



STAFF REPORT

HISTORIC PRESERVATION COMMISSION MEETING DATE: 03/28/12

DEPARTMENT: PLANNING

ITEM DESCRIPTION: For possible action regarding changes to the Historic Preservation Commission Bylaws as amended August 24, 2011 for consistency with the City of Las Vegas Unified Development Code and other changes, All Wards

BACKGROUND

- 10/24/07 HPC approved amendment to HPC Bylaws Article II: Membership of the Commission, to require one member shall be experienced in the archaeological profession.
- 05/27/09 HPC approved a request to amend HPC Bylaws Article IV: Meetings of the Commission (HPC-34545) to change the HPC meeting location to the historic Fifth St. School, 401 S. Fourth Street, Las Vegas.
- 08/26/09 HPC approved a request to change HPC bylaws (HPC-35667) replacing “citizen at-large” with “member at-large.”
- 01/27/10 HPC approved a request to revise Historic Preservation Commission bylaws (HPC-37049).
- 08/24/11 HPC approved a request to amend the HPC bylaws (HPC-42807) to reflect updated references to the Unified Development Code and Las Vegas Municipal Code, and other changes, All Wards

ANALYSIS

The city of Las Vegas is proposing changes to the City of Las Vegas Historic Preservation Commission By-Laws as amended August 24, 2011. The changes include the following:

- Updates to the references to the Las Vegas Unified Development Code, formerly the Las Vegas Title 19 Zoning Code, to reflect the document’s new name, as well as revised chapter locations. These changes occur throughout the document.
- Updates to the references to the Las Vegas Municipal Code to reflect revised chapter locations. These changes occur throughout the document.
- Updates to the references to the Department of Planning, formerly the Planning and Development Department, to reflect the department’s new name. These changes occur throughout the document.
- Update to Section II. Membership, Section VII. Duties of Officers and Section VIII. Meetings regarding the position of Secretary and Ex-Officio members of the commission to be consistent with the Las Vegas Unified Development Code.
- Update to Section VIII. Meetings to include the removal of specific meeting location.
- Update to Section X. Duties and Responsibilities, sub-paragraph K, to provide for HPC ability to revise or update the existing *Historic Properties and Neighborhoods Preservation Plan Element*.

Per the **City of Las Vegas Historic Preservation Commission By-Laws as amended August 24, 2011:**

XI. ADOPTION AND AMENDMENTS:

A. Adoption:

These Rules shall be adopted by a majority vote of the entire Historic Preservation Commission.

B. Amendments:

These Rules may be amended from time to time by a majority vote of the entire Commission provided such Amendments are not inconsistent with or in conflict with the City Charter or any Ordinance of the City of Las Vegas or the Nevada Revised Statutes and provided further that any proposal to amend the Rules shall be presented to the Commission at a regular meeting, discussed and tabled, and be included on the Agenda for action by the Commission at the next regular meeting.

STAFF RECOMMENDATION

APPROVAL

BACKUP DOCUMENTS

Revised "City of Las Vegas Historic Preservation Commission By-Laws as amended August 24, 2011"

CITY OF LAS VEGAS
HISTORIC PRESERVATION COMMISSION BY-LAWS
AS AMENDED ~~AUGUST 24, 2011~~ MARCH 28, 2012

I. NAME:

In accordance with the provisions of Nevada Revised Statutes 383-384, and Title 19, Chapter 10, Section 150 of the Las Vegas Municipal Code, the name of this Commission shall be the City of Las Vegas Historic Preservation Commission of ~~the City of~~ Las Vegas, Nevada (hereinafter the Commission).

II. MEMBERSHIP:

- A. In accordance with the provisions of Title 19, Chapter 10, Section 150 of the Las Vegas Municipal Code, the Commission shall consist of eleven (11) members.
- B. One (1) member shall be experienced in architecture, such as an Architect, Art Historian or Historic Preservation Architect.
- C. One (1) member shall be experienced in urban design or planning, such as an Urban Designer, Planner or Landscape Architect.
- D. One (1) member shall have expertise in building construction, such as a Building Contractor or Structural Engineer.
- E. One (1) member shall be experienced in the real estate profession, such as a Real Estate Developer, Appraiser, or Broker.
- F. One (1) member shall be a representative from a recognized local historic preservation association or historic preservation interest group.
- G. One (1) member shall be experienced in Nevada history, such as an Historian, or Anthropologist.
- H. One (1) member shall be experienced in the archaeological profession, such as an Archaeologist.
- I. Four (4) members must be members at-large. When one or more areas have been designated as "Historic Districts" pursuant to this Section, one of the "at-large" positions shall pertain to each such Historic District. For any Historic District, the corresponding "at large" position shall be filled by a person who owns real property and resides within the Historic District, if a person so qualified is available to serve. If no such person is available, a person who owns real property within the Historic District may fill that position, if a person so qualified is available to serve. If no such person is available, any person may fill that position. If more than four (4) Historic Districts have been designated as such pursuant to this Section, the City Council shall determine which four of the Historic Districts are to be represented on the HPC.
- J. The Director of the Nevada State Museum and Historical Society, or another designee of the State Historic Preservation Office (SHPO), shall serve as an ex-officio member, with no vote, except as provided in these by-laws or the Unified Development Code of the City of Las Vegas.
- K. The Director of the Department of Planning, or the Director's designee, shall serve as an ex-officio member, with no vote except as otherwise provided in this Section.

III. COMPENSATION

Commission members shall serve without compensation.

IV. TERM OF OFFICE

- A. The term of each Commission member shall be four years or until his/her successor takes office. There is no limit on the number of terms. Any vacancy occurring otherwise than through the expiration of the term must be filled for the unexpired term.
- B. Members of the Commission may be removed after a public hearing, by a majority vote of the City Council, for inefficiency, neglect of duty, or malfeasance in office.
- C. A member of the Commission desiring to resign shall submit in writing a letter of resignation to the City Clerk's Office with copies to the City Council, the Chair, and the ~~Planning & Development Department Director~~ Director of the Department of Planning or Secretary to the Commission. The resignation shall be effective upon receipt by the City Clerk's Office.
- D. Whenever there is a vacancy on the Commission, or the term of a member expires, his successor shall have the necessary qualifications as specified in the ordinance and the Unified Development Code of the City of Las Vegas, so that the composition of the Commission is maintained.
- E. Commissioners shall comply with the Code of Ethical Standards as set forth in NRS 281.481 et seq. as applicable and amended.

V. OFFICERS:

The duly elected or appointed officers of the Commission shall be as follows: Chair, Vice-Chair, and Secretary.

VI. ELECTION OF OFFICERS:

- A. The Chair and the Vice-Chair shall be elected bi-annually, at the first regular meeting in January. The Chair and the Vice-Chair shall be elected by a majority vote of the entire Commission.
- B. The term of the Chair and Vice-Chair is two years.
- C. No Commissioner may serve more than two full consecutive terms as Chair or Vice-Chair.

VII. DUTIES OF OFFICERS:

- A. Chair:

It shall be the duty of the Chair to act as the presiding officer at all regular and special Commission meetings unless he/she is incapacitated or unable to attend a meeting for any other reason. The Chair may appoint an ad-hoc to conduct work on a specific topic or activity for a

specified period of time. Such subcommittee shall report to the full Commission at a regular meeting as deemed necessary.

B. Vice Chair:

It shall be the duty of the Vice-Chair to act as presiding officer at any regular or special meeting of the Commission in the absence of the Chair.

C. Secretary:

The ~~Director of the Department of Planning and Development, as appointed by the City Manager, Historic Preservation Officer~~ shall serve as Secretary of the Commission, and as such shall be responsible for the administration of the affairs of the Commission. The Secretary shall be the custodian of all official records of the Commission. In the event that both the Chair and Vice-Chair are incapacitated or otherwise unable to attend any regular or special meeting, the Secretary shall appoint another member to act as Chair for that particular meeting. In the absence of the Vice Chair, the most senior member of the Commission shall act in that capacity. If multiple members have the same term, the Secretary shall appoint.

VIII. MEETINGS:

A. The Commission shall use Robert's Rule of Order in conducting its meetings.

B. Regular Meetings of the Commission shall be held on the fourth Wednesday of each month and as necessitated by the Commission's volume of business from January through October at 12:15 p.m. ~~at the Historic Fifth Street School, 401 S. Fourth Street, Las Vegas, Nevada, or at some other place and time as the Commission deems appropriate.~~

C. November and December meetings shall be combined and held on the second Wednesday of December at 12:15 p.m. ~~at the Historic Fifth Street School, 401 S. Fourth Street, Las Vegas, Nevada, or at some other place and time as the Commission deems appropriate.~~

D. The Commission shall maintain written minutes and records of all proceedings sufficient to inform the City Council and the public of its deliberations, findings determinations and recommendations, and shall make such reports of its business to the City Council as the City Council may from time to time request. All records shall be kept in conformance with applicable sections of the Nevada Revised Statutes.

E. All meetings of the Commission shall be conducted in accordance with the Open Meeting Law, Chapter 241 of the Nevada Revised Statutes.

F. Special meetings may be convened by the Chairman as deemed necessary upon three (3) days written notice to the other Commission members.

G. A regularly scheduled meeting may be cancelled by the Chairman, or Acting Chairman, if there are no items to be acted upon by the Commission or if a quorum of the members will not be in attendance for the conducting of Commission business.

- H. Six (6) members of the Commission constitute a quorum for the purpose of conducting business. A majority vote of members present, and voting, shall be necessary to approve any item of business.

~~I. In the event a quorum is not available for the conducting of business, an ex-officio member may vote to the extent necessary to create or maintain a quorum. In the event that a quorum is not available for the conduct of business, an ex-officio member or the Historic Preservation Officer, as the Director's designee (or any combination thereof), may vote, but only concerning matters on the consent agenda and only to the extent necessary to create or maintain a quorum.~~

~~H.I.~~ In all matters of business that require voting, the majority vote shall rule.

IX. VOTING PRIVILEGES:

All members of the Commission shall be entitled to vote on all motions or resolutions presented before the Commission except as specifically noted in the Rules. Any member shall have the right to make a motion except the Chair.

X. DUTIES AND RESPONSIBILITIES:

- A. The Commission shall undertake the following duties and responsibilities in accordance with the Unified Development Code of the City of Las Vegas:

B. Review applications for the designations of Historic Landmarks, ~~Historic Properties and Historic Districts, Sites, Buildings, Structures and Objects~~ and make recommendations to the Planning Commission and City Council concerning ~~the designation of buildings, sites, monuments, structures and areas, sites and improvements in the City as historic properties, landmarks, historic sites or historic districts~~those applications in accordance with the Unified Development Code of the City of Las Vegas.

~~C. Review and recommend make decisions to the City Council, in accordance with the Unified Development Code of the City of Las Vegas, appropriate action regarding new construction, alteration, demolition or removal of any element associated with a Historic Landmark, District, Site, Building, Structure or Object. applications for proposed remodeling, painting, construction, alteration, demolition, renovation or removal of any structure or improvement associated with a Landmark or Historic Property or located on property within a Historic District.~~

~~D.C.~~

~~E.D.~~ Make recommendations to the City Council concerning the use of public and/or private funds to promote the preservation of properties and districts within the City, including the acquisition of property or interests in property.

~~F.E.~~ Promote and support the identification, nominations or improvements of buildings, monuments, structures, ~~areas and sites and objects~~ eligible for listing on the National Register of Historic Places, ~~or the National Historic Landmark's Program, the Historic American Buildings Survey, the Statewide Comprehensive Survey and Inventory and other Federal, State or local programs for the identification of historic resources.~~

- | ~~G.F.~~ Recommend to the City Council public informational and educational programs to increase public awareness of the value of historic and archaeological preservation in the City.
- | ~~H.G.~~ Recommend to the City Council the purchase of essential improvements where preservation is not feasible.
- | ~~I.~~ ~~The Commission may undertake the following duties and responsibilities in accordance with the Unified Development Code of the City of Las Vegas:~~
- | ~~J.H.~~ Request detailed studies and surveys of properties, structures, areas and districts within the City to assess their potential for designation as historic properties, landmarks or districts ~~in order to formulate a historic preservation plan for the City.~~
- | ~~K.I.~~ Recommend to the City Council, changes in the zoning code and building code and regulations, the City's Master Plan, and other local ordinances which will enhance the purposes of the Unified Development Code of the City of Las Vegas ~~Historic Preservation Ordinances.~~
- | ~~L.J.~~ Recommend to the Planning Commission to formulate, revise or update the Historic Properties and Neighborhoods Preservation Plan Element for the City's Master Plan and subsequent updates and amendments.
- | ~~M.K.~~ Participate in public information activities in order to increase public awareness of the value of historic preservation.
- | ~~N.L.~~ Recommend appropriate changes to the General Plan and to local development regulations in order to promote the purposes of the Unified Development Code of the City of Las Vegas.
- | ~~O.M.~~ Cooperate with recognized historic preservation organizations and interest groups in designating improvements ~~to~~, buildings, monuments, structures, ~~areas, districts, landmarks, or sites or areas~~ for historical markers and plaques.
- | ~~P.N.~~ Assist and advise other governmental agencies and entities, educational institutions, public interest groups and private preservation groups regarding preservation of historic properties within the jurisdiction of the City of Las Vegas.
- | ~~Q.O.~~ Recommend to the Planning Commission and City Council, for adoption, design guidelines for improvements to structures located in historic districts, in order that such guidelines can be disseminated to the public to encourage preservation of neighborhood character. Where applicable, the guidelines should reflect the standards found in the most current edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Illustrated Guidelines for Rehabilitating Historic Buildings published by the U.S. Department of the Interior.
- | ~~R.P.~~ Review demolition permits requested by property owners for structures ~~within an historic district~~ designated on the city of Las Vegas Historic Property Register. Such review process shall be used to encourage the property owner to pursue preservation alternatives. However, no such review process shall require a delay of more than sixty (60) days in the issuance of a demolition permit.

XI. CONFLICTS OF INTEREST:

- A. A member of the Commission shall not approve, disapprove, vote, or otherwise act upon any matter regarding which he has accepted a gift, loan, or other financial interest as defined in NSR 281.501, as applicable and amended, which would reasonably be affected by his/her commitment in a private capacity to the interest of others, or in which he/she has a pecuniary interest, without disclosing the nature and extent of the gift, loan, commitment or interest at the time the matter is considered.
- B. A member of the Commission shall consider refraining from approving, disapproving, voting, or otherwise acting upon any matter regarding which a member of his/her immediate family or a relative has accepted a gift, loan or other financial interest as defined in NSR 281.501, as applicable and amended without disclosing the full nature and extent of the gift, loan, commitment or interest at the time the matter is considered.
- C. Abstentions:

A member who decides to abstain whether because of a conflict of interest or otherwise must state his/her reasons for doing so on the record at the time the matter is considered and before the vote is taken. The abstaining member may absent himself from the presence of non-abstaining members during the Commission's consideration of the matter in question.

XII. ATTENDANCE:

- A. Each Commissioner who will be unable to attend a meeting of the Commission shall notify the Secretary at the earliest opportunity but not later than 5:00 p.m. on the day prior to the date of the meeting. The Secretary shall notify the Chair if the projected absences(s) will produce a lack of a quorum.
- B. If a member of the Commission without excuse fails to attend at least 75% of the meetings held within the previous 12 months or misses three consecutive meetings, the member shall be subject to removal from office at the discretion of the City Council.
- C. Commissioners, who were unable to attend a meeting at which an agenda item was heard but no substantive action was taken, may become informed about the agenda item by reviewing all submissions and either the video or audio tape of the proceedings, if any. After a full review of the materials related to the agenda item, and if otherwise eligible to vote, the Commissioners may vote ~~of~~on the agenda item simultaneously with the other Commissioners.

XIII. ADDRESSING THE COMMISSION:

- A. Every Commissioner desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.
- B. A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call the ~~Planning-Historic Preservation~~ Commissioner to order. If a Commissioner, who is speaking, is called to order, the ~~Planning-Historic Preservation~~ Commissioner shall cease speaking until the question of order is determined, and if in order, shall be permitted to proceed.

- C. Any person wishing to address the Commission shall first secure permission of the Chair to do so.
- D. Oral presentations given during the Citizens' Participation portion of the agenda or any other agenda item should not be repetitious and shall be confined to three minutes maximum duration, unless the Chair or quorum of the Commission grants additional time. No action shall be taken on issues raised under the Citizen's Participation portion of the agenda.

XIV. USE OF CITY STAFF:

- A. Commissioners should always feel free to go to the ~~Planning Director~~Director of the Department of Planning or Historic Preservation Officer. Commissioners will provide ongoing feedback, information, and perceptions to the ~~Director~~Planning Director and Historic Preservation Officer. When a Commissioner has a concern with the ~~Planning & Development Department~~Department of Planning, the concern should be discussed with the ~~Director~~Planning Director.
- B. Commissioners shall make all requests for staff time to the ~~Planning Director~~Director of the Department of Planning, who is authorized to approve or deny such requests.
- C. Commissioners may and should seek clarifying information from the ~~Planning Director~~Director of the Department of Planning. Direct communication with additional employees of the ~~Planning & Development Department~~Department of Planning is allowed at the discretion of the Director.
- D. Commissioners shall address legal questions regarding matters before the Commission to the City Attorney's Office and inform the ~~Director of the Department of Planning~~Planning Director.

XV. ADOPTION AND AMENDMENTS:

A. Adoption:

These Rules shall be adopted by a majority vote of the entire Historic Preservation Commission.

B. Amendments:

These Rules may be amended from time to time by a majority vote of the entire Commission provided such Amendments are not inconsistent with or in conflict with the City Charter or any Ordinance of the City of Las Vegas or the Nevada Revised Statutes and provided further that any proposal to amend the Rules shall be presented to the Commission at a regular meeting, discussed and tabled, and be included on the Agenda for action by the Commission at the next regular meeting.

These revised by-laws are hereby adopted by the City of Las Vegas Historic Preservation Commission on this 24th day of August, 2011.

ROBERT STOLDAL, CHAIR

HISTORIC PRESERVATION COMMISSION

APPROVED: _____

ATTEST:

| _____
FLINN FAGG, AICP, ~~SECRETARY~~DIRECTOR, DEPARTMENT OF PLANNING

APPROVED AS TO FORM:

JIM LEWIS, DEPUTY CITY ATTORNEY