

## **HISTORIC DISTRICT COMMISSION BYLAWS**

Adopted, June 16, 2014

### **Sec.101 Authority.**

These rules of procedure are adopted by the City of Jackson Historic District Commission (hereinafter referred to as the Commission) pursuant to the:

- A. Historic Preservation, Chapter 13 of the City Code, *as amended*, hereafter known as the "Ordinance,"
- B. Local Historic Districts Act (PA 169 of 1970, MCL 399.201 *et seq.*), *as amended*, hereafter known as the "LHDA" and
- C. Michigan Open Meetings Act (PA 267 of 1976, MCL 15.261 *et seq.*), *as amended*, hereafter known as the "OMA."

### **Sec. 102 Purpose.**

The Ordinance states that the Commission will (Sec. 13-2):

- A. Safeguard the heritage of the City of Jackson by preserving a historic district, including areas, sites, landmarks, buildings, structures, works of art, objects and resources which reflect elements of Jackson's cultural, social, economic, political and/or architectural history;
- B. Stabilize and improve property values in the historic district;
- C. Foster civic beauty;
- D. Strengthen the local economy; and
- E. Promote the use of the historic district, including areas, sites, landmarks, buildings, structures, works of art, objects and resources, for the education, pleasure and welfare of the citizens of the City of Jackson and the State of Michigan.

### **Sec. 103 Duties of the Commission.**

The Ordinance delegates the following duties and functions to the Commission:

- A. Those duties and powers set forth in the Ordinance concerning construction, alteration, repair, moving, or demolition of a historic resource.
  - B. Encourage and cooperate with civic and fraternal groups and other organizations in promoting Jackson history, heritage, traditions and customs through participation in public historical activities, patriotic celebrations or other special events.
  - C. Encourage and cooperate with merchants, banks, utilities, and other commercial enterprises in the use of local historical material in their advertising and sales promotion, using the historic district commission's collections, knowledge and skill.
  - D. Encourage and cooperate with the Chamber of Commerce in the use of historical material in promoting the welfare of the city, using the resources of the historic district commission.
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- E. Work with any local, state or national groups, organizations, agencies or units of government in the selection, marking and/or acquisition of historic resources, as well as the acquisition, preservation and display of historical material.
  - F. Represent, or serve as a liaison between the city government and other organizations interested in the history of Jackson.
  - G. Act in a management, administrative, advisory, research or service capacity for the city council in historical matters, subject to the instructions of the city council, and attempt to relieve the city council of all of the day to day detail and minutiae of historical concerns and preservation activities.
  - H. Advise the city council regarding the acceptance, by the city, of gifts of property having historical significance or, in the alternative, cooperate in the receipt of such property, funds, bequests or gifts.
  - I. Carry out such special assignments on historical matters as the city council may direct from time to time, including the solicitation of grants and bequests for historical purposes by any and all appropriate available means.
  - J. Report annually, and as requested, to the city council on all its activities and the results.
  - K. May select other non-voting ad hoc members to assist a standing committee in the investigation and evaluation of historic district commission projects.

**Sec. 104 Membership.**

- A. **Membership Requirements.** Membership of the Commission will consist of seven (7) members appointed as specified in Section 13-5 of the Ordinance.
- B. **Vacancies.** Vacancies will be filled by City Council as specified in Section 13-5 of the Ordinance.
- C. **Compensation.** Planning Commissioners will serve without compensation, per Section 13-5 of the Ordinance.

**Sec. 105 Officers and Staff.**

- A. **Selection.** At the first meeting of each calendar year, the Commission will elect from its membership a Chair and Vice-Chair for the year, as directed and allowed in Section 13-6 of the Ordinance. The term of each office is one (1) year. All officers are eligible for reelection. The City's Planning Director, his or her designee, or a consultant hired by the City will staff the Commission and serve as its Recording Secretary.
  - B. **Duties of the Chair.** The Chair will preside at all meetings; execute documents in the name of the Commission, and appoint committees (subject to Commission approval); and perform such other duties as may be ordered by the Commission.
  - C. **Duties of the Vice Chair.** The Vice-Chair will assist the Chair in his or her duties and act in the capacity of Chair in his or her absence.
  - D. **Duties of the Recording Secretary.** The Recording Secretary will prepare and distribute agenda packets and minutes for all Commission meetings as well as any correspondence related to applications for permission considered during a meeting. He or she will also assist the Chair, Vice-Chair, and other Commissioners in their duties.
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**Sec. 106 Meetings.**

- A. **Regular Meetings.** Meetings of the Commission will be held at City Hall (161 W. Michigan Avenue, Jackson) on the third Monday of every month at 6:00 pm. When the regular meeting falls on a legal holiday, the Commission will select a suitable alternate date in the same month. An annual notice of regularly scheduled Commission meetings will comply with the OMA.
- B. **Special Meetings.** Special meetings may be called at the request of the Chair, or at the written request of any two (2) members of the Commission. Notice of special meetings will be given by the Recording Secretary to Commissioners at least forty eight (48) hours prior to such meeting and will state the purpose, time, date (i.e., day, month, and year), and location of the meeting. In addition, notices must comply with the OMA.
- C. **Quorum.** A majority of the members of the Commission constitutes a quorum, per Section 13-6 of the Ordinance, A majority of the membership is required to take action on non-administrative matters although a majority of the quorum may take action on administrative matters.
- D. **Motions.** Motions will be restated by the Chair or Recording Secretary before a vote is taken. The name of the maker and supporter will be recorded.
- E. **Voting.** All non-administrative matters will be decided by a roll-call vote. Administrative actions will be decided by voice vote. All votes will be recorded as “yes” or “no.”
- F. **Public Participation.** All regular and special meetings, hearings, records, and accounts are open to the public in accordance with the OMA and the Michigan Freedom of Information Act (PA 442 of 1976, MCL 15.231 *et seq.*), *as amended*.
  1. Public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda, in order for the Commission to hear concerns and questions before acting on an issue. Public comment may also be presented at the end of the meeting where provided by the agenda. Public comment is normally not allowed outside of those periods; however, the Commission may allow members of the public to speak or ask direct questions of them.
  2. The amount of time allowed for each person wishing to make public comment at a Commission meeting will be limited to three (3) minutes during the first public comment period and two (2) minutes during the second public comment period.
- G. **Commission Action.** Action by the Commission on any matter which requires a hearing will not be taken until the hearing has been concluded.
- H. **Parliamentary Procedure.** Parliamentary procedure in Commission meetings will be informal. However, if required to keep order, Commission meetings shall then be governed by Robert’s Rules of Order for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert’s Rules of Order, then these Bylaws control.
- I. **Agendas.**
  1. **Order of Business.** The Recording Secretary will prepare an agenda for each meeting and the Order of Business shall be as follows:
    - (A) Call to Order and Pledge of Allegiance
    - (B) Public Comment
    - (C) Approval of Agenda

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- (D) Approval of Minutes
  - (E) Application(s) for Permission:
  - (F) Old Business:
  - (G) New Business:
  - (H) Final Comments
    - (1) Public Comment
    - (2) Commissioner Comment
  - (I) Reminder of the next meeting and any special meeting
  - (J) Adjournment

- 2. **Placement of Items on the Agenda.** City staff will receive items on behalf of the Commission and the Recording Secretary will place them on the next available agenda. Applications for permission must be received by the City at least eleven (11) days prior to a regular meeting. Applications received after this deadline will be placed on the agenda of the next available regular or special meeting of the Commission.

**Sec. 107 Conflict of Interest.**

- A. **Declaration of Conflict.** Commission members must declare a conflict of interest when any one (1) or more of the following occur:
  - 1. A relative or other family member is involved in any request for which the Commissioner is asked to make a decision.
  - 2. The Commissioner has a business or financial interest in the property involved in the request, or has a business or financial interest in the applicant's company, agency, or association.
  - 3. The Commissioner owns or has a financial interest in neighboring property. The Commission will make a determination regarding the presence of a conflict of interest.
  - 4. There is a reasonable appearance of a conflict of interest, as determined by the Commissioner declaring such conflict.
- B. **Requirements.** When declaring a conflict, the Commissioner will do the following:
  - 1. Announce a conflict of interest and state its general nature.
  - 2. Abstain from any discussion or votes relative to the matter which is the subject of the conflict. However, the Commissioner may answer questions directed by fellow Commissioners.

**Sec. 108 Absences, Removals, and Resignations**

- A. **Absences.** In order to be excused from a meeting, Commissioners must notify the Recording Secretary when they intend to be absent from the meeting. Absenteeism at twenty-five (25%) percent or more of all meetings in any one (1) year may be considered nonperformance of duty and cause of removal from the Commission.
- B. **Removal.** Commissioners may be removed by City Council for nonperformance of duty, misconduct in office, or upon failure to declare a conflict of interest upon vote by the majority, after written charges have been prepared and a hearing conducted.

- C. **Resignation.** A member may resign from the Commission by sending a letter of resignation to City Council (c/o of the Recording Secretary).

Sec. 109 **Amendments**

These rules may be amended by the Commission by a majority vote all Commissioners during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments are to be considered. The amendments must be sent to City Council for approval pursuant to Section 13-6 of the Ordinance.