public without first obtaining permission of the Chair.
- c. 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**

29. A Majority Vote required. A motion can only be approved by a majority vote of the quorum of the members present at the meeting.

**Changing a ~~Vote~~ Vote:** No member may change his/her vote after the decision is announced by the Chair.

30. **Tie vote:** Tie votes shall be broken by the Chair casting a ~~vote~~ 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.

31. **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.

32. **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.

33. **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.

**Comment [c11]:** Does the Commission want to allow participation through video or audio conference call in order to insure a quorum ? The City ordinance would allow for it if the Commission wants to do it.

### **J. Procedure – Suspension of Rules**

34. **Suspension of Alternation of Rules:** No standing rules of the Historic Landmark Commission shall be altered, amended, suspended, or rescinded without the vote of a majority vote of a quorum of the members of the Commission.

**K. ~~Approved Application~~**

~~35. If the application is approved, the Planning staff shall prepare a Certificate of Appropriateness. A copy of the Certificate of Appropriateness shall be provided to the applicant or the appropriate representative. The Certificate of Appropriateness including any attachments is a document that should be attached to all sets of plans available to the appropriate building inspector and/or enforcement officer, who are responsible for its enforcement.~~

**Comment [c12]:** Staff notifies the applicant of the decision whether it is approved or denied. Staff has procedures for how to do this in our staff process manual.

**~~L. Denied Application~~**

~~36. If an application is denied, a copy of the minutes for the meeting and written reason(s) for denial shall be mailed to the applicant.~~

**Comment [c13]:** Staff notifies the applicant of the decision whether it is approved or denied. Staff has procedures for how to do this in our staff process manual.

**~~M. Letter from Planner~~**

~~37. 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 [c14]:** Staff notifies the applicant of the decision whether it is approved or denied. Staff has procedures for how to do this in our staff process manual.

**N. Modifications of Approved Applications**

38. An approved ~~or pending~~ application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Planning ~~Staff~~ Staff 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 ~~Staff~~ Staff 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. Reconsideration of Applications Which Have Been Denied**

39. The order of business for reconsideration of applications for Certificate of Appropriateness which previously have been denied shall be, as follows:
- a. The applicant must submit to the Planning staff, evidence which supports claims that the application has been altered to the extent that it warrants reconsideration or when the design guidelines or ordinance have significantly changed since the last decision.
  - b. The Planning staff shall be charged with presenting such evidence to the Commission. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application provided; however, that the applicant shall be given the opportunity to present any other additional supporting evidence, if the Commission decides to reconsider the application.
  - c. After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application which would warrant reconsideration. If

the Commission finds that there has been such a change, it shall thereupon treat the request as a new application received at that time.

**Comment [c15]:** Is this something that the Commission would like to retain. There is nothing similar in the Planning Commission rules of decision. The alternative to this is that applicants can apply again if they want (hopefully with substantive changes to their project). Staff is not aware of this being used in the past.

## P. Committees

40. 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.
41. **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 ~~shall be available to meet with applicants to give them technical advice regarding their project~~ upon the direction of the Commission.
  - a. During a committee meeting, ~~The Architectural Committee, in the Architectural Committee meeting~~ 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. ~~In most cases~~ 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 ~~shall~~ 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.

**Q. Administrative Approval (Screening)**

- ~~42. It shall be the policy of the Historic Landmark Commission that alteration requests may be administratively reviewed by the Planning Staff. The Planning Staff shall have the authority to approve routine alterations determined to be “ordinary maintenance,” the replacement of deteriorated elements which match the original in design and materials, alterations to the rear of the structure which are not visible from the public rights of way and work that meets the adopted criteria for such work in historic districts or on designated landmark sites, or as outlined in the Historic Overlay ordinance.~~
- ~~43. If the Planning Staff cannot approve a request for a Certificate of Appropriateness, the applicant has the option of revising the request to meet the standards of the ordinance and design guidelines and reapplying for an administrative approval, or requesting the application be reviewed by the full commission. 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.~~

**Comment [c16]:** This is outdated information. The ordinance specifies what can and cannot be administratively approved by staff and the process for forwarding applications to the Commission.

**Recordation of Certificate of Appropriateness**

- ~~42. 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.~~

**P. Record of Decision**

- ~~43. 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.~~

**R.Q. Annual Report**

44. 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 ~~review cases~~ 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’s ~~Office~~.

**S.R. Approval and Amendment of Rules of Procedure**

45. These Rules of Procedure may be amended by a majority vote of a quorum of the members present at the meeting of the Historic Landmark Commission. ~~at any meeting of the Historic Landmark Commission held after not less than fourteen (14) days written notice of the proposal to amend the rules, upon a majority vote of all of the members of the Historic Landmark Commission.~~

#### ~~T.~~ S. **Recording of Rules**

46. These rules and all subsequent amendments shall be recorded by ~~the~~the Planning Division S-secretary ~~in the Historic Landmark Commission Members Handbook~~ and copies shall be furnished to each member of the Commission and posted to the Planning Division website.

Approved by the Historic Landmark Commission: \_\_\_\_\_