

HPC

Historic Preservation Commission Monroe County

RULES OF PROCEDURE

- 1.0 State and County law mandate the following:
 - 1.1 Chapter 9.5, Art. VIII, Section 9.5-451 through 9.5-460 (Ordinance No. 22-1999) establishes the Historic Preservation Commission (HPC), defines its powers and duties, establishes standards for qualifying members, sets the length of terms, mandates the election of officers, and requires regular meetings during the course of the year.
 - 1.2 Chapter 286, Florida Statutes (“the Sunshine law”) governs all public bodies in the state, including the HPC, requiring, at minimum that public notice be given in advance of all meetings, that meetings be open to the public, that meetings be accessible to the handicapped, that local public officials disclose *ex parte* communication, that members of boards not abstain from voting unless there is a possible conflict of interest, and that minutes be kept of meetings.
 - 1.3 Section 9.5-45, Monroe County Code, provides for additional requirements in giving notice prior to meetings.
 - 1.4 Section 9.5-46(c), Monroe County Codes provides for additional requirements in conducting Public Hearings.
 - 1.5 Chapter 112, Florida Statutes, provides further clarification regarding conflicts of interest.
- 2.0 The Florida Certified Local Government (CLG) Program, administered by the Florida Bureau of Historic Preservation, sets voluntary standards for local governments implementing historic preservation programs. The HPC shall follow the requirements of the CLG program.
 - 2.1 Requirements
 - 2.1.1 Boundaries for designated historic properties shall be clearly stated by legal description and/or real estate number, if available.
 - 2.1.2 Development proposals shall be considered according to timeframes that permit review of individual requests without delay, while still permitting sufficient legal notice. According to Sec. 9.5-453 (d) of the Monroe County historic preservation ordinance,

the HPC shall meet monthly, if business is pending. If no business is pending, the HPC must still meet six (6) times per year. Actions requiring a public hearing must have thirty (30) days notice, according to Sec. 9.5-45 (b) of the Monroe County Code.

- 2.2 Commission responsibilities shall be complementary to those of the State Historic Preservation Office
- 2.3 The HPC shall update survey and inventory materials periodically
- 2.4 Public Participation
 - 2.4.1 Meeting records shall be available to the public in the office of the Planning Director or his/her designee.
 - 2.4.2 Rules of Procedure adopted by the Commission shall be available for public inspection in the office of the Planning Director or his/her designee.
 - 2.4.3 Appropriate local officials, owners of record, and applicants shall be given a minimum of thirty (30) days and not more than seventy-five (75) days prior notice to Commission meetings in which to comment on or object to the listing of a property in the National Register of Historic Places.
 - 2.4.4 Objections by property owners to prevent nomination to the National Register of Historic Places must be notarized.
- 2.5 Satisfactory Performance
 - 2.5.1 The HPC secretary shall provide the State Historic Preservation Officer with thirty (30) days prior notice of all meetings.
 - 2.5.2 The HPC secretary shall submit minutes of each meeting to the State Historic Preservation Officer within thirty (30) days.
 - 2.5.3 The HPC secretary shall submit record of attendance of the Commission to the State Historic Preservation Officer within thirty (30) days after each meeting.
 - 2.5.4 The HPC secretary shall submit public attendance figures for each meeting to the State Historic Preservation Officer within thirty (30) days of action.
 - 2.5.5 The HPC secretary shall notify the State Historic Preservation Officer immediately of all new historic designation or alteration to existing designations.
 - 2.5.6 The HPC secretary shall submit amendments to the Monroe County historic preservation ordinance to the State Historic Preservation Officer for review and comment at least thirty (30) days prior to adoption.

2.5.7 The HPC secretary shall submit an annual report by November 1 covering activities of the previous October 1 through September 30.

2.5.8 Information in the annual report shall include (at minimum):

2.5.8.1 A copy of the Rules of Procedure

2.5.8.2 A copy of the historic preservation ordinance

2.5.8.3 Resumes of Commission members

2.5.8.4 Changes to the Commission

2.5.8.5 New Local designations

2.5.8.6 New National Register listings

2.5.8.7 Review of survey and inventory activity with a description of the system used

2.5.8.8 Program report on each grant-assisted activity

2.5.8.9 Number of projects reviewed

3.0 Other requirements:

3.1 Commission member shall receive agendas and information on items to be discussed at meetings at least five days prior to meetings.

3.2 A quorum shall consist of three HPC members.

3.3 In presentation by speakers at the public hearing, the Commission shall generally allow wide latitude in allowing persons to speak, reserving the right to limit presentations that are not relevant to the application under review or are repetitive of points previously made. The Chair may limit presentation to ten minutes per applicant, so that each application for a Special Certificate of Appropriateness does not exceed thirty (30) minutes.

3.4 Discourtesy and disorderly or contemptuous conduct or personal attacks shall be considered a breach of privileges of the HPC and will not be tolerated. The Chair may request an individual to leave a meeting, and any testimony heard therefrom will not be considered by the Commission in making its decision.

3.5 All discussions between Commission members and applicants or their agents regarding matters to be decided by the HPC shall take place at public hearings and be part of the record.

4.0 Decisions

4.1 Deliberations of the HPC and decisions on all matters shall be made at the public meeting at which the application or proposal is heard, unless the

Commission considers additional time for deliberation necessary and continues the hearing to the following appropriate meeting.

- 4.2 The petitioner may not withdraw an application after the chair has ordered the vote.
 - 4.3 When the vote on a motion is evenly divided, the motion shall be deemed to have failed.
 - 4.4 A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted with the prevailing side, or if the member did not vote on the original question.
- 5.0 For procedures not covered by these rules, the HPC shall follow the rules contained in the current edition of Robert's Rules of Order.