



# HISTORIC PRESERVATION COMMISSION BYLAWS

## ARTICLE I - PURPOSE

- A. **Historic Preservation Commission Act.** These bylaws are adopted by the Historic Preservation Commission (“HPC”) to facilitate the performance of its duties as outlined in P.A. 169 of 1970, as amended, being the Local Historic Districts Act, (M.C.L. 399.201 *et seq.*), hereinafter “the Local Historic Districts Act.”

## ARTICLE II - MEMBERSHIP

- A. **Appointment of Members.** The HPC shall consist of seven (7) members, who shall be qualified electors of the City of Grand Rapids, as provided in the Local Historic Districts Act. An elected officer or employee of the City of Grand Rapids is not eligible for appointment.
1. Appointment. Members shall be appointed by the City Commission.
  2. Term of Office. The term of each member shall be three (3) years and shall expire on the first Monday in January on the third year succeeding his or her appointment, or until his or her successor takes office.
  3. Compensation. Members shall serve without compensation.
- B. **Representation.** A majority of the members of the HPC shall have a clearly demonstrated interest in or knowledge of historic preservation. In the event of a vacancy on the Commission, interim appointments shall be made by the City Commission within sixty (60) calendar days to complete the unexpired term of such position. Two (2) members shall be appointed from a list submitted by the Kent County Council for Historic Preservation or other existing Preservation Societies, and one (1) member shall be an architect duly registered in the State of Michigan.
- C. **Committees.** The Chair or HPC may establish and appoint committees of the HPC and advisory committees, as deemed necessary. Membership on advisory committees may include members of the HPC, provided a quorum is not present, as well as others who are more knowledgeable on the particular issue.
- D. **Conflict of Interest.** Each member of the HPC shall avoid conflicts of interest.
1. Definition. A conflict of interest may include, but is not necessarily limited to, the following:
    - a. Issuing, a decision on, voting on, or reviewing a case concerning him or her.
    - b. Issuing, a decision on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
    - c. Issuing, a decision on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
    - d. Issuing, a decision on, voting on, or reviewing a case which is an action which results in a financial benefit to him or her.

- e. Issuing, a decision on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, or members of his or her household.
  - f. Issuing, a decision on, voting on, or reviewing a case where his or her employee or employer is:
    - (i) An applicant or agent for an applicant, or
    - (ii) Has a direct interest in the outcome.
2. Consultation with City Attorney. Whenever a Commissioner is uncertain whether he or she has a possible conflict of interest, the Commissioner shall consult with and consider the advice of the Assistant City Attorney assigned by the City Attorney as the legal advisor to the HPC.
  3. Disclosure of Possible Conflict. Each commissioner shall disclose a conflict of interest as defined in D.1. above, or other potential conflict of interest, prior to the presentation of the applicable agenda item. In all cases, the HPC shall deliberate on the disclosure and by a majority vote of the remaining members present, shall determine whether a conflict of interest exists.
  4. Conflict of Interest Exists. Where a conflict of interest is determined to exist, the affected member shall cease to participate in discussion on the subject item and shall leave the room until that agenda item is concluded.
  5. No Conflict of Interest Exists. Where no conflict of interest is determined to exist, the affected member shall participate in discussion and shall vote on the agenda item. It is not permissible for a Commissioner to abstain on any matter, except where there is a conflict of interest.
  6. Voting with Conflict of Interest. Knowingly voting on any matter in which a member has a conflict of interest shall constitute malfeasance of office.

**E. Removal from HPC.** The City Commission may remove a member of the HPC from office, for any of the following reasons:

1. Malfeasance, Misfeasance, or Nonfeasance of Office. If any member of the HPC performs a lawful act in a wrongful manner (malfeasance), performs a wrongful or unlawful act as a public official (misfeasance), or fails to act when a duty to act existed (nonfeasance), any of these shall be grounds for the City Commission to remove a member of the HPC, upon written charges and after a public hearing.
2. Deficient Attendance. If any member of the HPC is absent from three (3) consecutive regularly scheduled meetings or five (5) absences in a calendar year, then that member shall be considered delinquent. Delinquency shall be grounds for the City Commission to remove a member from the HPC, upon written charges and following a public hearing.

### **ARTICLE III – ORGANIZATION AND DUTIES**

- A. Election of Officers.** At the first or second regular meeting in December of each year, the HPC shall select from its membership a Chair, Vice Chair, and Secretary. The Chair, Vice Chair, and Secretary shall take office at the first meeting in January of the following year and shall hold office for a term of one (1) year or until successors are selected and assume office.
- B. Chair’s Duties.** The Chair retains his or her ability to participate and vote on matters before the HPC, as governed by *Webster’s New World Robert’s Rules of Order Simplified and Applied*. The Chair shall:

1. Preside at all meetings with all powers under *Webster's New World Robert's Rules of Order Simplified and Applied*.
2. Rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs or similar topics; profanity; or other remarks which are not about the topic before the HPC.
3. Appoint committees, and act as ex-officio member of all committees of the HPC.
4. Call special meetings as needed.
5. Appoint an Acting Secretary in the event the Secretary is absent from a HPC meeting.
6. Perform other duties as may be ordered by the HPC.

**C. Vice Chair's Duties.** The Vice Chair shall:

1. Act in the capacity of Chair in the Chair's absence.
2. Perform other duties as may be ordered by the HPC.

**D. Secretary's Duties.** The Secretary shall:

1. Execute documents in the name of the HPC.
2. Be responsible for the minutes of each meeting if the recording secretary is absent.
3. Conduct all official correspondence at the direction of the Chair, and with the assistance of the Planning Director as needed.
4. Perform other duties as may be ordered by the HPC.

**E. Duties of All Members.** All members shall abide by the following standards.

1. Member Participation. Free and open debate should take place on issues before the HPC. Such debate shall only take place at meetings of the HPC. The Chair shall act as spokesperson for the HPC and shall represent the position reflected by the outcome of the vote. Requests for reconsideration may take place only at an open meeting of the HPC.
2. Attendance. Members shall make every effort to attend all regular and special meetings of the HPC. Except in emergency or unforeseen circumstances, members shall notify the Planning Department of an absence at least forty eight (48) hours before the scheduled meeting.
3. Avoid Ex Parte Contact. Members shall avoid *ex parte* contact regarding any pending agenda item before the HPC whenever possible. If it is not possible to avoid *ex parte* contact, the member shall publicly report to the HPC what was said and by whom, so that other members and interested persons are made aware of the same information.
4. Acceptance of Gifts.
  - a. Members shall not accept gifts from anyone connected with an agenda item before the HPC. As used here, a gift shall mean cash, any tangible item or service, regardless of value; and food valued over \$10.
  - b. The provision of food in connection with meetings, member training costs, and the reimbursement for mileage and similar expenses by the City of Grand Rapids shall not be considered gifts.
  - c. The HPC may accept grants or contributions for HPC purposes (e.g. special planning study). Money so accepted shall be deposited with the City of Grand Rapids Treasurer into a special fund for the purpose designated by the donor or HPC.

- F. Recording Secretary's Duties.** The Recording Secretary shall not be a member of the HPC or any of its committees, and shall:
  - 1. Take notes for minutes and prepare a first draft of minutes for review and signature by the Secretary.
  - 2. Perform other duties as may be ordered by the HPC.
- G. City Attorney.** The Assistant City Attorney assigned to the HPC by the City Attorney shall be the legal advisor for the HPC and shall provide appropriate advice on matters of procedure and law.
- H. Annual Budget.** The Planning Director shall present the annual budget of the Planning Department, as approved by the City Commission, prior to the start of each fiscal year.
- I. Annual Report to the City Commission.** The HPC shall submit an annual report in January of each year to the City Commission concerning its operations, and the status of Local Historic District activities.

#### **ARTICLE IV - MEETINGS**

- A. Regular Meetings.** Regular meetings of the HPC shall be scheduled on the first Wednesday of the month at 5:00 p.m. When a regular meeting falls on or near a holiday; or staff will be absent; or lack of quorum, the HPC shall cancel the meeting and/or reschedule it for the third Wednesday of the month. Meetings shall be held in Room 201 Public Hearing Room at 1120 Monroe Avenue N.W. The HPC or delegated City Staff may cancel regular meetings when there are insufficient agenda items or when a quorum will not be present.
- B. Special Meetings.** Special meetings may be held on the third Wednesday of the month at 5:00 p.m. at the request of the Chair, City Staff, or at least two (2) members of the HPC provided the Secretary, with the assistance of staff, has sufficient time to issue a written notice to Commissioners at least forty eight (48) hours before the meeting. The request for a special meeting shall indicate the purpose of the meeting, and may be made at a HPC meeting, by telephone, or in writing (email is acceptable).
- C. Workshop Meetings.** The HPC, may at its option, schedule workshop meetings to discuss, formulate, and deliberate policy issues only. The intent of workshop meetings is to promote an informal, open dialogue on policy issues in an effort to seek consensus and resolution to policy matters. Formal rules of procedure for the conduct of business at workshop meetings shall be waived, except that the Chair shall serve as moderator. No formal action on any matter shall be made at workshop meetings, but shall be placed on a regular HPC agenda for final disposition.
- D. Public Hearings.** Public Hearings shall be required when a complete application is received by delegated City Staff for the demolition of a Main Building, Significant Object or Feature and/or a Substantial Outbuilding. A public hearing shall be required when a complete application is received by delegated City Staff for the New Construction of a Main Building, Significant Object or Feature and/or a Substantial Outbuilding.
- E. Public Notice.** All regular, special and workshop meetings shall be open to the public, and proper notice shall be given to the public pursuant to the Michigan Open Meetings Act, as amended (Act 267 of 1976, MCL 15.261. *et seq.*).

- F. *Robert's Rules of Order.*** *Webster's New World Robert's Rules of Order Simplified and Applied* shall be followed for issues not specifically covered by these bylaws. Where these bylaws conflict or are different than *Robert's Rules*, then these bylaws shall govern.
- G. **Quorum.**** A quorum of the HPC shall consist of four (4) members, even when the HPC may be comprised of fewer than seven (7) members. No action shall be taken in the absence of a quorum, except to receive information reports or presentations not requiring action by the Commission, to schedule matters for public hearings, and to adjourn the meeting to a subsequent date.
- H. **Agenda.**** The order of business for all regular meetings shall generally be as follows, except as determined by the Chair.
1. 5:00 p.m. – Call Meeting to Order, Roll Call.
  2. Review and Approval of Minutes.
  3. Staff Communications and Reports.
  4. Old Business.
  5. New Business.
  6. Public Hearing. (Only when required under Article IV, section D).
  7. Discussion
  8. Public Comment.
  9. Adjournment.
- I. **Voting.**** Voting shall be by voice and shall be recorded as the number in support and the number in opposition. Abstentions for conflicts of interest shall be noted. Roll call votes shall only be recorded upon request by a member of the HPC and shall be recorded by “yes” or “no.” Members must be present to cast a vote. Voting by proxy shall not occur.
1. Simple Majority. Provided a quorum of four (4) or more members is present, a majority vote of those members present shall be necessary to approve any motion, resolution or recommendation, other than as otherwise required under State law, City ordinance or *Webster's New World Robert's Rules of Order Simplified and Applied*.
- J. **Records of Meeting.**** HPC staff shall keep a public record of HPC meetings, which at a minimum, shall include the following:
1. Meeting minutes for all regular and special meetings of the HPC.
  2. A Resolution to Approve, Deny, or Table, as applicable, for each agenda item heard, as approved and executed by the Secretary of the HPC.
  3. Applicant's submission, including but not limited to, the application form, description of the project, site plans, elevations, and other relevant material.
  4. Staff report presented to the HPC.
  5. Written comments from the public regarding agenda items.

## **ARTICLE V – PROCEDURES FOR PUBLIC HEARINGS**

- A. **Public Hearings.**** The following procedures shall be followed for required public hearings for applications pending before the HPC. Where it appears necessary to maintain the efficient conduct of the HPC's business and to give all interested citizens an opportunity to be heard, the Chair may establish time limits for persons appearing before the HPC.

1. Staff Presentation. Delegated HPC Staff will begin the public hearing by giving a synopsis of the request and then will turn it over to the applicant to add anything they feel still needs to be covered.
2. Applicant Presentation. The Applicant shall present any additional information that Staff does not cover upon completion of the Staff presentation. Suggested time limit: six (6) minutes.
2. Public Comment Begins. The Chair shall announce that public comment will be taken.
3. Public Comments. Individuals who wish to speak shall be asked to state their name and address for the public record, but shall not be required to do so. Comments must be relevant to the proposed project as it relates to the purview of the HPC. Suggested time limits:
  - a. Six (6) minutes for a spokesperson appearing in favor or in opposition to the proposal speaking on behalf a larger group of citizens, or
  - b. Three (3) minutes for each person representing themselves, speaking in favor or in opposition to the proposal.
4. Applicant Response. The Applicant shall be allowed to respond to the public comments. Suggested time limit: three (3) minutes.
5. Public Comment Ends. The Chair shall announce that the public comment period is closed and no further comment will be taken.
6. Questions. Regardless of the procedures stated above, any member of the HPC may, during the public hearing, ask questions or seek additional information from any person appearing before the Commission.

**B. Deliberation and Decision.** Following the presentations and public comment period, the HPC shall deliberate in public on the agenda item. A motion to approve, deny or table the matter shall be made, seconded and voted upon at this time.

**C. Postponed Public Hearing.** In the event a scheduled public hearing has to be postponed, the HPC may, but is not required to, take the comments of persons desiring to provide comment so that they do not have to appear at the rescheduled public hearing. In such event, the minutes of those comments shall be made available to and considered by the HPC at the rescheduled public hearing and shall be made a part of the official record of the matter under consideration.

**D. Request for Re-Hearing.** No application that is the same or substantially similar to a previous application that was denied in whole or in part by the HPC shall be submitted for reconsideration for a period of (1) year from the date of the last denial. The process for an aggrieved applicant to address the denial of an application is outlined in City Ordinance Chapter 68, Section 5.395(2).

## **ARTICLE VI – PROCEDURES FOR OTHER PUBLIC COMMENT**

**A. Petitions and Applications.** On each individual petition or application for which a public hearing is not required to be held but on which the HPC will be required to act HPC Staff will again give a brief presentation outlining the request and then turn it over to the applicant for additional information. The applicant shall be permitted to speak for a maximum of six (6) minutes. If allowed, any other interested person will be permitted to speak regarding the item for a maximum of three (3) minutes each.

1. No application that is the same of substantially similar to a previous application that was denied in whole or in part by the HPC shall be submitted for reconsideration for a period of one (1) year from the date of the last denial. The process for an aggrieved

applicant to address the denial of an application is outlined in City Ordinance Chapter 68, Section 5.395(2).

**B. Public Comment Before Adjournment.** At the conclusion of each meeting prior to adjournment, anyone wishing to address the HPC on any other matter relevant to its functions and responsibilities, on which the public has not been afforded an opportunity to speak earlier in the meeting, shall be permitted to speak up to a maximum of three (3) minutes.

**C. Other Public Comment.**

1. Chair's Discretion. At the discretion of the Chair, a person may be permitted to speak at any time on any matter for any length of time deemed appropriate by the Chair (even for periods longer than otherwise permitted by these rules) when the Chair or other Commissioners determines the HPC may benefit from such a presentation.
2. Limit on Redundant Presentations. Notwithstanding the foregoing, whenever circumstances warrant, due to the length of a meeting agenda, the unusual number of people wishing to speak, or other similar reason, the Chair shall have the right to limit redundant presentations. In no event, however, shall a person otherwise entitled to speak be deprived of the opportunity to give his or her name and address, whether they are in favor of or opposed to an item, and very briefly their reasons (for the same reasons as a previous identified speaker shall be sufficient).

**ARTICLE VII – AMENDMENTS**

These bylaws may be amended at any meeting of the HPC provided that notice of the proposed amendment shall appear on the agenda of the meeting at which the amendments are to be considered.

**ARTICLE VIII – CONSISTENCY WITH OTHER ACTS**

Should any provisions of these bylaws be inconsistent with the provisions of Public Acts which are referred to herein, as amended, or any other applicable law, the provisions of said Acts or law shall prevail.

THESE BYLAWS WERE DULY ADOPTED BY THE CITY OF GRAND RAPIDS HPC DURING ITS REGULAR MEETING HELD ON \_\_\_\_\_.

YEAS: 6  
NAYS: 0

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

Amendments Adopted: