

HISTORIC PRESERVATION COMMITTEE PROCEDURES AND BYLAWS

The Historic Preservation Committee (the “Board”) was established by Ordinance 3373, adopted on July 21, 1997. The purpose, powers and duties of the Board are established by ordinance and codified in Title 2, Chapter 22 of City of Mesa Code. The Board shall adopt rules for the conduct of its business (the Bylaws”).

I. ORGANIZATION

101. Election of Chairperson and Vice-Chair

The Board shall elect a Chairperson (the “Chair”) and a Vice-Chairperson (the “Vice-Chair”) at the first meeting scheduled after July 1st of each year or more often when Chair or Vice-Chair vacancies occur.

102. Duties

The Chair, or when the Chair is vacant for any reason, the Vice-Chair, shall preside at meetings, and decide all points of order or procedure, and may administer oaths and take testimony. The Vice-Chair shall perform all customary duties of the Chair whenever the Chair relinquishes the position, or when the Chair is absent. During the absence or disability of both the Chair and Vice-Chair, the Board shall elect a presiding officer for all meetings.

103. Vacancy

Vacancies in the office(s) of the Chair or Vice-Chair for any cause shall be filled for the unexpired term by a new election at any regular or special meeting of the Board.

104. Resignation

Any Board member who resigns before the end of their term shall submit a written resignation to the Mayor, the Staff Liaison, and the Chair.

105. Member Attendance

In the event that a member of the Board is unwilling or unable to serve, or if any member is absent from three (3) consecutive and duly noticed meetings without being excused for good cause, then the Chair shall notify City staff, the Mayor or Mayor designee so that the Mayor and City Council may consider removal or replacement of the member.

106. Limitation of Terms.

Each Board member shall serve a maximum of two (2) consecutive three-year terms. A board member may be reappointed after three (3) year have elapsed.

107. Staff Liaison

It shall be the duty of the staff liaison to conduct all official correspondence of the Board; send out all approved Board notices; publicly disseminate all agendas; be responsible for taking and distributing minutes; perform all customary duties of the office; and perform any other such administrative duties as shall be reasonably requested by the Board.

108. Legal Counsel

The City Attorney of the City of Mesa or his/her designated representative shall be the legal counsel for the Board.

109. Committees

The Chair, with a majority approval of the Board, may establish standing committees or subcommittees and appoint Board members to perform work or certain tasks as is necessary.

110. Membership

Members of the Board may also be members of any other board or committee of the city. There shall be seven (7) members who are residents of the city at large. Members shall serve for three (3) years. Any vacancy shall be filled by the Mayor and City Council within a reasonable time after the vacancy occurs, for the unexpired term. Members shall serve until their successors are appointed. The members of the Board shall serve without compensation. (Mesa City Code 2-22-1)

Members of the Board shall be selected from the areas of architecture, history, architectural history, planning, landscape architecture, archaeology, cultural geography or anthropology, or have demonstrated strong interest in past matters that involve historic preservation issues.

111. Limits of Authority.

Board members have powers only in official meetings of the Board, except a Board member may perform specific official duty (s) on behalf of the Board outside an official Board meeting if directed for a specific purpose by an action of the Board. A Board member may not make an official statement on behalf of the Board unless directed to do so by a majority vote of the Board.

II. MEETINGS

201. Open Meetings

All meetings of the Board, its committees, and subcommittees shall be conducted in accordance with the provisions of the Arizona Open Meetings Laws (A.R.S. § 38-431 et seq.).

202. Meetings - General

All meetings and hearings of the Board shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.

203. Regular Meetings

The Board shall meet at least 4 times per calendar year. Regular meetings of the Board shall be held in accordance with the approved calendar, unless public notice is made of another meeting place and date. Any regular meeting may be changed by a majority vote of the Board if holidays or other events make it impractical to meet at the regularly scheduled time. Regular meetings will typically be scheduled for the first Tuesday of each month.

204. Special Called Meetings

A special meeting may be held by the Board at the request of the Chair or a majority of the Board members and such requests shall be submitted to the staff liaison. A special meeting may also be scheduled if a majority of the Board members approve the special meeting at one of their regularly scheduled meetings. The Board members shall be given at least forty-eight (48) hours' notice of the meeting and the staff liaison shall receive forty-eight hours' notice to schedule the meeting and shall follow all state notice requirements.

All meetings of any committee of the Board shall follow the requirements of the "Special Called Meeting" procedure.

205. Quorum and Decisions

A quorum is necessary to hold a meeting or study session. A quorum shall consist of four (4) members of the Board. If there is a quorum, the business of the Board shall be transacted by a majority of the members present and eligible to vote. As an example, if five (5) member are present and eligible to vote, the business of the Board shall be transacted by a vote of three (3) members. A member who is disqualified from voting due to a conflict of interest shall not be counted as present for the purposes of this section.

206. Permitted Attendance by Other Means of Communication

Any Board member may participate in a Board meeting by any means of communication by which all Board members, staff and the public participating may communicate with each other simultaneously. Any Board member participating in a meeting by such method shall be considered present in person at the meeting.

207. Conflict of Interest

Board members shall abide by the provisions of Arizona Revised Statutes A.R.S. §§ 38-501 et seq., Mesa City Charter and judicial decisions pertaining to conflict of interest.

208. Conduct of Business

The Board shall conduct its business in compliance with the Mesa City Code and these Bylaws.

Items on the Agenda

209. Items on the Agenda may be taken out of order at the discretion of the Chair. Any item may be continued at the request of the Chair or the property owner.

210. Agenda Items

The Staff Liaison will place items on the agenda as directed by the Chair or by the written request of three (3) members of the Board. If a Board member, property owner, organization or other interested citizen would like an item placed on the next meeting's agenda, they should make a request at a Board meeting that an item be placed on a future Board meeting for consideration or notify the Chair at least ten (10) days preceding the Board meeting.

211. Hearing of Applications and Appeals in Public Meeting

- 1) The Chairperson will call the number of the application and the name of the applicant. Board members with a conflict of interest will declare the conflict and excuse themselves from participation.
- 2) Staff will state the location of the property under consideration, present a report and state the recommendation of the Historic Preservation Officer.
- 3) The applicant or authorized representative may present any information or testimony he/she believes pertinent to the application.
- 4) Any plot plans, maps, sketches or other instruments which, at the discretion of the Historic Preservation Officer or Board are deemed necessary to the proper presentation of an application, shall be submitted with the application and/or at the time of the presentation.
- 5) The Chairperson will call for statements from persons in support. Those appearing may either stand and be counted or make statements giving reasons for the support. Board members may address questions through the Chairperson to such persons in support as may appear. Those attending in opposition may then stand and be counted or make statements giving reasons for their opposition. Questions from Board members may be directed at this time.
- 6) All supporting evidence for or against each application shall be presented to the assembled Board.

-
- 7) Each side shall proceed without interruption by the other and all debate and pleadings shall be addressed to the Board. No discussion between individuals will be permitted.
 - 8) The applicant or representative shall have an opportunity for a rebuttal or closing statement.
 - 9) The Board Chairperson may agree to impose a time limit on discussion on any matter before it. A time limit may be formalized by a majority vote of the Board, or the Chairperson may announce time limits on any agenda item. Time limits shall be enforced unless the Chairperson or Board decides otherwise.
 - 10) After a motion has been made and seconded by a Board member, the Chairperson will not recognize applicants or persons in support or opposition for further comment. During the period of discussion of the seconded motion by the Board, a member may request the Chairperson to call an applicant or person in support or opposition for further questions; however, no member shall debate or argue an issue with the applicant or person in interest.
 - 11) Voting shall be by voice vote or paper ballot on the call of the Chairperson. Each member participating shall vote "yes" or "no", or if abstaining shall so indicate. Upon decision of the Chairperson, whether before or after a voice vote, a roll call vote shall be taken and each member participating shall answer the roll call by voting "yes" or "no", or if abstaining shall so indicate.
 - 12) The Chairperson will announce the decision of the Board, and it will not recognize further discussion of the application from the floor other than to answer questions regarding the Board's decision and subsequent transmission of recommendations to the appropriate body.
 - 13) The Board may continue the hearing on any application for which the applicant fails to appear, or it may approve or deny the request; however, the Board may hear those persons appearing in response to the notice of hearing.
 - 14) The Board may take any application under advisement for later consideration. The Board may also defer action on any application whenever it concludes that additional evidence is needed or that alternate solutions need further study. Demolition requests may only be held under advisement for 20 calendar days or the next meeting of the Board.

-
- 15) Any member at any time may request a review of any past action of the Board in order to study the effects of the Board's recommendation on the final development of the proposal.
 - 16) Records of any action taken by the Board will be taken by the Staff Liaison and forwarded to the next City Council meeting.

III. JURISDICTION AND REFERRAL

301. Jurisdiction

The Board may review any matter within the Mesa City limits involving the Mesa Register of Historic Places and Buildings, or involving buildings or properties contributing to the history of Mesa, or involving properties or districts nominated for placement on the National Register of Historic Places, and as allowed by the Historic Preservation Ordinance.

302. Referral to Arizona Museum of Natural History Director

Matters within the corporate limits of the City of Mesa regarding the recorded or unrecorded history, or the historical or archaeological resources of the Mesa area may be referred to the Museum Director of the Arizona Museum of Natural History. After consultation with the Museum Director and/or the Director's designated staff, the Historic Preservation Officer may then place the matter on an agenda for consideration by the Board.

IV. ANNUAL REPORTS, SPECIAL REPORTS AND IDENTIFICATION STUDIES

401. Annual Reports

The Historic Preservation Officer shall prepare a written annual report, by August 1st of each year, of its activities of the previous fiscal year, which shall be submitted to the City Council, the Historic Preservation Board, the State Historic Preservation Officer and made available to the general public.

V. AMENDMENTS

501. Amendment Procedure

Amendments to the Bylaws may be proposed by any member of the Board, provided such amendment is proposed at a Board meeting, or is submitted in writing prior to a regular meeting or policy session of the Board. Adoption of the proposed amendment requires an affirmative vote of a majority of the Board. Amendments so adopted shall become effective at the next regular meeting of the Board and posted on the City's website.

502. Filing and Distribution

Copies of the Bylaws and any amendments thereto shall be distributed to the members of the Board and City Council. The Staff Liaison shall maintain a file of the original copies of the Bylaws and any subsequent amendments.

VI. ADOPTION

These procedures and by-laws were adopted by the HISTORIC PRESERVATION BOARD at its regular meeting held on this 5th day of November, 2019.