

# Historic Preservation Commission of Rapid City

300 sixth st. rapid city, s.d. 57701

## MEMORANDUM

TO: Legal and Finance Committee  
Rapid City Council

FROM: Pat Roseland, Chairman  
Rapid City Historic Preservation Commission

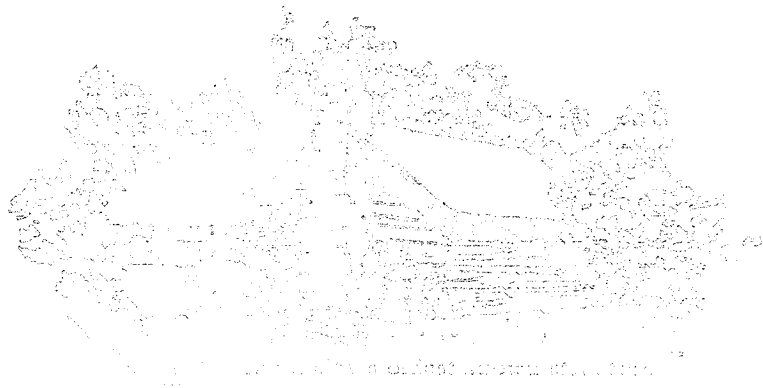
DATE: May 18, 2010

RE: Historic Preservation Commission Bylaw Amendments

The Rapid City Historic Preservation Commission recommends approval of the attached amendments to the Commission's Bylaws. On May 7, 2010, the Rapid City Historic Preservation Commission approved the following amendments to their Bylaws:

1. Eliminate the ex officio member;
2. Change the language to state that the Commission may nominate properties to the State and National Register of Historic Places with the consent of the owner or City Council;
3. Eliminate the clause regarding the removal of a member for cause as the action is currently permissible by ordinance and code;
4. Revise the language on reporting non-attendance of members to the Mayor; and,
5. Change reference to "City Planning Department" to "Growth Management Department".

**Rapid City Historic Preservation Commission Recommendation: Approval of the attached revisions to the Historic Preservation Commission Bylaws.**



BYLAWS OF THE  
HISTORIC PRESERVATION COMMISSION  
OF THE CITY OF RAPID CITY, SOUTH DAKOTA

ARTICLE I - DUTIES AND FUNCTIONS

Section 1 – Historic Preservation Commission Duties.

- (a) The purpose of the Rapid City Historic Preservation Commission is to preserve the quality of life and natural environment of the community, and enhance the economic vitality and diversity of the community through preservation and restoration of historically and/or architecturally significant buildings and sites.
- (b) The duties and functions of the Rapid City Historic Preservation Commission shall be to consider and make recommendations to the City of Rapid City Common Council with regard to historic preservation issues within and affecting the Rapid City corporate limits.
  - 1. The Commission shall make recommendations to the Rapid City Common Council on requests for City funding or action on historic properties or resources.
  - 2. The Commission may nominate historically significant private property to the State and National Registers of Historic Places with the written approval of the property owners. It may nominate significant public property to the State and National Registers of Historic Places with the consent of the City Council.
  - 3. The Historic Preservation Commission shall maintain a collection of historic preservation information and archival data on historically-significant structures within the City.

4. The Commission shall also conduct development reviews of projects proposed for historic properties in accordance with State Law.
  5. The Historic Preservation Commission shall assist private property owners by providing them with information regarding historic preservation programs.
  6. The Historic Preservation Commission shall carry out all duties set forth in Chapter 2.68.060 of City Code.
- (c) The Historic Preservation Commission may expend funds as may be provided by the Common Council or other sources for training, education, travel, and other expenses which may be incurred in carrying out the duties and functions delegated to the Commission by the Common Council and as prescribed by statute and ordinance. The Commission may contract, with the approval of the Common Council, with municipal planners, engineers, and architects and other consultants, or persons or entities, for such services as it requires. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose when specified by the Common Council. The Common Council shall provide the equipment and accommodations necessary for the Commission's work.
- (d) The Commission shall make an annual report to the Common Council on or before July first of each year, and at such other times as the Common Council may direct.

## ARTICLE II - MEMBERS

### Section 1 - Composition.

- (a) The Historic Preservation Commission shall consist of ten (10) members, all of whom must be legal residents of the City of Rapid City.

- (b) Members of the Commission shall be chosen who through their desire, education, experience and public service will well-represent the community at large in the area of historic preservation. Membership, to the extent possible, should include representatives from applicable fields such as history, architecture, urban planning, archaeology, arts, real estate, construction, public education, business and law.
- (c) No member of the Historic Preservation Commission may hold any elective office in the City municipal government.
- (d) Vacancies occurring other than through the expiration of term shall be filled for the remainder of the unexpired term in the same manner as for appointment.

Section 2 - Compensation. All members of the Historic Preservation Commission shall serve without compensation except for actual expenses which shall be subject to the approval of the Historic Preservation Commission and Common Council.

Section 3 - Attendance. If any member is absent three consecutive regular meetings without justifiable cause as determined by the Historic Preservation Commission, such shall be reported to the Mayor.

### ARTICLE III - OFFICERS

Section 1 - Offices. The following offices shall be maintained: Chair, Vice Chair and Secretary. Such additional offices as may be necessary may be created from time to time.

Section 2 - Election of Officers. The Chair, Vice Chair and Secretary shall be elected by the Historic Preservation Commission at its first meeting each January. The term of office of the Chair, Vice Chair and Secretary shall be one year and all officers shall be eligible for reelection.

Section 3 - Chair Duties. The Chair shall preside at all meetings of Historic Preservation Commission, shall notify the Rapid City Common Council and other involved bodies of the recommendations and actions of the Commission, shall sign documents on behalf of the

Commission, shall see that all decisions of the Commission are properly carried out, shall recommend a historic preservation agenda to the Commission, and shall perform other duties and functions as may be determined by the Commission. The Chair may select other members of the Commission to assist in carrying out the duties of the office.

Section 4 - Vice Chair Duties. The Vice Chair shall perform the duties of the Chair in the absence of the Chair and shall perform such other duties as may be assigned by the Commission. The Vice Chair may select other members of the Commission to assist in the carrying out of the duties of the office.

Section 5 - Secretary Duties. The Secretary shall assist such staff as is available to keep the minutes and records of the Commission, to prepare the agenda of regular and special meetings under the direction of the Chair, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to the correspondence of the Commission and such other duties as are normally carried out by the Secretary. The Secretary shall act for the Chair and Vice Chair should both be absent.

#### ARTICLE IV - COMMITTEES

Section 1 - Appointment. The Chair, with the concurrence of the Historic Preservation Commission may establish such committees as may be necessary for the conduct of the business of the Commission. The Chair shall appoint the members of such committees.

Section 2 - Committee Meetings. Any meetings of committees created pursuant to this section shall be held in accordance with all applicable sections of the South Dakota Codified Laws and the requirements of the Rapid City Municipal Code. All members of the Commission shall be entitled to attend meetings of the Committees.

## ARTICLE V - MEETINGS

### Section 1 - Meetings.

- (a) All meetings of a quorum of the Historic Preservation Commission or committees thereof at which any public business is discussed are open to the public at all times except as otherwise provided in this article.
- (b) The minutes shall be taken of any meetings open to the public pursuant to the provisions of this section, and shall be promptly recorded. The minutes shall be open to the public at the Growth Management Department office during normal business hours.
- (c) The Historic Preservation Commission may hold executive sessions for the purpose of considering personnel matters, employment contracts, negotiations or pending litigation within the confines of the attorney-client privileges recognized by state law, and other information provided in confidence to the Commission, which shall not be subject to the provision of this section; provided, however, that nothing in this section is intended to authorize executive sessions where the same are otherwise prohibited by the statutes of the State of South Dakota or the Rapid City Municipal Code.

Section 2 - Regular Meetings. Regular meetings of the Commission shall be held at least once in each month and in accordance with the schedule established by the Commission at the last regularly scheduled meeting of the Commission each year. At such meetings the Commission shall consider all matters properly brought before the Commission as set forth on the agenda, pursuant to the provisions of Section 9 of this article.

Section 3 - Special Meetings. Special meetings shall be held upon the call of the Chair or Vice Chair or upon written request of two members of the Commission. Notice of special meetings shall be given at least twenty-four hours prior to any meeting by posting a copy of the

notice, visible to the public at the principal office of the Historic Preservation Commission. Such notice shall set forth the time, place, date and purpose of the meeting.

Section 4 - Work Sessions. The Chair may establish regularly scheduled work sessions.

Section 5 - Agenda. The agenda for regular meetings shall be prepared under the direction of the Growth Management Staff. Commission members or Staff may add items to the agenda at the beginning of each meeting.

Section 6 - Time and Length of Meetings. The regularly scheduled meetings of the Historic Preservation Commission shall convene at a time set by the Commission. However, should the agenda be lengthy, the Chair of the Commission may continue the meeting to a specific date and time as set by the Commission.

Section 7 - Presence of Applicant. If an individual with business before the Commission, or authorized representative is not present, the item may be tabled, however, the Chair may move the item to the end of the agenda to allow the applicant additional time to appear.

Section 8 - Quorum. A quorum for the conduct of business at any meeting shall be a simple majority of the currently appointed commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

Section 9 - Commission Action. In all applications coming before the Commission, the affirmative vote of a majority of those present and voting shall be required to approve, approve with conditions or deny an item. In the event of a tie vote, the motion shall fail. The Chair may vote on all matters to come before the Commission. Members voting shall be in attendance at the meeting. Commission members may attend and vote in the meeting via technological means such as a telephone conference call. No voting by proxy shall be allowed.

Section 10 - Rules of Procedure. All meetings shall be conducted in accordance with these bylaws. Where these bylaws do not prescribe specific procedural rules, the Historic

Preservation Commission shall conduct all business in general compliance with Parliamentary Procedure.

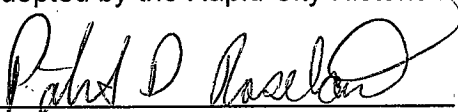
ARTICLE VI - CONFLICT OF INTEREST

Section 1 - Disclosure of Conflicts of Interest. No member of the Historic Preservation Commission shall participate in the voting of any matter before the Historic Preservation Commission in which the member has a potential personal or pecuniary interest not common to other members of the Commission.

ARTICLE VII - AMENDMENT

Section 1 - Amendment of Bylaws. These bylaws may be amended at any regular meeting of the Historic Preservation Commission, provided that the proposed amendment has been introduced in writing at the prior regular meeting of the Commission. Amendment of the bylaws shall require the affirmative vote of a simple majority of a quorum of the Historic Preservation Commission, and shall become effective upon approval by the Rapid City Common Council.

Adopted by the Rapid City Historic Preservation Commission on May 7, 2010

  
Chairman

Adopted by the Rapid City Common Council on \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer