

BYLAWS OF THE HISTORIC PRESERVATION COMMISSION

Approved September 11, 1997; Last Revised March 10, 2011

The Historic Preservation Commission was established by Ordinance No. 3017, dated June 2, 1997. The purpose, powers and duties of the Commission are established by ordinance and are codified in Scottsdale Revised Code Section 2-313 and in Article 1 of Ordinance No. 455, the Zoning Ordinance of the City of Scottsdale.

I. ORGANIZATION

101. Elections

The Chair and Vice-Chair shall be elected annually, at the first meeting of the Commission in the month of January. The Chair and Vice-Chair shall take office immediately upon completion of nomination and voting, and shall each serve for a term of one year.

102. Chair

The Chair shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, make periodic progress reports to City Council, and perform any duties required by ordinance or these rules.

103. Vice-Chair

The Vice-Chair shall be the Acting Chair and shall perform all duties of the office whenever the Chair is absent or has declared a Conflict of Interest.

104. Vacancy

Should the office of the Chair be vacated, the Vice-Chair will succeed him or her for the remaining term of office. At the next Commission meeting, a new election will be held for the Vice-Chair's office. Should the Vice-Chair's office be vacated, a new election will be held at the next Commission meeting to elect a Vice-Chair.

105. Staff Liaison

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

106. Committees

The Commission or its Chair may appoint such committees as it feels necessary on any subject pertinent to the matters being considered by the Commission. Members of committees may be nominated by any member of the Commission and shall be approved by a majority of the Commission. Committee members may include only members of the Commission unless the City Council approves the appointment of a nonmember.

The Chair shall select a committee Chair from Commission members to be responsible for presiding over all meetings, setting the agenda and meeting dates in conjunction with the Staff Liaison, and making reports back to the Commission. The tasks to be accomplished by a committee will be established by the Chair in conjunction with the Commission.

107. Written Communications

All written communications to City Council and other official bodies, individuals, and outside groups shall be sent out over the signature of the Chair, or the Vice-Chair if the Chair is not available, or the Historic Preservation Officer with the Chair's consent(this has the possibility of violating the open meeting law, what are you intending, and how would the preservation officer get the chair's consent when the chair cannot act alone to bind the commission).

108. Public Representations, Presentations and Communications

The Chair is the designated spokesperson for the Commission. If the Chair is not available for an oral presentation or report to City Council or other official body, the Vice-Chair will be the spokesperson for the Commission to make the oral presentation. Requests to Commission members for information on official actions of the Commission should be forwarded to the Chair whenever possible.

109. Legal Counsel

The City Attorney or his or her designated representative shall be the legal counsel for the Commission. Advice of counsel shall be received and entered into the minutes before disposition of any request, of any question of law or matter requiring legal interpretations or advice.

II. MEETINGS

201. Regular Meetings

Regular meetings of the Commission are generally to be held on the second Thursday of each month at 5:30 PM. In the event the Commission desires to cancel a future meeting, it may do so by consensus of a majority of the members present at a public meeting. When it is determined between public meetings that a meeting should be canceled for lack of quorum or other reason, the Commission Chair and Staff Liaison may so cancel by posting notification of cancellation in as timely a manner as possible, and at least 24 hours prior to the scheduled meeting as required by the Open Meeting law, at all the legal posting sites in the city of Scottsdale.

202. Special Meetings

Special meetings for good cause may be held by the Commission on call of its Chair or by a request of a majority of its member to City staff, which request shall be filed with the Staff Liaison, or as scheduled by a majority of the members at any previous meeting. The manner of the call shall be noted in the minutes of the special meeting, and each member shall be given at least forty-eight (48) hours notice of the meeting.

203. Executive Sessions
No Executive Sessions shall be held except under circumstances authorized by statute. If after consultation with the City Attorney an executive session is deemed necessary it shall be scheduled through a motion and vote by the Commission at a prior meeting.
204. Open Meeting Laws
All meetings of the Commission and its committees shall be conducted in accordance with the provisions of the Arizona Open Meetings Laws.
205. Quorum
A quorum necessary to hold a meeting and for the transaction of business shall consist of four (4) members of the Commission. The business of the Commission shall be transacted by the majority vote of members present, except as provided through any amendments in accordance with Section IV. 401.
206. Proxy Voting
There shall be no proxy voting on the Commission or any of its committees, nor can proxies be extended for the purpose of establishing a Quorum of the Commission or any of its committees.
207. Location of Meetings
The location of meetings of the Historic Preservation Commission and its committees shall be in the location as designated by the Chair, and posted as provided by law.
208. Member Attendance
If any member of the Commission shall be absent from four (4) consecutive meetings, or if a Commission member shall be absent from five (5) meetings within a six-month period, his or her office shall be reviewed by the Chair. The Chair may recommend to City Council that a member with several absences be removed and a new member be appointed by City Council. The Chair or Staff Liaison shall notify the City Council if any vacancies occur. The City Council will appoint a new member as the replacement.
209. Applicant Attendance
The applicant, or an authorized representative, in any case being heard before the Commission shall be present in person unless the Historic Preservation Officer or the Chair of the Commission has been notified of the absence in writing prior to the public hearing. If the applicant or his or her authorized representative shall not submit such notice and shall not appear before the Commission as regularly scheduled, the application scheduled for hearing may be continued. If the applicant or his or her authorized representative fails to appear as scheduled two times, the Commission can proceed to vote on the item and can take such failure to appear into consideration in its vote.
210. Public Comment, Presentations, Time Limitations
Any member of the public, whether speaking on behalf of him or herself or as a representative of a property owner, an organization or group, when addressing the

Commission on any matter shall be limited to a five (5) minute presentation. The Chair may suspend this rule on a particular matter or for a particular individual.

211. Agenda Items

The Staff Liaison will place items on the agenda as directed by the Chair with assistance from City staff. If a Commissioner, a landowner, an organization or other interested citizen would like an item placed on the next meeting's agenda, they should make a request at a Commission meeting that an item be placed on a future Commission meeting agenda for consideration, or notify the Chair at least ten (10) days preceding the Commission meeting.

212. Conflict of Interest

All members of the Commission and committees shall comply with the State Conflict of Interest Law, Title 38, Chapter 3, Article 8, Arizona Revised Statutes and all City of Scottsdale Ethics Code provisions.

213. Abstention

Any Commission or Committee member who may subjectively believe participating in discussion or voting on cases before the Commission or committee could give the appearance to the general public of a conflict of interest may voluntarily abstain from participating in such cases.

214. Tie Vote

If an agenda item received a tie vote of the members present, then the item is deemed to be denied. In the event of a tie vote, a member that voted in the negative may, in the same meeting, offer a motion to continue the case to a future meeting of the Commission or committee.

III. OFFICIAL RECORDS

301. Definitions

The official records shall include these bylaws, and the minutes of the Commission and its committees together with all findings, applications, maps, photos, exhibits, correspondence, decisions, and other official actions or other items filed with or issued by the Commission or its committees

302. Recording of Vote

Minutes shall be kept for all meetings of the Commission and shall show the vote of each member on every question on which the Commission is required to act, or shall indicate absence or failure to vote. Minutes shall also show records of the Commission's examinations, remarks at public hearings, and other official actions. It shall be recorded in the minutes when a Commissioner declares a conflict of interest and does not participate in the discussion or vote on an agenda item. The Commission will review and approve minutes of the previous meeting at the regular meeting.

303. Public Record
All of the official records of the Commission shall be public records open to public inspection during normal working hours.
304. Agenda
The agenda for all regularly scheduled meetings shall be prepared and posted at least twenty-four (24) hours prior to any meeting, and made available to the public. The agenda and public notice must be in accordance with all public open meeting laws.
305. Site Posting
The site of each case that is scheduled for a Commission hearing shall be posted prior to the hearing as required by Ordinance No. 455, the Zoning Ordinance of the City of Scottsdale.

IV. RULES AND AMENDMENTS

401. Amendment Procedure
Amendments to these bylaws may be made by the Commission upon the affirmative vote of four (4) members, provided any such amendment is proposed at a preceding meeting, or is submitted in writing at a prior regular meeting of the Commission, and is noted in the minutes of such meeting. The Commission shall review the previously submitted amendments at the regular meeting. Amendments adopted as above shall become effective at the next regular meeting of the Commission.
402. Retention of Bylaws
A copy of these bylaws and any amendments thereto shall be placed on record in the offices of the City Clerk within ten (10) days of being adopted by the Commission, and shall further be sent to the Mayor and the members of the City Council within twelve (12) days of adoption
403. Robert's Rule of Order
When any question of parliamentary procedure arises, it shall be decided on the basis of Robert's Rules of Parliamentary Procedure, unless otherwise specified in these Bylaws of the Commission.
404. Interpretation and Conflict
In the event that any Historic Preservation Commission bylaw shall be at variance with any State statute or any ordinance or resolution of the City of Scottsdale, the statute, ordinance, or resolution shall prevail. These bylaws are intended only to supplement such ordinance and resolutions and may not amend, annul, or abrogate any ordinance or resolution of the City of Scottsdale.