

**CITY OF GAUTIER  
MEMORANDUM**

**To:** Samantha Abell, City Manager  
**From:** Patty Huffman, Grants & Projects Manager  
**Through:** Chandra Nicholson, Director of Economic Development and Planning Dept.  
**Date:** July 11, 2014  
**Subject:** City of Gautier Historic Preservation Commission Rules of Procedure

---

**REQUEST:**

The Economic Development and Planning Department requests City Council approval of the attached revised Rules of Procedure for the City of Gautier's Historic Preservation Commission.

**BACKGROUND:**

According to City Ordinance 182-2009, Section V-B, "the commission shall develop and adopt rules of procedure which shall govern the conduct of its business, subject to the approval of the city. Such rules of procedure shall be a matter of public record." Revisions to the Rules of Procedure were last approved by City Council on June 19, 2012.

**DISCUSSION:**

At their June 10, 2014 meeting, the Historic Preservation Commission recommended that City Council approve the attached revised Rules of Procedures which contain a few minor changes. The revised Rules of Procedure will allow the Commission Chairperson to set the time of day for meetings rather than establish a set meeting time and will allow the Chairperson to grant excused absences as needed. (See Rules of Procedure-page 3 for exact wording.)

**RECOMMENDATION:**

The Economic Development and Planning Department staff recommends that City Council approve the attached City of Gautier Historic Preservation Commission Rules of Procedure. City Council may:

- 1) Approve the revised Historic Preservation Commission's Rules of Procedure as presented;
- 2) Approve revising the Rules of Procedure with other changes; or
- 3) Disapprove the revised Rules of Procedure as presented.

**ATTACHMENT:**

City of Gautier Historic Preservation Commission Rules of Procedure (Revised)

# City of Gautier Historic Preservation Commission

## Rules of Procedure

**Overview:** These rules have been issued to supplement the requirements of City Ordinance 182-2009. All Commission business shall be conducted in accordance with the ordinance and with these rules which have been approved by the City Council. Any change to this procedure must be approved by the Council. These rules are:

### I. Commission Membership

#### A. Filling Vacancies

The ordinance requires that the Commission will consist of nine members appointed by the City Council. Appointments are for three (3) year terms staggered so that three (3) members' terms expire each year. The Commission will recommend to the City Council reappointment of members or appointment of other individuals to take their place. The Commission will maintain a file of possible appointees to aid in the selection process. New appointment recommendations will be accompanied by a summary of their qualifications for office. Recommendations for the next calendar year will be decided in the regular November meeting and forwarded immediately to the City manager to enable Council action prior to the January meeting date. The Commission will recommend that all appointments expire on January 5<sup>th</sup> to simplify the appointment process. For resignations prior to term expiration, new members will be recommended for appointment to fill the unexpired part of the terms if over 6 months remain. Commission members serve without pay.

#### B. Member Qualifications

Recommended new members will have demonstrated knowledge, interest, competence, or expertise in historic preservation. To the extent available in the community, recommendations shall be for willing professional members from the primary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. All recommendations for new appointments will be accompanied by resumes describing the applicant's qualifications. The Commission will keep resumes for all members on file.

#### C. Member Recruitment

At least once each five years, the Commission will compose an ad for publication in a local newspaper identifying the desired qualifications for Commission members and inviting individuals to submit their background qualifications in resume form as applications to the Commission for consideration of appointment. The ad will be forwarded to the city manager for publication. The Commission members may contact individuals thought to be qualified to serve to determine their interest in being a Commission member and assist them in preparing an application in resume form for appointment consideration.

#### D. Member Disqualification by Conflict of Interest

Members will not serve on individual cases where a conflict of interest will be involved. (See the ordinance section XIX)

### II. Commission Structure and Operation

#### A. Offices and Duties

At the beginning of each year the Commission will elect from its membership a chair, a vice-chair and a secretary. If neither the chair nor vice-chair is present for a meeting, the members will select an acting chair. An acting secretary will be elected if the secretary is absent.

The chair will be responsible for:

- presiding over the meetings
- the proper conduct of business
- preparation of agenda for regular meetings
- appointing committee chairs and members for specific areas of operation, to develop information and propose plans of action for Commission approval
- ensuring that actions approved by the Commission are carried out
- assigning tasks to individual Commission members

The Secretary, under the guidance of the chair, will:

- take minutes for each meeting
- make distribution in accordance with Paragraph III E
- and prepare and distribute letters and other documents as requested by the chair

#### **B. Certified Local Government Coordinator**

One member of the Commission will be the Certified Local Government Coordinator appointed by agreement between the Gautier Historic Preservation Commission and the MDAH. The coordinator may be replaced by agreement between the Commission and MDAH. This member will be responsible to ensure that the city carries out its duties and responsibilities in accordance with state and local preservation law as well as the *State of Mississippi Procedures for the Local Government Program*. This will be done by bringing matters needing attention, regarding the above, to the attention of the chair for Commission action. The CLG Coordinator will also serve as liaison between the city, the Commission and the MDAH. He/She shall carry out assigned responsibilities in accordance with the *Certified Local Government Coordinator Agreement* between the state and the city. These responsibilities include:

- implementation of appropriate state and local legislation for the designation and protection of historic properties;
- maintaining a system for a building-by-building survey and inventory of historic properties coordinated with, complementary to, and approved by the State Historic Preservation Office;
- ensuring that all inventory material are maintained securely, are accessible to the public, and are periodically updated to reflect changes, alterations, and demolitions;
- ensuring that the Historic Preservation Commission exists as authorized under the Mississippi Local Government Historical Preservation Act of 1978 (Chapter 472, Laws of Mississippi, 1978 as amended);
- ensuring that a current roster of Commission members and their current resumes will be forwarded to the Local Government Assistance Coordinator with the Department annually; and
- ensuring that vacancies on the Historic Preservation Commission are filled as quickly as possible following the procedure established by the CLG's historic preservation ordinance;
- ensuring that the business of the Commission is conducted as required by the local ordinance which created it,
- that all meetings are open to the public;
- that careful minutes are kept of all the decisions and actions of the Commission, including the reasons for making these decisions;
- that copies of these minutes are transmitted to State Historic Preservation Office at the same time they are transmitted to the members of the Commission;
- that copies of these minutes are transmitted to the Department's Local Government Assistance Coordinator, and
- minutes are kept on file and made available to the public in accordance with the provisions of the Public Records Act of the State of Mississippi, Section 25-61-1-17, 1972;
- ensuring that at least one member of the Commission attends at least one informational or educational meeting approved by the Department, per year and that material from this meeting is presented at the next regularly scheduled Commission meeting;
- ensuring that an annual report of the activities of the Commission is transmitted to the State Historic Preservation Office within sixty days from the end of the CLG's fiscal year, that includes, at a minimum, the number of cases reviewed; new designations made, progress to survey activities, revised resumes for Commission members, attendance records, and documentation for any educational and informational meeting attended by any Commissioners;
- ensuring that the CLG promotes public participation in the nomination of properties to the National Register of Historic Places as outlined in the *State of Mississippi Procedures for the Certified Local Government Program*, Section III, D;
- ensuring that the State Historic Preservation Office is informed of any activity affecting any property listed on the National Register of Historic Places;
- ensuring that the CLG is in compliance with the Mississippi Antiquities Law (Section 39-7-1) and with Section 106 of the National Historic Preservation Act of 1966 as amended; and
- ensuring that all Certified Local Government Pass-through Grant projects are properly and efficiently administered by providing such records and reports as required by the Local Government Assistance Coordinator.

### **III. Commission Meetings**

#### **A. Time and Place**

Regular scheduled meetings will be held at the Gautier City Library at 3:00 pm on the 2<sup>nd</sup> Thursday of January, March, May, July, September, and November. All meetings will be open to the public. ~~The time and place for a specific meeting may be changed by the chair for cause with~~ of day for meetings shall be set by the chair and included in the notification to all members. Other meetings will be called by the chair or any two members of the Commission to consider urgent matters. If necessary, special meetings will also be called by the chair or vice-chair to consider applications for Certificates of Appropriateness. (See paragraph VI below).

#### **B. Attendance**

Members who miss three or more meetings per year except for absences which may be excused by the chair, will be removed from the Commission.

#### **C. Notifications**

For all meetings (including regular scheduled meetings) notification will be given to Commission members in writing (US mail, E-mail, etc.) at least 7 days and not more than 14 days before the meeting. E-mail notification will also be given to the mayor, city manager, councilmen and the code enforcement official. This will be followed by a personal phone call to Commission members during the week prior to the meeting.

#### **D. Agenda**

An agenda will be prepared for each regularly scheduled meeting. It will be sent to involved individuals via e-mail or US mail at least three (3) days prior to the meeting. The agenda will list all known individual items of business to be considered. It may be included as a part of meeting notification. The purpose of special meetings will be stated with the notification message.

#### **E. Voting**

A quorum of five (5) members is required to conduct official business. Decisions will be made by majority of those voting. The chair will vote only to break a tie. After discussion of each item of business, voting may be by consensus if no disagreements are voiced. If disagreements are voiced, a numerical count will be made and recorded in the minutes. A record of individual member voting is not required.

#### **F. Minutes**

Minutes will be kept for each meeting. They will include voting records, attendance (by name), resolutions, findings, determinations, decisions and individuals responsible for specific action items. Reasons for actions will be recorded for actions involving property, i.e. regarding Certificates of Appropriateness, Historic Landmarks, and Historic Districts. Unapproved minutes will be distributed to Commission members and to the Mississippi Department of Archives and History (MDAH) area CLG coordinator within 15 days for review and as a reminder to members of actions that have been agreed to and need attention. The minutes will be corrected as necessary and approved at the next meeting of the Commission. Approved minutes will be forwarded to the city Manager for filing as a public record within 10 days after approval. A copy will be kept in Commission files.

### **IV. Miscellaneous Items**

#### **A. Commission Directory**

The Commission will maintain a directory. It will include information needed to contact individuals with whom the Commission members may have business. The directory will include Commission members, city manager, mayor, councilmen, attorney, clerk, the city building official, the MDAH Director, the MDAH Director of History, the MDAH CLG area coordinator, and the state senator and representative for the Gautier area. As a minimum, the US mail addresses, e-mail addresses and phone numbers will be included as available. The directory and revisions will be sent to all members of the Commission and to the MDAH area CLG Coordinator by e-mail or US mail.

#### **B. Commission Budgets**

The Commission will anticipate the financial needs for carrying out the city's historic preservation program for the next fiscal year and submit a budget request to the city manager in June or as otherwise requested.

### **C. Commission Records and Communications**

Unless otherwise specified in these rules, electronic means may be used in lieu of paper provided that back up is maintained to prevent loss of important data.

### **V. Historic Asset Recognition**

#### **A. Landmarks and Landmark Sites**

##### **1. Historic Asset Investigations and documentation**

The Commission will maintain a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the city's resources. The findings for each asset including a photograph will be recorded on an MDAH Historic Resources Inventory form. These forms will be filled out as completely as information is available and maintained in a Commission file titled Historic Assets of Gautier. A listing of these assets will be included in the file. A copy of these documents and all revisions will be forwarded to the city manager for making available for public access and to the MDAH district CLG Coordinator for information.

##### **2. Establishment of Landmarks and Landmark Sites**

A resource or resources may be nominated for designation upon motion of three members of the Commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain the information required to be recorded on the MDAH Historic Resources Inventory form (see paragraph V.A.1 above). The Commission must reach a decision on whether to recommend a proposed nomination to the city within two months. If the Commission votes to approve the nomination it will be forwarded to the city manager with supporting data for public hearings and enactment into law.

##### **3. National Register and Historic Markers**

The Commission will work with the MDAH to provide historic markers and national registration for qualified assets.

#### **B. Historic Districts**

##### **1. District Nomination**

The Commission will review the inventory of historic landmarks and landmark sites for evidence of a concentration of assets in particular areas and conduct an inspection that would justify establishment of historic districts. If justified, boundaries will be defined by verbal description and by map, and a written statement will be developed to describe the significance of the proposed district. Aid from MDAH will be requested in this effort. After formal nomination of a district, the Commission must make a decision to reject or approve the nomination within six months. (The city ordinance provides that after the nomination of a resource to the city for possible local designation, the resource is fully protected by the provisions of the ordinance for a period of six months, as if it were already designated.)

##### **2. District Approval**

No historic district or districts shall be designated until the Mississippi Department of Archives and History has been notified by certified letter and invited to make recommendations concerning the proposed district boundaries. (The Mississippi Department of Archives and History may comment by letter, telephone, email or in person through designated staff). The Commission will provide to the Mississippi Department of Archives and History the dates of the next two (2) City Council meetings at which action on the designation of such a district might be taken so that the Mississippi Department of Archives and History may comment in a timely manner. Failure of the MDAH to comment by the date of the second such meeting will relieve the Commission of any responsibility for awaiting and responding to such analysis. The Commission will then forward to the city manager, a request for enactment of an ordinance establishing the district. The Commission's recommendations to the city for the designation of a historic district shall be accompanied by:

- a. map of the historic district that clearly delineates the boundaries,
- b. a verbal boundary description and justification, and
- c. a written statement of significance for the proposed historic district.

**C. Notifications**

When historic assets are being considered by the Commission for designation as historic landmarks, landmark sites, or inclusion in a historic district, the owners shall be informed of the proposed designation with detailed information including owner benefits, obligations, rights, and the process of enacting an ordinance to make such official designation. Notification will include a statement of the types of changes to the assets which will and which will not require issuance of a Certificate of Appropriateness before work is begun. They will be invited to confer with the Commission about the proposed designation. A copy of the city ordinance may be given to the owners.

**Notification to Government Agencies**

The Commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and historic districts.

**VI. Certificates of Appropriateness (COA)**

The procedures and criteria for approving COAs will be in accordance with the city ordinance sections VII-XIV.

Approved:

\_\_\_\_\_  
Chair, Gautier Historic Preservation Commission

~~June 19, 2012~~    August 5, 2014  
Date

\_\_\_\_\_  
Certified Local Government Coordinator,  
Gautier Historic Preservation Commission

~~June 19, 2012~~    August 5, 2014  
Date