



## DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

*Planning Division*

### **m e m o r a n d u m**

**TO:** The Urbana Historic Preservation Commission

**FROM:** Rebecca Bird, Community Development Associate

**DATE:** March 26, 2008

**SUBJECT:** Update Historic Preservation Commission's Official Bylaws

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The Historic Preservation Commission held a study session on conducting public hearings with the Acting City Attorney at their February 6, 2008 meeting. At that meeting, the Commission decided they needed to update their Bylaws regarding procedures for public hearings.

At their March 5, 2008 meeting, City staff presented the Commission with a draft version of their Bylaws, incorporating changes that had been discussed at the February 6 meeting. The Commission discussed the draft and made comments. Attached to this memo is an updated draft version of the Commission's Bylaws incorporating those comments. Changes to the Bylaws are shown as underlines and ~~strikeouts~~.

#### **Changes**

##### 1. Article V. Order of Business Agenda

This section has been revised to reflect the order of business the Commission currently follows. 'Audience Participation' has been moved earlier on the agenda and 'Monitoring of Historic Properties' and 'Announcements' have been added.

##### 2. Article VI. Procedure for Hearings

This section has been adapted from the Plan Commission's Bylaws, with modifications due to the differences in the types of cases the two commissions handle. At the March 5, 2008 meeting, the Historic Preservation Commission made several comments on the adapted Plan Commission's Bylaws. Specifically, the language in numbers 6 and 15 has been changed.

##### 3. Article VIII. Records

In the current Bylaws, this section discusses a five year report, a one-time report on the Historic Preservation Ordinance's implementation. As this was a one-time report, this section is currently

out-of-date. This section now details the current record-keeping practices of the Commission, including the annual Certified Local Government Report.

Attachments: Draft of HPC Bylaws

# **HISTORIC PRESERVATION COMMISSION OFFICIAL BYLAWS**

City of Urbana, Illinois

DRAFT

Date of Commission Approval:

## **Article I. Purpose**

It is the purpose of these bylaws to establish a guide for the operation of the Historic Preservation Commission. These bylaws are supplemental to the provisions of Section XII-3 of the Urbana Zoning Ordinance, which state the Historic Preservation Commission shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the Urbana Zoning Ordinance.

## **Article II. Powers and Duties**

The Urbana Historic Preservation Commission shall have the powers and duties outlined in Section XII-3F of the Urbana Zoning Ordinance.

## **Article III. Membership, Officers, and Their Duties**

The membership, officers, their terms and responsibilities are governed by Section XII-3 of the Urbana Zoning Ordinance.

## **Article IV. Meetings**

1. Regular meetings of the Historic Preservation Commission (herein after “Commission”) shall be determined by the Commission. There shall be a minimum of four (4) meetings per year.

If a regular meeting date is a holiday recognized by the City of Urbana, the Commission will not meet on that date. In such a case, the Chairperson may designate an alternative meeting date, provided that public notice is given in accordance with the requirements of the Open Meetings Act (5 ILCS 120/1 et. seq.).

2. Continued meetings shall be at the time and place fixed in the motion for adjournment should the business of the Commission not be completed.
3. All meetings shall be held in the City Council Chambers, City Building, 400 S. Vine Street, Urbana, Illinois, unless special conditions require that the meeting take place at an alternate location.
4. The Secretary shall give at least forty-eight (48) hours notice of all meetings to all members, the public, and such media as required by law.
5. Minutes of all meetings shall be taken in accordance with the requirements of the Open Meetings Act (5 ILCS 120/1 et. seq.).

## Attendance

Attendance shall be required as outlined in Section XII-3 E of the Historic Preservation Ordinance.

## Quorum

1. A quorum of the Preservation Commission shall consist of a majority of the members of the Preservation Commission then holding office but not less than three.
2. The Chair is a voting member of the Commission and shall vote on all matters except those on which a conflict of interest is declared. If the Chair declares a conflict of interest on any matter before the Commission, the Chair shall step down and the Vice-Chair shall take over as Chair of the Meeting. The Chair shall not resume his/her duties until the Commission finishes business on the matter on which the conflict of interest was declared.

Each Commissioner has a duty to vote “yes” or “no” on all matters put to a vote. Abstentions, if for reasons of conflict of interest shall not be counted as either a “yes” or a “no” vote and such member so abstaining shall not be counted in determining the total of which a majority is required. Each Commissioner shall have the right to abstain by reason of a stated conflict of interest based on his or her own assessment of the existence of such conflict of interest and the Commission shall have no right to overrule such Commissioner’s determination. The Commissioner need not reveal the substance of the reason that he or she feels they have a conflict of interest.

If a Commissioner abstains but does not announce that such an abstention is based on a conflict of interest, then such abstention shall be recorded as abstained and the Chair shall rule that such abstention “goes with the majority” of those votes actually cast as a “yes” or “no” vote.

## Legal Counsel

The City Attorney of the City of Urbana or the City Attorney’s designee shall be the legal counsel or the Historic Preservation Commission.

## Article V. Order of Business Agenda

The agenda for each meeting and the order of business shall be as follows:

1. Call to Order, Roll Call, and Declaration of Quorum
2. Changes to the Agenda
3. Approval of Previous Minutes
4. Written Communications
5. Audience Participation
6. Continued Public Hearings
7. Old Business
8. New Public Hearings
9. New Business
10. Monitoring of Historic Properties
11. Staff Report

12. Study Session
13. Announcements
14. Adjournment

The order of business and the agenda may be amended upon the motion and second of any Commissioner with consent of a majority of Commissioners present at the meeting.

## Article VI. Procedure for Hearings

1. ~~The format for each public hearing shall be as follows unless otherwise required by law:~~
  - a. ~~Officially open hearing.~~
  - b. ~~Presentation by staff, committee or commission.~~
  - c. ~~Presentation by the nominator.~~
  - d. ~~Presentation by the owner.~~
  - e. ~~Presentation by proponents.~~
  - f. ~~Presentation by opponents.~~
  - g. ~~Commission questions.~~
  - h. ~~Commission discussion.~~
  - i. ~~Commission vote.~~
  - j. ~~Close hearing.~~

The Historic Preservation Commission shall use the following procedure for Public Hearings unless otherwise required by law:

1. The Chairperson shall declare the public hearing open. He/she shall state the case number and nature of the request. The Chairperson shall then outline the procedure to be followed, stating when the nominator/petitioner may present evidence, when the objectors may present evidence, and the procedure for cross-examination. In addition, the Chairperson shall state the Historic Preservation Commission's authority regarding the case and whether or not the Commission has final authority on the matter.
2. Staff presents summary of the case.
3. The nominator/petitioner or his/her representative may make a statement outlining the nature of his/her request prior to introducing evidence.
4. The nominator/petitioner shall present evidence.
5. Other Proponents of the request may be heard.
6. Opponents of the request shall present evidence. Opponents may include persons not in favor of the petition as proposed, as determined by the Chairperson. Opponents shall be allowed a reasonable opportunity for relevant questioning (i.e., "cross-examination") of the nominator/petitioner. If the nominator/petitioner or other interested party elects not to respond to the relevant questions, the chairperson shall direct the Recording Secretary to take note of such in the minutes of the Historic Preservation Commission.
7. Others may be heard.

8. Additional comments by City Planner or City staff may be allowed for clarification or in response to new evidence.
9. The nominator/petitioner may rebut but not introduce new evidence.
10. The opponents may rebut but not introduce new evidence.
11. The nominator/petitioner may present a summary of his/her petition.
12. Questions from the Commission may be directed at anytime to the applicant, staff or public to clarify evidence presented in the hearing.
13. The Commission shall not be bound by strict rules of evidence. The Commission may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence.
14. A nominator/petitioner or opponent, or their agent or attorney may submit a list of persons favoring or opposing the application. Such a list will be accepted as an exhibit if it contains a brief statement of the position of the persons favoring or opposing the request together with the signatures and addresses of the persons subscribing to such statement. Said list shall be admissible as evidence if it is received by the Secretary prior to or during the public hearing on the request.
15. The Chairperson may require advance registration of opponents wishing to ask questions of the nominator/petitioner or other interested parties, including identification of the opponents' area of interest in questioning and identification of which parties will be subject to the questioning. Advance registration may be by means of speaker cards to be submitted prior to or at the public hearing.
16. The Chairperson shall rule on all questions relating to the admissibility of evidence. The Chairperson's determination may, however, be overruled by a majority vote of the Commissioners present.
17. The nominator/petitioner and opponents should present all evidence they possess concerning the request at the initial phase of the public hearing. Written material from the nominator/petitioner or opponents will be accepted by the Secretary for distribution to the Commission until the close of the public hearing.
18. The Chairperson shall close the public hearing only after the Historic Preservation Commission has taken action on the case. The public hearing may be reopened at the same meeting prior to the Commission's action on the request at the discretion of the Chairperson or on a motion approved by the majority of the Commissioners present and voting.
19. The Commission may continue any case due to insufficient information provided by the nominator/petitioner in order for City Staff to make a recommendation or the Commission to make a decision. The Commission may also continue any case due to the absence of the nominator/petitioner at the meeting.

## **Article VII. Determinations**

### **Motions and Procedures**

Except as otherwise expressly provided in these Rules and Bylaws, motions and related miscellaneous procedures in Commission meetings shall be governed by the Robert's Rules of Order.

## Article VIII. Records

### ~~Five Year Report~~

~~In accordance with the Urbana City Council a resolution, the Secretary of the Historic Preservation Commission will provide a report on the Ordinance's implementation to the Urbana City Council on July 20, 2003, five years from the date of the adoption of the Ordinance on July 20, 1998. The report shall include the following:~~

- ~~1. The number and location of applications for historic district or landmark designation;~~
- ~~2. The number and location of historic districts approved since the adoption of the Historic Preservation Ordinance;~~
- ~~3. The number and location of historic landmarks designated since the adoption of the Historic Preservation Ordinance;~~
- ~~4. The number of protests filed with the City Clerk on any designations.~~
- ~~5. Update the City Council on survey or educational work conducted by the Historic Preservation Commission; and~~
- ~~6. Any other information deemed necessary by the City Council or the Historic Preservation Commission.~~

1. A file of materials and determinations relating to each case shall be kept by the Secretary as part of the records of the Commission. Said records shall be kept at the office of the Commission.
2. The Secretary of his/her designee shall prepare minutes of every regular or special meeting. The Commission minutes shall be kept as part of the official records of the Commission and approved by an affirmative vote of the majority of the Commission members present.
3. All records of the Commission shall be public records subject to release in accordance with the process outlined by the Freedom of Information Act.
4. In accordance with Certified Local Government requirements, the Secretary of the Historic Preservation Commission will prepare an annual report. The report shall include the following:
  1. Cases Reviewed: Certificates of Appropriateness and Certificates of Economic Hardship
  2. Local Designations: Local Landmarks and Historic Districts
  3. Historic Resource Surveys
  4. National Register Nominations
  5. Historic Property Monitoring
  6. Historic Preservation Commission Activities
  7. Commissioner Attendance Record
  8. Meeting Minutes

## Article IX. General Provisions

Commissioners shall not communicate with other commissioners outside of Historic Preservation Commission meetings for the purpose of influencing such commissioners to adopt a position on a matter then pending, or reasonably expected to come before the Commission.

**Article X. Amendment of Rules**

These by-laws maybe amended by an affirmative vote of not less than five (5) members of the Commission. Any such amendment becomes effective at the next regular meeting.

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