

# **Montpelier Historic Preservation Commission Bylaws and Rules of Procedure**

## **A. Establishment of Rules of Procedure**

1. The Bylaws and Rules of Procedure of the Historic Preservation Commission are hereby established, effective March 4, 2004.
2. These rules may be amended from time to time by a two-thirds vote of the committee.

## **B. Membership**

1. The Historic Preservation Commission shall consist of no less than three (3) and no more than seven (7) members, who may or may not also be members of the Design Review Committee of the City appointed by the City Council.
2. Any appointment to the Historic Preservation Commission shall be for a term of three years, except for the initial appointments which shall be staggered.
3. Members may be appointed to successive terms without limitation.
4. Any person desiring appointment or reappointment must submit a letter of interest and qualifications to the City Clerk's office.
5. The Commission shall be composed of professional and lay members, a majority of whom reside within the City of Montpelier.
6. All members of the Commission shall have a demonstrated interest, competence, or knowledge in historic preservation.
7. To the extent available within the City's jurisdiction, at least a majority of the members shall be practitioners from the disciplines of history, archaeology, architectural history, architecture or historical architecture. Members representing other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged. When a discipline is not represented on the Commission, the Commission shall seek the assistance of the Vermont Division for Historic Preservation (VDHP) in obtaining the necessary expertise when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such a discipline.

## **C. Officers**

1. At the first meeting of each year, the Historic Preservation Commission shall elect by majority vote a Chair, Vice Chair, and Clerk from its members. Terms of office shall be one year.
2. The Chair shall preside at all meetings and hearings of the Commission, decide points of order or procedure, and appoint any committees.
3. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent or at the Chair's request.
4. The Clerk shall keep the Commission's minutes and other records and shall assume the duties of the Chair whenever the Chair and Vice Chair are both absent.
5. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the commission.

## **D. Vacancies/Removal**

1. Vacancies shall be filled by the City Council upon the expiration of such term or an unexpired portion of any term.

2. Any member may be removed at any time by unanimous vote of the City Council.

**E. Work Plans, Projects, and Annual Report**

1. Work plans and projects should be coordinated with work being done by the Planning Commission.
2. The Commission shall submit an annual report to the Vermont Division for Historic Preservation on or before the 30<sup>th</sup> day after the end of the City's fiscal year.

**F. Meetings/Minutes**

1. The Historic Preservation Commission shall meet at least four times a year.
2. All meetings shall be open to the public.
3. The commission shall keep minutes of all meetings.

**G. Notice**

No regular or special meeting of the commission shall be held without providing at least twenty-four (24) hours written notice to the City Clerk.

**H. Quorum**

For the conduct of any meeting or hearing and the taking of any action a quorum must be present, which shall consist of no less than a majority of the members of the commission and any action thereof shall be taken by majority vote of the commission.

**I. Attendance**

A commission member's absence from at least two (2) consecutive meetings may lead to a request from chair and/or City Council that he or she vacate the seat.

**J. Conflict of Interest**

1. Abstentions from Participation and Voting. In order to secure, protect, and preserve the highest level of public trust in the deliberations and decisions of the Historic Preservation Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law but also to avoid any act which gives the appearance of an undue special privilege or a conflict of interest.
2. A member shall withdraw from all participation, including all formal and informal discussion and voting, in any issues upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that a conflict or a special privilege may be obtained. Circumstances under which this provision shall be exercised includes, but are not limited to, the following:
  - a. If the member has a direct or indirect financial interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business services to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. Indirect financial interest shall include, but is not limited to, issues in which a member's partner, employee, client, immediate family relative or

- close personal friend has or is likely to have a direct financial interest in the outcome of the matter.
- b. If the matter at issue involves the member's own official conduct;
  - c. If participation in the matter might violate the letter of spirit of a member's code of professional responsibility, or Historic Preservation Commission Bylaws as adopted; or
  - d. If a member has such close personal ties to the applicant that the member cannot reasonable be expected to exercise sound judgment in the public interest.
  - e. The City of Montpelier's Ethics Policy, as may be revised from time to time, is incorporated here by reference and attached.