

Bylaws and Rules of Procedure Historic Preservation Commission Montevallo, Alabama

ARTICLE I – Objective and Qualifications for Members

The purpose of the Historic Preservation Commission is to contribute to the promotion of the educational, cultural, economic and general welfare of Alabama municipalities; through the preservation and protection of buildings, sites, structures, areas and districts of historic significance and interest; through the preservation and enhancement of the national, state and local historic, architectural, archeological and aesthetic heritage found in Alabama; and through the promotion and enhancement of Alabama's historic and aesthetic attraction to tourists and visitors.

Members are individuals who, per Section 11-68-3 subsections (a) and (b) of the Code of Alabama, shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of an historic district designated pursuant to that ordinance. Members of the commission shall be bona fide residents of Montevallo. Not more than one-fifth of the members of the commission shall be public officials. Members of the commission shall be nominated by the Mayor and appointed by the City Council. Nomination and appointment of members of the commission shall be made so as to ensure that the commission will be composed of persons with as much of the training and experience above specified (see Section 11-68-3, subsections (a) and (b), State Code of Alabama) as is possible.

ARTICLE II - Officers

Section 1 - The Commission shall consist of at least nine members appointed in accordance with Section 11-68-3 of the Code of Alabama and Sec. 2-292.b.1. of the Montevallo Municipal Code. The officers of the Historic Preservation Commission shall consist of a Chairperson, Vice-Chairperson, and a Secretary.

Section 2 - The Chairperson shall preside at all meetings and hearings of the Historic Preservation Commission and shall have the duties normally conferred by parliamentary usage of such offices. Chairperson may succeed himself/herself.

Section 3 - The Chairperson shall set the agenda. It shall be distributed to all members and posted on the city website by the Thursday preceding the Tuesday of each meeting.

Section 4 - The Chairperson shall have the privilege of discussing all matters before the Commission and to vote thereon.

Section 5 - The Vice-Chairperson shall act for the Chairperson in his/her absence.

Section 6 - The Secretary shall keep the minutes and records of the Commission and perform such other duties as are normally carried out by a secretary.

Section 7 - In accordance with Certified Local Government (CLG) guidelines a copy of the approved minutes will be sent to the state CLG coordinator at the same time minutes are distributed to members. Secretary is responsible for ensuring that bylaws and rules of procedure are made available for public inspection.

ARTICLE III - Election of Officers

Section 1 - Officers shall be elected annually for a one-year term.

Section 2 - The candidate receiving a majority vote shall be declared elected and shall serve for one year or until a successor shall take office.

Section 3 - Vacancies in offices shall be filled immediately by regular election procedure.

ARTICLE IV - Resignations, Termination and Absences

Section 1 - Resignation from the Commission must be in writing and received by the Mayor.

Section 2 - Commission members may be recommended for termination for excessive absences or other reasons by two-thirds vote of commission members. Excessive absence shall be defined as three consecutive absences.

Section 3 - Members may be removed by the City Council for neglect of duty or malfeasance in office.

ARTICLE V – Duties of the Commission

The Montevallo Historic Preservation Commission shall be authorized to perform the following duties under Section 11-68-5 of the Code of Alabama:

Section 1- Preserve and protect buildings, structures, and sites of historic and architectural value in the historic districts designated pursuant to that ordinance;

Section 2 - Prepare a survey of all property within the territorial jurisdiction of the municipality creating the commission;

Section 3 - Recommend to the municipality creating the commission buildings, structures, sites, and districts for designation as historic properties or districts;

Section 4 - Restore and preserve any historic properties acquired by the municipality creating the commission or acquired by the commission;

Section 5 - Promote acquisition of facade and conservation easements by the municipality creating the commission or by the commission;

Section 6 - Develop and conduct educational programs on historic projects and districts designated pursuant to the ordinance and on historic preservation subjects;

Section 7 - Make such investigations and studies of matters relating to historic preservation as the municipality creating the commission or the commission deems necessary and appropriate for the purposes of this chapter;

Section 8 -Apply for funds to carry out the purposes and responsibilities of the commission from municipal, county, state, federal, and private agencies and sources;

Section 9 - Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage, and insure real and personal property in carrying out the purposes and responsibilities of the commission;

Section 10 - Investigate, survey, and process nominations of properties to the National Register of Historic Places;

Section 11 - Investigate, survey, and process applications for certification of historic properties for tax credits for preservation expenditures;

Section 12 - Contract with other municipal, county, state, federal and private agencies and organizations to perform historic preservation related functions;

Section 13 - Exercise such further powers as the commission may deem reasonably necessary and proper to carry out the purposes, responsibilities, and powers of the commission.

ARTICLE VI - Meetings

Section 1 - Regular meetings will be held on the second Tuesday of each month unless otherwise stipulated. The Commission shall meet no less than four times a year as per the CLG Handbook.

Section 2 - Five members shall constitute a quorum for the transaction of business and the taking of official action. Whenever a quorum is not present at a regular or special meeting, no action taken at such meeting shall become final unless and until ratified and confirmed at a subsequent meeting at which a quorum is present. If during the course of the meeting, attendance is less than five members, no official action can be taken.

Section 3 - In the absence of any provision that rules to the contrary, the rules of procedure provided by Roberts Rules of Order shall prevail.

Section 4 - Extra meetings may be called by the Chairperson as the need arises. All members of the Commission shall be notified of such meeting no less than 48 hours in advance.

ARTICLE VII - Support Staff

Section 1 - Applicants desiring to place any item of business on the agenda for consideration by the Historic Preservation Commission shall submit all required supporting data to the secretary no later than 15 working days prior to the meeting in which the matter is to be considered by the Commission. If the office of secretary is vacant, items of business will be submitted to the staff person assigned by the Mayor.

Section 2 - In absence of a secretary, Commission support staff shall distribute copies of all relevant agenda items and supporting data submitted for consideration by the Historic Preservation Commission to all appropriate agencies for review and comment.

Section 3 - Support staff will provide all relevant information to Chairperson in time to prepare an agenda to be distributed the Thursday preceding the Tuesday of each meeting, to include comments from any of the agencies or individuals above, and an evaluation of each item.

ARTICLE VIII - Committees

Section 1 - The Historic Preservation Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.

Section 2 - The Chairperson shall call for volunteers for each committee. The chair of the committee will be elected by the committee members.

ARTICLE IX - Hearings

Section 1 - In addition to those duties required by law and specified by sections 11-68-5 through 11-68-8 of the Code of Alabama, the Commission, at its discretion, may hold public hearings when it decides that such hearings will be in the public interest.

Section 2 - Notice of such hearings shall be posted at least 7 days before the hearing. In the case of hearings involving specific property, signs will be placed on the property, giving notice of the hearing.

Section 3 - The case before the Commission shall be presented in summary by the Commission support staff and the petitioner.

Section 4 - A member of the Commission shall disqualify himself/herself from voting on any application or petitioner to which he or she has any knowledge of the following conditions:

(a) The member, spouse of the member, or any immediate family of the member holds pecuniary interest, either as agent or owner, in the property in question.

(b) The member, spouse of the member, or any immediate family of the member, is employed or is the employer, retained, or acting as agent for any party directly involved in the petition or application at any time during the six months preceding the date on which the petition or application is brought before the Commission, whether or not that party is present.

(c) The member, spouse of the member, or immediate family of the member has performed any

professional service in connection with the property involved in the application or petition at any time during the six months preceding the date the matter is brought before Commission.

Section 5 - It shall be the duty of any party involved in a matter before the Commission to inform the Chairperson if said party has knowledge of any reason why any member of the Commission should disqualify himself/herself from voting on the matter before the Commission.

Section 6 - In the event that a member fails to disqualify himself from voting on any application or petition when such disqualification is required by Section 4 of this article. the Chairperson shall have the power to disqualify the member from voting on the application or petition in question. If a vote on the matter has been taken prior to such disqualification, the Chairperson shall declare the vote of the disqualified member null and void, and the disposition of the appeal or application shall be as if the disqualified member had not voted.

Section 7 – In the event such disqualification results in the lack of a quorum, no action shall be taken on the matter.

Section 8 - Willful violation of the terms of Section 4 of this article shall be grounds for a recommendation to the City Council for removal from office.

ARTICLE X - Amendments

Section 1 - These bylaws may be amended by a two-thirds vote of the voting membership of the Commission, but only after the proposed change has been read and discussed at a previous regular meeting. However, the bylaws may be changed at the meeting by unanimous vote of the Commission.

Section 2 - These bylaws shall be reviewed annually.

Bylaws certified by Montevallo Historic Preservation Commission:

Kathy King, Chair

Anitka Stewart Sims, Vice-Chair

Valerie Johnson, Secretary

Revised: 9/13/2022; 4/2/2019