

Business Meeting Agenda
April 2, 2013
2:00 p.m.

12. Bylaws/Historic Preservation Board

This is to consider changes to the bylaws of the Historic Preservation Board which will make them consistent with other advisory boards.

Commissioner Green moved that the Board approve the revised Historic Preservation Board bylaws. Chairman Tondee seconded the motion. The roll was called. The motion carried.

**BYLAWS
of the
KOOTENAI COUNTY HISTORIC PRESERVATION COMMISSION**

**ARTICLE I
Name**

The name of this commission shall be the Kootenai County Historic Preservation Commission (Commission).

**ARTICLE II
Purpose**

The purpose of the Commission shall be to preserve, promote, and develop the historic cultural resources of Kootenai County in accordance with Idaho Code.

**ARTICLE III
Authority**

The Commission shall function under the authority of the following laws, including any subsequent amendments thereof, which are incorporated into these Commission bylaws by reference herein:

- a. Title 2, Chapter 2 and Title 7, Chapter 2, Kootenai County Code (originally enacted as Kootenai County Ordinance No. 81).
- b. Title 67, Chapter 46, Idaho Code.
- c. National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470 *et seq.* (NHPA), and regulations promulgated thereunder.
- d. National Environmental Policy Act of 1969, as amended, 42 U.S.C. § 4321 *et seq.* (NEPA), and regulations promulgated thereunder.
- e. Other relevant county ordinances and federal or state statutes or regulations.

**ARTICLE IV
Membership**

Section 1: Seven (7) Commission members (commissioners) shall be appointed by the Board of County Commissioners (Board) for three (3) year terms. Appointments shall comply with the requirements of Kootenai County Code § 2-2-1.

Section 2: No commissioner may serve more than nine (9) consecutive years, not including any period of time served as a non-voting commissioner. All commissioners shall reside in Kootenai County during their respective terms of office.

Section 3: If a commissioner does not attend three (3) consecutive regularly scheduled Commission meetings without having provided prior notice to the Chair and/or Secretary, or has been absent from more than one-half (1/2) of the scheduled meetings in the preceding six (6) months, the Commission shall request the Board to remove that commissioner from the Commission.

ARTICLE V

Officers

Section 1: Upon approval of these Bylaws, and at each regular January meeting thereafter, a Chair and Vice-Chair shall be elected from among the commissioners by majority vote of a quorum of the Commission to serve for the calendar year.

Section 2: Should a commissioner express interest in serving as the Secretary of the Commission, that commissioner may serve in that capacity for the calendar year upon election by majority vote of a quorum of the Commission.

Section 3: The Board shall assign a Treasurer to the Commission, or a Secretary/Treasurer if no Secretary is elected by the Commission, from the Board's staff to serve at the Board's pleasure. The position of Treasurer, or Secretary/Treasurer if assigned pursuant to this paragraph, shall be a non-voting position.

ARTICLE VI

Duties of Officers

Section 1: *Chair*. The powers and duties of the Chair shall be as follows:

- a. Preside at all meetings of the Commission.
- b. Enter into discussion of items before the Commission.
- c. Vote on any item in order to break a tie vote.
- d. Call special meetings of the Commission in accordance with Article VIII, Section 3 of these bylaws.
- e. Ensure that all responsibilities of the Commission are properly discharged.
- f. Prepare and submit an annual summary of Commission action for submittal to the Board.
- g. Appoint commissioners and/or deputy commissioners to subcommittees.

Section 2: Vice-Chair. The powers and duties of the Vice-Chair shall be as follows:

- a. Exercise and perform all of the duties of the Chair during the absence, disability, vacancy or disqualification of the Chair.

Section 3: Secretary. The powers and duties of the Secretary shall be as follows:

- a. Keep the minutes of all meetings of the Commission in an appropriate file.
- b. Make available to the Commission orientation materials and information regarding training opportunities designed to provide a working knowledge of roles and operations of Federal, State and local historic preservation programs available from the State Historic Preservation Office (SHPO).
- c. Advertise all legal notices required by Idaho Code or these bylaws.
- d. Coordinate the preparation of the agenda for all meetings of the Commission with the Chair.
- e. Act as the custodian of the records of the Commission.
- f. Provide the Commission with correspondence relating to the business of the Commission and, at the direction of the chairman, process its correspondence.
- g. Maintain a record of all appointments and terms of membership.

The Secretary, if elected to such position by the Commission, shall coordinate with the Board and its staff in carrying out the duties set forth above.

Section 4: Treasurer. The Treasurer shall manage the fiscal affairs of the Commission in conjunction with the Board, the Kootenai County Auditor, and the Kootenai County Treasurer.

ARTICLE VII

Powers, Duties and Responsibilities of the Commission

Section 1: The powers and duties of this Commission shall be as stated in Title 67, Chapter 46, Idaho Code.

Section 2: The following statements are amplification of the above stated items and those found within Title 2, Chapter 2 and Title 7, Chapter 2 of the Kootenai County Code:

- a. Develop and coordinate the County's historic preservation plan to become an element of the Kootenai County Comprehensive Plan:

1. Conduct a survey of local historic properties, and perform the following tasks:
 - a) Maintain a system for the survey and inventory of County properties for historic preservation concerns; and
 - b) Report inventory finding to the State of Idaho's Site Registry in a data format compatible with that inventory (NHPA § 106, 16 U.S.C. § 470f).
 2. Provide for adequate public participation in the County's historic preservation program by advising and assisting owners of historic properties on the physical and financial aspects of historic preservation as well as the procedures for inclusion on the National Register of Historic Places (NHPA § 110, 16 U.S.C. § 470h-2).
 3. Recommend ordinances and otherwise provide information for the purposes of historic preservation to the county governing body.
- b. Recommend that the Board secure the services of a technically qualified person, based on the Standards of the U.S. Secretary of the Interior, to be the Kootenai County Historic Preservation Officer (NHPA § 106, 16 U.S.C. § 470f).
 - c. Participate in all land use and planning processes undertaken by the County when these affect historic or cultural resources.
 - d. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
 - e. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private property, building or structure without the express consent of the owner or occupant thereof.

ARTICLE VIII

Meetings

Section 1: General Requirements.

- a. All meetings of the Commission shall comply with the Idaho Open Meetings Law, Idaho Code § 67-2340 *et seq.* In the event of any conflict between these Bylaws and the Idaho Open Meetings Law, the applicable provisions of the Open Meetings Law shall govern.
- b. The agenda for each meeting shall be posted and/or advertised as required under the Idaho Open Meetings Law and/or any other applicable laws.
- c. Executive sessions shall be permitted as authorized under Idaho Code § 67-2345.

Section 2: Regular Meetings.

- a. The Commission shall conduct at least one regular meeting each month in which there is commission business to be transacted. If there is no business pending, the meeting may be canceled by the Chair with twenty-four (24) hours' notice to the other commissioners.
- b. Regular meetings of the Commission shall occur each month in a designated public room on a date and time set by the Commission. At the first meeting of the year, the Commission shall either confirm the established time and day, or set a new meeting schedule for the duration of the calendar year, based upon the anticipated availability of the members of the Commission.
- c. Regular meetings shall take place at least nine (9) months during the calendar year.

Section 3: Special Meetings. Special meetings may be held at the discretion of the Chairman and/or the request of an individual commissioner.

Section 4: Continuances. Action of the Commission may be continued to the next regular meeting, or any subsequently called special meeting, without further notice except as required by law.

Section 5. Records of Meetings.

- a. The Commission shall keep minutes of its proceedings and shall keep records of its examinations, findings, recommendations and all other official actions.
- b. The Commission shall provide an annual report to the Board.
- c. The Commission shall make findings of fact stating the reasons for any recommendation made in any particular case. These findings shall be in writing, approved by the Commission, and submitted to the Board and/or other appropriate hearing body.
- d. The records of the Commission herein referred to shall be "public records" as defined in Idaho Code § 9-337. Disclosure of these records shall be governed under the applicable provisions of the Idaho Public Records Act, Idaho Code § 9-337 *et seq.*

Section 6: In cases involving the review of plats or of applications where an order, requirement, permit, decision, determination or recommendation is required under the Kootenai County land use regulations then in effect, the Commission, in addition to including the matter in its monthly report as prescribed, shall file with the Clerk of the Board, with a copy to the Director of Community Development, not later than ten days after on conclusion of such a matter a written report stating the findings and action taken by the Commission as required by Idaho Code § 67-6535, as it may be amended.

ARTICLE IX

Voting

Section 1: The transaction of Commission business and resulting determinations are advisory to the Board.

Section 2: A majority of the members shall constitute a quorum for the transaction of any business that may come before any regular meeting or special meeting of the Commission.

Section 3: Each member shall be entitled to one vote with the exception of the Chair, who shall only vote to break a tie.

Section 4: A Commission member shall neither participate nor vote in any action or proceeding when he or she has a conflict of interest as defined in Idaho Code § 67-6506.

ARTICLE X

Amendments

The Commission may make recommendations to the Board for amendment of these bylaws at a duly noticed meeting, by majority vote, provided that notice of said proposed amendment is given to each member in writing at least two (2) weeks prior to said meeting. The amendment shall become effective only upon approval and adoption by the Board.

ARTICLE XII

Conduct of Public Hearings

Section 1: The following procedures will normally be observed:

- a. The applicant, or representative(s) of the applicant, will be allowed to make an initial presentation.
- b. The Commission may ask questions regarding the applicant's initial presentation.
- c. Public testimony in favor of, or neutral to, the application will be taken.
- d. Public testimony in opposition to the application will be taken.
- e. The applicant will be allowed to provide a response or rebuttal to any public testimony.
- f. The Commission may ask any questions it may have of the proponents, opponents, or staff.
- g. The Commission votes to make a recommendation to the Board and/or other appropriate hearing body.

The Chair may modify the above procedures as he or she may deem necessary for the expeditious conduct of the Commission's business.

Section 2: Members of the Commission who know in advance that they will be unable to attend a scheduled hearing shall notify the Chair and the Secretary promptly, in order to allow the Chair and the Secretary the opportunity to determine whether the absence of members will result in a lack of a quorum.

ADOPTED by the Kootenai County Historic Preservation Commission this 5th day of April, 2013.

Chair *Sydney J. Albright*

Attest:

By: _____
Secretary

APPROVED by the Kootenai County Board of Commissioners this 5th day of April, 2013.

W. Todd Tondee
W. Todd Tondee, Chairman

Attest:
Clifford T. Hayes, Clerk

By: *Clifford T. Hayes*
Deputy Clerk

