

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** April 15, 2009

**SUBJECT:** Henderson County Historic Resources Commission's Rules of Procedure

**ATTACHMENTS:** 1. Rules of Procedure

#### **SUMMARY OF REQUEST:**

The Henderson County Historic Resources Commission (HRC), formed by the Board of Commissioners on October 3, 2005, was created with the specific purpose "to safeguard the heritage of the County and its municipalities, by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory..... and to promote the use and conservation of such district and landmarks for education, pleasure, and enrichment of the residents of the County and the State as a whole (An Ordinance to Provide for the Preservation of Historic Resources)". Upon its conception, the Historic Resources Commission has been involved in a survey and inventory of structures over 100 years old. Beginning with a list of over 400 structures, compiled through land records and the tax office, the Historic Resources Commission now currently has approximately 144 structures on the list in need of surveying. The Commission hopes to narrow down the list to 30 structures with historical significance. Through the surveying process, the HRC has also found several properties that they believe would be worthy of local historic landmark designation and are in need of immediate protection before these valuable cultural resources are lost.

In order for the Historic Resources Commission to recommend landmarks for local historic landmark designation to the Board of Commissioners, they must follow the North Carolina Enabling Legislation (G.S. 160A-400.1-400.14), which requires the HRC to (1) prepare and adopt rules of procedure and (2) prepare and adopt principles and guidelines addressing new construction, alterations, additions, and moving and demolition of historic properties. A landmark receiving local historic landmark designation would only be given such a status through voluntary means and such status would not be imposed by Henderson County. At a later date, when the design guidelines are sent before the Board of Commissioners for approval, the Ordinance establishing the HRC and the Rule of Procedure must be amended and re-approved by the Board of Commissioners. The Rules of Procedure is the first step towards giving the HRC power to recommend landmarks for Local Historic Landmark status. The HRC reviewed the Rules of Procedure on March 18, 2009 and voted unanimously (6-0) to recommend approval to the Board of Commissioners.

#### **BOARD ACTION REQUESTED:**

Staff requests that the Board of Commissioners approve the Henderson County Historic Resources Commission's Rules of Procedure.

**Suggested Motion:**

*I move that the Board approve the Historic Resources Commission's Rules of Procedure.*

Henderson County Historic Resources Commission  
Rules of Procedure  
Draft March 18, 2009

**ARTICLE I  
NAME**

The name of the organization shall be the Henderson County Historic Resources Commission

**ARTICLE II  
OBJECT, MISSION, AND PURPOSE**

The objective of the Henderson County Historic Resources Commission, hereafter termed “Commission,” shall be to preserve the historical, prehistorical, architectural, archaeological, and cultural heritage of Henderson County, hereinafter sometimes referred to as the “County.”

The Commission serves as the County Board of Commissioners official historic advisory body to identify, preserve, protect and educate the public about the County’s historic resources.

The purpose of these rules shall be to establish procedures for organizing the business of the Commission, for processing applications, to review or act upon proposals for alteration or demolition of designated landmarks, and any other proposals under the jurisdiction of the Commission as determined by the Henderson County Board of Commissioners and as allowed under “An Ordinance to Provide for the Preservation of Historic Resources”, hereinafter sometimes referred to as the “Preservation Ordinance”.

**ARTICLE III  
GENERAL RULES**

The Commission shall be governed by “An Ordinance to Provide for the Preservation of Historic Resources”, as amended from time to time, or any successor ordinance as supplemented by these rules. The Chair may from time to time refer to rules set forth in the current edition of *Robert's Rules of Order Newly Revised* to assist in the running of orderly meetings.

**ARTICLE IV  
JURISDICTION**

The Commission’s geographical jurisdiction shall be the County’s zoning jurisdiction as delineated on the County official zoning map. Municipalities wishing to adopt the Preservation Ordinance and utilize the services of the Historic Resources Commission must pass resolutions by their governing body. This adoption must also be approved by the Henderson County Board of Commissioner.

**ARTICLE V  
ORGANIZATION OF THE COMMISSION**

**1 - Membership**

The Commission shall consist of no fewer than four members and no more than nine. Four members will be appointed from within the County's jurisdiction with one member, residing within the participating municipality, appointed from a list supplied to the Board of Commissioners from the municipality. Municipal staff may serve as alternative members to vote in the absence of the regular member from that County municipality. At the time of original appointments to the Commission, Henderson County staff shall assign each of the seats initially to a term of one, two or three years. Subsequent appointments of the seats on the Commission shall be for a term of three years, so that after the expiration of initial appointments, the term of each Historic Resources Commissioner shall be for three years, with the terms of approximately one-third of the membership of the Historic Resources Commission expiring each year. All members shall be eligible for reappointment at the pleasure of the County Board of Commissioners. In the event of a vacancy, the Chairperson shall forthwith ask the County Board of Commissioners to fill the unexpired term. The members shall serve without compensation.

**2 - Actions of the Commission**

The Commission, meeting as a whole, shall exercise the powers enumerated in Article 2, except when it explicitly authorizes an officer or committee to act for it in a specific instance. Such authorization shall be limited to (1) ministerial and administrative acts that the Commission is empowered to perform and (2) advice to the Commission on legislative acts it is empowered to perform.

The Commission, meeting as a whole, shall elect its officers and adopt the annual operating and supplementary budgets for the Commission contingent upon actions by the County Board of Commissioners on appropriations requested by the Commission.

**3- Amendments**

The Commission may amend these bylaws by action of the Commission; provided however, that amendments shall not be effective until they are approved by the Henderson County Board of Commissioners.

**ARTICLE VI  
MEMBERS, OFFICERS, STAFF, AND, DUTIES**

1 - Personnel and Terms

The officers elected by the commission shall consist of a Chairperson and a Vice Chairperson.

2 - Chairperson

The Chairperson, appointed by the Board of Commissioners, shall be the presiding officer of the Commission and shall preside over the regular and special meetings of the Commission. The Chairperson shall appoint such standing committees as these Rules may provide, and such ad hoc committees as the Chairperson may deem convenient from time to time, and designate their chairpersons and shall be an ex officio member of all committees. The chairperson shall execute all financial obligations authorized by the commission or by an officer or committee authorized by the Commission pursuant to the Preservation Ordinance.

3 – Vice Chairperson

The Vice Chairperson shall assist the Chairperson and in the absence of the Chairperson have all powers and duties of the Chairperson. The Vice Chairperson shall act as Chairperson upon absence of the Chair. In the event that neither the Chair nor the Vice Chairperson is available, the members of the Commission, by affirmative vote of the majority may appoint an acting chair who shall have all powers of the Chair while acting as presiding officer.

4 – Staff

A designated person from the County’s Planning Department or other appropriate department as determined by the County Manager’s Office shall serve as professional staff to the Commission in the form of “Commission Coordinator,” herein also referred to as the “Coordinator,” to assist with administrative duties.

5 – Attendance at Meetings

Any member of the Commission who misses more than three consecutive regular meetings or more than one half of the regular meetings in a calendar year shall thereupon cease to be a member of the Commission. The Chairperson shall in such case report the vacancy created to the Board of Commissioners as provided in these Rules. Absence because of sickness, death in the immediate family and like may be excused at the discretion of the Commission by a majority vote of the other members of the Commission.

6 – Conflict of Interest.

Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to

hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

#### 7 – Qualification to Vote

Before voting on any matter affecting an application, including a request for reconsideration, any member who has not attended all previous Commission deliberations related to the application shall state for the record that he or she has reviewed the minutes and record of such deliberations. No Commission member shall vote on any matter deciding an application or a request to reconsider, unless that member shall have attended, or have had access to the minutes and record of, the Commission's previous deliberations on such application. In the event of an absence from previous deliberations, the member shall declare for the record that the member has reviewed minutes and record and is familiar with the previous deliberations.

#### 8 - Public Record

The Commission shall abide by North Carolina's Public Records Law N.C.G.S. Chapter 132.

#### 9 – Designation Committee

**RESERVED**

### **ARTICLE VII MEETINGS**

#### 1 – Open-Meeting Law

It is the public policy of North Carolina and Henderson County that the hearings, deliberations, and actions of the Commission be conducted openly. Except as allowed by NCGS 143-318.11, each meeting of the Commission shall be open to the public and any person is entitled to attend such a meeting. The public's right to attend such meeting does not necessarily entitle the public to participate in the meeting.

#### 2- Regular Meetings

The Commission shall hold regularly scheduled meetings at intervals not less than every three months, unless there is at the time scheduled for a regular meeting no business to come before the Commission. Regular meetings of the Commission shall be held as agreed to by the Commission in the King Street Meeting Room in the County Administration Building or such other place as the Commission may determine from time to time, subject always to notice as required by law.

### 3 – Special Meetings

Special meetings may be called by the Chairperson. Special meetings may also be called by a majority of members. Minimum notice of special meetings shall be one week to all members and 48 hours to members of the press.

### 4 – Cancellation of Meetings

Whenever there is no business for the Commission, the Chairperson shall cancel a regular meeting. The Chairperson may also cancel any meeting for good cause, including severe weather, except that the Chairperson shall not cancel a meeting called by a majority of the members without the consent of a majority of the members. The Chairperson or a designee shall, at least twenty-four hours before the time set for a cancelled meeting, give notice of cancellation to all members and to the press and other such interested persons as the Chairperson may determine. In the case of a meeting cancelled for severe weather, notice shall be given at the earliest practical time.

### 5 – Quorum

A simple majority of the members shall constitute a quorum. No action of the Commission may be taken at any meeting where less than a quorum is present. Once a quorum is established, it will not be defeated if members leave.

### 6- Abstentions

Should a member fail to vote on any matter before the Commission, without having been excused from such vote, such abstention will count as an affirmative vote.

### 7- Motions

Seconds on motions are not required in cases where more than one member is in favor of the motion. In order for a motion to be brought before the Board of Commissioners, a majority vote is required.

### 8- Public Input

Public input at all Commission meetings that are not quasi-judicial in nature shall have a three (3) minute limit per speaker.

### 9 – Minutes

Minutes shall be kept of all meetings of the Commission. The coordinator shall present such minutes to the Commission for approval. Minutes of the meetings of the Commission shall be

public record.

**ARTICLE VIII**  
**CERTIFICATE OF APPROPRIATENESS APPLICATION PROCEDURES**  
**RESERVED**

**ARTICLE IX**  
**APPLICATION HEARINGS AND QUASI-JUDICIAL PROCEEDINGS**

**RESERVED**

**DRAFT**