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 seven (7) members, all of whom shall be legal residents of the City of Rapid City and who shall serve without pay and shall be appointed to the commission as hereinafter provided for. It is recommended that individual members shall be appointed to represent each of the following fields: history, architectural history, architecture, planning, urban

planning, historic preservation archaeology, American studies, American civilization, cultural geography, cultural anthropology, law, construction, and one citizen-at-large. No more than two (2) members shall be appointed from any specific field.

(b) Alternate members. There will also be appointed two (2) alternate members to the Historic Preservation Commission. The alternate members shall be appointed in the same manner as the regular members and shall have the same qualifications. The alternate members can participate and vote at the meeting only when there is an absence at the meeting that results in less than 7 members being present. Each alternate member shall be designated as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant, and the second alternate participating if there are any additional vacancies. If a regular member should leave during a meeting and the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described.

(c) No member of the Historic Preservation Commission may hold any elective office in the City municipal government.

(d) Vacancies occuring 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.

(a) 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.

(a) In case of any vacancy in membership of the Commission due to death, resignation, or otherwise, a successor shall be appointed to fill the unexpired

portion of the term of the member he or she replaces. If the Commission makes a determination that a member has more than three (3) unexcused absences within a six (6) month period, there is justified cause for the Commission to review, with the option to recommend removal. The Mayor with the confirmation of the Common Council, shall have authority to remove any member of the Commission for cause which cause shall be stated in writing and made a part of the record of the hearing.

ARTICLE III - OFFICERS

Section 1 - Offices.

(a) 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.

(a) 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.

(a) 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.

(a) 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.

(a) 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.

(a) 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.

(a) 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.

(a) 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.

(a) 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.

(a) The Chair may establish regularly scheduled work sessions.

Section 5 - Agenda.

(a) 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.

(a) 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.

(a) 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) 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.

(a) 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.

(a) 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.

(a) 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.

(a) 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 _____ ___, 2013

_____

Chairman

Adopted by the Rapid City Common Council on _____ ___, 2013

_____
Mayor

_____
Finance Officer