

# BYLAWS OF THE HISTORIC PRESERVATION COMMISSION

Approved September 11, 1997; Amended March 10, 2011; September 13, 2012; December 11, 2014; May 5, 2016; March 2, 2017; June 1, 2017; April 11, 2019, March 4, 2021

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 Calendar year. 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. The Chair shall be elected first and the Vice-Chair immediately thereafter.

### 102. Chair

The Chair shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, 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. In the event that neither the Chair nor Vice-Chair is in attendance, the former Vice-Chair, if present and still a member of the Commission, or the most senior member of the Commission, shall serve as the Acting Chair at the respective meeting of the Commission.

### 104. Vacancy

Should the office of the Chair be vacated, the Vice-Chair will fulfill 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 may recommend to the City Council the appointment of such committees as it feels necessary on any subject pertinent to the matters being heard by the Commission. Any committee created by the Commission following the City Council authorization may include only members of the Commission unless the City Council approves the appointment of non-members. Members of committees may be nominated by any member of the Commission and shall be approved by a majority of the Commission.

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. Each committee shall conduct its business according to these bylaws unless otherwise specified.

107. Legal Counsel

The City Attorney or their 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 first Thursday of each month at 6:00 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 as determined by the City Council.

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 members 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, each member shall be given at least forty-eight (48) hours notice of the meeting and the Staff Liaison shall receive forty-eight (48) hours notice and shall post meeting notices twenty four (24) hours before such 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. Any action calling for a formal vote shall take place only at a formal meeting.

205. Quorum

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

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  
In the event that a member of the Commission is unwilling or unable to serve, or if any member is absent from three (3) consecutive meetings, or four (4) meetings within a six month period, then the Chair shall notify the Mayor or Mayor's designee so that the consideration of removal and replacement of the member may be scheduled for City Council action.
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 their 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 their 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 themselves or as a representative of a property owner, an organization or group, when addressing the Commission on any matter shall be limited to a three (3) minute presentation. The Chair may, upon showing of good cause, 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, or by a majority vote of the members of the Commission. Any Commission member can submit items to the chair for inclusion into the agenda. 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. Commission Announcements  
Commission members may make non-agenda informational updates to the Commission, the updates are limited to three (3) minutes and no public comment or commission member discussion shall take place on informational items.
213. 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.

214. Tie Vote

If an agenda item receives 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. Definition of Records

The official records shall include these bylaws, and the minutes of the Commission and its committees together with all findings, applications, Historic Preservation Officer (HPO) or staff reports, 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. HPC public hearing cases subject to ordinance required site postings include HP overlay zoning cases and applications for Certificates of Appropriateness.

IV. RULES AND AMENDMENTS

401. Amendment Procedure

Amendments to these bylaws may be made by the Commission upon the concurring vote of four (4) of the Commission 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  
The original of these bylaws and any amendments thereto shall be placed on record in the offices of the City Clerk on archival paper within ten (10) days of being adopted by the Commission.
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. 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.
405. 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. If both the Chair and Vice-Chair are not available for a presentation or report to City Council or other official body, the Chair may designate a Commission member as spokesperson for the HPC. Requests to Commission members for information on official actions of the Commission should be forwarded to the Chair whenever possible.
406. 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.